

Policy Title: Consultancy and Secondary Employment Policy

Policy Owner: Senior Deputy Vice-Chancellor

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1. INTENT

This policy outlines the framework within which ECU employees are to undertake consulting work in the name of the University or, in a personal capacity, engage in secondary employment.

2. ORGANISATIONAL SCOPE

This Policy applies to all employees of the University, whether casual, part time or full time.

3. DEFINITIONS

TERM	DEFINITION
Conflict of Interest	A situation of actual, perceived or potential conflict which might, or could appear to, influence an individual in his or her decision-making in the performance of their duties or activities as an employee.
Delegated Authority	The relevant University Delegated Authority is set out in the Delegations and Authorities Manual .
Relevant Executive Line	The relevant line executive is set out in item 18 of the University's Schedule of HR Delegations and in respect of the: (a) Vice-Chancellor is the Chancellor; and (b) Chancellor is the University's Council.
Reporting Employee	A part-time or full-time, but not a casual, employee of the University.
Research	Original investigations, experimental developments and creative work undertaken on a systematic basis to gain knowledge, understanding and insight.
Secondary Employment	Any engagement or employment of an employee in addition to their position at ECU and may include self-employment, independent

	contracting, consulting or employment by a family business and, for the purpose of this policy, any appointment as adjunct to another institution or agency.
SGSC	Strategic and Governance Services Centre.
University Consultancy	Consultancy services provided to a third party in the name of the University by employees.
University Resource	Any resource of the University including property, rooms, equipment, consumables, research materials, books and manuals, intellectual property, energy supply, University name or brand, letterhead, address and contact details, web address, or any other information or resource that might associate the University with the service being performed.
Work Unit	The relevant University school, centre or other organisational unit.

4. POLICY CONTENT

4.1 Policy Statement

This Policy recognises that University Consultancy and Secondary Employment activities can bring financial and other benefits to the University, its employees and to the wider community, especially industry and the public sector. Some of the benefits stemming from this work could include:

- 4.1.1 broadening and strengthening the employee's skills and expertise;
- 4.1.2 availing University knowledge and talent to the community;
- 4.1.3 building research enterprise and generating enhanced research outcomes;
- 4.1.4 establishing and enhancing academic and professional engagement activities at a local, national and international level with industries, governments and other organisations; and
- 4.1.5 recognising the importance of these engagements in academic promotions.

However, employees are remunerated by the University and have access to University Resources as part of their employment. It is usually expected that employees should not gain additional income because of their access to the University's Resources.

Work that is performed outside of normal ECU duties generally fall into two categories: University Consultancies (where the income is generally derived by the University), and Secondary Employment (which is work done outside of the University and does not involve the use of University Resources).

4.2 Activities Covered by this Policy

This Policy aims to provide employees with processes for dealing with University Consultancies and Secondary Employment opportunities including the identification and management of any conflicts of interest. Activities covered by this policy include but are not limited to those which could or do:

- 4.2.1 relate to the skills for which employees are engaged at the University or the subject matter of their professional disciplines; or
- 4.2.2 occupy or interfere with an employee's University time and duties; or
- 4.2.3 constitute a conflict of interest; or
- 4.2.4 involve company directorships, board memberships, partnership engagement

and trusts.

Activities involving private, recreational and other professional interests of employees, which do not include any of the aspects listed in 4.2.1 to 4.2.4, are outside the intended scope of this policy.

Where there is any doubt as to whether an activity falls within the categories outlined above, the employee should seek clarification in the first instance from their Relevant Line Executive and where necessary, the matter may be referred to the Strategic and Governance Service Centre for advice and guidance.

4.3 University Consultancy

The relevant Delegated Authority must approve all University Consultancies executed in the name of the University prior to their commencement. The following principles govern University Consultancies:

- 4.3.1 Cost of services provided must be recovered, and all assets owned/purchased or generated are to be identified and ownership appropriately determined.
- 4.3.2 All payments and receipts are to be processed via the University's financial systems in accordance with policy.
- 4.3.3 Unless specifically approved by the relevant Delegated Authority, employees engaged in University Consultancies are not to derive any income from those consultancies other than that distributed to them by the University.
- 4.3.4 Where the consultancy procedures are of a kind requiring approval by the University's Human Research Ethics Committee or by another safety or validly-constituted regulatory committee, the Consultancy must not proceed without such approval.
- 4.3.5 University insurance coverage will only apply to appropriately approved University Consultancies that are executed in accordance with this Policy.
- 4.3.6 Unless agreed otherwise by the relevant Delegated Authority and supervisor a University Consultancy must not occupy or interfere with the performance of an employee's University duties.
- 4.3.7 All conflicts of interests should be considered and dealt with in accordance with the Conflicts of Interest Policy. University Consultancies that relate to matters that comprise conflicts of interest that cannot be satisfactorily managed in accordance with the Conflicts of Interest Policy shall not be approved.
- 4.3.8 The relevant Delegated Authority should consider the principles outlined in this Policy when making a decision about an application.

4.4 Secondary Employment

Reporting Employees may only engage in activities which:

- 4.4.1 constitute Secondary Employment; or
- 4.4.2 involve company directorships, board memberships, partnership engagement and trusts,

subject to this policy (including those conditions set out in paragraphs 4.4.3 to 4.4.5 below) and any further conditions which may reasonably be imposed by the University.

4.4.3 Secondary Employment Requirements

- (a) Reporting Employees may only engage in Secondary Employment after declaring any actual, potential or perceived conflicts of interest (using the prescribed Conflicts of Interest Disclosure form) and satisfying the University that the conflict can be managed in accordance with the ECU Conflicts of Interest Policy.

- (b) Employees engaged in Secondary Employment will not represent themselves as University employees or someone acting on behalf of the University.
- (c) Employees may only undertake Secondary Employment in their own time and using their own resources. Secondary Employment must not occupy or interfere with any employee's University time and duties.
- (d) University Resources must not be used for Secondary Employment or associate the University with it.
- (e) Any statement relating to an employee's Secondary Employment must not breach the University's Social Media Policy.
- (f) Employees undertake Secondary Employment at their own risk and are solely responsible for seeking their own professional advice and personal protection insurance. Employees engaging in Secondary Employment are not covered by any University insurance policy and are not entitled to any University indemnity.
- (g) Secondary Employment must not conflict with any interests of the University and must at all times be aligned with each of the University's values.
- (h) Secondary Employment should be of an appropriate professional quality and standing, and should not compromise any employee's integrity, or undermine or conflict with the terms of their position, status or role within the University. Where the Secondary Employment is of a kind requiring ethics or safety-related approval, the Secondary Employment must not proceed without such approval.
- (i) The University's financial systems must not be used for processing funds arising from any Secondary Employment.

4.4.4 **Approvals of Directorships, Partnerships, Board Memberships or Trusts**

- (a) Prior to accepting any appointment for a partnership, directorship of a company, board membership or involvement in the affairs of a trust ("**Appointment**"), a Reporting Employee must:
 - i. obtain written consent from the University in accordance with clause 4.4.4(b) unless the relevant legal entity is a not-for-profit, charity, school or council; and
 - ii. declare any actual, potential or perceived conflicts of interest in accordance with the Conflicts of Interest Policy (including activities of a not-for-profit or charitable nature or that relate to schools or councils),unless the Appointment is made by the University.
- (b) Written consent from the University, under clause 4.4.4(a), must be sought by:
 - i. completing the "Approval - Directorships, Partnerships, Board Memberships and Trusts" form and providing the completed form to the Relevant Line Executive for review;
 - ii. declaring any actual, potential or perceived conflict of interest in accordance with the Conflicts of Interest Policy;
 - iii. obtaining written approval from the Relevant Line Executive; and
 - iv. lodging the completed form with SGSC for recording on the

Secondary Employment Register.

The relevant Work Unit shall also place on file a copy of the completed form and any attachments relevant to the application and approval.

4.4.5 **Secondary Employment Annual Declarations**

Reporting Employees engaged in Secondary Employment must advise the University of the details of the Secondary Employment whenever those circumstances change or otherwise as requested by the University, including by submitting the particulars as required by an annual Conflicts of Interest & Secondary Employment Declaration process.

4.5 **Record Keeping**

The relevant Work Unit will keep and maintain records of all documents related to University Consultancies and declared Secondary Employments on a University records file.

SGSC will record all declared Secondary Employments on its registers.

5. **ACCOUNTABILITIES AND RESPONSIBILITIES**

The Senior Deputy Vice-Chancellor has overall responsibility for the content of the Consultancy and Secondary Employment Policy and its operation in ECU.

The Director Strategic and Governance Services Centre is responsible for reviewing and maintaining the Policy. Relevant Line Executives are responsible for implementing, communicating and creating awareness of this Policy within their Work Units.

Employees are required to comply with this Policy and to seek guidance in the event of uncertainty as to its application. General queries relating to the applicability of the Policy may be raised with the contact for this policy cited below.

Any breach of this Policy may be deemed misconduct and may be dealt with in accordance with the relevant employment contract and instrument covering the terms and conditions of employment of the employee and any other provisions prescribed by the Edith Cowan University Act, Rules or University Policy.

6. **RELATED DOCUMENTS**

Documents, which are relevant to the operation of this Policy, are as follows:

- Code of Conduct.
- Conduct of Ethical Human Research Policy.
- Conflicts of Interest Policy.
- Delegations and Authorities Manual.
- ECU Values.
- HR Delegations.
- Information Technology Policy
- Intellectual Property Policy.
- Pricing Policy.
- Relevant Industrial Instrument.
- Research Misconduct Policy.
- Responsible Research Conduct Policy.
- Social Media Policy.

7. CONTACT INFORMATION

For queries relating to this document please contact:

Policy Owner:	Senior Deputy Vice-Chancellor
All Enquiries Contact:	Manager, Legal and Integrity
Telephone:	08 6304 2158
Email address:	integrity@ecu.edu.au

8. APPROVAL HISTORY

Policy Approved by:	Vice-Chancellor	
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