

# Council Procedure 4 - The Vice-Chancellor and President

## Section 1 - Rationale

- (1) The role of the Vice-Chancellor and President as chief executive officer is critical to the effective operation of the University and the relationship between the Council and the Vice-Chancellor and President is built on mutual respect, trust, integrity, and confidence.
- (2) Council therefore seeks to ensure that the Vice-Chancellor and President's conduct in the role is consistent with the highest ethical and performance standards. If there are concerns that the Vice-Chancellor and President's conduct may not have met these standards, Council must address the concerns through the processes outlined in this Council Procedure.
- (3) Additionally, QUT is subject to the provisions of the [Crime and Corruption Act 2001](#), which requires, under section 48A, that the University have a policy to deal with investigation of issues that may involve corrupt conduct on the part of the Vice-Chancellor and President.
- (4) This Council Procedure has been developed to ensure that there is clarity, transparency, accountability and public confidence in the way in which concerns about the Vice-Chancellor and President's conduct are investigated and managed. Natural justice and procedural fairness requirements are also addressed.
- (5) Council members, staff, students and other persons are expected to follow any applicable procedural requirements, including requirements to maintain confidentiality during the process.

## Section 2 - Application

- (6) This Council Procedure applies if any of the following concerns are raised about the Vice-Chancellor and President's conduct:
- a. persistent or gross neglect in the discharge of the Vice-Chancellor and President's duties;
  - b. corrupt conduct, as that term is defined in section 15 of the [Crime and Corruption Act 2001](#);
  - c. misconduct or serious misconduct which in the opinion of Council is detrimental to QUT;
  - d. commission of a criminal offence; or
  - e. incapacity or absence from duty for more than six months continuously or for an aggregate period of 9 months in any two year period.
- (7) Concerns may arise in a variety of ways, including but not limited to the following:
- a. through the receipt of an allegation or complaint, whether from a member of Council or from another person;
  - b. through self-disclosure by the Vice-Chancellor and President of an act or matter of concern; or
  - c. on Council's own initiative.

## Section 3 - Role of Chancellor

(8) The Chancellor, under section 27 of the [Queensland University of Technology Act 1998](#) presides at meetings of Council, and is responsible for undertaking the role of supervisor for the Vice-Chancellor and President ([Career Planning, Development and Performance Expectations for Senior Staff](#)). The Chancellor therefore has an important role in ensuring that any significant concerns regarding the Vice-Chancellor and President are dealt with appropriately, in the interests of the good governance and management of the University.

(9) The Chancellor is responsible for the receipt of a complaint, allegations or self-disclosure.

(10) For the purposes of section 48A of the [Crime and Corruption Act 2001](#), the Chancellor is the nominated person.

## Section 4 - Receipt of Complaints

(11) A complaint, allegation or self-disclosure about the conduct of the Vice-Chancellor and President must be made in writing to the Chancellor. In the case of a complaint or allegation, it must provide sufficient detail to describe the allegation, be signed by the complainant and provide contact details for the complainant.

(12) If a complaint or allegation is received by another officer of the University (for example, under [Public Interest Disclosure Management Policy](#)), it must be referred immediately to the Chancellor if it relates to the conduct of the Vice-Chancellor and President.

(13) If the matter involves a disclosure under the [Public Interest Disclosure Act 2010](#), the Chancellor will liaise with the Vice-President (Administration) and University Registrar as to any necessary actions to protect the complainant, in accordance with the [Public Interest Disclosure Management Policy](#).

## Section 5 - Initial Steps

(14) On receiving information raising a concern about a matter set out in section 2.1, the Chancellor may conduct appropriate consultations, including with senior external members of Council or with legal and other advisors, in order to 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.

(15) 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 President and complainant (if applicable) will be advised accordingly.

(16) 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 7. If a reasonable suspicion of corrupt conduct or the commission of a criminal offence arises, the Chancellor must first comply with section 6 of this procedure.

## Section 6 - Corrupt Conduct or Criminal Matters

(17) If the concern about the conduct of the Vice-Chancellor and President may involve a reasonable suspicion of corrupt conduct, the Chancellor is responsible for notifying the [Crime and Corruption Commission \(CCC\)](#) under section 48A of the [Crime and Corruption Act](#).

(18) If the [CCC](#) refers a concern to the University to deal with, the Chancellor is responsible for ensuring that Council

deals with investigation of the concerns consistent with the requirements set out in section 7. The Secretary to Council, acting on behalf of the Chancellor, will be responsible for communications with the [CCC](#) over the course of the University's investigation as required by the [Crime and Corruption Act 2001](#).

(19) If, consistent with the requirements of the [Crime and Corruption Act 2001](#), the [CCC](#) decides to investigate the matter, the Secretary to Council will be the primary [CCC](#) contact and will keep the Chancellor informed as appropriate during the [CCC](#) investigation.

(20) If the concern about the conduct of the Vice-Chancellor and President may involve commission of a criminal offence, the Secretary to Council will refer the matter to the police and will keep the Chancellor informed as appropriate during any police investigation.

(21) If the [CCC](#) or the police investigate the concern, Council must, pending the outcome of the investigation, make a determination on the matters set out in clause (23) below.

## Section 7 - Investigation

### Initial Special Council Meeting

(22) Upon the Chancellor determining that an investigation is required, the Secretary to Council will convene a special Council meeting for the purpose of notifying Council members of the allegations and to determine the process for the investigation. The process may include any or all of the following:

- a. engagement of external advisors or independent experts;
- b. having regard to relevant and available evidence, determination of the appropriate time at which allegations would be put to the Vice-Chancellor and President;
- c. convening a committee of Council (to be chaired by the Chancellor) to conduct the hearing required under clause (25) below;
- d. any specific requirements necessary to deal with an investigation into corrupt conduct or the commission of a criminal offence;
- e. any other policies of the University or statutory or other requirements (such as requirements relating to public interest disclosures) which relate to the subject matter of the concerns; and/or
- f. the allocation of financial and staffing resources to enable the investigation to be properly undertaken.

(23) Council will determine whether, having regard to all of the circumstances, it would be unreasonable for the Vice-Chancellor and President to continue in office pending the outcome of the investigation of the concerns, and may suspend the Vice-Chancellor and President with or without pay.

### Allegation Notice

(24) The Chancellor must issue to the Vice-Chancellor and President written notice of the concerns. The written notice will describe the nature of the concerns, include any facts and evidence, and must state the time, date and place for a hearing. The Vice-Chancellor and President must also be provided with the opportunity to provide a written submission.

### Hearing

(25) The purpose of the hearing is to obtain any relevant additional information, to test any facts or evidence available in relation to the concerns, and to determine whether allegations are substantiated. The committee of Council convened to conduct the hearing will make a recommendation to Council as to its conclusions.

(26) The hearing will involve an interview with the Vice-Chancellor and President. The Vice-Chancellor and President may be legally represented at the hearing.

(27) The hearing will be held in camera and the Secretary to Council will act as secretary and keep an adequate record of all proceedings at the hearing. The committee of Council is entitled to have legal advisors present at the hearing and any legal advisor will have rights of audience at the hearing.

(28) If the Vice-Chancellor and President fails to appear, then the hearing will proceed without further recourse to the Vice-Chancellor and President.

(29) Any other person having information relevant to the matter of concern may be interviewed. Any fresh information obtained must be put to the Vice-Chancellor and President.

(30) A report of the hearing, including any conclusions as to whether the concerns have been substantiated and any action to be taken, will be prepared.

## **Section 8 - Decision**

(31) Council will consider the report and recommendations of the committee at a special meeting to be convened by the Secretary to Council for this purpose.

(32) Council will decide, by a two thirds majority of Council members present at the meeting, whether the allegations of concerns have been substantiated.

(33) If the concerns have been substantiated, Council will also determine the outcome or penalty or any other actions proposed to be taken in light of the finding. If it is recommended that a penalty for misconduct should be imposed on the Vice-Chancellor and President, then the Vice-Chancellor and President must be given the opportunity to make submissions on the penalty before Council finally determines the matter.

(34) In accordance with section 39C of the [QUT Act](#), Council may remove the Vice-Chancellor and President from office only if the concerns have been substantiated and at least 10 Council members are satisfied that, as a result, the Vice-Chancellor and President has not complied with their obligations under the [QUT Staff Code of Conduct](#) or has not performed their functions as a member of Council under section 26A(2) of the Act.

(35) The Vice-Chancellor and President and any complainant (if applicable) will be notified of Council's decision, in writing, as soon as is practicable after the decision has been reached.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	25th August 2023
<b>Review Date</b>	31st December 2025
<b>Approval Authority</b>	QUT Council
<b>Approval Date</b>	25th August 2023
<b>Expiry Date</b>	Not Applicable
<b>Policy Owner</b>	Sonya Betros Director, Governance and Performance
<b>Author</b>	Sonya Betros Director, Governance and Performance
<b>Enquiries Contact</b>	Sonya Betros Director, Governance and Performance