

1. Purpose

The purpose of this Charter is to define the roles and responsibilities of the University of Adelaide's (UoA) Integrity Unit (IU).

This Charter should be read and understood in conjunction with related legislation, policies, and procedures, and applies to all members of the UoA Community.

2. Introduction

The IU is a specialist unit of the UoA that undertakes investigations, provides regular reporting, and triages and provides oversight of reports, complaints and allegations of misconduct by members of the University community. The IU sits within the Division of University Operations (DUO). The Executive Director of the IU reports to the Chief Operating Officer (COO) but has the ability to report directly to the University Council or an external agency on any matters that relate to the COO or Vice-Chancellor and which fall within the IU's jurisdiction.

3. Remit of the Integrity Unit

The IU remit is focussed on behavioural and/or misconduct matters involving members of the University community. The primary responsibilities of the IU are to:

- provide an end-to-end process for receipt, triage, and management of reports which is easy to access, minimises the need for victims to re-tell their story, ensures continuity of communication and appropriate engagement with all individuals involved, and generates confidence in UoA;
- provide guidance to other areas of the University in the handling of complaints and process for undertaking investigations;
- undertake investigations as described in section 3.3;
- provide centralised reporting of disclosures and complaints to senior management, University Council and its standing committees; and
- implement and deliver education, training, and awareness programs, and other appropriate proactive prevention measures, in collaboration with other areas of UoA.

In performing its duties, the IU adopts a person centric, procedurally fair and seamless approach. The IU recognises the roles, responsibilities and interests of other areas of the University, including the Student Misconduct Tribunal, Human Resources, Student Life, the Division of Research and Innovation (DRI) and the Legal Services Branch, and the requirements of all policies, procedures and legislative instruments that apply to UoA.

3.1. Types of complaints received

Prior to reporting matters to the Integrity Unit, individuals who are public officers, including all staff of the University, should consider their obligation to report matters they reasonably suspect involve corruption in public administration to the Office of Public Integrity (OPI). They are also expected to report matters they reasonably suspect involve misconduct or maladministration (as defined by the *Ombudsman Act 1972* (SA)) to the Ombudsman or the OPI.

The IU's focus is on behavioural and/or misconduct matters involving members of the University Community, however all reports and complaints received by the IU, regardless of their nature, will be recorded, assessed and triaged.

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Individuals are encouraged to make reports and complaints falling outside of the IU's remit via avenues which already exist at UoA, such as those relating to service delivery, academic issues, staff performance and workplace Health, Safety and Wellbeing (HSW).

3.2. Triage process

Through triage, the IU provides an umbrella approach where every matter referred to it will be received, recorded, and assessed to provide one of four responses:

- **handle the matter directly:** where the IU investigates the matter as an investigation body and not a decision maker (refer Section 3.3)
- **refer the matter to an external party:** where the IU makes an assessment for a matter to be referred to an external party (being an agency or individual independent of the UoA) for investigation (refer Section 3.4)
- **refer the matter to local UoA areas:** where the IU refers the matter to another area of UoA (being a division or faculty area within the UoA organisational structure) in accordance with existing University policies, procedures or processes (refer Section 3.5)
- **make a record of the matter and not progress further:** where the IU determines that the matter is being referred as a disclosure only and/or that the complaint does not warrant further action by the University.

Where matters are referred to an external party or another UoA area, the IU will ensure that the processes implemented do not duplicate any other investigative process being undertaken in relation to a single matter. The IU does not undertake investigations of matters relating to corruption in public administration unless advised by the Independent Commission Against Corruption (ICAC) or SAPOL that they do not intend to investigate the matter or are otherwise advised by an oversight body that such investigation is appropriate.

3.3. Complaints handled directly by the Unit

At any time that a member of the IU forms a reasonable suspicion of corruption in public administration, they will refer the matter to the OPI and take no further action until advised by the OPI, ICAC or the Ombudsman that either no further action is being taken by the external agency or that internal action is appropriate.

The IU's remit for directly handling complaints is generally limited to matters of a serious and/or complex nature (including multiple infractions), including:

- alleged improper conduct which could clearly result in potential serious detriment to the complainant or respondents' wellbeing or career, including potential termination as a result of disciplinary action;
- systemic misconduct, repeated minor infractions and/or patterns of consistent improper conduct;
- conduct that could result in objectively serious potential reputational harm to the University;
- fraud or attempted fraud;
- bullying, harassment and discrimination which is of a *serious and/or complex nature*;
- all forms of sexual misconduct;
- matters that may amount to serious misconduct;
- to the extent not already captured by the categories referred to above, any other matter that may be referred to the University for action by ICAC, the Ombudsman or SAPOL and
- other matters specifically referred to the IU by the Chancellor, the Vice-Chancellor or the Chief Operating Officer that fall within the IU's jurisdiction.

Matters are considered to be of a *serious and/or complex* nature if they:

- could clearly result in serious detriment to the complainant or respondents' wellbeing or career;
- relate to systemic issues, repeated minor infractions and/or patterns of consistent behaviour; or
- could result in serious reputational harm to the University.

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The IU retains discretion in determining which matters fall within its remit. The IU will only undertake an investigation where it is satisfied that doing so would not conflict with any legal obligations or compromise any external investigation undertaken by ICAC, the Ombudsman or SAPOL. The IU's role in undertaking an investigation is to make findings of fact and it may make recommendations relating to outcomes of investigations undertaken. The IU will not act as a decision maker or provide legal or industrial relations advice.

3.4. Complaints referred to third parties

Where the IU forms a reasonable suspicion of corruption in public administration, it will notify such matters to the OPI and will take no further action until it is advised by ICAC or SAPOL that they do not intend to investigate the matter further or are otherwise advised to proceed.

Where the IU forms a reasonable suspicion that a matter involves misconduct or maladministration in public administration (as defined by the Ombudsman Act), it will notify such matters to the Ombudsman.

Where the IU otherwise forms a reasonable suspicion that a matter involves criminal conduct resulting in a loss or damage to the University, the IU will report such matters to SAPOL.

The IU may seek directions from an external agency as appropriate prior to, or at any time during, the course of an investigation. The IU will not usually undertake an investigation into a matter that is under investigation by an external agency without direction from the external agency.

The IU may engage external investigators to undertake investigations where the IU:

- does not have the resources to undertake an investigation;
- does not have the necessary expertise; and/or
- the matter is best undertaken by an independent investigator to maintain public confidence in the independence and impartiality of the investigation – for example, where the complaint relates to a senior executive.

3.5. Matters referred to local UoA areas

Matters which do not fall within the IU's remit are triaged and referred to other areas of UoA for handling in accordance with existing University policies, procedures or processes. Where a matter is referred to other areas of UoA, the IU will ensure that matters are handled appropriately, with the utmost integrity, in accordance with UoA's policies and procedures, and in accordance with the principles of natural justice.

For matters referred to other areas of UoA the IU may support the other area by investigating the matter if it also falls within the remit of the IU and where this support will streamline required processes. For each matter, the IU will ensure that local UoA areas provide confirmation of action undertaken as a result of the referral.

4. Administration of Reports

The IU maintains a central record of reports from across the University through a single repository managed by the IU with appropriate provisions made for data privacy. This record includes reports regarding any matters:

- referred to other areas of the UoA or an external party by the IU;
- addressed by other areas of the UoA responsible for receiving complaints or disclosures at any level (minor through to significant). This may include any type of complaint including those not related to behavioural or conduct matters, including, for example, research misconduct by staff and students that is immediately dealt with at a local level;
- received directly by the IU or from elsewhere in the University from people who want to have an issue recorded but not investigated by making a disclosure rather than a complaint.

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Matters of a minor nature that include what may be considered misconduct, for example raised voices, and which are managed at a local level, are not included. Issues of a minor nature which form a concerning pattern of behaviour and result in a report being made do fall within the IU remit for triage.

The IU monitors and evaluates data trends on reports held within the central repository and has the capacity to log and track cases. The IU takes ownership for managing risks related to all forms of sexual misconduct and reports regularly to the UoA's Risk Committee.

5. Oversight, Audit and Review

- Matters that relate to the Integrity Unit, should be raised in writing with the University's Chief Operating Officer and emailed to coo@adelaide.edu.au.
- The IU's operations are included within the scope of the University's Internal Audit plan.
- The IU's operations and Charter will be reviewed internally every two years.
- Resourcing of the IU should be reviewed in line with its capacity to respond to the level of complaints, investigations and reports required to achieve its objectives.

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