DELEGATIONS POLICY AND PROCEDURES

1. PURPOSE

To provide clear principles and a framework for the delegation of functions within the University.

2. APPLICATION

- Council
- Council Committees and Boards
- The Vice-Chancellor
- All Staff

3. DEFINITIONS

Authorisations
Enables a person to act on behalf of the person granting the authorisation.

Delegations
Are one of the mechanisms by which Council enables Council Committees and Boards, the Vice-Chancellor and other University staff to act on behalf of the University. The other mechanisms are:
- a) vesting of functions in particular bodies or office holders under the University's statutes, rules or by-laws; and
- b) authorisations.

Functions
Includes powers, duties and authorities.

Sub-delegations
Enables those with delegated functions to delegate all or part of those functions to someone else.

4. POLICY STATEMENT

The Universities and Other Tertiary Institutions Act (UOTIA) gives Council, as the governing body of the University, the responsibility for the control and management of the affairs and concerns of the University. Council is the ultimate legislative authority of the University, with power to make statutes, rules and by-laws, and to facilitate the educational and research mission of the University.

The Vice-Chancellor is the Chief Executive Officer of the University and shares with Council the function of promoting the interests and furthering the development of the University, including the academic, administrative, financial and other business of the University.

Generally, Council is responsible for governance matters affecting the University, while the Vice-Chancellor is responsible for the management and administration of the University, including general supervision over the staff and students of the University.

5. PRINCIPLES

(a) All delegations
5.1 Delegations are to be made and exercised within the legislative framework and requirements (including the UOTIA, statutes, rules and by-laws, as well as the policies and budget limitations of the University and any external conditions of granting bodies).
5.2 Delegations are to be worded so that they are exercisable by a body or the holder of a position, not by a specified individual.
5.3 Delegations cannot authorise anything to be done that could not be done by the person or body delegating the function.

5.4 Delegations must be in writing and may be expressed to be subject to conditions or limitations which must be complied with by the person exercising the delegated function.

5.5 A person or body delegating a function may, at any time:
   i. exercise the delegated function; or
   ii. in writing, revoke or vary the delegation.

5.6 A person or body exercising a delegated function does so in their own right, not as agent (or on behalf of) the person or body delegating the function.

5.7 A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, this must be declared and dealt with in accordance with the Code of Conduct and any written law or policy that applies.

5.8 Delegations are intended to improve the efficiency of the administrative processes by the devolution of authority and accountability to appropriate Council Committees and staff to enable the proper discharge of their responsibilities and to ensure that internal controls are effective.

5.9 Delegations are to be recorded in the Register of Functions and Delegations.

(b) Council

5.10 Under the UOTIA:
   i. Council can delegate any of its functions, except the power to delegate and the power to make statutes, rules and by-laws;
   ii. Council can delegate its functions to specified officeholders and specified bodies. Council will normally delegate only to the Vice-Chancellor and to specified Council Committees or Boards; and
   iii. a delegation by the Council must be by resolution.

(c) Vice-Chancellor

5.11 When the Vice-Chancellor is given a function under the Act, or under a statute, rule or by-law, he/she may exercise the function personally or may delegate to any officeholder or committee.

5.12 When the Council delegates a function to the Vice-Chancellor, the Vice-Chancellor may:
   i. exercise the function personally;
or
   ii. sub-delegate the function to a staff member if, having regard to the nature of the function and the staff member to whom it is delegated, it would have been reasonable for Council to have delegated that function.

(d) Sub-delegation

5.13 The principles applying to delegation (6.1 - 6.9 above) also apply generally to sub-delegation.

5.14 Sub-delegations should reflect the University's organisational structure, responsibility and accountability. Sub-delegation should place decision-making authority as close as possible to the point of service delivery and minimise steps in decision-making processes, enabling decisions to be made faster and therefore be more responsive to the needs of stakeholders.

5.15 The levels of authority are hierarchical through line management up to and including the Vice-Chancellor. Generally, any function exercisable by a delegate would be exercisable by the delegate's supervisor or line manager, providing due regard is had to requirements of professional qualifications or membership.

5.16 Sub-delegation on a temporary basis is appropriate in circumstance where the staff member normally responsible is absent for a period of less than two weeks.

(e) Financial and property

5.17 All expenditure incurred by the University:
   i. must be approved, either directly or through delegation, by Council; and
   ii. must be incurred for University purposes.

5.18 A delegation authorising the expenditure of University funds is to be limited to authorising expenditure within the budget approved by the Council. A delegate who incurs expenditure beyond or without an approved source of funds is liable for that expenditure.

5.19 Instruments dealing with interests in land (e.g. transfers, leases, mortgages and caveats) are to be signed under the Common Seal of the University and must be registered in the Common Seal Register.

RESPONSIBILITIES
Policy Manager: Council
Contact: Director, Legal Services