

# Staff Termination Policy

## Fact box

- **Policy owner:** Vice President Operations
- **Policy category:** Management: HR
- **Policy status:** Approved
- **Approval body:** Council
- **Endorsement body:** Executive
- **Related policies:**
  - [Code of Conduct Policy](#)
  - [Harassment, Bullying and Unlawful Discrimination Prevention and Response Policy](#)
  - [Sexual Assault and Sexual Harassment \(SASH\) Prevention and Response Policy](#)
  - [Staff Conditions of Employment Policy](#)
  - [Staff Grievance Resolution Policy](#)
  - [Staff Management Policy](#)
- **Last amended:** 20th Dec. 2022
- **Relevant HESF:**

## Purpose

This policy articulates termination obligations of both Alphacrucis University College (AC) and employees of AC.

## Scope

All staff

## Policy

AC has a range of provisions for termination. Staff may terminate their employment through:

1. Resignation; or
2. Election to retire (which may be through an early retirement scheme).

A staff member (other than casual) resigning from AC will provide notice period in line with the Fair Work Act 2009.

AC may, in writing, terminate a staff member's employment on the basis of:

1. Abandonment of employment;
2. Redundancy;
3. Voluntary retirement schemes;
4. Cessation of external funding;
5. Annulment – in relation to probation;
6. Cultural misalignment;
7. Underperformance;

## 8. Misconduct (in line with the Code of Conduct Policy).

Periods of notice and severance payments will apply to most forms of termination, as specified in the Fair Work Act 2009.

The termination of a staff member's employment will be effective from the date at which the notice period expires.

Responsible for implementation

Vice President Operations

Key stakeholders

All staff

Related legislation

Fair Work Act 2009

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Procedures

### **Termination Procedures**

#### **Resignation or Retirement**

An employee must put in writing a notice of their intention to resign or retire, indicating the proposed date of termination. The notice should be submitted to the employee's supervisor, who must forward the notice to the Human Resources (HR) Officer. If an employee fails to give the required notice, AC may withhold leave entitlements equivalent to the required notice. The HR Officer will advise acceptance of the resignation in writing to the employee.

#### **Abandonment of Employment**

Absence of an employee in excess of 5 sequential working days without attempting to inform Alphacrucis of a reason, will be considered abandonment of employment, and the employee may be deemed to have resigned.

#### **Termination of Probationary Employment**

If at any time during the probationary period:

- an employee's progress is considered to be unsatisfactory; or
- if the employee is not satisfied with the position at AC;

either the employee or AC may terminate the employment subject to giving of the required notice.

#### **Termination due to Unsatisfactory Performance**

A supervisor may terminate employment due to an employee's unsatisfactory performance. The employee is entitled to be accompanied by a support person at all disciplinary review meetings. On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This is not regarded as termination, disciplinary action or a penalty of any kind.

### Counselling

Where the performance of an employee is unsatisfactory, the supervisor will first counsel the employee on the nature of the improvement required and develop measurable strategies for improvement. These strategies will be given no less than four weeks to take effect for non-academic staff, and up to a semester for academic staff, having regard to the performance issues to be addressed.

A record of the counsel given will be kept on the employee's file and a copy supplied to the employee.

### Formal Advice

If after the relevant period of time, a supervisor believes that counselling has not produced improvements in performance the supervisor must advise the employee, in writing, of the following:

- the specific areas of performance that are considered unsatisfactory;
- a date proposed for a review of the specific areas of performance; and
- the availability of resources to assist the employee in improving.

A copy will be kept on the employee's file. The employee shall be entitled to 10 working days from the receipt of the supervisor's written advice to respond. The supervisor must give proper consideration to any response provided by the employee and do one of the following:

- confirm the notice of unsatisfactory performance;
- modify any or all of the particulars contained in the previous advice;
- withdraw the advice and ensure that no records relating to the advice are kept on the employee's file.

### Review

The supervisor will review whether or not satisfactory improvement in the employee's performance has been made at the date proposed in the last advice. If the supervisor is satisfied that the required improvements have been made, the employee will be advised in writing and no further action taken.

### Formal Report

If the supervisor believes that the performance of the employee continues to be unsatisfactory, the supervisor will make a formal report to the HR Officer. The report must clearly specify the aspects of performance seen as unsatisfactory, the record of attempts to remedy the problem, and the

recommended disciplinary action. The supervisor must also provide the employee with a copy of the report.

Following consideration of the report, the Supervisor together with the HR Officer may decide to:

- take no further action; or
- take disciplinary action, which may include:
  - suspension with or without pay; or
  - termination of employment.

The HR Officer must advise the employee in writing of any decision. Any disciplinary action will take effect no earlier than five working days from the date of the written advice.

### **Termination due to Misconduct or Cultural Misalignment**

AC may terminate without notice the employment of an employee found to have engaged in serious misconduct. Where an allegation of misconduct or serious misconduct is made, AC will make every effort to resolve instances of possible misconduct or serious misconduct through counselling or other appropriate action. If concerns are not able to be resolved, then an initial investigation process shall be undertaken in order to establish whether a complaint can be reasonably substantiated or clarified. The investigation process must be conducted with procedural fairness.

Where an allegation of misconduct or serious misconduct is founded, disciplinary action may be taken which may include suspension with or without pay or termination of employment.

### **Exit Processes and Return of Property**

As part of the exit process, all employees must return AC property which is in her/his possession or for which s/he has responsibility, and pay any outstanding monies or loans owed to AC prior to the termination date. Failure to return such items may result in the cost of the items being deducted from any monies outstanding to the employee.

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