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## Entitlement to Undertake Private Work Policy

### Human Resources Policy

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#### 1 Purpose

The policy outlines the responsibilities of staff, and the conditions that apply, when undertaking private work. The University recognises it is in the interests' of academic staff members, and the University itself, that they should be involved in contract research, professional practice, consultancy and community service, so that they can share their knowledge and expertise with the community and keep up-to-date with modern practices. Insofar as any private work is consistent with the staff member's primary teaching, research and administrative responsibilities within the University, such work is encouraged.

#### 2 Organisational Scope

The Entitlement to Undertake Private Work Policy is a University-wide policy that applies to all academic staff whose employment agreement makes reference to this policy.

#### 3 Definitions

For purposes of this policy, unless otherwise stated, the following definition shall apply:

Private Work: Work related to the academic or professional field in which the staff member is employed by the University, but which the staff member undertakes, not necessarily for payment, for an individual or organisation outside the University, including governmental, professional and community groups, and for which the University has not accepted a contractual liability. [*Where staff members are in doubt about whether particular work constitutes private or university work, they should consult their Head of School; if necessary cases can be referred to the Vice Chancellor*].

#### 4 Policy Content and Guidelines

##### 4.1 University-related Work

The following items are considered part of an academic staff member's normal duties in contributing to the wider academic purpose of the University, and therefore do not constitute private work:

- (a) Where a staff member provides information or gives a reaction or an interview to the media, on an ad hoc basis and upon request;
- (b) Where a staff member accepts public speaking or conference engagements or similar activities, whose purpose is primarily the public dissemination of the expertise and knowledge for which the staff member is employed;

- (c) Where a staff member sits on a funding agency committee (such as a Health Research Council) or a committee of a professional organisation;
- (d) Where a staff member produces a book, monograph or other publication under contract to a publisher, or otherwise engages in professional creative activity, whether or not for a fee or royalties; and
- (e) Where a staff member is engaged by another organisation to provide assessment or examination duties.

#### **4.2 Community Service/ Pro Bono Work**

- (a) The following items are neither part of an academic staff member's normal duties or considered to constitute private work:
  - (i) Where a staff member, although utilising his or her professional expertise, undertakes work (e.g., as a treasurer of a local church or school board), not because of his or her role as a University employee but by virtue of his or her capacity as a community member, parent etc.; and
  - (ii) Where a staff member undertakes work outside his or her professional field, and community service activities.
- (b) This work must not interfere with the performance of the staff member's employment responsibilities and should normally be undertaken in the staff member's own time.

#### **4.3 Paid Private Work**

Academic staff are permitted to undertake not more than 36 days per year of paid private work (defined as days on which the University is open), including not more than 20 days of teaching time, provided that the work does not interfere with their University teaching, research and administrative responsibilities. This entitlement cannot be carried forward to a subsequent year. Any work in excess of 36 days must receive the approval of the Vice-Chancellor.

#### **4.4 Private Work undertaken whilst on Research and Study Leave**

Where a staff member is on research and study leave for a portion of a calendar year, the maximum entitlement to private work for the remainder of that year is calculated pro rata according to the proportion of the year not spent on leave. In no case should the total amount of private work undertaken both on research and study leave and otherwise exceed 36 days within a calendar year.

#### **4.5 University Facilities**

- (a) Staff members are generally not entitled to use the University's facilities, including stationery, secretarial services, telephones, faxes, computing, printing and photocopying facilities and equipment and technical support, when engaged in private work, unless this has been authorised in advance by the Head of School and is paid for in full, either as a charge for each service or as otherwise directed by the Head of School. However, it is in the University's interests to have staff available on campus during normal working hours, therefore, payment is not required for the use of offices, telephones (other than toll calls), and limited use of computers (such as for word-processing and minor statistical analysis).
- (b) Staff members undertaking private work are not entitled to use the University name. Where the use of the University's facilities, as specified in clause 4.5(a), is likely to result in the University's name being associated with a piece of private work, the contract

should include a disclaimer which makes clear that the work is being undertaken in a private capacity and that the University accepts no liability for it.

- (c) A staff member may make an ex-gratia payment to a specific account within the University (such as a departmental research account or a library account) in recognition of his or her general use of University facilities for private work. However, this payment does not remove the staff member's normal obligation to refund his or her department for the use of facilities. Such donations must be made directly by the staff member concerned and not by the University rendering an invoice, since that would involve the University as a party to the contract.
- (d) Heads of School are required to ensure that there is full reimbursement for the use of University facilities for private work and to record the amount of private work being undertaken by staff in their School. As a general rule, such records of individual private work shall remain within the School. Each Head of School, however, is required to provide an annual report to the Vice-Chancellor, with a copy to their Pro-Vice Chancellor, on the nature and range of private work undertaken in their department and on the costs recovered by the University as a result of the use of facilities for such work, recognising the need for this to be done in a form that does not breach the [Privacy Act 1993](#) or the duty of confidentiality by staff members to clients.

#### **4.6 Notification of Private Work to be Undertaken**

Heads of School must be informed in advance of all private work to be undertaken by staff in their school. They have the power to intervene if they judge that the work will impede the performance of the staff member's teaching and administrative responsibilities. However, where a staff member is undertaking, for example, private professional practice with a number of different clients within a short period, general approval may be sought in advance, such as once a month. Sufficient information on the amount of private work to be undertaken must be provided for the Head of School to determine whether the proposed work will interfere with the staff member's teaching or other duties as a University employee.

#### **4.7 Research Trust Managed Funding Option**

The Research Trust of Victoria University of Wellington (RTV) has guidelines to allow members of the academic staff to manage funding obtained from private work as Independent Work through the RTV. As a charitable trust, all RTV expenditure must relate to the purpose of academic research. This process allows staff to use the RTV as the contracting body on work which they could otherwise have managed personally as part of their private work entitlement. The funding from this work, however, can be spent on activities that only support or promote academic research. These guidelines outline responsibilities of staff and the RTV regarding independent work and the conditions that apply regarding the expenditure of this funding.

## **5 Legislative Compliance**

The University is required to manage its policy documentation within a legislative framework. The legislation directing this policy is the:

[Privacy Act 1993](#)

## **6 References**

University Employment Agreements

[Academic Leave Allowances Policy](#)

[Communication Systems Policy](#)

[Guidelines for Independent Work in the Research Trust](#)

Previous Version: [Entitlement to Undertake Private Work Policy](#)

**7 Appendices**

None

**8 Approval Agency**

Vice-Chancellor

**9 Policy Sponsor**

Director, Human Resources

**10 Contact Person**

*Note: Please contact your Manager or your Human Resources Manager/ Human Resources Advisor if you have any questions about this policy.*

Manager, HR Projects and Policy

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