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## Delegations Policy

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### 1. Purpose

- a. This policy provides a mechanism to enable University officers and committees to exercise authorities and powers held by the University Council and the Vice-Chancellor.
- b. It is particularly intended for those authorities and powers that commit the University and/or incur liabilities on behalf of the University, or that affect the employment of University staff or the progression of University students.
- c. It sets out a framework for delegating authorities, establishes a single Delegations Register and states the principles which apply when delegations are exercised.
- d. The policy takes into account the Flinders University of SA Act 1966, including those sections which provide that:
  - Council is the University's governing body (s.5)
  - the Vice-Chancellor is the Chief Executive Officer responsible to the Council for the University's academic standards, management and administration (s.16)
  - Council may delegate any of its powers or functions (except this power of delegation) (s.19A).

### 2. Scope

This policy applies to the Council, staff and committees of the University.

### 3. Delegations Framework

The University's Delegations Framework comprises:

- governing legislation, such as the Flinders University of South Australia Act 1966 and University statutes
- this Policy
- the Delegations Register (*under development*)
- the Application of Delegation Principles Guidelines (*to be developed*).

### 4. Policy Statement

#### 4.1. Authorities

- a. Delegations derive their authority from Council or the Vice-Chancellor.
- b. Authorities may be delegated by means of:
  - a minuted resolution of Council or a committee with authority to delegate
  - a policy or procedure approved in accordance with the [Policy on Policies](#), or
  - an instrument in writing (including a memo or email) from or approved by the Vice-Chancellor or, where sub-delegation is permitted, from or approved by a delegate.
- c. A delegated authority may be general or specific, absolute or conditional, limited or unlimited.
- d. Delegations must be expressed clearly and concisely.
- e. In determining the appropriate delegate for an authority, the delegating authority must:
  - select a delegate whose level of responsibility is appropriate to the University's risk appetite, but who is otherwise as close as possible to the point at which the relevant business activity occurs
  - ensure the delegate has sufficient authority and professional capacity to exercise the delegation
  - avoid using a formal delegation of authority if an appropriate outcome can be achieved through an alternative system, process or operational control
  - ensure any constraints on the delegation are specified, including whether the delegated authority can be sub-delegated.
- f. The Vice-Chancellor may categorise positions and committees in bands, aligned with reporting authorities and University organisational structures. Authorities may be delegated to a band, or to individual positions and committees.
- g. The delegating authority may exercise an authority that has been delegated at any time; and may revoke or change a delegation at any time.
- h. All ongoing delegations and sub-delegations, and any associated limits or conditions, must be recorded in the Delegations Register.

#### 4.2. Delegates

- a. Authorities are delegated to committees or positions, not individuals.
- b. A delegation may not be sub-delegated by a delegate unless the instrument of delegation allows it.
- c. Delegates have personal responsibility for decisions and actions taken under their respective delegations, although the delegating authority retains an ongoing accountability for the decisions and actions taken under the delegation.
- d. A delegation to a specified position applies to the position not the individual holding it. It may be exercised by, or referred to, any staff member holding a position which is more senior in the delegate's direct reporting line, unless otherwise specified in the instrument of delegation.

- e. A delegation to a position is held by the person in the position at the time the delegation is being exercised. Hence, a person appointed as a temporary or acting holder of a position has the authorities delegated to that position, unless otherwise specified in the instrument of appointment or delegation.
- f. A delegation to a committee is to the committee as a whole, not individual members of it.
- g. If a position or committee holding a delegation is abolished or renamed, the delegation transfers to the position or committee's principal successor until the instrument of delegation is amended.

#### 4.3. Exercise of delegation

- a. In exercising their delegated authorities or powers, delegates must act:
  - in the interests of the University
  - in accordance with any applicable legislative, regulatory, contractual or policy requirements (including the [Conflict of Interest Policy](#)),
  - in accordance with any limits or conditions attached to the delegation, and
  - applying their own informed discretion and professional judgement to the matter, based on consultation and advice as the situation requires.

#### 4.4. Breach of policy

- a. A breach of this policy or of a delegation may be regarded as misconduct, and dealt with under the relevant University processes. A proven breach may result in disciplinary action, including termination of employment.

### 5. Responsibilities

- a. Delegating authorities (including those who sub-delegate) are responsible for ensuring that the instrument of delegation is submitted for inclusion in the Delegations Register.
- b. The University Secretary is responsible for approving processes to support the implementation of this policy, including maintenance of the Delegations Register and recording of bands established under 4.1.f of this Policy.

<b>Approval Authority</b>	Council
<b>Responsible Officer</b>	University Secretary
<b>Approval Date</b>	25 May 2017
<b>Effective Date</b>	25 May 2017
<b>Review Date*</b>	May 2023
<b>HPRM file number</b>	CF17/511

**\* Unless otherwise indicated, this procedure will still apply beyond the review date.**

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