Fraud & Corrupt Conduct Control Procedure

Policy Code: FN912

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Purpose

This procedure sets out the processes to be followed in dealing with allegations of fraud and corrupt conduct.

Scope

This procedure applies to all staff of the University at all campuses of the University and to all activities under the control of the University.

Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Corrupt Conduct:</td>
<td>includes improper use of influence or position and/or improper use of information or other improper acts or omissions of a similar nature</td>
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<tr>
<td>Chief Operating Officer and Chief Financial Officer:</td>
<td>is the University officer nominated as such under the Financial Management Act, 1994.</td>
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<td>Empowered Officer:</td>
<td>is the University officer responsible for coordinating the investigation of allegations of fraud and corrupt conduct including keeping the Vice-Chancellor and President or where appropriate a Senior Deputy Vice-Chancellor and/or a Deputy Vice Chancellor informed. The Empowered Officer will be the Chief Operating Officer/Chief Financial Officer of the University. If an allegation of fraud or corrupt conduct is against the Chief Operating Officer/Chief Financial Officer the Empowered Officer will be the Vice-Chancellor and President.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Fraud:</td>
<td>includes theft and criminal deception by electronic or other means; making false representations to gain an unjust advantage; and abuse of University property or time.</td>
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<tr>
<td>Theft:</td>
<td>is the dishonest appropriation of the University's property with intent to deprive the University of it.</td>
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**Actions**

**Fraud and Corrupt Conduct Reporting Procedure**

**Members of Staff**

Where a member of staff suspects that an act of fraud or corrupt conduct is occurring or has occurred, it is the duty of that staff member to report such suspicions to their DVC, Dean, Director or Manager.

Where the member of staff does not feel comfortable reporting their suspicions to their DVC, Dean, Director or Manager they must report such matters to the respective Senior Deputy Vice Chancellor, Vice Chancellor and President or to the Empowered Officer.

**Deputy Vice Chancellor, Managers, Deans or Directors**

On receiving a report of suspected fraud or corrupt conduct the Senior Deputy Vice Chancellor, Vice Chancellor and President must record details of the report, including the time and date the report is made and details of matters raised.

**Empowered Officer**

All reported incidents of suspected fraud or corrupt conduct must be reported to the Empowered Officer immediately and prior to any investigation of such allegations being undertaken.

**Anonymous Reports**

Although not encouraged, anonymous reports may be directed to the Empowered Officer where there is adequate supporting information to enable an investigation to be undertaken.

**Protected Disclosure Act 2012**

Disclosures under the Protected Disclosure Act 2012 are to be dealt with according to Procedures for the Investigation of Disclosures under the Protected Disclosure Act 2012.

**Fraud and Corrupt Conduct Investigation Procedure**

**Preliminary Investigation**
Where information received by the Empowered Officer is assessed to warrant investigation, arrangements for such an investigation will be made with the Senior Deputy Vice Chancellor, Deputy Vice Chancellor, Dean, Director or Manager. These arrangements will include securing all related documentation.

**Possible Outcomes**

There are three possible outcomes of an Empowered Officer's investigation into an alleged fraud or corrupt conduct:

- Where evidence of fraud or corrupt conduct is found to be of a serious nature and, once a prima facie case has been established, the Empowered Officer, will report the incident to the Victoria Police for further action; and/or
- The University’s disciplinary process may be invoked; or
- No action will be taken.

If either of the first two possible outcomes above apply the staff member about whom the allegations are made will normally be interviewed during the course of the investigation and given the opportunity to put their case.

Where an external supplier of goods and services to the University is involved appropriate notification must be issued to relevant areas of the University.

A deliberate false allegation of fraud or corrupt conduct must be dealt with in accordance with the relevant University disciplinary procedures.

**Note:** Where the alleged fraud or corrupt conduct involves the misappropriation of money, stores or property, the Chief Operating Officer/Chief Financial Officer on behalf of the Vice Chancellor and President will report the matter to the Victorian Minister of Tertiary Education and Training and the Auditor-General of Victoria as required under the *Financial Management Act, 1994*.

**Review of Procedures**

In all instances where there is a report of fraud or corrupt conduct, whether proven or otherwise, Dean, Manager, Directorate, Deputy Vice Chancellor, Senior Deputy Vice Chancellor or Vice Chancellor and President will review the procedures and controls in operation within the Faculty or Portfolio and advise the Empowered Officer of this review and include any action to address any inadequacies found.

**Records**

All records of actual or suspected fraud or corrupt conduct will normally be retained by the Empowered Officer.

**Responsibilities**

- The Chief Operating Officer/Chief Financial Officer has responsibility for the maintenance of this procedure.
- Specific responsibilities are included under Actions.

**Policy Base**

- [Fraud & Corrupt Conduct Control Policy](#).
- [Protected Disclosure Act 2012](#).
- [Financial Management Act, 1994 – Part 10](#).
## Associated Documents

- [Fraud & Corrupt Conduct Control Policy](#)
- [Delegations - Contract, Financial, Staffing and Tender Policy](#)
- Procurement/Purchasing Governance Policy (currently underdevelopment)
- Procurement/Purchasing Governance Procedure (currently underdevelopment)
- Asset, Attractive Items & Inventory Management Policy (currently underdevelopment)
- Asset, Attractive Items & Inventory Management Procedure (currently underdevelopment)
- Revenue Cash & Cash Equivalent Policy (currently underdevelopment)
- Revenue Cash & Cash Equivalent Procedure (currently underdevelopment)
- Debt Management Policy (currently underdevelopment)
- Debt Management Procedure (currently underdevelopment)
- [Protected Disclosure Act 2012](#)
- [Privacy Act, 1988; Information Privacy Act, 2001(Vic)](#)
- Risk Management Policy
- Risk Management Procedure
- Responsible Conduct of Research Policy

## Forms/Record Keeping

<table>
<thead>
<tr>
<th>Title</th>
<th>Location</th>
<th>Responsible Officer</th>
<th>Minimum Retention Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Records of fraud or corrupt conduct.</td>
<td>Finance Portfolio</td>
<td>Empowered Officer</td>
<td>Permanent</td>
</tr>
</tbody>
</table>