External Employment Policy and Procedure

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') encourages staff to develop their knowledge, skills, and experience for the benefit of themselves, the University community, and society.

(2) The University supports staff undertaking employment outside of their role within CDU, provided that the strategic interests and operational requirements of the University are not adversely affected.

Section 2 - Purpose

(3) The purpose of this policy and procedure is to provide guidance to all employees of the University who may undertake paid or unpaid employment outside of their role with CDU. It outlines the process for employees to seek approval to engage in external employment, to ensure there is no impediment on the effective delivery of their duties for the University, including an actual, potential, or perceived conflict of interest.

Section 3 - Scope

(4) This policy and procedure apply to all employees of the University, including continuing, fixed-term, and casual staff in relation to:

a. Paid employment undertaken outside of normal work hours; and
b. Volunteer or unpaid work where an actual, potential, or perceived conflict of interest may occur.

(5) This does not apply to consulting or other work for a third party which is conducted on behalf of the University. Such work must follow the Legal Agreements Policy and Procedure.

Section 4 - Policy

Principles

(6) External employment is work undertaken by staff for an employer other than the University for which the employee is remunerated or receives some other benefit. Instances may include:

a. Providing services to an external entity independent of the University;
b. Contributing to the governance or operations of an external entity as a sole owner, partner, or member of a governing board;
c. Engaging in private professional practice; or
d. Engaging in paid work outside of their core CDU working hours.

(7) Undertaking external employment requires approval by the relevant University authority, as specified in this policy and procedure.

(8) Approval to undertake external employment may or may not be granted by the relevant University authority, taking account of the following principles:

a. The employment must have no adverse impact on the University's operations or on the achievement of its strategic goals. In particular, the employment must not reduce the capacity of staff to perform their University duties;
b. Any conflict of interest, whether actual, potential, or perceived, must be declared and be able to be managed to the satisfaction of the University;
c. The employment must not compete with the University's provision of services to external entities;
d. The employment must not make use of intellectual property owned or licensed by the University; and
e. External employment must not involve use of the University's name, premises or facilities.

(9) The University does not accept liability for the conduct and activities of staff whilst engaging in external employment.

(10) Staff are responsible for their own financial obligations, professional indemnity and public liability insurance when engaged in outside employment.

(11) Staff engaging in external employment must ensure it is clear that they are acting in a private capacity.

(12) External employment also includes directorships of companies, family trusts, or other boards, irrespective of whether remuneration is received.

Conditions

(13) A staff member may request to undertake external employment provided that:

a. The employment does not require the use of any University resources or equipment. In some circumstances, resources or equipment may be used and a pre-approved arrangement would see the individual compensating the University. This would only occur with the prior written consent of the relevant Senior Executive Team member;
b. It does not use the University's intellectual property;
c. It does not fall within the category of prohibited outside employment;
d. It does not conflict with the interests of the University, nor is CDU exposed to any risk;
e. The staff member only uses their University position or academic title with the prior written approval of the relevant Senior Executive Team member; and
f. The staff member does not use the University letterhead or stationery and must direct any communications associated with the outside employment (e.g. mail, email, telephone and other communications) to a place other than the University (refer to the Information and Communication Technologies Acceptable Use Policy).

Prohibited external employment

(14) external employment must not be undertaken where any of the following apply:

a. The activity represents a conflict of interest with the staff member's employment with the University that cannot be managed or resolved to the University's satisfaction. This would include if the proposed work is in an area in which the University could reasonably claim to have the expertise to undertake the work;
b. The activity may adversely affect the capacity of the staff member or their organisational unit to perform duties or organisational functions within the University;
c. The activity could adversely affect the reputation, standing, or strategic interests of the University;
d. The activity creates a risk to the University that cannot be managed or resolved satisfactorily; or

e. University resources are or will be used without the consent of the University or where the costs of such use cannot be recouped.

(15) Notwithstanding the above, the Vice-Chancellor may, with express approval in writing, waive any of these prohibitions.

Exemptions

(16) The following activities are exempt from the coverage of this policy, and are therefore allowable:

a. Refereeing of journal articles, papers, books, and similar scholarly works;
b. Writing, editing and reviewing of scholarly works and membership of editorial boards;
c. Examining for educational institutions and professional bodies;
d. Occasional lectures, performances, exhibitions, conference participation, media appearances and similar activities;
e. University Council or Vice-Chancellor appointments or nominations to boards;
f. Any activity serving professional, community or educational purposes, where there is no remuneration or where any remuneration is not a commercial fee for service but is limited to a reimbursement, a gratuity or an honorarium (as these terms are commonly understood); and
g. External employment that is undertaken to achieve or maintain professional accreditation required for employment with the University.

Section 5 - Procedure

Applying for approval to engage in external employment

(17) The staff member must discuss the proposed application for external employment with their supervisor to gain endorsement and identify issues, risks or conflict of interest that may arise from the proposed arrangement.

(18) If the staff member is new to employment with CDU and undertaking employment externally, they must disclose this and lodge a retrospective external employment application.

(19) Where the request involves an actual, potential, or perceived conflict of interest, the staff member must also complete the Conflict of Interest eform.

(20) A staff member wishing to undertake external employment must do so in their own time, outside of their core hours with CDU and without any effect on their working performance with the University.

(21) Following supervisor endorsement, the staff member must complete the External Employment Application eform. The application will go to the Director People and Culture and relevant Senior Executive Team member for approval.

(22) Employees must advise their supervisor if there are any changes to their conditions of employment, including if their external employment ceases.

(23) Approved applications will be progressed to the Director Risk and Assurance for review and risk assessment.

(24) If approved, the request is to be be reviewed annually and the External Employment Application eform to be completed.

Section 6 - Non-Compliance

(25) Non-compliance with governance documents is considered a breach of the Code of Conduct - Employees or the Code of Conduct - Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin University and Union Enterprise Agreement 2025 and the Code of Conduct - Students.

(26) Complaints may be raised in accordance with the Complaints and Grievance Policy and Procedure - Employees and Complaints Policy - Students.

(27) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

Status	Current
Effective Date	17th April 2023
Review Date	17th April 2026
Approval Authority	Vice-Chancellor
Approval Date	14th April 2023
Expiry Date	Not Applicable
Responsible Executive	Fiona Coulson Vice-Chancellor
Implementation Officer	Peta Preo Director People and Culture
Enquiries Contact	Brendon Douglas Vice-President Governance and University Secretary

Glossary Terms and Definitions

"Conflict of interest" - A conflict where the private interests of a member of the University community may influence, compromise or conflict with the performance of their official duties and responsibilities. Conflicts of interest may be real, potential or reasonably perceived and can involve the financial or non-financial interests of a member of the University community; as well as the financial and non-financial interests of a person in a close personal relationship with a member of the University community.

"External employment" - Refers to a staff member engaging in any employment or business in addition to their paid employment with the University. Employment includes both work in which an individual is financially remunerated and voluntary work in which an individual receives no financial remuneration.

"University" - Charles Darwin University, a body corporate established under section 4 of the Charles Darwin University Act 2003. The University is comprised of the various faculties, CDU TAFE, organisational units, and formal committees, including the governing University Council and Academic Board.

"Governance document" - means policy or procedure published in the Governance Document Library. Policies and procedures are collectively called ‘governance documents’ and are often referred to as ‘policy’ or ‘University policy’.