



Disciplinary Policy

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Our Values

LTSA values a safe, inclusive, respectful work environment with a focus on providing our team members with an environment that supports their health, wellbeing, productivity, and effectiveness.

LTSA recognises that team members are most engaged and supported when they know they can work to a consistently high standard and enjoy positive and productive relationships with their colleagues and managers. At times it will be necessary to talk to individual team members if they are not meeting work objectives or whose conduct (including behaviours) may be affecting their own work and/or that of other team members or the CEO.

This policy contains guidance on performance and conduct management, and the discipline and termination consequences that may follow. It is strictly for general guidance purposes only and aims to provide team members and management with an understanding of the procedures that may be followed in certain circumstances.

Policy Application

This policy does not form part of any contract of employment or any industrial instrument. It will be subject to regular review and may be amended by LTSA from time to time.

This policy applies to the following persons, collectively referred to in this policy as 'team members':

- a) full-time, part-time employees; and casual employees who have been employed on a regular and systematic basis;
- b) Governing Board of Directors;
- c) volunteers;
- d) agents and contractors engaged from time to time; and
- e) elected student representatives and members of LTSA bodies

This policy is not restricted to the workplace or work hours. The obligations in this policy are also applicable to any work-related events or functions. All team members are expected to comply with this policy at work related events or functions.



A “work related event or function” means any event or function that is connected to LTSA. These may include, for example:

- a) on-campus and off-campus LTSA events;
- b) conferences and professional development opportunities;
- c) work functions/events;
- d) end of year events;
- e) LTSA social sport; and
- f) on social media platforms where team members interact.

Definitions

“Poor Performance”

A team member’s performance will be considered poor or unsatisfactory if the team member is repeatedly not meeting the requirements of their role (as set out in the team member’s position description, contract of employment, performance objectives, LTSA policies, or as communicated to the team member otherwise). Poor performance may be observed by the team member’s Chief Executive Officer (CEO), 2IC, Governing Board of Directors or another relevant person and may or may not be the result of a formal performance evaluation.

“Misconduct”

Misconduct includes, but is not limited to:

- a) unauthorised absenteeism;
- b) unacceptable behaviour towards the CEO, Governing Board Directors, employees, students, volunteers, agents, contractors, elected student representatives and members of LTSA bodies;
- c) inappropriate or dishonest behaviour in the workplace;
- d) any instances of harassment and/or bullying;
- e) non-compliance with LTSA’s policies, procedures or practices; and
- f) failure to follow lawful and reasonable direction from LTSA or an authorised representative of LTSA.

Responsibilities

LTSA CEO

It is the responsibility of the LTSA CEO to provide ongoing support, guidance and advice to all Governing Board of Directors, elected student representatives and team members in relation to LTSA’s disciplinary policy and procedures.

The CEO has a responsibility to:

- a) inform the team member of expected performance and conduct standards;
- b) conduct informal and formal counselling with the team member when necessary;
- c) review progress with the team member;
- d) seek advice from relevant external bodies where progress is not achieved, or difficulties are encountered;



- e) engage relevant external bodies to assist and advise on the decision of the type of disciplinary process to be undertaken, up to and including termination of employment to ensure all actions are in accordance with prevailing legislation; and
- f) document all discussions, both formal and informal.

Team Members

Team members have a responsibility to:

- a) work to expected behaviour and performance standards;
- b) advise the CEO or 2IC/Campus Coordinator of any problems that may be affecting their performance;
- c) work to overcome performance or conduct problems;
- d) invite a support person to the disciplinary interview, if desired; and
- e) comply with any consequential actions that may be administered.

Policy

Depending on the nature of the poor performance or misconduct, several disciplinary steps may be taken. The action taken will depend on the nature and severity of the team member's conduct. The steps below are listed in order of seriousness of the poor performance and/or misconduct; however, they do not need to be followed in sequential order and how any matter is dealt with is always at the complete discretion of LTSA.

Informal Counselling

LTSA may informally counsel a team member in order to assist the team member to better understand workplace practices, the required level of conduct and/or performance or any other matter LTSA considers it appropriate to raise with the team member for their development. If the team member continues to engage in the conduct and/or poor performance which has been subject of informal counselling, the team member may be subject to any of the disciplinary procedures set out below up to and including termination of employment.

Formal Disciplinary Process

If the team member's performance or conduct does not improve following informal counselling, LTSA may decide to commence a formal disciplinary process. This process may also be followed without prior informal counselling, where the seriousness of the performance or conduct issues mean it is appropriate to move straight to this stage.

The team member will usually be given written notification to attend a meeting with the CEO in relation to the team member's performance or conduct. Generally, the team member will be given at least 24 to 48 hours' notice of the meeting. The letter will set out the performance or conduct issues to be discussed and warn the team member of the potential outcomes of the disciplinary process.

LTSA will offer the team member an opportunity to have a support person present during the meeting. The support person is not entitled to play an active role in the meeting and is not entitled to speak on behalf of the team member, but may provide support, guidance and advice to the team member (in private if they so wish).

Generally, the following process will be followed in the disciplinary meeting:



- a) LTSA will explain to the team member why the team member's performance is not meeting the expected standards or elaborate on any allegations of misconduct;
- b) the team member will be provided with an opportunity to respond to all such issues; and
- c) LTSA will explain the potential outcomes of the meeting and the team member will be given an opportunity to respond to this (for example, if termination is being considered, the team member should be given an opportunity to say while they feel this is inappropriate).

Disciplinary Outcomes

Possible outcomes of the meeting include, but are not limited to: no action being taken, the need for further investigation, a verbal warning, a performance improvement plan, a written warning, termination of employment (with notice / payment in lieu of notice) and termination of employment without notice (only in cases of serious misconduct). These are discussed further below.

No Action Taken

In certain circumstances LTSA will decide that no action will be taken against the team member (because, for example, the allegations of misconduct are found to be unsubstantiated). In this situation LTSA will generally confirm the outcome of the disciplinary meeting (and that no action is to be taken) in writing.

Further Investigation

In some circumstances LTSA will need to undertake further investigation following the disciplinary meeting in order to decide on the appropriate action to take. This may occur when, for example, there are conflicting versions of events and LTSA is not able to make a finding on the issues/allegations.

Investigations will be conducted promptly and fairly with due regard to the nature of the allegation and the rights of the people involved in the investigation. Evidence, including any materials, documents or records, shall be held securely by the investigator. The person receiving the disclosure must report it as soon as possible to the CEO. They shall determine if the allegations are, in fact, pertinent to any of the issues mentioned in this policy.

The CEO will determine the appropriate method for the investigation and provide written scope of the investigation. In appropriate cases, they may ask for the internal or external professional assistance.

During the investigation, the investigator will have access to all relevant materials, documents and records. All team members must cooperate fully with the investigator. During the investigation, LTSA will use all reasonable means to protect the confidentiality of the information regarding the individual under investigation.

At the conclusion of the investigation, the investigator will prepare a report of the findings for the CEO. The final report will indicate what has occurred, when and where. It is also to include recommendations for steps to be taken to prevent reoccurrence in the future. Additionally, any action that should be taken to remedy any harm or loss arising from the individuals conduct, including disciplinary recommendations against the person responsible for the conduct, and the referral of the mater to appropriate authorities, as is deemed necessary by the LTSA CEO.



Any investigation directly relating to the CEO shall be overseen by the Chair of the Governing Board of Directors.

Verbal Warnings

A verbal warning will generally be appropriate where the team member's performance or conduct has not improved following informal counselling, or in relation to an incident that is not serious enough to warrant a written warning.

A verbal warning will involve warning the team member that if their performance or conduct does not improve, they may be subject to more serious disciplinary action.

A written record of the verbal warning should be kept.

Performance Improvement Plan (PIP)

A performance improvement plan (or "PIP") is generally used where issues have been identified in a team member's performance that need to be improved. A PIP will set clear goals or targets that the team member is expected to meet by certain dates.

LTSA will review the team member's performance during the period of the PIP and assist the team member in trying to improve their performance. If the team member's performance does not improve the team member may be required to attend a disciplinary meeting and may be issued a written warning.

If the team member's performance does not improve after being issued one or more warnings, they may be required to attend a disciplinary meeting and (if no reasonable excuse can be given for the failure to improve) their employment may be terminated.

Written Warnings

If LTSA has serious concerns about a team member's performance or conduct, a written warning may be issued to the team member. This may (but will not necessarily) occur following continued or repeated behaviour raised in earlier informal counselling or in a verbal warning.

There may be instances where a written warning may be issued in the first instance, based on the seriousness of the poor performance or conduct.

A written warning will generally inform the team member:

- a) of the team members' performance or conduct issues that have been found to be an issue;
- b) why LTSA did not find the team member's response to such issues in the disciplinary meeting to be acceptable;
- c) of a reasonable timeframe within which the team member must remedy their poor performance and/or conduct; and
- d) that if the team member continues to under-perform or engage in misconduct, other disciplinary action may be taken, up to and including termination of employment.

Alternative Disciplinary Action

LTSA reserves the right to implement alternative disciplinary action in addition to, or instead of, the warnings listed above. Examples of alternative disciplinary action includes demotion,



loss of supervisory responsibilities, withholding of a pay point increment, and/or withdrawal of benefits or privileges.

Termination of Employment (with notice or payment in lieu of notice)

Poor performance or misconduct may lead to the termination of a team member's employment (either with notice or payment in lieu of notice).

The number of warnings provided to a team member prior to termination of their employment may vary depending on the circumstances. For example, it may in some circumstances be appropriate for LTSA to provide the team member with a number of warnings in relation to the same poor performance or conduct where such poor performance or conduct is of a relatively minor nature, before terminating the team member's employment. Similarly, LTSA may provide a team member with a number of warnings where a team member engages in misconduct or poor performance which is separate to that which was the subject of an earlier warning, or which was not reasonably proximate in time to an earlier warning.

In extreme cases of poor performance or misconduct it may be appropriate to terminate employment without any previous warnings having been given.

At the disciplinary meeting, the team member will be given an opportunity to explain why they consider termination of employment is not appropriate prior to LTSA taking a final decision.

Termination of Employment without notice ("Summary Dismissal") in cases of Serious Misconduct

Serious misconduct is wilful and/or deliberate behaviour by a team member that is inconsistent with the continuation of employment, including but not limited to:

- a) a material breach of the team member's employment contract;
- b) serious failure in the performance of duties or improper or inappropriate use of the team member's position;
- c) wilful violation of any law or rule of a regulatory body;
- d) accepting bribes;
- e) any conduct that in the reasonable opinion of LTSA constitutes a serious or potentially serious conflict of interest;
- f) refusal to comply with a lawful and reasonable direction given by management or any other person duly allowed by LTSA;
- g) dishonest behaviour and/or acting in a way that is inconsistent with the best interests of LTSA;
- h) deliberately providing false or misleading information;
- i) being convicted of a criminal offence which, in the reasonable opinion of LTSA, may have the effect of bringing LTSA into serious disrepute or affecting the ability of the team member to meet obligations under the team member's employment contract;
- j) theft or misappropriation of LTSA property;
- k) being under the influence of alcohol and/or illegal drugs whilst at work or on LTSA property;
- l) acts of bullying, harassment or discrimination;
- m) threatening, violent, or offensive behaviour; and



- n) conduct that causes imminent, and serious risk to the health, or safety, of a person or the reputation, viability or profitability of LTSA.

At the disciplinary meeting, the team member will be given an opportunity to explain why they consider termination of employment without notice is not appropriate prior to LTSA making a final decision.

Where required the CEO may at any time seek external specialist legal advice when undertaking any disciplinary action against an employee.

Breach of Policy

LTSA treats any breach of its policies or procedures seriously. LTSA encourages reporting of concerns about non-compliance and will manage compliance in accordance with the *Higher Education General Staff Award 2020*, National Employment Standards (NES), Disciplinary Policy and employment contract terms.

Governance

Related Policies & Procedures	<ul style="list-style-type: none"> • All LTSA Policies & Procedures • LTSA Constitution • LTSA Electoral Regulations
Legislation Mandating Compliance	<ul style="list-style-type: none"> • Fair Work Act 2009 (Cth)
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