# **Leaving the University Policy (MPF1142)**

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**Policy Approver:** Executive Director, Human Resources
**Policy Steward:** Director, Hr Specialist Services

## RELEVANT LEGISLATION

* [Accident Compensation Act 1985 (Vic)](http://www.austlii.edu.au/au/legis/vic/consol_act/aca1985204/)
* [Fair Work Act 2009 (Cth)](http://www.austlii.edu.au/au/legis/cth/consol_act/fwa2009114/)
* [Income Tax Assessment Act 1936 (Cth)](http://www.austlii.edu.au/au/legis/cth/consol_act/itaa1936240/)
* [Taxation Administration Act 1953 (Cth)](http://www.austlii.edu.au/au/legis/cth/consol_act/taa1953269/)

## SCOPE

This policy applies to fixed term and continuing staff.

## POLICY

### 1. Resignation

1.1 A staff member who wishes to resign from the University must give notice in writing of their intention to resign in accordance with the procedure.

### 2. Retirement

2.1 There is no mandatory retirement age for staff at the University. The procedure for retirement is set out in the Leaving the University Procedure.

### 3. Early retirement incentives

3.1 The University may offer early retirement incentives in accordance with Budget Division Workforce Plans.

3.2 An early retirement incentive is treated as an Employment Termination Payment (ETP) The ETP is a lump sum payment made at termination which is subject to treatment in accordance with [Australian Taxation Office](http://www.ato.gov.au/) rules.

### 4. Pre-retirement contracts

4.1 The University may offer fixed-term pre-retirement contracts to certain retiring continuing staff members in accordance with Budget Division Workforce Plans.

### 5. Phased retirement

5.1 The University offers a phased retirement scheme for certain retiring full-time staff where the staff member would reduce their time fraction and undertake reduced duties during the remaining period of service. Under the scheme, both University and employee are required to maintain superannuation contributions at the full-time rate.

### 6. Early termination of a fixed-term contract

6.1 The University may be entitled to terminate the contract of a staff member employed under a fixed-term contract before its expiry date. The circumstances giving rise to early termination and the staff member’s entitlements are set out in the Leaving the University Procedure.

6.2 The procedures governing early termination of fixed-term contract differ depending on whether the staff member was employed under the [University of Melbourne Collective Agreement 2010](https://staff.unimelb.edu.au/__data/assets/pdf_file/0004/1525432/University_of_Melbourne_Collective_Agreement_2010_incl_signatures.pdf) or the University of Melbourne Enterprise Agreement 2006. The 2010 Agreement substantially revised the provisions relating to fixed-term contracts in the 2006 Agreement. A fixed-term contract offered or renewed on or after 15 June 2010 is a contract made under the University of Melbourne Collective Agreement 2010.

### 7. Completion of a fixed-term contract

7.1 A staff member employed on a fixed-term contract automatically ceases employment at the end of the contract.

7.2 A staff member employed on a fixed-term contract is entitled to receive notice from the University prior to the expiry of the contract and may be entitled to a severance payment in accordance with the Leaving the University Procedure.

7.3 The procedures governing fixed-term contracts differ depending on whether the staff member was employed under the University of Melbourne Collective Agreement 2010 or the University of Melbourne Enterprise Agreement 2006. That is because the Collective Agreement substantially revised the provisions relating to fixed-term contracts in the Enterprise Agreement. A fixed-term contract offered or renewed on or after 15 June 2010 is a contract made under the [University of Melbourne Collective Agreement 2010](https://staff.unimelb.edu.au/__data/assets/pdf_file/0004/1525432/University_of_Melbourne_Collective_Agreement_2010_incl_signatures.pdf) .

### 8. Termination due to ill health

8.1 Where the ill health of a staff member results in the inability of the staff member to continue to perform the duties of their position, the University may require a staff member to retire on the grounds of ill health.

8.2 The procedures set out in the Leaving the University Procedure cease to apply if the staff member is receiving a temporary or permanent disability benefit from a superannuation scheme.

8.3 This policy does not affect any entitlement a staff member may have to compensation under the [Accident Compensation Act 1985 (Vic)](http://www.austlii.edu.au/au/legis/vic/consol_act/aca1985204/)

### 9. Redundancy and redeployment

9.1 The University may terminate the employment of a continuing academic staff member in accordance with the procedures set out in the Redundancy and Redeployment Procedure - Academic Staff for reasons of an economic, technological, structural or similar nature.

9.2 Redundancy entitlements for academic staff are determined on the basis of a combination of age and length of service and an academic staff member whose employment is declared redundant may seek a review of that decision.

9.3 The University may terminate the employment of a continuing professional staff member whose position has become excess to requirements in accordance with the procedures set out in the Placement, Redeployment and Redundancy Arrangements Procedure - Professional Staff.

9.4 Wherever possible, the University prefers to redeploy professional staff whose positions become excess to requirements in accordance with the procedures set out in the Placement, Redeployment and Redundancy Arrangements Procedure - Professional Staff.

### 10. Death

10.1 In the event of the death of a staff member, the University will assist the staff member’s family and arrange for any outstanding entitlements to be paid to the staff member’s estate as soon as possible.

### 11. Abandonment of employment

11.1 Abandonment of employment is considered termination of employment at the initiative of the staff member. The circumstances under which a staff member who fails to attend work for a sustained period of time without authorisation or satisfactory explanation may be deemed to have abandoned employment are set out in the Leaving the University Procedure.

### 12. Superannuation options

12.1 There are several superannuation options available to members who cease their employment with the University. Members of UniSuper schemes are encouraged to contact [UniSuper](http://www.unisuper.com.au/) and members of other schemes should contact the representatives of these schemes directly.

12.2 The Payroll Team will notify the relevant superannuation fund within ten working days after the member’s final pay date. The relevant superannuation fund is responsible for forwarding a Benefit Entitlement Statement to the member, a process which could take up to four weeks or other period determined by the relevant fund.

## RELATED DOCUMENTS

* [University of Melbourne Collective Agreement 2010](https://staff.unimelb.edu.au/__data/assets/pdf_file/0004/1525432/University_of_Melbourne_Collective_Agreement_2010_incl_signatures.pdf)
* [University of Melbourne Enterprise Agreement 2013](https://staff.unimelb.edu.au/human-resources/salary-benefits-leave/enterprise-agreement)
* [Leaving the University Procedure](http://policy.unimelb.edu.au/MPF1143)
* [Redundancy and Redeployment Procedure - Academic Staff](http://policy.unimelb.edu.au/MPF1144)
* [Placement, Redeployment and Redundancy Arrangements Procedure - Professional Staff](http://policy.unimelb.edu.au/MPF1219)
* [Employment Types Procedure](http://policy.unimelb.edu.au/MPF1215)
* [Flexible Work Arrangements Procedure](http://policy.unimelb.edu.au/MPF1155)
* [Superannuation Procedure](http://policy.unimelb.edu.au/MPF1172)
* [Human Resources website](https://staff.unimelb.edu.au/human-resources)
* [UniSuper website](http://www.unisuper.com.au/)
* [Australian Taxation Office](http://www.ato.gov.au/)

## RESPONSIBLE OFFICER

The Executive Director, Human Resources is responsible for the development, compliance monitoring and review of this policy and any associated guidelines.

## IMPLEMENTATION OFFICER

The Director, HR Specialist Services is responsible for the promulgation and implementation of this policy in accordance with the scope outlined above. Enquiries about interpretation of this policy should be directed to the Implementation Officer.

## REVIEW

This procedure is to be reviewed by 28 February 2015.

## VERSION HISTORY

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| **Version**  | **Authorised by**  | **Approval Date**  | **Effective Date**  | **Sections modified**  |
| 1  | Senior Vice Principal  | 21 August 2012  | 21 August 2012  | New version arising from the Policy Simplification Project. Loaded into MPL as Version 1.  |
| 2  | Executive Director (Human Resources)  | 28 November 2012  | 28 November 2012  | Corrections to section 12.  |
| 3  | Vice-Principal Administration & Finance  | 21 May 2015  | 4 Jan 2016  | Fix broken links in section 6.2 and Related Documents section.  |