

Complaints about the Vice-Chancellor and President (Crime and Corruption Act 2001, s 48A) - Governing Policy

1. Purpose of Policy

1.1 This policy outlines the framework the University has established to meet the procedural and regulatory requirements under the *Crime and Corruption Act 2001* (Qld) by units of public administration for dealing with complaints that involve, or may involve, corrupt conduct of its public official. Unless otherwise stated, all statutory references are to the Crime and Corruption Act 2001.

2. Policy scope and application

2.1 The University of the Sunshine Coast is a unit of public administration under the Crime and Corruption Act. The Vice-Chancellor and President is the public official of the University of the Sunshine Coast, as defined by the Crime and Corruption Act.

2.2 This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the Vice-Chancellor and President of the University; and
- to all persons who hold an appointment in, or are employees of, the University.
- to all contractors and volunteers (such as honorary appointees, work-experience people or external consultants who may be working at the University but actually employed by other bodies).

3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Complaint includes information or matter involving corrupt conduct as defined in section 48A of the *Crime and Corruption Act 2001*.

Corruption see Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*.

Corrupt Conduct as defined in section 15 of the *Crime and Corruption Act 2001*.

Deal with see Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*.

4. Policy Statement

4.1 This policy sets out how the University will deal with a complaint that involves or may involve corrupt conduct of its Vice-Chancellor and President as defined in the Crime and Corruption Act. As articulated in its Fraud and Corruption Control – Governing Policy, the University of the Sunshine Coast has a zero tolerance stance on corruption and is committed to minimising the risks of such behaviour and ensuring continuing organisational integrity and transparency in all University activities consistent with its Codes of Conduct and the law.

4.2 This policy assists the University to:

- comply with section 48A of the Crime and Corruption Act;
- promote public confidence in the way suspected corrupt conduct of the Vice-Chancellor and President is dealt with; and
- promote accountability, integrity and transparency in the way the University deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Vice-Chancellor and President.

4.3 Having regard to Section 48A (2) and (3) of the Crime and Corruption Act, the University must nominate a person to notify the Crime and Corruption Commission (CCC) of any complaint and to deal with the complaint under the Crime and Corruption Act.

APPROVAL AUTHORITY

Council

RESPONSIBLE EXECUTIVE MEMBER

Chief Operating Officer

DESIGNATED OFFICER

Director, People and Culture

FIRST APPROVED

21 February 2017

LAST AMENDED

16 February 2022

REVIEW DATE

21 February 2024

STATUS

Active

4.4 To this effect the University Council has elected to nominate the Chancellor of the University of the Sunshine Coast as its nominated Person.

5. Complaints about the Vice-Chancellor and President

5.1 Complaints involving reasonable suspicion of corrupt conduct

5.1.1 If a complaint involves an allegation of corrupt conduct or suspicion of corrupt conduct of the Vice-Chancellor and President of the University, the complaint must be reported to:

- the Chancellor of the University

email: chancellor@usc.edu.au

phone: 07 5430 1101

post: c/- University Council – ML42, University of the Sunshine Coast, Locked Bag 4, MAROOCHYDORE DC QLD 4558, AUSTRALIA)
or

- a person to whom there is an obligation to report corruption under another Act.

5.1.2 If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the Chancellor.

5.2 Handling the complaint

5.2.1 Where the Chancellor reasonably suspects the complaint may involve corrupt conduct of the Vice-Chancellor and President they must:

(a) Notify the Crime and Corruption Commission of the complaint, and:

(b) Deal with the complaint, subject to the CCC's monitoring role: when

- Directions issued under section 40 apply to the complaint, if any, or
- Pursuant to section 46 of the Crime and Corruption Act, the CCC refers the complaint to the Chancellor to deal with.

5.3 Vice-Chancellor and President reasonably suspects that a complaint may involve corrupt conduct on their part

If the Vice-Chancellor and President reasonably suspects that a complaint may involve corrupt conduct on their part, the Vice-Chancellor and President must:

(a) Report the complaint to the Chancellor as soon as practicable and may also notify the CCC; and

(b) Take no further action to deal with the complaint unless requested to do so by Chancellor.

5.4 Directions issued under S40 of the Crime and Corruption Act 2001

If directions issued under s40 of the Crime and Corruption Act apply to the complaint:

(a) The Chancellor is to deal with the complaint, and

(b) The Vice-Chancellor and President is to take no further action to deal with the complaint unless requested to do so by the Chancellor.

6. Resourcing the Chancellor

6.1 Responsibility to deal with the complaint pursuant to ss40 or 46 of the Crime and Corruption Act 2001

If pursuant to ss40 or 46 of the Crime and Corruption Act, the Chancellor has responsibility to deal with a complaint:

(a) The University will ensure that sufficient resources are available to the Chancellor to enable the Chancellor to deal with the complaint appropriately, and

(b) 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 are not disclosed, other than to the CCC, without:

authorisation under a law of the Commonwealth or the State, or

the consent of the Chancellor

(c) The Chancellor must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:

- purposes of the Crime and Corruption 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.

6.2 Dealing with the complaint, the Chancellor:

- (a) is delegated the same authority, functions and powers as the Vice-Chancellor and President to direct and control staff of the University as if the Chancellor is the Vice-Chancellor and President of the University, for the purposes of dealing with the complaint only;
- (b) 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;
- (c) 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.

7. Liaising with the Crime and Corruption Commission (CCC)

The Vice-Chancellor and President must keep the CCC informed of:

- the contact details for the Vice-Chancellor and President and the Chancellor
- any proposed changes to the policy.

8. Consultation with the Crime and Corruption Commission (CCC)

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.

9. Authorities and Responsibilities

ACTIVITY	CONDITION	UNIVERSITY OFFICER
<p>In dealing with a complaint that involves or may involve corruption by the Vice-Chancellor and President, the same authority, functions and powers as the Vice-Chancellor and President are delegated to:</p> <ul style="list-style-type: none"> • direct and control staff of the University as if the delegate is the Vice-Chancellor and President of the University, for the purposes of dealing with the complaint only; and • enter into contracts on behalf of the University for the purpose of dealing with the complaint. 	<p>The delegate 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.</p>	Chancellor

END

RELATED DOCUMENTS

- Conflict of Interest - Governing Policy
- Fraud and Corruption Control - Governing Policy
- Public Interest Disclosures - Governing Policy
- Public Interest Disclosures - Procedures
- Resolution of Complaints (Staff) - Guidelines
- Responsible Research Conduct - Governing Policy
- Staff Code of Conduct - Governing Policy

RELATED LEGISLATION / STANDARDS

- Public Sector Ethics Act 1994 (Qld)
- University of the Sunshine Coast Act 1998 (Qld)
- Financial Accountability Act 2009 (Qld)
- Crime and Corruption Act 2001 (Qld)