



TU Dublin Procedure

**External Work, Research,
Engagement and
Consultancy Procedure**

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1. Document Control Summary

Area	Document Information
Author	Research and Innovation
Owner	Human Resources
Reference number	HRSOP013
Version	1.0
Status	Approved by UET and Governing Body
Approval date	22.02.2023
Next review date	22.02.2026
Document Classification	TU Dublin Public
Author	Research and Innovation

2. Introduction / Context

TU Dublin is committed to the protection of the shared values we hold and in particular, the integrity and loyalty of its employees including their considerable knowledge, skills and abilities and their contribution to industry, commerce, government, the professions and the community.

External work, research, engagement and consultancy by members of staff can expand and maintain professional competence; keep staff abreast of developments and innovation in business; support the Irish economy; and enhance the reputation of the University.

3. Purpose

This procedure document advises all staff on employee responsibilities in respect of external work, and how applications for approval of external work, research, engagement and consultancy are processed and managed.

4. Scope

This procedure applies to all staff whose primary employer is TU Dublin, i.e. whose hours are equal to or above 50% full time equivalent per week. Annual time includes the summer period in the case of academic staff.

The responsibilities under the policy and procedure are required to be met by all employees, covered under the text above, in advance of undertaking external work, and this should be done on an annual basis.

5. Definitions

Broadly speaking, External Work, Research, Engagement and Consultancy are categorised as follows:

Category A – Private Activities with Paid Remuneration

Where, independent of TU Dublin, an employee engages in private external work, research, engagement or consultancy and is doing so and as an independent contractor under their own professional indemnity insurance, without the use of any form of university resources or facilities. Such work is not covered by the University's professional indemnity insurance. Refer also to section 6 below.

Category B – Private Activities with No Paid Remuneration

Where, independent of TU Dublin, an employee voluntarily engages in unpaid activities that allows them to further develop their academic, professional or creative practice.

6. Roles and Responsibilities

6.1 Employee Responsibilities

- To understand that they are primarily Public Servants employed by TU Dublin, and any external work, research, engagement or consultancy is secondary to their contractual responsibilities to TU Dublin.
- To ensure that any external work, research, engagement and consultancy is consistent with the University's Code of Conduct for Employees.

- To ensure that external work, research, engagement or consultancy combined with their contractual hours does not render them or TU Dublin in breach of any legislation including the Organisation of Working Time Act 1997 (maximum of 48 hours per week)

Under Section 33 of the Organisation of Working Time Act, 1997:

(1) 'An employer shall not employ an employee to do any work in a relevant period during which the employee has done work for another employer, except where the aggregate of the periods for which such an employee does work for each of such employers respectively in that relevant period does not exceed the period for which that employee could, lawfully under this Act, be employed to do work for one employer in that relevant period'

(2) In subsection (1) "relevant period" means a period of –

- a) 24 hours
- b) 7 days, or
- c) 12 months

(3) Whenever an employer employs an employee in contravention of subsection (1), the employer and the employee shall be guilty of an offence

- To understand that they have an obligation to avoid ethical, legal, financial and other conflicts of interests and to ensure that their external work, research, engagement and consultancy does not conflict with their obligations to TU Dublin or its welfare, including but not limited to:
 - - o it does not interfere with the performance of their contractual duties or the interests of TU Dublin, in particular in relation to availability between Monday and Friday;
 - o it is not in competition with the University's own activities;
 - o it does not give rise to any Conflict of Interest (see the University Policy Conflict of Interest), in particular that external activity does not conflict with day-to-day role in T U Dublin;
 - o it does not disadvantage others working in the business community to a material extent;
 - o it does not give rise to any potential vicarious liability¹ for the University;
 - o it does not involve availing of any privileged or confidential information acquired in connection with employment by the University;
 - o the work does not compromise the University's professional indemnity insurances by the employee undertaking work without approval under Section 7 below, or without holding their own professional indemnity insurance

- the work does not compromise the University's intellectual property rights by disclosing to a third part information or knowledge developed by TU Dublin which has a commercial value.

- To ensure that they hold relevant and up to date professional indemnity insurance as necessary and as required.
- To ensure that any external work does not conflict with the public service 'one person one salary' principle and to understand that prior consent (in line with the principle) is required in order to undertake other forms of paid/salaried remuneration in any part of the public service.
- To use their own correspondence address, email, telephone, premises, equipment, reprographics, logos, services, facilities etc., and not those of TU Dublin.
- Not to use TU Dublin employees or students for the purposes of their external work, research, engagement and consultancy.
- To not represent themselves as an agent of the University or to be otherwise working on its behalf in the course of their private consultancy, external and/or additional work.
- To apply in writing to their Head of School/Function for approval in advance to engage in paid activities (refer to Section 7). This should be done on an annual basis.
- Employees who engage in paid employment independent of TU Dublin without prior permission are in breach of their contract of employment.
- To inform their Head of School/Function and Human Resources in writing of any changes to their approved application as they arise.
- To disclose any pension contributions they are making to the relevant University Pensions Section, in respect of other paid employment.
- To disclose any external work, research, engagement or consultancy that they have been engaged in (paid/salaried and voluntary/unpaid) and where that work aligns with and enhances the engagement mission of the University, to provide sufficient information to promote the activity and include it in the University's assessment of its impact. Human Resources will request this information from all staff on an annual basis via email. This information will be used for statistical information, marketing purposes and/or to demonstrate how TU Dublin employees contribute to society.
- To understand that non-compliance with this policy may result in the Disciplinary Procedures being invoked.

7. Procedure Details:

7.1 Procedure Overview

This section provides an overview of the External Work, Research, Engagement and Consultancy procedures. Section 7.3 will outline the required internal approval processes for External Work, Research, Engagement and Consultancy.

7.2 Procedure Details

Before engaging in external work, research, engagement or consultancy, an employee must submit an Application for External Work, Research, Engagement and Consultancy to their Head of School/Function, which is available on the University website.

The Head of School/Function is responsible for ensuring that the proposed work is compliant with this policy. Human Resources is available to give advice and guidance particularly in the context of the Organisation of Working Time Act 1997.

Obligations for university employees under the “one person one salary” principle for Public Servants and Public Sector Employees are outlined in the associated policy document.

7.3 Approval process

The Head of School/Function is responsible for making a recommendation to the Dean/Vice President to support or reject the application.

Once signed by the Head of School/Function, the employee must submit the application to the Dean/Vice President for approval.

If the application is not approved, the employee may appeal this decision to an Appeals Committee. If the applicant is not satisfied with the decision of the Appeals Committee, a further appeal may be made to the President (or designated nominee).

All applications can only be approved for a maximum of one year, with re-approval required on a yearly basis.

7.4 Change Process

This document should be reviewed at least once every 3 years to ensure that it is still fit for purpose. This review should be triggered by the document owner and will be undertaken by the HR Policy Committee (HRPC).

The document may be reviewed in between these scheduled reviews should a need be so identified by the Head of Human Resources.

Minor changes can be made to the document with the approval of the Head of HR. Minor changes do not substantively change the intent of the document. Major change of the document will require a review of the document by the HRPC and the updated document re-approved. Major change may include change of scope or intent of the document, and/or the audience impacted by the document.

8. Related Documents

This document supports the University External Work, Research, Engagement and Consultancy Policy and outlines the procedures for approving and managing External Work, Research, Engagement and Consultancy outside of the university in line with that Policy.

9. Conclusions

This document is a new aligned procedures document, which sets out the university employee responsibilities and procedures for staff who engage in External Work, Research, Engagement and Consultancy in a private capacity outside of the university.

The procedure should be read in conjunction with the External Work, Research, Engagement and Consultancy Policy.

An application form to be used for External Work approval is attached at Appendix 1.

10. Appendix

Include any back up or reference information here.

11. Document Management

11.1 Version Control

VERSION NUMBER	VERSION DESCRIPTIN / CHANGES MADE	AUTHOR	DATE
<i>Draft 1</i>			<i>2021</i>
<i>Draft 2</i>	<i>Updated document based initial feedback received from UET meeting</i>		<i>Nov 2022</i>

11.2 Document Approval

VERSION NUMBER	APPROVAL DATE	APPROVED BY (NAME AND ROLE)
<i>1.0</i>	<i>22.02.2023</i>	<i>Governing Body</i>

11.3 Document Ownership

This document is owned by the Head of Human Resources.

For contact purposes please see below:

Contact: Recruitment Team

E-Mail: Recruitment@tudublin.ie

11.4 Document Review

The Head of Human Resources is accountable to review this document. This document should be reviewed at least once every 3 years to ensure that it is still fit for purpose. The document may be reviewed in between these scheduled reviews should a need be so identified by the Head of Human Resources.

11.5 Document Storage

This document will be stored on the common personnel (Human Resources) drive. This procedures document will be accessible on the HR website under the Policies/Form tab by all staff.

11.6 Document Classification

As this document is an internal procedure document it is classified as 'TU Dublin Private'.

Appendix 1

APPLICATION FOR EXTERNAL WORK, RESEARCH, ENGAGEMENT AND CONSULTANCY

- This form should be completed if engaging in other employment or self employment.
- If you are employed by *more than one* other employer, please complete this form for each employer (excluding TU Dublin).
- You must notify the University if there is any change to the details as outlined on this application.

To be completed by the Applicant

Name	
Post Title	
Department / School / Function	

Client/Company Details
Type of Business
Describe the nature of the external work, research, engagement and/or consultancy, which adds value to your academic, professional or creative practice.

Details of Working Hours outside of TU Dublin:

	MON	TUES	WED	THURS	FRI	SAT	SUN	TOTAL HOURS PER WEEK
Starting Time								
Finishing Time								

Do these hours vary from week to week?

Yes

No

If yes, please give details below:

Duration of other employment	From	To
Status of other employment e.g. permanent, temporary, part-time		

Overhead contribution to TU Dublin– Please provide details if relevant**Declaration**

I have read, understand and accept the TU Dublin External Work, Research, Engagement and Consultancy policy and procedures. I fully accept and agree to comply with same and specifically the provisions of the Organisation of Working Time Act 1997 or any Acts amending same and pension arrangements. I understand that failing to comply with the policy may lead to the Disciplinary Procedures being invoked.

I have read, understand and accept the TU Dublin Code of Conduct for Employees.

I have read, understand and accept the TU Dublin Conflict of Interest policy.

I have read, understand and accept the TU Dublin Intellectual Property policy.

I have read, understand and accept the TU Dublin policy on External Work, Research, Engagement and Consultancy, and the employee obligations outlined in the associated procedures document.

The information I have provided in this application is correct and complete and true to the best of my knowledge and judgment.

Signature of employee:

_____ ***Date:*** _____

To be completed by relevant Head of School/Function:

I recommend that this application be approved / not approved in accordance with the External Work, Research, Engagement and Consultancy policy.

Signature:

_____ ***Date:*** _____

To be completed by Dean/Vice President (as appropriate)

This application is approved / not approved in accordance with the TU Dublin External Work, Research, Engagement and Consultancy policy.

Signature of Dean / Vice President:

_____ **Date:** _____

In the event that this application is not approved by the Dean / Vice President, please state the reason(s) why:

If approved, the original Application should be submitted by the Dean / Vice President to Human Resources and will be retained on the employee's personnel file. A copy should be returned to the employee by the Dean / Vice President.

If the Application is not approved, the original Application should be returned to the employee by the Dean / Vice President. The employee may appeal this decision by submitting the original Application to the Appeals Committee within 2 weeks of the date of the decision by the Dean / Vice President. The Appeals Committee will make a decision on the Application within 2 weeks of the Application being received.

If the applicant is not satisfied with the decision of the Appeals Committee, a further appeal of the decision may be made to the President (or designated nominee) by submitting the original Application within 2 weeks of the date of the decision by the Appeals Committee. The President (or designated nominee) will make a decision on the Application within 2 weeks of the Application being received.