Probation Policy and Procedure

Section 1 - Purpose / Objectives

(1) This Policy gives effect to the processes and procedures which are intended to support and develop new staff in their careers at the University by providing fair and equitable planning and review processes during the staff member's probationary period of employment. These processes should ensure new staff are appropriately equipped and supported to meet the performance expectations of the position they hold with the University.

Section 2 - Scope / Application

(2) Nil

Section 3 - Definitions

(3) Probation: A period of mutual testing during which decisions regarding continuation of employment are made.

(4) Probationary Employee: An employee of the University who is serving a probation period.

(5) Probation Period: The period of time as set out in an employee's contract of employment during which review processes are undertaken to determine if the employee meets the requirements of the position.

(6) Probation Objectives: The set of goals or objectives the University has determined the employee must meet to be confirmed to the position.

(7) Probation Plan: A written document which details the probation objectives and which is developed within the first 2 weeks of commencement of employment.

(8) Supervisor: Employee responsible for overseeing the probation period and the related review processes of a new staff member.

(9) Confirmation of employment: Written notification that a probationary employee has met the probation objectives as set out in their probation plan, that their probation period has ceased and that their employment with the University is confirmed.

(10) Probation; Probationary Employee; Probation Period; Probation Objectives; Confirmation of Employment; Termination of Employment.

Section 4 - Policy Statement

General

(11) Probation provides a time of mutual testing during which the employee's ability to satisfy the requirements of the position to which they have been appointed is evaluated. The complexity of the job requirements, the skills and knowledge required and the individual's situation will influence the length of the probation period, which should be

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sufficient to allow time for assessments to be made about the capacity of the employee to perform the tasks required and at the expected standards.

Applicability of probation

(12) A probationary period will not apply when:

a. the appointment is for six months or less;
b. a staff member is internally seconded or transferred to another position within the University, irrespective of whether the new position is outside of the original work area;
c. a second or subsequent fixed term contract to perform the same or substantially similar role is offered;
d. an academic staff member appointed to a continuing position has occupied a previous fixed term contract at the University provided there has been no break in service in excess of six months;
e. there is a promotion, reclassification; or internal appointment to an educational leadership role, e.g. Head of School, Program Manager.

(13) Other than in the above circumstances a probationary period will apply.

Probation periods

(14) The maximum probation periods outlined below will not prevent a shorter period of probation being applied nor prevent a confirmation decision being made at any time earlier in the probationary period.

a. For all general (continuing and fixed-term (of more than six months)) staff:
    i. Maximum of 25 percent of the period of the fixed term appointment or six (6) months whichever is less.
    ii. Maximum of six (6) months for continuing appointments.
    iii. Following a review discussion, a decision regarding confirmation of employment with the University will be made at least ten (10) working days before the end of the probation period.
b. For all academic fixed-term staff:
    i. Maximum of 25 percent of the period of the fixed term appointment or nine months whichever is the less.
    ii. Following a review discussion, a decision regarding confirmation of employment with the University will be made at least ten (10) working days before the end of the probation period.
c. For all full and part-time academic staff in continuing positions:
    i. Maximum of three years with the provision for up to two annual extensions. Following a review discussion, a decision regarding confirmation of employment with the University will be made at least six (6) months before the end of the probation period.
d. For all TAFE teaching continuing and fixed term (of more than six months) appointments:
    i. Maximum of 25 percent of the period of the fixed term appointment or six (6) months whichever is less.
    ii. Maximum of six (6) months for continuing appointments.
    iii. Following a review discussion, a decision regarding confirmation of employment with the University will be made at least ten (10) working days before the end of the probation period.
e. For ISI Instructors continuing and fixed term appointments:
    i. Maximum of three (3) months for all appointments of six (6) months or more.
f. Probation Objectives
    i. Probation objectives must be discussed with and provided by the supervisor to the staff member in writing within two (2) weeks of commencement of employment and be:
        - specified as definable goals after discussion with the staff member;

- related to the position description for the position;
- related to the level and time frame of the appointment of the staff member;
- inclusive of induction and workplace orientation activities; and
- designed to ensure that the staff member will work productively in the University.

ii. Each probationary employee will be assessed through probation reviews with their supervisor as to their meeting the objectives of their probation.

iii. Where the position involves teaching and/or research, employees will be required to provide, as appropriate, evidence of effectiveness as a teacher and/or researcher based on evidence of outcomes and impact.

iv. Evidence may include:
- Innovation
- Leadership
- Quality improvement initiatives
- Academic awards
- Peer review of teaching
- Student evaluations of teaching for the relevant period (required of teachers)
- DEST weighted and other publications
- Grants and citations
- Research outcomes
- External engagement

g. Role of the supervisor during probation period

i. The supervisor must support the new staff member by:
- Clarifying, discussing and establishing probation objectives for performance review that are consistent with the role;
- meeting the staff member at regular intervals to review progress;
- providing reasonable counselling and coaching and other forms of supervisor support;
- providing reasonable training and professional development;
- documenting progress and ensuring that the staff member sees and has the opportunity to comment on any probation review reports.

ii. In the event that the supervisor forms the view during the probation period that the staff member is unlikely to be confirmed due to the defined probation goals not being achieved, the staff member is to be advised of this situation at the earliest opportunity and provided with reasonable support in seeking to achieve the required probation goals.

Section 5 - Procedures

Responsibility

(15) Managers/supervisors are responsible for applying this policy to staff on probation periods within their area of responsibility.

Compliance

(16) Completion of probation plan and reviews will be reported consistent with policy and related procedures and guidelines.

Procedures

(17) Probation decisions

a. All general and TAFE teaching (continuing and fixed term) and academic staff on fixed term contracts
    i. The supervisor must make a recommendation to the relevant authorising officer in line with the People and Culture Delegations Policy in sufficient time for a decision to be made at least ten working days before the end of the probation period, as to whether the appointment should be confirmed, extended or not confirmed. Where the recommendation is that the staff member not be confirmed, the staff member must have the opportunity to comment on the recommendation before it is acted on.
    ii. In making a decision not to confirm the staff member, the Executive Dean/Principal Officer must be satisfied that the probation procedures have been followed, that the staff member was given appropriate support to achieve the expected performance objectives, that the staff member was reasonably aware of the job requirements; and that the staff member had been aware that termination was a possible outcome of the probation process.
    iii. Should the staff member disagree with a decision to terminate their probationary employment, they can seek a review of that decision only on the grounds that proper process was not followed.
    iv. The staff member will be required to notify People and Culture in writing within two (2) working days of receiving advice of the decision to terminate that they believe that proper process was not followed and seeking review of the decision.
    v. The review will be conducted by the most senior supervisor reporting immediately to the Vice-Chancellor prior to the expiry of the notice period. The review will consider all the material relevant to the matter and provide the staff member with the opportunity to make representations and answer any matters either in writing or in person. The staff member may be represented during the conduct of the review should they so choose.
    vi. The notice period will continue while the review is in progress. A further notice period will not be provided if the decision to terminate is confirmed.

b. All academic staff on continuing appointments:
    i. The Head of School/Supervisor must make a recommendation to the Academic Probation Confirmation Panel (refer to 6.2 below) as to whether or not a staff member is to be confirmed in sufficient time for a decision to be made at least six months prior to the end of the probation period.
    ii. The staff member must see and has five (5) working days to comment on the recommendation prior to it being referred to the Academic Probation Confirmation Panel.

c. Academic Probation Confirmation Panel
    i. An Academic Probation Confirmation Panel will be established within the Faculty for the consideration of each case of academic probationary employment. The Panel will consist of:
        - Executive Dean or nominee (Chair);
        - A Head of School from the Faculty at or above the level of position under review nominated by the Executive Dean (other than the Head of School of the probationary academic staff member);
        - A Professor or Associate Professor from the School nominated by the Executive Dean, and
        - A member of the academic staff of another school in the faculty at or above the position under review nominated by the Head of School.
    ii. A member of staff from the University's Staff Equity Unit may attend with observer status and the probationary staff member may request that one other academic nominated by them attend with observer status.
    iii. Where the staff member is employed other than in a Faculty, the panel will consist of the Senior Deputy Vice-Chancellor or nominee and three senior academic staff nominated by the relevant Senior Officer.

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iv. The Panel must consider the recommendation of the Head of School and the comments of the staff member and can decide to:
    - confirm the appointment; or
    - extend the probationary period, except that the extent of the extension can be no greater than the maximum provided for in clause (14) c; or
    - not confirm the appointment of the staff member.

v. The staff member will be advised of the decision of the Panel within five (5) working days of the decision being made, where practicable. Where the recommendation is to not confirm the appointment the staff member will receive a minimum notice period of termination of six months, or payment in lieu by mutual agreement.

d. Review of non-confirmation decision: academic staff in continuing positions

i. An academic staff member in a continuing position who disagrees with a decision to extend their probationary period or terminate their probationary employment can seek a review of that decision only on the grounds that proper process was not followed.

ii. The staff member will be required to notify People and Culture in writing within two (2) working days of receiving advice of the decision to extend their probationary period or terminate their employment that they believe that proper process was not followed and seeking review.

iii. At the staff member's election the review will be conducted by the Review and Appeals Committee, or by the relevant Deputy Vice-Chancellor/Pro Vice-Chancellor (for levels A—C) or the Vice-Chancellor (for levels D—E).

iv. The review will be conducted prior to the expiry of the notice period, and the notice period will continue while the review is in progress. A further notice period will not be provided if the decision to terminate is confirmed. The Review and Appeals Committee, or the relevant Deputy Vice-Chancellor/Pro Vice-Chancellor (for levels A—C), as appropriate will make a report to the Vice-Chancellor and the staff member as soon as reasonably possible before the expiry of the probationary period.

v. If the Vice-Chancellor concludes that proper process was not followed during the probationary period, the Vice-Chancellor may refer the matter back to the Academic Probation Confirmation Panel to allow proper process to be followed. Subsequently, the Vice-Chancellor may reconsider the decision to extend or terminate and will advise the staff member in writing of her/his decision. The decision of the Vice-Chancellor will be final.

Section 6 - Guidelines

(18) The Guidelines for Probation give effect to this policy.

Status and Details

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