

Complaints of Corrupt Conduct Against the Vice-Chancellor and President Policy

Section 1 - Purpose and Scope

Purpose

- (1) This Policy outlines how The University of Queensland (UQ) will deal with complaints about conduct by the Vice-Chancellor and President which involve, or may involve, Corrupt Conduct as defined in the [Crime and Corruption Act 2001](#) (CC Act).
- (2) This Policy is intended to support UQ's:
- a. compliance with section 48A of the CC Act;
 - b. promotion of public confidence in its management of suspected Corrupt Conduct; and
 - c. promotion of accountability, integrity and transparency in the way it deals with complaints that involve, or may involve, Corrupt Conduct by the Vice-Chancellor and President (Vice-Chancellor).
- (3) This Policy forms part of a broader framework for the management of fraud and Corrupt Conduct at UQ, which is set out in UQ's [Fraud and Corrupt Conduct Policy](#).

Scope

- (4) This Policy applies to all complaints that involve, or may involve, Corrupt Conduct by the Vice-Chancellor.
- (5) The [Fraud and Corrupt Conduct Policy](#) and [Fraud and Corrupt Conduct Procedure](#) apply to complaints that involve, or may involve, Corrupt Conduct by UQ staff other than the Vice-Chancellor.

Section 2 - Principles and Key Requirements

Complaints about the Vice-Chancellor

- (6) All complaints UQ receives that involve, or may involve, Corrupt Conduct by the Vice-Chancellor, will be referred to the Chancellor for assessment.
- (7) If the Chancellor reasonably suspects that a complaint involves, or may involve, Corrupt Conduct by the Vice-Chancellor, the Chancellor will:
- a. notify the Crime and Corruption Commission (CCC) of the complaint; and
 - b. deal with the complaint, subject to the CCC's monitoring role, when:
 - i. any directions applicable to the complaint are issued under s40 of the CC Act; or
 - ii. pursuant to s46 or s48 of the CC Act, the CCC refers the complaint to the Chancellor to:
 - deal with; or
 - deal with, in cooperation with the CCC.

(8) If directions issued under s40 or s48 of the CC Act apply to the complaint:

- a. the Chancellor is to deal with the complaint; and
- b. the Vice-Chancellor is to take no further action to deal with the complaint.

(9) For the purpose of dealing with complaints of Corrupt Conduct about the Vice-Chancellor:

- a. the Chancellor has the same powers as the Vice-Chancellor as a 'public official', under the CC Act;
- b. UQ will provide the Chancellor with appropriate resources to enable the Chancellor to deal with those complaints.

Reporting Complaints about the Vice-Chancellor

(10) A complaint, information or matter which involves, or may involve, Corrupt Conduct by the Vice-Chancellor, can be reported to the Chancellor in the following ways:

- a. To the Chancellor:
 - i. by email to chancellor@uq.edu.au; or
 - ii. by post to The Chancellor, The University of Queensland, Brisbane, Qld 4072, Australia.
- b. To UQ's Integrity Unit:
 - i. by email to integrity-unit@uq.edu.au; or
 - ii. telephone: 07 3365 1366.
- c. To the CCC:
 - i. by email to complaints@ccc.qld.gov.au; or
 - ii. via the CCC website www.ccc.qld.gov.au.
- d. Through UQ's [online complaint management system](#). Complaints about the Vice-Chancellor that are lodged via the online complaint management system will be referred to the Integrity Unit for assessment.

(11) If there is uncertainty about whether or not a complaint should be reported, UQ encourages a report to be made to the Chancellor, the Integrity Unit or the CCC.

(12) Subject to section 39(1)(b) of the CC Act, the Chancellor is required to preserve confidentiality of the complaint and to act impartially when dealing with the complaint.

(13) If necessary, the Chancellor may liaise with the Integrity Unit to ensure that UQ meets its legislative obligations under the CC Act, and, if applicable, the [Public Interest Disclosure Act 2010](#) (PID Act) and [Corporations Act 2001](#) (Cth) (whistleblower laws).

Complaints alleging Corrupt Conduct by the Vice-Chancellor

(14) If the Vice-Chancellor reasonably suspects that a complaint alleges Corrupt Conduct on the Vice-Chancellor's part, the Vice-Chancellor must:

- a. report that complaint to the Chancellor as soon as practicable; and
- b. not take any further action to deal with the complaint.

Section 3 - Roles, Responsibilities and

Accountabilities

UQ Chancellor

(15) Having regard to s48A(2) and (3) of the CC Act, the Chancellor is the nominated person to receive, assess, report and deal with all complaints that involve or that may involve, Corrupt Conduct by the Vice-Chancellor. This includes dealing with complaints received under s44 of the CC Act or referred to the Chancellor by the CCC under s35(1)(b) and s48 of the CC Act.

UQ Vice-Chancellor

(16) The Vice-Chancellor must:

- a. to the extent required by law, cooperate with and assist in, any investigation of a complaint about the Vice-Chancellor;
- b. keep the Chancellor and the CCC informed if the Vice-Chancellor contact details change, while the CCC is investigating a complaint about the Vice-Chancellor;
- c. notify the CCC of any proposed changes to this Policy, and
- d. consult with the chair of the CCC when preparing any policy about how UQ will deal with a complaint that involves or may involve corruption by the Vice-Chancellor.

Section 4 - Monitoring, Review and Assurance

(17) The Director, Integrity Unit and members of the University Senior Leadership Group are jointly responsible for the promotion of this Policy and for ensuring that it is regularly reviewed for currency and effectiveness.

(18) The Director, Integrity Unit will continually monitor and review actions for the purpose of:

- a. assessing compliance with the Policy and to demonstrate/confirm its effectiveness;
- b. identifying, assessing and promptly addressing any deficiencies;
- c. ensuring ongoing relevance of the Policy;
- d. assessing effectiveness of controls; and
- e. reporting through the Chief Operating Officer on weaknesses in controls as appropriate.

Section 5 - Recording and Reporting

(19) The Integrity Unit will record all reported or detected incidents of reasonably suspected Corrupt Conduct on the part of the Vice-Chancellor within its Complaints Management Database and, where necessary and appropriate, prepare reports on these matters for the Chancellor to submit to the CCC.

Section 6 - Appendix

Definitions

Term	Definition
Complaint	About Corrupt Conduct includes 'information or matter' involving Corrupt Conduct. See s48A(4) of the CC Act .

Term	Definition
Corrupt Conduct	<p>Means conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <p>a. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of:</p> <ul style="list-style-type: none"> i. a unit of public administration; or ii. a person holding an appointment; and <p>b. results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that:</p> <ul style="list-style-type: none"> i. is not honest or is not impartial; or ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and <p>c. would, if proved, be:</p> <ul style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Corrupt conduct	<p>Also means conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <p>a. impairs, or could impair, public confidence in public administration; and</p> <p>b. involves, or could involve, any of the following:</p> <ul style="list-style-type: none"> i. collusive tendering; ii. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described): <ul style="list-style-type: none"> A. protecting health or safety of persons; B. protecting the environment; C. protecting or managing the use of the State's natural, cultural, mining or energy resources; iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; v. fraudulently obtaining or retaining an appointment; and <p>c. would, if proved, be:</p> <ul style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. <p>See s15 of the CC Act.</p>
Corruption	Has the same meaning as Corrupt Conduct.

Term	Definition
Deal with	<p>A complaint about corruption or information or matter involving corruption, includes:</p> <ol style="list-style-type: none"> investigate the complaint, information or matter; and gather evidence for: <ol style="list-style-type: none"> prosecutions for offences; or disciplinary proceedings; and refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and start a disciplinary proceeding; and take other action, including managerial action, to address the complaint in an appropriate way. <p>See Schedule 2 (Dictionary) of the CC Act.</p>
Nominated person	Means the person nominated, to deal with complaints about the Vice-Chancellor, that involve or may involve Corrupt Conduct under s48(A) the CC Act .
Public official	<p>Means the chief executive officer of a unit of public administration.</p> <p>See Schedule 2 (Dictionary) of the CC Act.</p>
Reasonably suspects	<p>Means to suspect on grounds that are 'reasonable in the circumstances'. The CCC's 'Corruption in focus' guide adds that for a suspicion to be 'reasonable', there needs to be more than bare or idle speculation and that, in essence, there must be some evidence sufficient for a reasonable person to suspect Corrupt Conduct. Reasonable Suspicion has a corresponding meaning.</p> <p>See Schedule 2 of the CC Act.</p>
UQ Staff	<p>For the purposes of this Policy includes:</p> <ul style="list-style-type: none"> Staff – continuing, fixed-term, research (contingent funded) and casual staff members. Affiliates – academic title-holders, visiting academics, emeritus professors, adjunct and honorary title-holders, industry fellows and conjoint appointments. Volunteers – members of the community who donate their services in a voluntary capacity to UQ without expectation of remuneration. Volunteers include those undertaking work on fundraising and community-oriented projects and tertiary students wishing to gain exposure to particular UQ functions.

Status and Details

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Policy Owner	David Lavell Director, Integrity Unit
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