

# Private Practice

- 1.0 Purpose
- 2.0 Scope
- 3.0 Policy statement
- 4.0 Roles, responsibilities and delegations
- 5.0 Definitions
- 6.0 Information
- 7.0 Related policy documents and supporting documents

## 1.0 Purpose

Griffith University recognises that employees are involved in a wide range of outside entities. The University recognises the ongoing importance of creating a balance between an employee's commitments to the University as their principal employer and their engagement in private practice.

## 2.0 Scope

This policy applies to all continuing and fixed term employees during their entire period of employment, including when the employee is on periods of leave.

The policy applies to all forms of approved private practice conducted by an employee for persons or entities outside the University regardless of whether:

- the employee member conducts the work as part of another entity, such as an employee's consulting company; and/or
- has been engaged in practice within or outside of University working hours.

Employee who deliver clinical health care services in Health Group administered clinics are governed by the Griffith Health Intramural Professional Practice Policy.

Employee who request to undertake a company directorship are not governed by this policy, but rather the Staff Members as Directors of External Entities Policy.

## 3.0 Policy statement

### 3.1 Guiding Principles

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

There should be a demonstrable benefit to the University in the conduct of private practice. The University values private practice which:

- fosters relationships informed by the special experience and skills of employee in diverse areas such as the arts, commerce, industry, the professions, government and the community
- enables employee to stay at the forefront of their area of expertise or builds capacity amongst employee by pursuing activities which add to the range and depth of their expertise
- has the ability to attract and retain high quality employee, particularly in some professional areas

- has the capacity to contribute to the University's research quantum and to its overall research performance
- enables the University to fulfil its commitment to serving the needs of its communities
- is of a standard and character that will contribute to the reputation and standing of both the University and the individual.

#### **3.1.1 Maintaining Priorities**

The priority activity for an employee is to fulfil their primary employment obligation to the University.

Private practice must not:

- result in a conflict of commitment or a perceived or actual conflict of interest, as outlined in the Conflict of Interest Policy, affecting the employee member's availability and capacity to perform their University duties, or impair their academic independence
- raise a potential health risk or hazard that may prevent or limit the employee member's ability to carry out their University duties
- the employee must continue to undertake a normal workload, commensurate with their appointment fraction
- require the employment of other University employee or students to assist with such work (unless explicitly approved in writing).

Private practice does not count in University work allocation.

#### **3.1.2 Compliance with University Policy and Procedures**

Private practice must not conflict with the Values and Mission of the University and should comply with University policies and procedures.

Employees who are approved to undertake private practice must not:

- represent themselves as undertaking the private practice of behalf of the University
- use a University title in undertaking that work
- use any University facilities, resources and equipment to facilitate that work (unless explicitly approved in writing)
- use any other information which might associate the University with the private practice work
- use intellectual property owned or licensed by the University (unless explicitly approved in writing).

#### **3.1.3 Legal and Financial Arrangements**

The University does not accept liability for the conduct and activities of an employee involved in private practice and an employee will not be defended by the University in the event of a legal claim.

Employees are expected to ensure that their client is aware that they are acting in a private capacity and are responsible for their own financial obligations, workers compensation, professional indemnity and public liability insurance when engaged in such work.

In the event a request is made by the University the employee must be able to certify to the University that these requirements have been fulfilled.

#### **3.1.4 Market Competition**

Private practice work must not compete with University business (either with services otherwise provided by the University or with a competitor organisation). Any activities that could otherwise be performed by the University should be dealt with as a university consultancy arrangement under the Consultancy and Commercial Research Policy.

## **3.2 Exemptions**

The following are exempt from this policy:

#### **3.2.1 Occasional Scholarly Activities**

This policy does not apply to occasional scholarly activities which are regarded as part of normal academic duties but for which the employee member received minor payments, honoraria or royalties, including, but not limited to:

- occasional lectures and occasional public appearances relating to the employee member's discipline, for e.g. 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 work
- book and manuscript reviews
- service for government committees and statutory bodies
- refereeing of articles in learned journals
- a role in which the employee member is representing the University, either directly or indirectly (e.g. by sitting on a statutory board or board of an entity associated with the University).

#### **3.2.2 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 with approval by the relevant Head of Element.

#### **3.2.3 Secondary Employment and External Work**

Private practice may include community service, volunteer work or unpaid positions as a trustee for a family trust, or governance positions within sporting clubs and professional bodies. Provided that the work or service is unrelated to the employees standing or employment at the University and does not contravene the principles outlined in this policy, the employee does not normally require approval.

Where there is uncertainty about whether or not the work or activity falls within this policy, the employee member should refer to the Secondary Employment and Outside of Work Policy.

### 3.3 Approval Process

The ability to conduct private practice while an employee of the University is not an automatic entitlement.

Employees must obtain written approval by the relevant senior officer before commencement.

#### 3.3.1 Obtaining Approval

All requests are made in writing to the relevant senior officer on the recommendation of the Head of Element via the Application to Conduct Private Practice form. Requests to conduct private practice will be considered on their individual merits and are subject to approval and ongoing management. Approvals may only be given for a maximum period of three years at any one time.

Any requests from an academic employee that may contain excessive time commitments for private practice beyond that suggested under the Guiding Principles (above), are subject to the approval of the Provost.

The employee member will be advised of the outcome of their application. In the event that the private practice is approved, the employee member will receive a copy of the approved application. Where a request for private practice is not approved, the employee member will be advised of the reasons for the decision.

Approved private practice arrangements must be reviewed as part of the employee member's career development/performance review process (normally annually) for the duration of the approved period.

The original signed copy of the Application to Conduct Private Practice form must be forwarded to Human Resources via [handsafety@griffith.edu.au](mailto:handsafety@griffith.edu.au)

#### 3.3.2 Ongoing Management

Employee members are required to notify the relevant senior officer of any material changes to the private practice work during the approval period, such as the nature of the work, its value, its impact on time or resource use, insurance arrangements and any conflicts of interest which may arise.

The relevant senior officer may withdraw approval where there is any change in the work which would impact on the Guiding Principles (above) and/or to the agreed work terms, conditions or scope.

Should approval to conduct the private practice be withdrawn, the relevant senior officer will immediately notify the employee.

#### 3.3.3 Record Keeping

Human Resources maintains a Register of Private Practice which records information captured as part of the approval process. The relevant senior officer forwards the completed application form to Human Resources.

### 3.4 Failure to Comply

Employees have an obligation to seek approval prior to undertaking private practice. Failing to comply with the provisions of this policy, including refusal to cease such work when directed and/or when approval has been withdrawn, may constitute a breach of this Policy and the Code of Conduct, which may result in disciplinary action or termination of employment.

Breaches of this policy may also result in referral to, and action being taken by, an external statutory authority and/or agency.

## 4.0 Roles, responsibilities and delegations

ROLE	RESPONSIBILITY
Provost	Any requests from an academic employee that may contain excessive time commitments for private practice beyond that suggested under the Guiding Principles (above), are subject to the approval of the Provost.
Head of Element	All requests are made in writing to the relevant senior officer on the recommendation of the Head of Element via the Application to Conduct Private Practice form.
Human Resources	Human Resources maintains a Register of Private Practice which records information captured as part of the approval process. The relevant senior officer forwards the completed application form to Human Resources.
Employees	<p>Employees must obtain written approval by the relevant senior officer before commencement via the Application to Conduct Private Practice form.</p> <p>Employee members are required to notify the relevant senior officer of any material changes to the private practice work during the approval period, such as the nature of the work, its value, its impact on time or resource use, insurance arrangements and any conflicts of interest which may arise.</p>

## 5.0 Definitions

For the purposes of this policy and related policy documents, the following definitions apply:

**Continuing Appointment** is employment with the University that is not continuing (contingent funded), fixed term or casual and may be subject to the successful completion of a probationary period.

**Delegate** means a Council member, University officer or University committee authorised to carry out a delegation or act on behalf of the University.

**Fixed Term Appointment** is an appointment made for a specified term or ascertainable period for which the employment contract will specify the starting and finishing dates of that employment.

**Head of Element** means a position that is the designated head of an organisational unit in the University, for example, Head of School or Director of an administrative division.

**HR** means the office of Human Resources at Griffith University.

**Private Practice** usually involves a direct contractual relationship between the employee member and their client. It is work completed by an employee acting in their professional 'practicing' capacity, such as a

lawyer, journalist, engineer, architect, IT professional, or visual and performing artists who conduct privately commissioned exhibitions and/or performances. Such work can include a one-off or the regular provision of professional expertise, advice and guidance.

**Relevant Senior Officer** means an officer of the University that has an authority to exercise a delegation or act on behalf of the University.

For advice and support contact [policy@griffith.edu.au](mailto:policy@griffith.edu.au) for Governance and Operational policy documents.

## 6.0 Information

Title	Private Practice Policy
Document number	2023/0001117
Purpose	Griffith University recognises that employees are involved in a wide range of outside entities. The University recognises the ongoing importance of creating a balance between an employee's commitments to the University as their principal employer and their engagement in private practice.
Audience	Staff
Category	Operational
Subcategory	Staff
UN Sustainable Development Goals (SDGs)	This document aligns with Sustainable Development Goal/s: 8: Decent Work and Economic Growth
Approval date	October 2023
Effective date	October 2023
Review date	2026
Policy advisor	Head of HR Business Partnering
Approving authority	Director, Human Resources

## 7.0 Related Policy Documents and Supporting Documents

Legislation	N/A
-------------	-----

Policy	<a href="#">Code of Conduct</a> <a href="#">Conflict of Interest</a> <a href="#">Consultancy and Commercial Research Policy</a> <a href="#">Delegations Policy</a> <a href="#">Griffith Health Intramural Professional Practice Policy</a> <a href="#">Intellectual Property Policy</a> <a href="#">Personal Relationships in the Workplace</a> <a href="#">Staff Members as Directors of External Entities</a>
Procedures	<a href="#">Delegations Procedure</a> <a href="#">Individual Grievance Resolution Procedure</a> <a href="#">Private Practice Guidelines to Conduct Clinical Practice within the Griffith Health Clinics</a>
Local Protocol	N/A
Forms	<a href="#">Application to Conduct Private Practice</a> <a href="#">Staff Members as Directors of External Entities Application Form</a>