

Complaints about the Vice Chancellor

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1.0 Purpose

Griffith University is committed to an ethical culture of honesty, integrity and professionalism. The role of the Vice Chancellor and President as Chief Executive Officer of the University is critical to implementing and demonstrating this culture.

This policy outlines how Griffith University (the **University**) will deal with complaints or concerns about the conduct of the Vice-Chancellor and President (the **Vice Chancellor**).

This policy is designed to assist the University to:

1. Comply with s48A of the Crime and Corruption Act 2001 (**CC Act**), which requires that the University has a policy to deal with investigation of complaints about corrupt conduct on the part of the Vice-Chancellor.
2. Promote public confidence in the way complaints regarding the Vice Chancellor's conduct are dealt with.
3. Promote accountability, integrity and transparency in the way the University deals with complaints related to the Vice Chancellor's conduct.

2.0 Scope

This policy applies to any complaint or concerns regarding the conduct of the Vice Chancellor, including but not limited to matters of a serious nature such as:

- Actual or suspected corrupt conduct, as defined in section 15 of the Crime and Corruption Act;
- persistent or gross neglect in the discharge of the Vice-Chancellor's duties;
- misconduct or serious misconduct; or
- the commission of a criminal offence.

Complaints or concerns may arise in a variety of ways, including:

- through the receipt of an allegation or complaint, whether from a member of Council, a University employee or student, or from another person; or
- through self-disclosure by the Vice-Chancellor of an act or matter of concern; or
- on the University Council's own initiative.

The Fraud and Corruption Control Policy and the Fraud and Corruption Control Procedure apply to complaints that involve, or may involve, corrupt conduct by Griffith University staff other than the Vice Chancellor.

3.0 Policy Statement

3.1 Role of the Chancellor

- a. The Chancellor is responsible for ensuring that any significant concerns regarding the Vice-Chancellor are dealt with appropriately, in the interests of the good governance and management of the University.
- b. The Chancellor is responsible for the receipt of a complaint, allegations or self-disclosure in relation to the Vice Chancellor's conduct.
- c. For the purposes of s48A (2) and (3) of the CC Act, the Chancellor is the nominated person to notify the Crime and Corruption Commission (**CCC**) of the complaint and to deal with the complaint under the CC Act.

3.2 Reporting Complaints about the Vice Chancellor

A complaint, information or matter which involves concerns about the conduct of the Vice Chancellor can be reported, or referred in the following ways:

- a. To the Chancellor of the University –
 - By email to chancellor@griffith.edu.au; or
 - by post to “The Chancellor, Griffith University, Nathan Campus, 170 Kessels Road, QLD 4111, Australia”.
- b. To the Office of General Counsel (Integrity)
 - by email to integrity@griffith.edu.au; or
 - telephone: 07 3735 7914.
- c. Via the independent hotline “YOUR CALL” which has been engaged by the University to manage disclosures impartially and confidentially, and to enable disclosers to provide information or concerns without fear of reprisal. Your Call will record the details of the complaint, will refer the disclosure to the University and will act as an intermediary, including receiving and forwarding all communications between the discloser and the University.
 - Telephone Your Call on: 1300 790 228 on business days between 9.00 am and 12 am and provide the organisational identification code: GRIFFITH; or
 - Visit the Your Call website: www.yourcall.com.au/report to make a secure report online at any time using the organisational identification code: GRIFFITH.
 - For disclosers with a hearing or speech impairment, please contact the National Relay Service www.relayservice.gov.au and request Your Call's hotline.
- d. To the CCC (where the concern involves suspected **corrupt conduct** of the VC):-
 - by email to complaints@ccc.qld.gov.au; or

- via the CCC website www.ccc.qld.gov.au.

If there is uncertainty about where a complaint should be reported, it is best to report it to the Chancellor.

3.3 Referral of Complaints to the Chancellor

- a. Self-Referral by the Vice Chancellor: If the Vice Chancellor reasonably suspects that a complaint received involves a concern about their conduct, the Vice Chancellor must:
 - (i) Report the complaint to the Chancellor as soon as practicable; and
 - (ii) Take no further action to deal with the complaint unless requested to do so by the Chancellor.
- b. Referral of complaints received by other persons
 - (i) All complaints, allegations or disclosures that involve, or may involve a concern about the Vice Chancellor's conduct will be referred to the Chancellor for assessment.

If a person, to whom there is an obligation to receive complaints under another Act, receives a complaint that involves or may involve a concern about the Vice Chancellor's conduct, they must immediately refer it to the Chancellor for assessment.

3.4 Dealing with Complaints About the Vice Chancellor

3.4.1 Initial Steps

- a. On receiving information raising a concern or a complaint about the conduct of the Vice Chancellor, the Chancellor may conduct appropriate consultations and take appropriate action, including
 - i. By consulting with members of Council, or members of the Executive Group; and/or
 - ii. by consulting with legal and other advisors.
- b. Where the concern or complaint is in relation to matters of a serious nature as listed in section 2.0 of this Policy, the Chancellor will convene the Crisis Management Committee of Council (to be chaired by the Chancellor and comprising the Deputy Chancellor and the three (3) Pro Chancellors) prior to any escalation to the full Council.
- c. If the matter involves a disclosure under the Public Interest Disclosure Act 2010, the Chancellor will liaise with the Chief Operating Officer as to any necessary actions to protect the complainant, in accordance with the Public Interest Disclosure Policy.
- d. The Chancellor will determine whether there is a prima facie concern to be put to Council, a reasonable suspicion of corrupt conduct to be notified to the Crime and Corruption Commission (CCC), or a reasonable suspicion regarding commission of a criminal offence which should be referred to the police.
- e. Where the Chancellor concludes that the information does not disclose a prima facie concern or reasonable suspicion, no further action will be taken and the Vice-Chancellor and complainant (if applicable) will be advised accordingly.
- f. If the Chancellor concludes that there is a prima facie concern or reasonable suspicion which the Council should consider, the investigation will follow the process set out in

section 3.4.3. If a reasonable suspicion of corrupt conduct or the commission of a criminal offence arises, the Chancellor must first comply with section 3.4.2 of this Policy.

3.4.2 Corrupt Conduct or Criminal Matters

- a. If the Chancellor reasonably suspects that a complaint may involve corrupt conduct of the Vice Chancellor, the Chancellor will:
 - i. Notify the CCC of the complaint, and
 - ii. Deal with the complaint pursuant to section 3.4.3, subject to the CCC's monitoring role, when –
 - Directions issued under s40 of the CC Act apply to the complaint, if any, or
 - Pursuant to s46 of the CC Act, the CCC refers the complaint to the Chancellor to deal with.

3.4.3 Investigating and Dealing with a complaint

- a. Where, under this Policy, the Chancellor has responsibility to deal with the complaint, the Chancellor:
 - (i) is delegated the same authority, functions and powers as the Vice Chancellor to direct and control staff of the University as if the Chancellor is the Vice Chancellor of the University, for the purpose of dealing with the complaint only;
 - (ii) is delegated the same authority, functions and powers as the Vice Chancellor to enter into contracts on behalf of the University for the purpose of dealing with the complaint;
 - (iii) 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.
- b. Upon the Chancellor determining that an investigation is required, the Chancellor will convene a meeting of the Crisis Management Committee (of Council) for the purpose of notifying the Committee members of the allegations and to determine the process for the investigation. Having regard to the views of the Crisis Management Committee (of Council) the Chancellor will determine the process for the investigation, which may include any or all of the following:
 - (i) engagement of external advisors or independent experts;
 - (ii) having regard to relevant and available evidence, determination of the appropriate time at which allegations would be put to the Vice-Chancellor;
 - (iii) any specific requirements necessary to deal with an investigation into corrupt conduct or the commission of a criminal offence including any immediate risk mitigations;

- (iv) the University's statutory, policy and procedural framework or other requirements (such as requirements relating to public interest disclosures) which relate to the subject matter of the concerns; and
 - (v) the allocation of financial and staffing resources to enable the investigation to be properly undertaken.
 - c. the Chancellor must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - (i) purposes of the CC Act and any other applicable legislation; and
 - (ii) the importance of promoting public confidence in the way suspected corrupt conduct in the University is dealt with.
 - d. The Vice-Chancellor must:
 - (i) to the extent required by law, cooperate with and assist in, any investigation of a complaint about their conduct; and
 - (ii) keep the Chancellor and the CCC informed if their contact details change, while the CCC or the Chancellor is investigating a complaint about them.

3.4.4 Confidentiality

- a. The Chancellor must ensure that consultations, including for the purpose of securing resources sufficient to deal with the complaint appropriately, are confidential and are not disclosed, and information is not disclosed by those consulted, to any other persons, other than to the CCC, unless:
 - (i) authorised under a law of the Commonwealth or the State, or
 - (ii) with the consent of the Chancellor.

Council members, staff, students and other persons involved in, or aware of the complaint and/or the investigation are expected to follow any applicable procedural requirements, including requirements to maintain confidentiality during the process.

3.4.5 Decision

- a. On the finalisation of an investigation into the conduct of the Vice Chancellor, pursuant to this Policy, the Chancellor (having regard to the views of the Crisis Management Committee (of Council)) will:
 - (i) consider the investigation report and decide, whether the allegations of concerns have been substantiated.
 - (ii) prepare a report and recommendations to be considered by the University Council.
- b. Council will:
 - (i) consider the report and recommendations of the Chancellor at a special meeting to be convened by the Secretary to Council for this purpose.

- (ii) determine the outcome or penalty or any other actions proposed to be taken in light of the findings, pursuant to the Griffith University Act 1998.
- (iii) Notify the Vice-Chancellor and any complainant (if applicable) of Council’s decision, in writing, as soon as is practicable after the decision has been reached.

4.0 Recording and Reporting

- a. The Vice Chancellor is to keep the CCC informed of:
 - (i) the contact details for the Vice Chancellor and the Chancellor; and
 - (ii) any proposed changes to this policy.
- b. The Vice Chancellor 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.

5.0 Roles, responsibilities and delegations

| ROLE | RESPONSIBILITY |
|--|--|
| Griffith Chancellor | The Chancellor of the University is the nominated person to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act as required by s48A of the CC Act. |
| Crisis Management Committee (of Council) | The Crisis Management Committee (of Council) is responsible for assisting the Chancellor with dealing with complaints of a serious nature regarding the conduct of the Vice Chancellor. |
| Executive Group | The General Counsel and members of the Executive Group are jointly responsible for the promotion of this policy and for ensuring that it is regularly reviewed for currency and effectiveness. |
| General Counsel and Integrity Officer | <p>The General Counsel and Integrity Officer will continually monitor and review actions for the purpose of:</p> <ul style="list-style-type: none"> ▪ assessing compliance with the policy and to demonstrate/confirm its effectiveness; ▪ identifying, assessing and promptly addressing any deficiencies; ▪ ensuring ongoing relevance of the policy; ▪ assessing effectiveness of controls; and <p>reporting through the Chief Operating Officer on weaknesses in controls as appropriate.</p> <p>Assisting the Chancellor with assessing, investigating and dealing with complaints made about the Chancellor under this Policy.</p> |

6.0 Definitions

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

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| CC Act | Crime and Corruption Act 2001 |
| Complaint | includes information or matter involving corrupt conduct. See definition provided by s48A(4) of the Crime and Corruption Act 2001 |
| Corrupt conduct | <p>1) means conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <ul style="list-style-type: none">(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of —<ul style="list-style-type: none">(i) a unit of public administration; or(ii) a person holding an appointment; and(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 —<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(c) would, if proved, be —<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>(2) Corrupt conduct - also means conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <ul style="list-style-type: none">(a) impairs, or could impair, public confidence in public administration; and(b) involves, or could involve, any of the following —<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
- (c) would, if proved, be —
 - (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.

See s15 of the Crime and Corruption Act 2001

Corruption has the same meaning as Corrupt Conduct.

Crime and Corruption Commission (CCC) the Commission continued in existence under the Crime and Corruption Act 2001

Deal with In relation to a complaint about corruption or information or matter involving corruption, includes:

- (a) investigate the complaint, information or matter; and
- (b) gather evidence for —
 - (i) prosecutions for offences; or
 - (ii) disciplinary proceedings; and
- (c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and
- (d) start a disciplinary proceeding; and
- (e) take other action, including managerial action, to address the complaint in an appropriate way.

See Schedule 2 (Dictionary) of the Crime and Corruption Act 2001

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.

see item 3.1 of this policy

Reasonably suspects

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. See Schedule 2 of the CC Act.

For advice and support contact policy@griffith.edu.au for Governance and Operational policy documents.

7.0 Information

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| Title | Complaints about the Vice Chancellor Policy |
| Document number | 2023/0001013 |
| Purpose | This policy outlines how Griffith University (the University) will deal with complaints or concerns about the conduct of the Vice-Chancellor and President (the Vice Chancellor). |
| Audience | Staff |
| Category | Governance |
| Subcategory | Risk and Integrity |
| UN Sustainable Development Goals (SDGs) | This document aligns with Sustainable Development Goal/s: 16: Peace, Justice and Strong Institutions |
| Approval date | 20 February 2023 |
| Effective date | 26 April 2023 |
| Review date | 2027 |
| Policy advisor | General Counsel |
| Approving authority | University Council |

8.0 Related Policy Documents and Supporting Documents

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|-------------|--|
| Legislation | Crime and Corruption Act 2001 Financial Accountability Act 2009 Financial and Performance Management Standard 2009 Public Interest Disclosure Act 2010 Public Sector Ethics Act 1994 |
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Queensland Criminal Code Act 1899

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| Policy | <p>Code of Conduct</p> <p>Conflict of Interest Policy</p> <p>Fraud and Corruption Control Policy</p> <p>Gifts and Benefits Policy</p> <p>Legislative Compliance Policy</p> <p>Public Interest Disclosure Policy</p> <p>Risk and Resilience Management Policy</p> |
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| Procedures | <p>Fraud and Corruption Control Procedure</p> <p>Legislative Compliance Procedure</p> |
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| Local Protocol | N/A |
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| Forms | N/A |
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