

HUMAN RESOURCES COMMITTEE CHARTER

**Approved by Council on 8 December 2016
with effect 23 December 2016**

HUMAN RESOURCES COMMITTEE - CHARTER

1. Establishment

- 1.1 There shall be a Human Resources Committee (*'the Committee'*) reporting to the Council. The Committee was first established as a Committee of Council at meeting (4/03), held on 3 July 2003 as the Remuneration and Human Resources Committee under Division 2, Section 11 of the JCU Act 1997. The Committee was renamed the Human Resources Committee on 10 April 2014.
- 1.2 The purpose of this charter is to outline the role, responsibilities, composition and operating guidelines of the Committee in accordance with the James Cook University Act 1997, other relevant legislation and other appropriate University Policies and Procedures and has been approved by the 16th Council of James Cook University.
- 1.3 The charter will be reviewed annually by the Committee to ensure it remains consistent with the Committee's authority, objectives and responsibilities. The Committee or Chairperson may propose to Council, following that review and from time to time, amendments to this Charter for approval.

2. Authority, Independence and Relationships

- 2.1 The Committee has no executive powers, unless delegated to it by the Council of the University.

The Committee is a Committee of the University and is directly responsible to the Council of the University. In discharging its responsibilities the Committee has the authority to:

- Conduct or authorise investigations into matters within its scope of responsibility.
- Access information, records and personnel of the University for such purpose.
- Request the attendance of any employee, including executive staff, at Committee meetings.
- Conduct meetings with any relevant academic divisions/divisions/directorates, as necessary.
- Seek advice from external parties and independent experts, as necessary, which the Committee reasonably considers necessary to execute its duties and responsibilities; obtaining the necessary funding approvals through Council should this be necessary.
- The Committee shall liaise with other Committees of Council as required, to ensure:
 - its statutory and operational responsibilities are met;
 - there is no material overlap between the functions and duties of the groups; and
 - frank and meaningful interchange of information.

3. Purpose, Functions, Duties and Responsibilities

- 3.1 The purpose of the Committee is to:

- (a) assist the Council in fulfilling its responsibilities towards the employees of the University;
- (b) complying with all applicable laws relating to (a);
- (c) be responsible for the governance of ethics within JCU;

- 3.3 The Committee is delegated the executive powers of Council in relation to:

- (a) setting the terms and conditions of appointment of the Senior Executive Staff (see Annex 1); and
- (b) noting that the Committee is to report to Council the parameters set.

- 3.4 The Committee shall:

- (a) perform the duties and responsibilities specified in Schedule A;
- (b) act on behalf of the Council on such other matters as are delegated to it from time to time by the Council;
- (c) advise the Council on such other matters that are within its duties and responsibilities (Schedule A), as referred by the Council or as it deems appropriate.

4. Membership

4.1 The Committee shall comprise the following members:

ex officio

- (i) Chancellor (Chair)
- (ii) Vice Chancellor
- (iii) Deputy Vice Chancellor, Services and Resources

appointed – by the Council

Two members appointed by and from the Council, whose appointment shall be based on their appropriate skills and/or experience in relation to the business conducted by the Committee, one of whom should desirably have appropriate experience in dealing with remuneration matters in a medium to large organisation.

additional – by the Council

Council shall have the power to co-opt two members external to the University who have the appropriate skills and/or experience in relation to the business conducted by the Committee

4.2 The Chairperson shall be appointed by the Council from its members and the Committee shall have a Deputy Chairperson elected by the Committee. At its first meeting after its appointment, and thereafter whenever a vacancy occurs in the office, the Committee shall elect a Deputy Chairperson. The Chairperson and Deputy Chairperson shall be neither a member of staff nor a student of the University.

4.3 Co-opted and Additional members shall have appropriate qualifications/experience and may be from outside the University. Appointments including appointments of co-opted and additional members shall be for a period of up to four years and shall be recorded in a membership list for appending to the Charter, shall be until their successors are appointed or until they resign from the Committee or as Council members cease to be members of the Council.

4.4 Before appointing a member, the Committee shall:

- (a) undertake consultation as appropriate; and
- (b) give consideration to the principle that members shall be not entirely of the same gender or from the same campus.

4.5 Any person assuming a role in Committee business on behalf of another person as a consequence of an acting or nominee arrangement (e.g. acting as the *ex officio* member, Deputy Chairman assuming chairmanship) shall as far as practicable consult and report through that other person.

4.6 Attendance by others at Meetings - the Committee or its Chairperson may invite other persons internal to the University, as required for the purposes of the Committee, to attend meetings as advisors.

The following internal advisors shall be invited to attend meetings and shall have rights of audience and debate:

- (i) the Director, Human Resources Management.

5. Secretariat

5.1 The University Secretary or nominee shall be the Secretary to the Committee. There may be an Assistant or Minutes Secretary to assist the Secretary and to take minutes.

5.2 The Secretary, in consultation with the Chair, will prepare and send notices of meetings, agendas, will accurately transcribe all decisions of the Committee and table all correspondence, reports and other information relevant to the Committee's activities and operations. The University Secretariat shall provide the resources necessary for the performance of the Committee.

6. Convening a Meeting

- 6.1 The Committee shall meet as often as necessary in order to perform its functions. It is recommended that the Committee meet a minimum of four times per year and the schedule of meetings will be agreed in advance, however the number of meetings may vary in accordance with the volume of business that falls within the remit of the Committee.
- 6.2 Meetings shall be convened by either the Chairperson or the Secretary and the Secretary shall send a notice of meeting in reasonable time to all members of the Committee. For the purposes of accountability and meeting efficiency, all meetings shall be run according to a pre-determined agenda with items presented under an item coversheet that clearly identifies the recommended action.
- 6.3 The Committee should determine its own agenda, ensuring appropriate consultation to include emerging issues and emphasis on the most significant risks and threats. Proposals for agenda items from Committee members are to be submitted to the Secretary for consideration by the Chairperson for inclusion on the agenda. The Chairperson, in consultation with the Secretary, shall determine the agenda. The agenda and relevant papers will be distributed to members at least five working days before the meetings.
- 6.4 The Committee may appoint sub-committees and working parties to report to the Committee on specific matters which are the responsibility of the Committee. The majority of members of any sub-committee or working party must comprise members of the Committee.

7. Conduct of Meeting

- 7.1 Except as hereinafter provided the Chairperson shall preside at all meetings of the Committee. If the Chairperson is absent from a meeting, the Deputy Chairperson shall preside. If the Deputy Chairperson is absent also, the members present shall elect one of their number to preside.
- 7.2 A quorum exists at a meeting of the Committee if a simple majority of its members are present.
- 7.3 Questions arising at a meeting of the Committee shall be determined by consensus, however when required a question shall be determined by a majority of votes of the members of the Committee present and voting. The Chairperson at a meeting of the Committee shall have a vote, and in the case of an equality of votes, a second or casting vote.

8. Rules for the Conduct of Business and Ethical Practices

- 8.1 Subject to the general control of the Council, the Committee may make its own rules for the conduct of its business that are in keeping with its Charter.
- 8.2 Members are required to declare any interests, in accordance with the University's *Conflict of Interest of Members of Council Policy* and the *Code of Conduct for Council Members* that could constitute a real, potential or apparent conflict of interest with respect to participation on the Committee. The declaration must be made on appointment to the Committee and in relation to specific agenda items at the outset of each Committee meeting, and be updated as necessary.
- 8.3 Confidentiality issues shall be dealt with in accordance with the University's *Confidentiality Provisions - JCU Council, Council "Committees", Controlled Entity Directors and Nominee Directors of Non-Controlled Entities*. The Committee will receive the provisions each year at its first meeting.

9. Reporting Obligations

- 9.1 As soon as practicable after each meeting, the Committee shall submit minutes of the meeting confirmed by the Chairperson to the Council. The minutes shall include:
- advice, with recommendations as relevant, in respect to those matters set out in Schedule A;
 - confirmation of action taken in respect of any matter for which delegated authority has been exercised; and
 - advice on other matters referred to it by Council or any other Committee of Council or that the Committee wishes to draw to the attention of the Council.
- 9.2 The Committee shall provide to Council an Annual Schedule of Business for the Committee. The Schedule of Business and the Committee's membership list shall be appended to the Charter but do not form part of the Charter.

10. Executive Actions/Circularised Resolutions

- 10.1 Where circumstances do not allow a matter relevant to the duties and responsibilities of the Committee to be put to a meeting of the Committee, and a resolution of the Committee is required, the Chairperson shall cause the matter to be considered by members by circularised resolution. The principles and procedures adopted by University Council for managing business by circularised resolution apply.
- 10.2 Where it is not practicable for the matter in 10.1 above to be put to members by circularised resolution, the Chairperson or Secretary may act executively on the matter where delegated authority has been agreed.
- 10.3 Where it is necessary for the Chairperson to have a matter determined as in 10.1 or 10.2 above, the approval shall be reported by the Secretary to the next meeting of the Committee and where appropriate to the Council.

Schedule A

Duties and Responsibilities of the Committee

1. The Committee has been delegated the following by Council:
 - (a) To keep under review all matters relating to its objectives and to make such recommendations to Council as from time-to-time appear necessary. The Committee also has the specific duties and responsibilities listed below and, in addition, will examine any other matters referred to it by Council.
 - (b) In accordance with Attachment A, the Committee is to meet, and/or nominate a delegate (where contemplated by Attachment A) to:
 - (i) suspend Senior Executive Staff for Misconduct, Serious Misconduct and Medical Incapacity with or without pay;
 - (ii) make determinations regarding termination of employment of Senior Executive Staff for Misconduct and Serious Misconduct;
 - (iii) make determinations regarding Disciplinary Action to be taken against a Senior Employee;
 - (iv) make determinations about termination of employment on medical grounds involving Senior Executive Staff;
 - (v) for the purpose of resolving disputes referred to the Committee under AWAs or other relevant industrial instruments by Senior Executive Staff.
2. The Committee will report as required to Council on the matters listed below:
 - (a) Policy and practices of the University with respect to:
 - employment
 - equity
 - remuneration
 - recruitment
 - staff training and development
 - (b) Enterprise bargaining
 - the operational and management reporting for these negotiations.
 - (c) Benchmarking
 - overseeing the appropriate benchmarking of the University's human resource practices, particularly those relating to remuneration.
 - (d) Senior Executive Staff
 - setting the parameters within which the Vice Chancellor may negotiate the salary, allowances, remuneration and conditions of employment of the following Senior Executive Staff positions:
 - o Senior Deputy Vice Chancellor;
 - o Deputy Vice Chancellors of the Divisions.
 - (e) Disciplinary Matters involving Senior Executive Staff, including:
 - o Misconduct and Serious Misconduct;
 - o medical incapacitation; and
 - o matters referred by dispute resolution,

in accordance with the procedures set out at Attachment A.

(f) Financial clearance

- If relevant, the Committee is to consult with Finance Committee to reach agreement that financial provision can be accommodated for any of the above before passing its recommendations to Council.

(g) Governance of ethics (as it relates to the employees of JCU) e.g. setting the ethical tone, the Staff Code of Conduct, the Council Code of Conduct and the Statement on Integrity.

3. The Committee may make recommendations to the Council on the matters above, any matter within its remit or referred to it by the Council or any other Committee of Council on matters relating to the advice.

4. Nothing in the stated duties and responsibilities is intended to limit the matters on which the Committee may provide advice. However, the Committee should not go outside of the general scope of its charter without the approval of the Council.

ATTACHMENT A

Definitions

For the purpose of Attachment A, the following definitions apply:

“Disciplinary Action” – action by the Committee to discipline an employee for unsatisfactory performance, misconduct or serious misconduct, and may include:

- Formal censure or counselling;
- Demotion by one or more classification levels or increments;
- Withholding of an increment;
- Termination of employment (unsatisfactory performance, serious misconduct) with or without notice.

“Misconduct” – conduct which is not serious misconduct, but which is nonetheless conduct which is unsatisfactory.

“Serious Misconduct” – serious misbehaviour of a kind at law, including but not limited to conduct which constitutes:

- Serious impediment to the carrying out of an employee’s duties or to the employee’s colleagues carrying out their duties;
- Serious dereliction of the duties required of the employee’s office; or
- Conviction by a court of an offence which constitutes a serious impediment of the kind referred to in the definition.

“Medical Incapacity” - means that the Senior employee is unable to perform the operational requirements of the position.

The following procedure applies where an instrument of employment between the University and a Senior Employee of the University gives power to the Committee to hear and make decisions about termination of employment of the Senior Employee for Misconduct and Serious Misconduct or Medical Incapacity.

Where the University believes that Disciplinary Action is required for Misconduct or Serious Misconduct, the University will act through the Committee and in accordance with the procedures below:

1. Any allegation of Misconduct, Serious Misconduct or Medical Incapacity will be referred to the Vice Chancellor for consideration. If the Vice Chancellor believes that the allegations warrant further investigation, the Vice Chancellor will:
 - A. suspend the Senior Employee, with or without pay (in the Vice-Chancellor's sole discretion); and
 - B. provide the Senior Employee with written allegations, in sufficient detail to enable the Senior Employee to understand the precise nature of the allegations, and to properly consider and respond to them.
2. The Senior Employee will be provided with not less than five (5) working days to consider and respond to the written allegations in writing;
3. the Committee will consider the written response. If the allegations:
 - A. are accepted, the Committee will consider the written response and make an appropriate resolution regarding Disciplinary Action;
 - B. are denied in full or in part, the Committee may in its sole discretion, as soon as practicable, offer the Senior Employee an opportunity to make oral submissions (either on their own account, or by their representative) in relation to the allegations. Any submissions made, will be made in camera.
4. The Committee will:
 - A. conduct its deliberations as expeditiously as possible consistent with the need for fairness and act in accordance with the principles of natural justice;

- B. allow the Senior Employee to be represented by another employee of the University (but not a person who is currently practicing as a solicitor or barrister) if providing submissions to the Committee, or for attending before the Committee for such other purposes as the Committee may nominate;
 - C. provide the Senior Employee with any information upon which the Committee relies in making its decision;
 - D. otherwise, inform itself, and deliberate on the matters as it sees fit.
5. At the conclusion of the proceedings, the Committee may take such Disciplinary Action as it considers appropriate, which may include termination of employment:
- A. for Misconduct or Serious Misconduct - with or without notice;
 - B. for Medical Incapacity - on 3 months notice.
6. Resolutions of the Committee in relation to termination of employment will require an absolute majority; and
7. Resolutions of the Commission in relation to Disciplinary Action, other than termination of employment may be carried by a majority of the Committee.

The following procedures shall be used by the Human Resources Committee in carrying out its dispute resolution function

The following procedure applies where an instrument of employment between the University and an employee of the University gives power to the Committee to attempt to resolve disputes under an applicable instrument of employment.

1. the Committee may authorise a single member of the Committee to represent the Committee in fulfilling its dispute resolution obligations.
2. the Committee, or member of the Committee, must record in writing, whether the dispute has been settled or whether it was unable to be settled.

These powers will not apply in relation to Disciplinary Action arising from allegations of Misconduct or Serious Misconduct.

