Private Practice Policy

**Approving authority**  
University Council

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**Advisor**  
For advice on this policy, contact [HR Advisory Services](mailto:hrservices@griffith.edu.au) | Human Resources

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**Description**  
This policy provides the guiding principles and procedures to be applied when staff are engaged in private practice activities.

**Related documents**
- Consultancy and Commercial Research Policy
- Griffith Health Intramural Professional Practice Policy
- Intellectual Property Policy
- Code of Conduct
- Application to Conduct Private Practice
- Grievance Resolution Procedure

### 1. INTRODUCTION

This policy relates to the conduct of private practice by a staff member.

The University recognises the mutual benefit that may be gained from a staff member engaging in private practice in which they apply their discipline-related skills in a practical context, as such, the Private Practice Policy recognises the advantages to the University, staff and the community in the conduct of such work.

In this regard, the policy recognises that the University:

- considers it desirable that the special experience and skills of staff members should be available to the community at large;
- encourages members of staff to maintain and improve their expertise by becoming involved in government, industry and the community through professional activities; and
- has a legal right to regulate the activities of employees where the University's interests are at stake.

#### 1.1 Terminology

Private Practice involves a direct contractual relationship between the staff member and their client. Business is undertaken outside of University premises and must not involve use of the University name or any University facilities (unless explicitly approved in writing).

The term 'Element' used throughout this document refers to School/Department in academic groups and Office in administrative areas. Head of Element refers to Head of School/Department or Office Director. For the purposes of this policy, Head of Element also means directors of all Griffith Research and Academic Centres.
2. **SCOPE**

This policy applies to all staff for whom the University is the principal employer, other than casual general staff, sessional academic staff, adjunct, visiting and honorary appointees of the University. Further, staff who deliver clinical health care services in the Health Group run clinics are not governed by this policy, but rather by the Griffith Health Intramural Professional Practice Policy.

The policy applies to all private practice conducted by a staff member for persons or organisations outside the University. This is regardless of whether the staff member has been engaged in private practice within or outside of University working hours. Part-time staff are not required to notify private practice that has been obtained and is conducted in the staff member's own time (see Section 5 - Exemptions).

3. **GUIDING PRINCIPLES**

All private practice work as described in this policy is governed by the following guiding principles:

- There should be demonstrable benefit to the University in the conduct of private practice i.e. enhanced research profile, enhanced relationships with the community, government and industry, expanded expertise of the University staff member.

- Fulfilling obligations under their University contract of employment is the primary responsibility of any staff member undertaking private practice. Specifically, such work must not compromise the staff member's availability and capacity to perform their University duties.

- Private practice is not counted in university work allocation.

- The extent of private practice must not exceed 200 hours in a six month period (1 January to 30 June, 1 July to 31 December). Furthermore, any private practice undertaken must not impinge on the staff member's ability in being able to fulfill their obligations in relation to teaching, research, and service under their University contract of employment.

- A staff member may not undertake private practice except in accordance with this policy or where applicable the University policy: Staff Members as Directors or Office Bearers of Outside Bodies.

- The work will not be in conflict with University policies governing employment conduct e.g. code of conduct (particularly the sections relating to 'working with integrity' and 'working with resources'), preserving professional relationships, and conflict of interest. The staff member must continue to undertake a full academic workload, commensurate with their appointment fraction.

- The work will not be in conflict with the philosophy or aims of the University.

- The work should not compete with University business. Any activities that could otherwise be performed by the University should be dealt with as a consultancy or commercial research project via Griffith Enterprise or other business unit.

- The University is not liable for any matters arising out of the relationship between the staff member and their client.

- Staff engaged in approved private practice activities shall be entitled to proceeds of such work.

4. **PRIVATE PRACTICE**

Private practice is work completed by a staff member in delivering services directly related to the professional component of their discipline. This typically involves a staff member acting in their professional 'practicing' capacity, such as, a practicing lawyer, engineer, or health professional. This would also apply in the case of visual and performing artists who conduct privately commissioned exhibitions and/or performances. Note that separate arrangements apply for Griffith University health professional staff who deliver clinical health care services within Health Group run clinics as detailed in the Griffith Health Intramural Professional Practice Policy.
Private practice can include one-off or regular provision of professional expertise, advice, and guidance and is likely to be characterised by the following:

- time set aside for appointments and consultations; and
- availability to the public

The University is not liable for any matters arising out of the relationship between the staff member and their client. The staff member is responsible for maintaining an appropriate level of professional indemnity insurance.

5. **EXEMPTIONS**

The University recognises that some private practice may be exempted from the application of the policy:

5.1 **Occasional Scholarly Activities**

The Private Practice policy does not apply to occasional scholarly activities which are regarded as part of normal academic duties but for which the staff member receives minor payments, honoraria or royalties, including, but not limited to:

- Occasional lectures and occasional public appearances relating to the staff member's discipline, eg, media broadcasts, newspaper articles or performances/works of art;
- Journal editorship and remunerated editorial work;
- External examining and contracts for the examination of theses;
- Contracts with publishers for writing and/or publishing scholarly works;
- Contracts with broadcasters and media distributors for producing film, television and digital media works;
- Book and manuscript reviews;
- Service for government committees and statutory bodies;
- Refereeing of articles in learned journals;
- A role in which the staff member is representing the University, either directly or indirectly (eg by sitting on a statutory board or board of an entity associated with the University).

Private practice does not relate to unpaid positions as a trustee for a family trust, or positions within charitable or community organisations, sporting clubs, or professional bodies. Similarly, it does not relate to finance generating work conducted in a personal capacity, such as share trading or house renovation. All such activities should be conducted outside of university employment time and should not involve the use of any university facilities, resources, email, university title, letterhead, etc and should not interfere with a staff member's capacity to complete their university work.

If in doubt as to whether intended work fits into the private practice category, staff members should seek clarification from the Office of Human Resource Management (OHRM).

If there is doubt as to whether the intended work falls under the Private Practice or the Consultancy and Commercial Research Policy, staff members should consult with and seek clarification from Griffith Enterprise.

5.2 **Creative Artworks**

Creative Artworks, which may be regarded as a research output when being created but as private practice when being exhibited will be dealt with on a case by case basis.

5.3 **Non-Remunerated Work**

Private practice, which is not remunerated, and does not interfere with the efficient discharge of duties of the staff member and is not in conflict with University interests is exempt from the requirements of this policy. Some non-remunerated work may fall under the scope of the policy: Staff Members as Directors or Office Bearers of Outside Bodies and staff should refer...
as required. Advice should also be obtained from the Office of Human Resource Management (OHRM) if in doubt at anytime as to whether non-remunerated work is exempt.

5.4 Part-Time Staff
Where a part-time staff member earns income or undertakes private practice outside of their employment with the University, the work will be exempt from the requirements of this policy, except where the University's interests are potentially affected as described in the Guiding Principles at section 3. Advice should be obtained from the Office of Human Resource Management (OHRM) if in doubt as to whether such work is exempt.

5.5 Points to Note
Where the exempt work undertaken is directly connected to and required to fulfill the service obligations of the staff member (community and higher education sector), and is consistent with the guiding principles of this policy, protection will be afforded by the University's professional indemnity and public liability insurances (provided prior explicit written approval is provided by the relevant Pro Vice Chancellor).

5.6 Approval
No approval is required to conduct exempt work, unless such work impacts on the capacity of the staff member to perform their substantive duties.

6. ADMINISTRATIVE REQUIREMENTS
The conduct of private practice is not an automatic entitlement. A staff member must obtain written approval before commencing private practice work. All requests must be in writing and are considered on their individual merits and subject to approval and ongoing management.

6.1 Approval Process
The relevant Group Pro Vice Chancellor is the approving authority for academic staff requests for private practice, upon recommendation from the relevant Head of School. Members of the Vice Chancellor’s Executive require approval from the Vice Chancellor. Any requests from academic staff that contain excessive time commitments for private practice beyond that suggested in the Section 3, Guiding Principles are subject to approval of the Deputy Vice Chancellor (Academic).

The Vice President (Corporate Services) is the approving authority for all general staff requests for private practice.

The following are the steps required to be undertaken for approval:

- Staff member submits written request to conduct private practice to Head of Element for endorsement, utilising the ‘Application for Private Practice’ pro-forma.
- In the case of academic staff, request then forwarded to the Group PVC. For general staff, the request is forwarded direct to the Vice President (Corporate Services), via the Head of Element.
- Staff member notified in writing by Group PVC [or Vice President (Corporate Services)] of approval or otherwise. Approval may be given for a maximum of up to three years at a time.
- A copy of the approval must be forwarded to the Office of Human Resource Management (OHRM) which will maintain a register of all approved requests for private practice.
- Approved private practice arrangements will be reviewed as part of the staff member’s normal annual review process for the duration of an approved period.

6.2 Specific Approval Requirements
Private practice activity is subject to the following specific conditions:

- The proposed private practice activity must be approved prior to its commencement.
- The University is not liable for any matters arising out of the relationship between the staff member and their client.
Staff members are responsible for their own insurances, including professional indemnity and public liability insurance and will not be defended by the University in the event of a claim. Staff members should ensure that they hold appropriate professional indemnity and public liability insurance prior to commencing the private practice activity.

Staff members must confirm that they are able to fulfil their obligations under their University contract of employment and that the private practice work does not compromise the staff member's availability and capacity to perform their University duties, including their capacity to undertake a full academic workload, commensurate with their appointment fraction.

The activity must be undertaken outside of University premises and must not involve use of the University name or any University facilities (unless explicitly approved in writing). A staff member who wishes to use University facilities or equipment in connection with approved private work must obtain approval in writing from the relevant Pro Vice Chancellor. Such use must not take priority over the University's academic requirements. If such approval is given, the staff member must pay for the full cost of the use of facilities and equipment, plus an appropriate margin. Details regarding the duration of the work and nature of use of facilities should be clarified at time of application for approval. Use of University facilities must be in accordance with the University policy on Use of University Facilities.

Staff members must not involve use of the University name in connection with private practice.

Unless otherwise approved in writing private practice work must not use intellectual property owned or licensed by the University.

The staff member must confirm that the work will not be in conflict with University policies governing employment conduct, including conflict of interest, and that the work will not be in conflict with the philosophy or aims of the University.

7. GENERAL

7.1 Failure to Comply with Policy

Staff members who fail to notify and secure approval where required in the policy will be regarded as acting in contravention of established University policy and may also be in breach of their contract of employment. As a consequence staff may face disciplinary action, which could result in dismissal from the University.

7.2 Transitional Arrangements

The University Council rescinded the Consultancy, Private Practice and Contract Research (CPPCR) Policy (approved 1 August 2005) on 5 October 2009 with the exemption of the relevant private practice provisions which continued to operate.

This policy now replaces those private practice provisions in the Consultancy, Private Practice and Contract Research (CPPCR) Policy which were not rescinded by the University Council on 5 October 2009

Approved private practice work as at the date of implementation of this policy which is not yet completed shall be managed as per the policy that existed at the time the project was approved.

8. DELEGATED AUTHORITIES

Delegated approval authorities are described in the relevant work category at Section 6 of this policy. Authorities include: Heads of Elements, Pro Vice Chancellors and Deputy Vice Chancellors.