

# 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 sets out a framework for delegating authorities, and states the principles which apply when delegations are exercised.
- c. The policy takes into account the Flinders University Act 1966, including those sections which provide that:
  - i. Council is the University's governing body (s.5)
  - ii. the Vice-Chancellor is the Chief Executive Officer responsible to the Council for the University's academic standards, management and administration (s.16)
  - iii. Council may delegate any of its powers or functions (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 Act 1966 and University statutes
- this Policy
- registers of authorities and powers established by legislation or delegated in accordance with this policy (*under development*)

## 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:
  - i. a minuted resolution of Council or a committee with authority to delegate

- ii. a policy or procedures approved in accordance with the [Policy Framework](#), or
- iii. 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:
  - i. 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
  - ii. ensure the delegate has sufficient authority and professional capacity to exercise the delegation
  - iii. avoid using a formal delegation of authority if an appropriate outcome can be achieved through an alternative system, process or operational control
  - iv. 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.

## **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**

In exercising their delegated authorities or powers, delegates must act:

- a. in the interests of the University
- b. in accordance with any applicable legislative, regulatory, contractual or policy requirements (including the [Conflict of Interest Policy](#)),
- c. in accordance with any limits or conditions attached to the delegation, and

- d. 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 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 to the Senior Policy and Projects Officer who will file it in the University's records management system and add the delegation to any relevant registers.
- b. The General Counsel and University Secretary is responsible for approving processes to support the implementation of this policy, including maintenance of registers of authorities and powers established by legislation or delegated in accordance with this policy.

<b>Approval Authority</b>	Council
<b>Responsible Officer</b>	General Counsel and University Secretary
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\* Unless otherwise indicated, this policy or procedures still apply beyond the review date.

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