

COMPLAINTS ABOUT THE VICE-CHANCELLOR AND PRESIDENT POLICY



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1 PURPOSE

- 1.1 This policy outlines how CQUniversity will deal with a complaint that involves, or may involve, corrupt conduct of the Vice-Chancellor and President.
- 1.2 This policy is designed to meet the legislative requirements of section 48A of the [Crime and Corruption Act 2001](#) (Qld).

2 SCOPE

- 2.1 This policy applies:
 - if there are grounds to suspect that a complaint may involve corrupt conduct of the Vice-Chancellor and President of CQUniversity
 - to all persons who hold an appointment in, or are employees of, CQUniversity.

3 POLICY STATEMENT

- 3.1 Under section 48A of the Crime and Corruption Act 2001 (the Act), the University must have a policy about how the organisation will deal with a complaint that involves, or may involve, corrupt conduct by the Vice-Chancellor and President.

Nominated person

- 3.2 Having regard to s48A (2) and (3) of the Act, the Chancellor will be the University's nominated person to deal with a complaint under the Act, including notifying the [Crime and Corruption Commission](#) (CCC) and the University Council.

Complaints about the Vice-Chancellor and President

- 3.3 If a complaint involves an allegation of corrupt conduct of the Vice-Chancellor and President, the complaint must be reported to the Chancellor.
- 3.4 If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the Chancellor.
- 3.5 If the Chancellor reasonably suspects a complaint may involve corrupt conduct of the Vice-Chancellor and President, the Chancellor will:
- ensure the CCC and the University Council are notified of the complaint, and
 - ensure the complaint is investigated, subject to the CCC's monitoring role, when —
 - directions issued under section 40 of the Act apply to the complaint, if any, or
 - pursuant to section 46 of the Act, the CCC refers the complaint to the Chancellor to deal with.
- 3.6 If the Vice-Chancellor and President reasonably suspects that a complaint may involve corrupt conduct on their part, the Vice-Chancellor and President must:
- report the complaint to the Chancellor as soon as practicable, notify the University Council, and may also notify the CCC, and
 - take no further action to deal with the complaint unless requested to do so by the Chancellor in consultation with the University Council.
- 3.7 If directions issued under section 40 of the Act apply to the complaint:
- the Chancellor is to deal with the complaint and advise the University Council of the complaint, and
 - the Vice-Chancellor and President is to take no further action to deal with the complaint unless requested to do so by the Chancellor in consultation with the University Council.

Resourcing

- 3.8 If pursuant to ss40 or 46 of the Act, the Chancellor has responsibility to deal with the complaint:
- the University will ensure that sufficient resources are available to the Chancellor to enable them to deal with the complaint appropriately; this may include engaging and instructing the University Secretary, or other relevant employee member, to undertake or supervise the actions required to investigate the complaint, including notifying the Crime and Corruption Commission (CCC) and the University Council, or any other assistance required
 - the Chancellor is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and not disclosed, other than to the CCC, without:
 - authorisation under a law of the Commonwealth or the State, or
 - the consent of the Chancellor
 - the Chancellor, and the University Secretary or other relevant employee assisting the Chancellor, must at all times use their best endeavours to act independently, impartially and fairly having regard to the:
 - purposes of the Act
 - the importance of promoting public confidence in the way suspected corrupt conduct in the University is dealt with, and
 - the University's statutory, policy and procedural framework.
- 3.9 In dealing with the complaint, the Chancellor:
- is delegated the same authority, functions and powers as the Vice-Chancellor and President to direct and control employees of the University as if the Chancellor is the Vice-Chancellor and President of the University, for the sole purpose of dealing with the complaint

- is delegated the same authority, functions and powers as the Vice-Chancellor and President to enter into contracts on behalf of the University for the purpose of dealing with the complaint, and
- does not have any authority, function or power that cannot – under the law of the Commonwealth or the State – be delegated by either the University Council or the Vice-Chancellor and President.

Liaising with the Crime and Corruption Commission

- 3.10 The University Secretary, as the Vice-Chancellor and President's nominee, will keep the CCC and nominated person informed of:
- the contact details for the Vice-Chancellor and President and the Chancellor, and
 - any proposed changes to this policy.

Consultation with the Crime and Corruption Commission

- 3.11 The Vice-Chancellor and President will consult with the CCC when preparing any policy about how the University will deal with a complaint that involves or may involve corrupt conduct of the Vice-Chancellor and President.

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 The University Secretary is responsible for implementing, monitoring, reviewing and ensuring compliance with this policy.

Reporting

- 4.2 No additional reporting is required.

Records management

- 4.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 4.4 University records must be retained for the minimum periods specified in the University Sector Retention and Disposal Schedule on the [Queensland State Archives website](#).

5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Complaint: Includes information or matter. Refer to the definition provided by section 48A(4) of the Crime and Corruption Act.

Contact details: includes a direct telephone number, email address and postal address to enable confidential communications.

Corruption: refer to Schedule 2 (Dictionary) of the Crime and Corruption Act.

Corrupt conduct: refer to section 15 of the Crime and Corruption Act.

Deal with: refer to Schedule 2 (Dictionary) of the Crime and Corruption Act.

6 RELATED LEGISLATION AND DOCUMENTS

[Crime and Corruption Act 2001](#) (Qld)

7 FEEDBACK

7.1 University staff and students may provide feedback about this document by emailing policy@cqu.edu.au.

8 APPROVAL AND REVIEW DETAILS

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Advisory Committee to Approval Authority	Audit, Risk and Finance Committee
Administrator	University Secretary
Next Review Date	1/05/2022

Approval and Amendment History	Details
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Notes	

CQUniversity acknowledges the Crime and Corruption Commission's template on which this policy is based.