Complaints Involving Council Members Procedure

1 Purpose

To set out the basis for the handling of Complaints that involve or may reasonably be considered to involve Council members.

2 Scope

This procedure should be read in conjunction with the related Policy on Complaints Involving Council Members.

Both the procedure and its related policy apply where a person (a complainant) makes a Complaint involving a Council member in their role as a Council member.

This procedure applies to the Vice-Chancellor but does not apply to a Council member who is also a University Employee unless the Complaint or an element of a Complaint relates to that individual's Council role.

3 Procedure Overview

The University is committed to the maintenance and improvement of a complaints management framework that facilitates good administration and a safe and cooperative environment.

Complaints involving a Council member might be received through a formal complaint policy process, information that might be received, or a matter that might be received or referred.

4 Procedures

4.1 Complaints

Complaints involving a Council member must be passed to the Chancellor, subject to the following provisions.

4.2 Role of the Chancellor

The Chancellor will accept all Complaints against Council members, whether they allege Misconduct or Corrupt Conduct.

The Chancellor shall engage and instruct the Director (Governance and Compliance) to undertake or supervise the actions required to investigate the Complaint in compliance with

Failure to comply with this Policy or Policy Instrument may be considered as misconduct and the provisions of the relevant Policy or Procedure applied. A hard copy of this electronic document is uncontrolled and may not be current as UniSQ the University regularly reviews and updates its Policies and Policy Instruments. The latest controlled version can be found in the UniSQ's Policy and Procedure Library.

relevant laws and the principles of natural justice and procedural fairness.

If the Chancellor is in a position of a Conflict of Interest with respect to their responsibilities under this procedure or is otherwise unable to act, then the Deputy Chancellor will assume the Chancellor's role under this procedure.

Where for reasons of Conflict of Interest or otherwise the Deputy Chancellor is unable to assume this role, then a person elected by the remaining Council members will assume the Chancellor's responsibilities under this procedure.

In any event, the Vice-Chancellor is not permitted to handle Complaints falling under this procedure or the related policy.

All references to the Chancellor in this procedure shall be read as a reference to the Council member who assumes the Chancellor's responsibilities under this procedure.

To enable the Chancellor to perform their role under this procedure or the related policy and to take or authorise appropriate actions with respect to the Complaint, Council delegates the powers enumerated under Section 9 of the *University of Southern Queensland Act 1998* (Queensland) to the Chancellor solely for the purposes of complying with this procedure and its related policy.

All proceedings under this procedure and its related policy are subject to the *Public Records Act 2023* (Queensland).

With regard to sections 48A (2) and (3) of the *Crime and Corruption Act 2001,* where a Complaint involves allegations of Corrupt Conduct involving the Vice-Chancellor, the Chancellor will ensure the ensuing process conforms to the Corruption Complaints About the Vice-Chancellor Policy.

4.3 Preliminary assessment

The Chancellor must make a preliminary assessment of the Complaint's nature as expeditiously as circumstances allow.

This preliminary assessment should include establishing whether the Complaint, if proved, could involve Corrupt Conduct or Misconduct on the part of the Council member who is the subject of the Complaint ('the subject').

If after the preliminary assessment the Chancellor reasonably suspects that the Complaint could include Corrupt Conduct, the Chancellor is required to notify the CCC and await the CCC's directions. This requirement takes precedence over the responsibility to deal with a Complaint.

Before notifying the CCC, the Chancellor may consider any relevant information in their direct knowledge, or in the direct knowledge of a relevant University officer, in deciding whether an allegation raises a Reasonable Suspicion of Corrupt Conduct.

Failure to comply with this Policy or Policy Instrument may be considered as misconduct and the provisions of the relevant Policy or Procedure applied. A hard copy of this electronic document is uncontrolled and may not be current as UniSQ the University regularly reviews and updates its Policies and Policy Instruments. The latest controlled version can be found in the UniSQ's Policy and Procedure Library.

University Employees approached by the Chancellor or the Chancellor's appointee during the preliminary assessment stage must comply with any confidential requests for Information.

If the Chancellor subsequently forms the view that there is insufficient evidence to support the Complaint:

1. the Chancellor must document the reasons for this view
2. the complainant must be advised that the matter will not be investigated further, and be provided with reasons for this decision
3. the subject of the Complaint may be advised about the fact of the Complaint.

4.3.1 Misconduct

If the Chancellor, with the concurrence of a majority of Council, resolves in writing that the allegations, if proved, would not justify an adverse outcome other than counselling of the subject, then:

1. the Chancellor may counsel the subject in such manner as they think fit;
2. the complainant must be advised of this outcome; and
3. the matter will then be considered closed.

4.3.2 Misconduct (serious) or Corrupt Conduct

At the conclusion of the preliminary assessment, the Chancellor must where the circumstances require:

1. refer the Complaint to the Queensland Police Service, or
2. notify the CCC about the Complaint, or
3. consider whether the Complaint must be treated as a matter to be handled under the provisions of the *Public Interest Disclosure Act 2010* (Queensland) and the University's Public Interest Disclosure Policy.

4.4 Investigation

If the Complaint is not resolved at the preliminary assessment stage and does not involve Corrupt Conduct, the Chancellor must arrange with the DIPC for a documented investigation of the Complaint within a reasonable time frame in accordance with this procedure and the

principles of natural justice.

4.4.1 Decision

Upon receipt of the report of the documented investigation from the DIPC, the Chancellor must decide whether, having regard to the results of the investigation, a finding of Misconduct could reasonably be made against the subject.

If the Chancellor decides that a finding of Misconduct could not reasonably be made against the subject, both the complainant and the subject will be notified of the Chancellor's decision and the reasons for it within 5 University Business Days of the Chancellor receiving the report. The matter will be considered closed.

If the Chancellor decides, based on the report, that a finding of Misconduct could reasonably be made against the subject, the subject will be advised of this decision and the reasons for it within 5 University Business Days of the Chancellor receiving the report.

The subject should also be advised that the Complaint is subject to

a) At the Chancellor's discretion, a mediation involving the complainant, the Complaint's subject and a mediator, to be held within 30 University Business Days of the Chancellor receiving the report; and

b) If the mediation is not held or fails to achieve a resolution of the Complaint, then a Final Determination by a hearing before a Complaint Resolution Panel.

4.4.2 Mediation

If the Complaint is mediated, such mediation is to be conducted by a mediator who is independent of the parties and appointed by the President of the Queensland Law Society.

The LEADR Mediation Rules will apply to the mediation.

4.4.3 Final Determination

If required, the University Secretary will appoint a Complaint Resolution Panel (Panel).

The Panel must consist of a current practising legal practitioner with more than 10 years' post admission experience who is independent of the University, a University alumnus and a member or a former member of the Council.

The Panel will elect a Chair and decide on what process, in accordance with the principles of natural justice, will be followed in reaching a Final Determination. The process must include a hearing. The subject must be advised of the hearing date and the process to be followed at least 10 University Business Days before the hearing date.

The Panel's Chair must give Notice, at least 10 University Business Days before the hearing

Failure to comply with this Policy or Policy Instrument may be considered as misconduct and the provisions of the relevant Policy or Procedure applied. A hard copy of this electronic document is uncontrolled and may not be current as UniSQ the University regularly reviews and updates its Policies and Policy Instruments. The latest controlled version can be found in the UniSQ's Policy and Procedure Library.

date, to the subject of the Complaint of:

- Their right to attend the hearing and to be represented by another person, including a current legal practitioner; and
- The location of the hearing, including options for alternate methods of participation (for example, by teleconference).

If, after the hearing, the Panel decides that a finding of Misconduct could not be proven against the subject, the Chair will advise the complainant, the subject and the Chancellor of the panel's decision in writing.

4.5 Penalty

If the Panel decides that a finding of Misconduct could be proven against the subject, the Chair will advise the complainant, the subject and the Chancellor of the Panel's decision in writing.

The Chancellor will then convene Council to determine the appropriate penalty.

The subject will be given a reasonable opportunity to make submissions in relation to the penalty, but will not, unless Council decides otherwise at its sole discretion, have the right to make submissions in person.

The penalties which may be imposed include:

- that no further action is required;
- counseling or education in such manner as Council deems suitable; or
- subject to the provisions of the University of Southern Queensland Act 1998, removal from Council;
- in the case of a member of Council who is also an Employee of the University, a recommendation of termination as an Employee of the University.

5 References

Crime and Corruption Commission (2014), *Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector*

6 Schedules

Failure to comply with this Policy or Policy Instrument may be considered as misconduct and the provisions of the relevant Policy or Procedure applied. A hard copy of this electronic document is uncontrolled and may not be current as UniSQ the University regularly reviews and updates its Policies and Policy Instruments. The latest controlled version can be found in the UniSQ's Policy and Procedure Library.

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

7 Procedure Information

Accountable Officer	Vice-Chancellor
Responsible Officer	Director (Governance and Compliance)
Policy Type	University Procedure
Policy Suite	Policy on Complaints Involving Council Members
Subordinate Schedules	
Approved Date	2/1/2026
Effective Date	2/1/2026
Review Date	31/8/2020
Relevant Legislation	*Crime and Corruption Act 2001* *Public Interest Disclosure Act 2010* (QLD) *Public Records Act 2023* *Public Sector Ethics Act 1994* *University of Southern Queensland Act 1998*
Policy Exceptions	Policy Exceptions Register
Related Policies	Code of Conduct Policy Public Interest Disclosure Policy
Related Procedures	Conflict of Interest Procedure
Related forms, publications and websites	
Definitions	**Terms defined in the Definitions Dictionary**
	Chancellor The person bearing the title of Chancellor, or as otherwise defined in the University of Southern Queensland Act 1998 , including a person acting in that position.

Complaint

A Complaint is an “expression of dissatisfaction made to or about the University, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”.

Corrupt Conduct

Defined in section 15 of the Crime and Corruption Act 2001 .

Council

Council means the governing body, the University of Southern Queensland Council.

Employee

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

University Business Days

The days of Monday to Friday inclusive between 9am and 5pm Australian Eastern Standard Time (AEST), with the exclusion of gazetted Public Holidays for the relevant campus location, plus the closure of the University between 25 December and 1 January in the following year inclusive as specified in the Enterprise Agreement, as well as any closure of the University either at one or several campuses in accordance with a direction of the Crisis Management Team.

Vice-Chancellor

The person bearing the title of Vice-Chancellor and President, or as otherwise defined in the University of Southern Queensland Act 1998 , including a person acting in that position.

Definitions that relate to this procedure only

Conflict of Interest

A perceived, potential or actual Conflict of Interest.

Deals With

	As defined in Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*. **Final Determination** A decision which concludes or determines the rights and obligations of the parties to the process set out in this procedure. **Information or Matter** Information or matter involving corruption given to the Crime and Corruption Commission. Refer section 36(5) of the *Crime and Corruption Act 2001*. **LEADR Mediation Rules** As defined by the LEADR Association of Dispute Resolvers and IAMA the Institute of Arbitrators and Mediators Australia. **Nominated Person** The person designated to deal with a Complaint that appears to involve or may involve Corrupt Conduct as addressed in the *Crime and Corruption Act 2001*. **Council Misconduct** Conduct that contravenes section 26(A) of the *University of Southern Queensland Act 1998* or a conduct obligation as defined in that Act; or a breach of the University's Code of Conduct Policy. **Reasonable Suspicion** Suspicion on grounds that are reasonable in the circumstances. There must be some evidence sufficient for a reasonable person to suspect corrupt conduct. Do not have to believe that the alleged conduct is corrupt conduct, or that the conduct has actually occurred. Reasonable suspicion must be based on an objective assessment of the information at hand. Do not have to have sufficient evidence to prove the corrupt conduct allegation, but the available facts, evidence or other information must suggest that the allegation, if proven, would amount to corrupt conduct.
Keywords	
Record No	13/812PL

Failure to comply with this Policy or Policy Instrument may be considered as misconduct and the provisions of the relevant Policy or Procedure applied. A hard copy of this electronic document is uncontrolled and may not be current as UniSQ the University regularly reviews and updates its Policies and Policy Instruments. The latest controlled version can be found in the UniSQ's Policy and Procedure Library.