

PADUA COLLEGE LIMITED
ACN 072 693 700 ABN 20 072 693 700

Policy Title	Version number	Date Issued
Disciplinary Policy and Procedure for Staff	1.0	May 2007
		Reviewed April 2010

1. INTRODUCTION

1.1

Padua College's commitment to the standards of teachers and other staff being of the highest order (see Statement of Principles for Employment at Padua College) requires that complaints or identification of unsatisfactory conduct or performance of staff needs to be thoroughly and appropriately dealt with.

1.2

In all instances, staff against whom there are allegations of inappropriate conduct or who are involved in a performance management process are entitled to natural justice and the presumption of innocence, as described in this policy.

1.3

Disciplinary responses by the Rector require a careful adherence to a set of procedures.

1.4

Responsibility for taking action under this policy on behalf of the employer is entrusted to the Rector, subject to the accountabilities of the Rector to the Members of Padua College Limited (the Minister Provincial and his Definitory) and the Board of Directors.

2. PURPOSE

This policy is designed to inform all parties of their rights and responsibilities where issues of alleged misconduct or performance management need to be addressed.

3. APPLICATION OF POLICY

3.1

This policy applies to all employees of Padua College.

3.2

The principles and procedures described in this policy are intended to apply after other forms of performance management and dispute resolution appropriate to the nature of the issue have been considered and/or undertaken by the Rector.

4. PRINCIPLES

The principles of the Disciplinary Policy are as follows.

- 4.1 That fair and equitable treatment is accorded to employees in the disciplinary process and that the process be handled promptly and confidentially.
- 4.2 That there be compliance with all legislative requirements.
- 4.3 That there be appropriate communication (depending on the issue) between employees and the Rector within the process.

5. PROCEDURE

- 5.1 If the Rector has a serious concern in relation to conduct or performance management issues of an employee, the Rector shall write to the employee with particulars of that concern and invite the employee to attend a meeting (with a support person) to discuss the concern. Notes are to be taken at the meeting.
- 5.2 After receiving any written response and hearing any verbal response at the meeting, the Rector shall consider the matter and decide whether any further investigation of the matter is required before coming to a decision.
- 5.3 If the Rector decides that further investigation is required, this shall be conducted as promptly as possible, in whatever manner he/she determines appropriate.
- 5.4 Once that further investigation is completed the Rector shall inform the employee of the result of the investigation.
- 5.5 In the event that it is decided that further matters shall be put to the employee, then those matters should be expressed in writing and signed by the Rector in a letter provided to the employee, allowing a reasonable time to respond in writing and if necessary also verbally to those further matters.
- 5.6 After receiving any further written response from the employee and hearing any further verbal response, the Rector shall decide what, if any, disciplinary response is

necessary and will then communicate that disciplinary measure in writing to the employee.

6. RESPONSES

- 6.1 Without limiting the discretion of the Rector as to the disciplinary response the following may be considered:
- 6.1.1 a formal written warning that should the conduct and/or poor performance continue then that may lead to the employee's dismissal from employment;
 - 6.1.2 a formal censure of the employee for engaging in conduct and/poor performance proved against him/her with or without a formal direction that the employee is in the future to desist from such behaviour or conduct;
 - 6.1.3 loss of position of added responsibilities within the College, or "leading teacher" status; or
 - 6.1.4 termination of employment.

7. TERMINATION

- 7.1 In the event that the Rector considers it is appropriate to terminate the employee's employment, he/she shall prior to terminating that employment, confer with the Chair of the Board of Directors and/or the Minister Provincial of the Franciscan Order, and obtain the approval of the Board of Directors (which may be obtained by flying minute).
- 7.2 In the event it is determined that dismissal from employment is the appropriate outcome, the Rector shall write to the employee inviting him/her to show cause why his/her employment should not be terminated.
- 7.3 Nothing in this policy should be construed as to limit the power of the Rector to summarily dismiss an employee without any warning or investigation whatever and without affording the employee any opportunity to respond in circumstances where there has been evidence of serious misconduct warranting summary dismissal. However, prior to taking such action the Rector must consult with the Chair of the Board of Directors and/or Minister Provincial, and obtain the approval of the Board of Directors (which may be obtained by flying minute).
- 7.4 If a decision is made to terminate the employee's employment then the employer will comply in all respects with the minimum notice periods and entitlements set by the relevant legislations and industrial agreements. Nothing in this policy should be

construed as interfering with the right which the employer reserves to summarily dismiss an employee in cases of serious misconduct.

- 7.5 The Rector may suspend an employee on full pay in cases where it is necessary to do so in order to preserve the good order of the work environment, or the integrity of Padua College, prior to the processes described in paragraph 5 of this policy.
- 7.6 The Rector shall be responsible for ensuring that all stages of the disciplinary process, including all relevant verbal discussions with employees, are properly and contemporaneously documented and are retained for relevant records.