Corrupt Conduct Resolution Procedure

1 Purpose

To establish the process to resolve suspected Corrupt Conduct.

2 Scope

This procedure applies to Matters involving actual or suspected corrupt conduct.

This procedure does not cover a Complaint that involves a Council member or a Complaint that involves or may involve corrupt conduct of the Vice-Chancellor. See the Policy on Complaints Involving Council Members and the Corruption Complaints About the Vice-Chancellor Policy.

3 Procedure Overview

Under the *Crime and Corruption Act 2001*, the Vice-Chancellor has responsibilities in relation to Complaints about Corrupt Conduct. The Vice-Chancellor's responsibilities in this regard are delegated to the University's Crime and Corruption Commission Liaison Officer who must:

- notify the Crime and Corruption Commission of a Complaint which the Crime and Corruption Commission Liaison Officer reasonably suspects involves, or may involve, Corrupt Conduct;
- prepare and retain complete and accurate records of any decision to not notify the Crime and Corruption Commission of an allegation of Corrupt Conduct, and;
- deal with Complaints which may involve Corrupt Conduct referred to the University by the Crime and Corruption Commission, in the way the Crime and Corruption Commission Liaison Officer considers most appropriate, subject to directions given by the Crime and Corruption Commission and guidance provided in the *Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector*.

The objective of this procedure is to:

- explain how to raise a Matter which may involve Corrupt Conduct;
- set out how the University will deal with a Complaint which may involve Corrupt Conduct, and;

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- ensure University Members are aware of their responsibilities.

When a University Member makes an allegation about the Conduct of another person which would, if proved, be Corrupt Conduct, it may also be a Public Interest Disclosure under the *Public Interest Disclosure Act 2010* and the University Member will be entitled to certain protections.

4 Procedures

4.1 Why report Corrupt Conduct

A public officer must report Corrupt Conduct because they have a mandatory obligation to confidentially report the Matter to a proper authority. It is also the right thing to do and reporting is in the public interest.

4.2 What is Corrupt Conduct

Suspected Corrupt Conduct does not have to be serious misconduct or show that the conduct has actually occurred. Some Matters which appear minor can turn out to be serious or indicate a systemic problem.

Without limiting the definition of Corrupt Conduct, the *Crime and Corruption Act 2001* provides that conduct that involves any of the following could be Corrupt Conduct:

- criminal offence;
- abuse of office;
- serious assault;
- fraud or forgery;
- theft;
- accessing and/or disclosing confidential or personal information;
- engaging in preferential treatment;
- hiring or promoting a person regardless of merit.

4.3 Who can Corrupt Conduct be reported to?

You can report, raise a concern, or make a Complaint about Corrupt Conduct:

- in writing, via the Employee Complaints Form;
- in writing (including anonymously), via the Your Call Report Form;
- verbally (including anonymously), by calling the Your Call hotline on 1300 790 228;
- verbally or in writing, to the Crime and Corruption Commission Liaison Officer:

  Director (Workplace Relations and Operations)
  University of Southern Queensland
  Toowoomba, Queensland 4350
  E: Workplace.Relations@unisq.edu.au
  E: anonymous@unisq.edu.au

- directly to the Crime and Corruption Commission:

  Level 2, North Tower Green Square
  515 St Pauls Terrace
  Fortitude Valley
  P: (07) 3360 6060
  W: https://www.ccc.qld.gov.au/complainants

4.4 How to report Corrupt Conduct

A report or Complaint about Corrupt Conduct does not have to be made in writing, but the details of the Matter should be recorded in writing by the receiving officer.

A Complaint can be made anonymously, however it may be difficult to pursue or resolve an anonymous complaint if you do not provide contact details and further information is required from you to be able to deal with the Matter.

A Complaint will be dealt with in a confidential manner that is respectful to both a complainant and the subject officer. Reasonable steps will be taken to protect confidentiality, however the University cannot give an assurance of absolute confidentiality, given statutory obligations and the principles of Natural Justice.

4.5 Assessing Corrupt Conduct

On receipt of a report of suspected Corrupt Conduct, the Crime and Corruption Commission Liaison Officer will assess the information and make the necessary Notification to the Crime and Corruption Commission.

No further enquiry or action should be taken until the required authorization is received from the

Crime and Corruption Commission.

Where criminal conduct is alleged, a report to the Queensland Police Service may also be necessary before any action is taken by the University.

To determine whether an allegation would, if proved, amount to a criminal offence, Crime and Corruption Commission Liaison Officer will ascertain whether there is evidence of each element of the relevant offence. This should include assessing the quality of that evidence.

Criminal offences are not limited to offences contained in the Criminal Code. Any offence other than a regulatory offence specified in the *Regulatory Offences Act 1985* is a criminal offence.

To determine whether an allegation would, if proved, amount to a disciplinary breach providing reasonable grounds for termination, the Crime and Corruption Commission Liaison Officer will assess the evidence against the objective standards of honesty and integrity taking into account how reasonable, right thinking members of the community would view the conduct. The Code of Conduct Policy will be used as a guide to what would amount to a dismissible disciplinary breach.

If the conduct does not meet the criteria for Corrupt Conduct, the Crime and Corruption Commission Liaison Officer may refer the Matter to the Chief People Officer to consider other action under the Code of Conduct Policy or Employee Complaints Policy.

4.6 Notifying Corrupt Conduct

The Crime and Corruption Commission Liaison Officer will not deal with any allegations of Corrupt Conduct made about them.

The Crime and Corruption Commission Liaison Officer must notify the Crime and Corruption Commission if they reasonably suspect that Corrupt Conduct has occurred subject to directions issued to the Vice-Chancellor by the Crime and Corruption Commission under section 40 of the *Crime and Corruption Act 2001*.

There are currently no directions that have been issued to the University by the Crime and Corruption Commission under section 40 of the *Crime and Corruption Act 2001*.

There does not need to be a formal complaint from an aggrieved person. Other information or Matter may give rise to a Reasonable Suspicion.

The obligation to notify the Crime and Corruption Commission takes precedence over the responsibility to deal with Corrupt Conduct, so no action should be taken in relation to a complaint before notifying the Crime and Corruption Commission.

Before notifying the Crime and Corruption Commission, the Crime and Corruption Commission Liaison Officer may consider any relevant information in the direct knowledge of a relevant officer or contained in the University's records in deciding whether an allegation raises a Reasonable Suspicion of Corrupt Conduct.

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Although the Crime and Corruption Commission Liaison Officer can use the initial information available to show that the alleged conduct could not have occurred, they should not gather information to show that the conduct could have occurred and must not make enquiries by way of interviewing anyone.

The Crime and Corruption Commission Liaison Officer can seek advice from the Crime and Corruption Commission if they think that the Notification needs to be expedited because the Matter is urgent or highly sensitive.

The Crime and Corruption Commission Liaison Officer will use the Crime and Corruption Commission's Form C04: Referral for CCC Liaison Officers to notify the Crime and Corruption Commission providing as much detail available to help the Crime and Corruption Commission assess the complaint.

If the Crime and Corruption Commission Liaison Officer considers a Complaint and decides that they do not have a Reasonable Suspicion that Corrupt Conduct may have occurred, the Crime and Corruption Commission Liaison Officer must make a record of the Decision. This record must include:

- the details of the Complaint;
- the evidence on which they relied in making the Decision, and;
- any other reasons for the Decision.

4.7 Dealing with Crime and Corruption Commission referral

University Members are required to assist in any process taken to deal with a Matter referred to the University by the Crime and Corruption Commission.

The Vice-Chancellor has assigned responsibility and authority to the Crime and Corruption Commission Liaison Officer to deal with a Complaint referred to the University by the Crime and Corruption Commission subject to any directions given by the Crime and Corruption Commission.

When deciding how to deal with a Complaint, the Crime and Corruption Commission Liaison Officer can make preliminary enquiries to ascertain the nature and extent of any Conduct that may have led to the Complaint. Once satisfied that the nature and scope of the Complaint and any Conduct that may have led to it is understood, the Crime and Corruption Commission Liaison Officer can decide how to deal with the Matter:

- take no action;
- Management Action;

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- Investigation.

Noting, when the Crime and Corruption Commission refers a Complaint to the University with a direction to conduct an Investigation, the Crime and Corruption Commission Liaison Officer must initiate an Investigation.

Otherwise, if the Crime and Corruption Commission indicates that it will simply review or audit the case, the CCC Liaison Officer can choose how best to deal with it.

The Crime and Corruption Commission may however conduct an audit to examine how the University has responded to particular types of Complaints about Corruption and the robustness of the University's complaints management and prevention frameworks. The audits are also aimed at controlling the risks of Corruption.

The Crime and Corruption Commission Liaison Officer will make a record of the Decision to proceed with a chosen option and obtain the endorsement of the Vice-Chancellor before proceeding.

The nature of the action taken, Investigation or Management Action, will depend on a range of factors that the Crime and Corruption Commission Liaison Officer should consider, including:

- the outcome of any preliminary enquiry into the allegations;
- the seriousness of the Complaint;
- the desired outcome of the Complainant;
- will there be sufficient evidence to lead to a successful prosecution or disciplinary action;
- the history of Complaints against the Subject Officer;
- the educative and deterrent value of a good investigation;
- the likelihood of increased public confidence in the accountability and transparency of the University's decision-making processes;
- the restoration of the good reputation of the person being complained about where allegations are openly known;
- the opportunity to identify and rectify any systemic problems, any policy or procedural deficiencies or any workplace issues.

4.7.1 Take no action

The Crime and Corruption Commission Liaison Officer can decide to take no action if they are

satisfied that the Complaint is frivolous or vexatious, lacks substance or credibility, or dealing with the Complaint would be an unjustifiable use of resources.

However, Matters should not be dismissed on these factors alone, so careful analysis of the Complaint should be made to isolate the basic information sources, which should then be assessed on their merits.

It is an offence to make a Complaint that is vexatious or not made in good faith. If the Crime and Corruption Commission Liaison Officer decides to take no further action on this basis, they should advise the Crime and Corruption Commission, which can decide whether or not to take action against the Complainant.

Action may be an unjustifiable use of resources if:

- the law or policy alleged to have been breached is no longer in force;
- the lapse of time between the alleged Corrupt Conduct and the making of the Complaint reduces the likelihood of productive Investigation through inability to obtain relevant evidence;
- the Complaint is repetitious without any additional grounds and with no fresh allegations of evidence where the substance of a previous Complaint has been dealt with;
- the Complaint cannot be substantiated because there could not be any evidence capable of proving the allegations.

The Crime and Corruption Commission Liaison Officer must advise a Complainant of their reasons for deciding to take no action.

4.7.2 Management Action

If the Crime and Corruption Commission Liaison Officer decides the Matter warrants Management Action rather than a full Investigation, they must also choose the appropriate management strategy to use to:

- resolve the Complainant's concerns;
- deal with the Conduct of any individual;
- address any systemic or workplace issues, and any policy or procedural deficiencies, to maintain standards of behaviour.

Management strategies could include:

- undertaking enquiries;
- explanation to the Complainant;
- performance improvement - guidance, counselling, training;
- systems improvement, including amendments to policies and procedures;
- preventive action;
- dispute resolution or mediation.

In resolving the Matter, the Crime and Corruption Commission Liaison Officer should tailor the strategy to fit the offending behaviour and the circumstances in which it occurred. The action taken must be able to be justified.

The Crime and Corruption Commission Liaison Officer will ensure:

- the Subject Officer is provided with opportunity to respond;
- evidence is gathered and evaluated;
- the Complainant is notified of the outcome;
- the Matter is completed appropriately.

4.7.3 Investigation

When conducting an Investigation, the scope and purpose of the Investigation should be developed by the Crime and Corruption Commission Liaison Officer before the process can commence. The Investigation Terms of Reference should set out the bounds of the Investigation.

If criminal proceedings are likely, the Investigation should be conducted by trained specialist investigators only.

The Crime and Corruption Commission Liaison Officer will discuss the appointment of a suitable person to undertake the Investigation with the Vice-Chancellor who will provide the necessary authority for the Investigation to occur by approving the Investigation Terms of Reference.

If at any stage, the scope and purpose of the Investigation need to be changed, prior approval should be obtained from the Vice-Chancellor through the Crime and Corruption Commission Liaison Officer.

Preparing an Investigation Plan should be considered before conducting enquiries.

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An Investigation Report must be prepared once the investigation process has been finished and an analysis of the evidence has been undertaken.

The Crime and Corruption Commission Liaison Officer will ensure:

- there is an Investigation Terms of Reference approved by the Vice-Chancellor;
- check for conflict of interest;
- the Investigation Plan is approved by the Vice-Chancellor;
- Complainant, witnesses, and the Subject Officer are interviewed;
- evidence is gathered and evaluated;
- endorse the Investigation Report;
- the Subject Officer is provided with opportunity to respond;
- the Investigation Report is reviewed by the Vice-Chancellor to reach an impartial decision;
- Disciplinary Action will be approved by the Vice-Chancellor;
- implementation of Investigation Report and outcome decision recommendations are delegated to the relevant Manager;
- the Complainant is notified of the outcome;
- the Matter is completed appropriately.

4.8 Closing a Matter

At the end of the handling of a Matter, the Crime and Corruption Commission Liaison Officer must ensure that all paperwork has been completed and filed.

All evidence must be retained until the case is fully closed, and any criminal charges or disciplinary action arising from the process has been finalized. Retention and disposal can then be done in accordance with the University's recordkeeping obligations.

4.9 Changed Circumstances

At any point during the course of dealing with the allegations made in a Complaint, information about more complex or serious instances of the alleged Corrupt Conduct, or about different Corrupt Conduct, may be revealed.

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If the information may involve a Reasonable Suspicion of Corrupt Conduct, the circumstances must be reported to the Crime and Corruption Commission Liaison Officer who will decide whether to notify the Crime and Corruption Commission.

4.10 Criminal Conduct and Disciplinary Action

Where a disciplinary investigation arises out of alleged criminal conduct, the Crime and Corruption Commission Liaison Officer will need to take into account possible criminal proceedings.

If the evidence is clear and admissions have been made, the Vice-Chancellor may start disciplinary action, although they should consult with the law enforcement investigators about how the disciplinary action may affect, or be affected by, the law enforcement agency investigation.

The Vice-Chancellor can take disciplinary action before the criminal investigation or prosecution is completed, provided the Vice-Chancellor liaises with the law enforcement agency.

Whether disciplinary proceedings should await the outcome of any criminal proceedings will need to be determined by the Vice-Chancellor on a case-by-case basis.

The Vice-Chancellor may decide to hold off on disciplinary action until the outcome of the prosecution is known so that if it fails, the Vice-Chancellor can still institute disciplinary proceedings.

4.11 Subject Officer's Resignation

If the Subject Officer has resigned or resigns during the handling of the Matter, the Vice-Chancellor should still consider whether a disciplinary declaration is appropriate on the individual's personnel file, or whether the Matter warrants a criminal complaint.

The opportunity to review systems and make improvements to reduce the likelihood of a similar complaint in the future should also be considered.

4.12 Confidentiality

University Members and investigators have a duty of confidentiality in relation to Complaints about Corrupt Conduct. Unauthorised disclosure of confidential information is also proscribed by the Code of Conduct Policy.

Confidentiality extends to the identity of the Complainant, the Subject Officer, any documents gathered during the handling of the Matter, and at times even the existence of the Complaint.

Preserving confidentiality is important because it minimizes the risk of harm to all parties involved and ensures the integrity of the handling of the Complaint.

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Confidentiality does not necessarily mean excluding the Manager of the relevant workplace from the process, particularly where the Manager will need to be made aware of the Complaint so that they can deal in a timely way with any workplace issues that arise from the Complaint.

Although confidentiality should be maintained, anonymity cannot be promised to the person who has made the Complaint or to any witnesses. At some stage their names may need to be disclosed, for example:

- in a criminal prosecution;
- under right to information legislation;
- because Procedural Fairness requires.

4.12.1 Subject Officer

It is not appropriate to inform a Subject Officer before notifying the Crime and Corruption Commission. Deciding when to inform the Subject Officer will depend upon the scope of the handling of the Complaint.

Certainly, no final decision can be made affecting a person's rights, interests or legitimate expectations without first providing them with an opportunity to respond. The right to be informed about the substance of the allegations or adverse comment, and the opportunity to be heard, must be given before any final decision is made, or any detrimental document is placed on the person's file.

In the absence of a clear statutory direction, the Crime and Corruption Commission suggest that the following principles be followed by the Vice-Chancellor and/or the Crime and Corruption Commission Liaison Officer:

- in circumstances where preliminary enquiries or the early stages of an Investigation reveal that there is no case to answer, it may not be necessary to inform the Subject Officer at all if they are unaware of the Investigation, unless anything is to be recorded on their file;
- in circumstances where a Complaint alleges misconduct, but the identity of the alleged Subject Officer is unknown, no-one needs to be notified of the allegations, unless evidence emerges against a particular officer;
- where the Subject Officer is to be interviewed, there is no requirement to provide them with all, or specific, details of the allegations before the interview.

4.13 Conflicts of Interest

All Complaints must be dealt with, and Investigations conducted, impartially.

The Crime and Corruption Commission Liaison Officer, investigators and decision-makers must not be perceived to have, any conflict of interest in relation to the Complaint, or to the people, the conduct, or the policies and procedures that are the subject of the Complaint.

A simple acquaintance with a person being investigated or the fact that there is a working relationship with the person are not sufficient to justify an allegation of conflict of interest. The conflict of interest must be based on something particular to the handling of the Complaint.

4.14 Procedural Fairness

Procedural Fairness applies to any decision that can affect the rights, interests or reasonable expectations of individuals in a direct or immediate way.

Procedural Fairness is, at law, a safeguard applying to the individual whose rights or interests are being affected. The rules of procedural fairness, which have been developed to ensure that decision-making is fair and reasonable, are simple:

- Avoid bias;
- Give a fair hearing.

Depending on the circumstances, procedural fairness may require the Vice-Chancellor and the Crime and Corruption Commission Liaison Officer to:

- inform people against whose interests a decision may be made of the substance of any allegations against them, or grounds for adverse comment about them;
- give people a reasonable opportunity to put their case, whether in writing, at a hearing or otherwise;
- hear all relevant parties and consider submissions from them;
- make reasonable enquiries or Investigations before making a decision;
- ensure that no person decides a case in which they have a direct interest;
- act fairly and without bias;
- conduct any Investigation without undue delay.

4.14.1 Avoid Bias

To avoid allegations of bias because of prejudice or prejudgement, and in the interests of confidentiality, University Members should not comment on the case or engage in idle conversation about any aspect of the Matter.

To ensure an impartial decision, the Crime and Corruption Commission Liaison Officer should endeavor to ensure that roles of decision-maker and investigator are undertaken by different people.

4.14.2 Fair Hearing

The law of procedural fairness requires a decision-maker to listen to, and take into account, the Subject Officer's version of events and give them a chance to comment on any facts that might be detrimental or adverse to them.

It may not be necessary to disclose the name of the Complainant or Public Interest Discloser, if the evidence relied on does not come directly from that person. It will depend on the nature of the allegations and the grounds or evidence relied on.

The Crime and Corruption Commission Liaison Officer should consider each case on its merits, with particular weight being given to the information or documents that would best enable the Subject Officer to answer the allegations against them.

4.15 Record-keeping

University Members, including external Investigators, involved in dealing with a Complaint which may involve Corrupt Conduct, must keep records of the Complaint and the steps taken to deal with the Matter.

The information recorded should be sufficient for a reasonable person to understand how and why a decision was made, including how it was assessed against the definition of Corrupt Conduct or why it did not meet the threshold for Notification to the Crime and Corruption Commission.

All conflict of interest issues should be identified and recorded, including detailing the measures taken to deal with any perceived or actual conflict of interest.

4.15.1 Complaint Investigation Case File

All information, including original documents and other evidence, should be placed on a central file that is maintained in a secure location to prevent unauthorised access to the file.

File notes of all discussions, phone calls and interviews should be made at the time they take place. The file note should include relevant dates, times, places and people spoken to, clearly identify the author of the file note, and contain the case file reference.

Keeping an Investigation Running Sheet or log for the Investigation is recommended.

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4.16 Reporting

When the Crime and Corruption Commission refers a Complaint, the University will be advised of what, when and how to report back to the Crime and Corruption Commission. The Crime and Corruption Commission will also provide a checklist of the information the Crime and Corruption Commission Liaison Officer will be required to address for each allegation.

The Crime and Corruption Commission Liaison Officer will regularly provide confidential reports on the handling of Corrupt Conduct Matters to the Vice-Chancellor and the Audit and Risk Committee.

4.17 Responding to the Complainant

Whatever action the Crime and Corruption Commission Liaison Officer decides to take to handle a Corrupt Conduct Complaint, the *Crime and Corruption Act 2001* obliges the Complainant be advised about the reason the action taken was appropriate in the circumstances.

This means that at the end of any Matter, the Crime and Corruption Commission Liaison Officer should tell the Complainant:

- if the Complaint was not substantiated, why it was not substantiated;
- if the Complaint was substantiated, what action is proposed to be taken, without being specific.

4.18 Privacy

The *Information Privacy Act 2009* (Qld) establishes a framework for the collection and management of personal information in the Queensland public sector.

It is important to note that personal information can usually only be disclosed to the individual to whom that personal information belongs.

In the event of a request for information under the *Information Privacy Act 2009* or the *Right to Information Act 2009* (Qld), the request will be referred to the Privacy Officer or Right to Information Officer.

4.19 Audits

The Crime and Corruption Commission can conduct audits to ensure that Complaints are dealt with appropriately. The Crime and Corruption Commission auditor will require access to a Complaint Case File.

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The Crime and Corruption Commission's audit program will review the systems and practices in place in the University for dealing with Corrupt Conduct as well as looking more specifically at:

- classes of complaints;
- complaints that have been dealt with under a section 40 direction under the *Crime and Corruption Act 2001*, or which were referred to the University to handle with a Referred With No Further Action option;
- public interest topics that might be relevant to the University, or universities, or the public sector as a whole which have been identified by the Crime and Corruption Commission or through a research directive.

In most cases, the Crime and Corruption Commission will advise the Vice-Chancellor of the intention to conduct an audit in advance, however, the Crime and Corruption Commission can seek to review an individual Complaint Case File without prior notice.

4.20 Awareness and training

The University has mandated training for University Members in:

- Code of Conduct;
- Fraud and Corruption awareness;
- Public Interest Disclosures.

Managers must ensure all University Members under their supervision are made aware of their obligations contained in this Procedure. It is the responsibility of Managers to ensure University Members under their supervision complete the required training.

4.21 Reducing the incidence of Corruption

Regardless of the outcome, dealing with a Matter should also highlight any gaps in the current internal controls or practices which expose the University to an identifiable risk of fraud or Corruption.

Prevention initiatives are not optional. Relevant concerns identified during dealing with the Matter should be included in the Investigation Report.

The Crime and Corruption Commission Liaison Officer should refer prevention related concerns to Managers with appropriate expertise for attention at a time and in a manner that does not compromise any ongoing handling of the Matter.

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Before determining the extent of the prevention response, the Manager should undertake a risk assessment to establish the magnitude of the issues uncovered and the University's capacity to provide or acquire the necessary expertise to mitigate the Corruption risk.

5 References

Corruption in focus: A guide to dealing with corrupt conduct in the Queensland public sector. (2020). Brisbane, Qld: Crime and Corruption Commission.

Corruption prevention. (2020). Retrieved September 25, 2020, from https://www.ccc.qld.gov.au/public-sector/corruption-prevention

6 Schedules

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

7 Procedure Information

Accountable Officer	Chief People Officer
Responsible Officer	Director (Workplace Relations and Operations)
Policy Type	University Procedure
Policy Suite	Corrupt Conduct Reporting Policy
Subordinate Schedules	
Approved Date	4/12/2025
Effective Date	4/12/2025
Review Date	27/1/2026
Relevant Legislation	*Crime and Corruption Act 2001* *Criminal Code Act 1899* *Public Interest Disclosure Act 2010* (Qld) *Public Records Act 2023* *Regulatory Offences Act 1985*
Policy Exceptions	Policy Exceptions Register

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Related Policies	Code of Conduct Policy Corrupt Conduct Reporting Policy Employee Complaints Policy Fraud and Corruption Risk Management Policy Privacy Policy Public Interest Disclosure Policy Right to Information Policy
Related Procedures	Conflict of Interest Procedure Privacy Procedure Public Interest Disclosure Procedure Right to Information Procedure
Related forms, publications and websites	Employee Complaints Form Your Call Website and Your Call Report Form
Definitions	**Terms defined in the Definitions Dictionary**
	Corrupt Conduct Defined in section 15 of the Crime and Corruption Act 2001 . Corruption See Schedule 2 of the Crime and Corruption Act 2001 . Decision A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University. Disciplinary Action Action by the University to discipline an Employee for misconduct or serious misconduct and includes: formal censure or counselling; demotion by one or more classification levels or increments; withholding of an increment; suspension with or without pay; or termination of employment for serious misconduct only.

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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.

Information

Any collection of data that is processed, analysed, interpreted, organised, classified or communicated in order to serve a useful purpose, present facts or represent knowledge in any medium or form. This includes presentation in electronic (digital), print, audio, video, image, graphical, cartographic, physical sample, textual or numerical form.

Maladministration

Means administrative action that: was taken contrary to law; or was unreasonable, unjust, oppressive, or improperly discriminatory; was in accordance with a rule of law or a provision of an act of Parliament or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or was taken: for an improper purpose; or on irrelevant grounds; or having regard to irrelevant considerations; or was an action for which reasons should have been given, but were not given; or was based wholly or partly on a mistake of law or fact; or was wrong.

Policy

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.

Procedural Fairness

Has the meaning ascribed to it from time to time by the applicable common law of the State of Queensland.

Procedure

An operational instruction that sets out the process to operationalise a Policy.

Public Interest Disclosure

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A public interest disclosure is a disclosure under Chapter 2 of the Public Interest Disclosure Act 2010 and includes all information and help given by the d iscloser to a Proper Authority for the disclosure.

University

The term 'University' or 'UniSQ' means the University of Southern Queensland.

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

Benefit

Includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute.

Complaint

For the purpose of this policy, a complaint involving Corrupt Conduct also includes an allegation or information or Matter.

Conduct

As defined in section 14 of the *Crime and Corruption Act 2001*, conduct includes neglect, failure and inaction, conspiracy to engage in conduct and attempts to engage in conduct.

Crime and Corruption Commission Liaison Officer

The officer of the University who bears the title of Chief People Officer

(or their Nominee), including a person acting in that position.

Deal with | Dealt with

Subject to any directions given by the Crime and Corruption Commission, dealing with a complaint, information or Matter referred to the University, includes:

- make preliminary enquiries
- take no action
- management action
- investigation
- start a disciplinary process
- report to the Crime and Corruption Commission about the handling of a Matter in the way and at the times directed by the Crime and Corruption Commission.

in accordance with the requirements and obligations provided by the Crime and Corruption Commission in the *Corruption in Focus* guide.

Holding an appointment in a Unit of Public Administration

A person holds an appointment in a Unit of Public Administration (i.e. the University) if the person holds any office, place or position in the unit, whether the appointment is by way of election or selection.

Investigation Interview

The preferred method of recording oral evidence is electronic recording. A person who is the subject of a complaint should always be given a copy of a recording of their interview, or the notes of the interview, as soon as practicable. Requests made by other interviewees who may ask to get a copy of the recording, or of the notes, should be considered by the CCC Liaison Officer to ensure that confidentiality is carefully considered.

The right of interviewees to have a support person of their choice present must be balanced against the need for confidentiality. A formal direction must be given to a third-party who is a University Member, who would risk sanction if the direction was breached.

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Investigation Plan

An *Investigation Plan* should be considered to define what the investigator is expected to do, why it is being done, and when it will be done.

Cases involving a Complaint about the conduct of an individual will usually include establishing the facts at issue, such as:

- the identity of the person alleged to have engaged in the conduct
- the place and the date that the alleged conduct occurred
- whether the alleged conduct actually occurred
- if the alleged conduct did not occur, what conduct did actually occur
- whether the actual conduct itself is wrong
- whether the person did the thing alleged
- whether the person had authority to engage in the conduct
- the relevant legislation or procedures alleged to have been breached may contain other specific requirements or elements that must be satisfied in order for a breach to be made out.

All witnesses who are relevant to the Investigation should be interviewed.

Investigation Report

The *Investigation Report* may be subject to outside scrutiny. The report needs to be well structured and adequately support any findings or recommendations, so it should contain all necessary elements:

- authorisation
- scope and purpose
- the complaint

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- précis of allegations
- the evidence
- conclusions and recommendations (if included in scope and purpose)
- prevention related concerns
- attachments
- be marked confidential.

The Vice-Chancellor will undertake their own analysis of the Matter based on the Investigation Report. They must be able to rely on the facts detailed in the report, and the evidence collected by the investigator, to arrive at an impartial decision about whether the alleged conduct has been proven or not.

While they may take the investigator's recommendations and conclusions into consideration, they will make their decision based on their own assessment.

If the investigation is to be reviewed by the Crime and Corruption Commission, the Vice-Chancellor should provide a covering letter, including the actions proposed or taken and reasons, and a copy of the full report along with all attachments.

Investigation Running Sheet

An *Investigation Running Sheet* or log is a chronological record of events that have taken place in the Investigation. The importance of a record of information obtained during an investigation is reinforced by the provisions of the *Public Records Act 2023*, which require that:

- the University make and keep full and accurate records of the activities o0f the office
- state records be kept under safe custody and proper preservation.

Investigation Terms of Reference

The scope and purpose developed to establish an Investigation and choose a Public Interest Disclosure Investigator. The terms will

dictate:

- the bounds of the investigation including timeframe
- the powers that are needed to investigate the Matter
- the resources that will be needed
- the authorisation necessary to undertake the investigation
- the outcomes that are required.

Knowingly

There is evidence to show that the person was aware of facts that were reasonably apparent, and where it was not apparent, it could be necessary to assess on the known objective facts whether the conduct had been engaged in Recklessly.

Matter

An adverse finding made by an official body such as Parliament, a court or a tribunal that a person has, or may have, engaged in Corruption.

Notification

A communication given to the Crime and Corruption Commission about suspected Corruption by, or on behalf of, a Public Official in accordance with sections 37, 38, 40 48A of the *Crime and Corruption Act 2001*.

Professional Misconduct

Professional Misconduct is Conduct connected with exercising the skill of a professional or engaging in the performance of the specified duties or activities of a position. Professional Misconduct can also be Corrupt Conduct if it meets the elements under section 15 of the *Crime and Corruption Act 2001*.

Public Official

Means the Ombudsman, the chief executive officer of a Unit of Public Administration (i.e. the Vice-Chancellor), including the commissioner of police, or, a person who constitutes a corporate entity that is a Unit of Public Administration.

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Reasonable Suspicion

For a suspicion to be *reasonable*, there needs to be more than bare or idle speculation. There must be some evidence sufficient for a reasonable person to suspect Corrupt Conduct.

This Reasonable Suspicion is the trigger point for how a suspected Corrupt Conduct Matter is to be dealt with by the University, or referred to the Crime and Corruption Commission pursuant to section 38 of the *Crime and Corruption Act 2001*.

Recklessly

Where there was an awareness by the person engaging in the conduct that there was a real and apparent risk of the breach of the trust placed in the person holding the appointment and that the person nevertheless without justification went through with the conduct.

Unit of Public Administration

1. Each of the following is a Unit of Public Administration:
    a. the Legislative Assembly, and the parliamentary service;

    b. the Executive Council;

    c. a department;

    d. the police service;

    e. a local government;

    f. a corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act which, in either case, collects revenues or raises funds under the authority of an Act;

    g. a noncorporate entity, established or maintained under an Act, that:

        i. is funded to any extent with State moneys; or

        ii. is financially assisted by the State;

    h. a State court, of whatever jurisdiction, and its registry

	and other administrative offices; i. Another entity prescribed under a regulation. 2. However, none of the following is a Unit of Public Administration: a. the commission; b. the parliamentary commissioner; c. the entity consisting of: i. the parliamentary commissioner; and ii. officers and employees of the parliamentary service assigned to the parliamentary commissioner; and iii. persons engaged to provide the parliamentary commissioner with services, information or advice; d. an entity declared by an Act not to be a Unit of Public Administration.
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