Academic Probation (Higher Education) Procedure

Policy Code: HR955

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Purpose

The purpose of this procedure is to provide a structured process in order to:

• establish whether an appropriate match has been made between the person newly appointed into a position, the position and the work environment, and whether the person is able to perform the duties of the position at least satisfactorily;

• ensure individual employees are clear about the roles and responsibilities of the position they hold;

• ensure supervisors are aware of their roles and responsibilities in relation to the performance, development and conduct of employees;

• provide employees with constructive counselling and support; and

• identify training needs.

Scope

This procedure applies to all academic appointments of more than six months duration that include a probation period.

Definitions

<p>| Appeal: | The process used by an employee of obtaining a review of the University’s decision to annul an appointment. |
| Natural Justice: | Natural justice is a person’s entitlement to know of any detrimental comments made about them or their performance/conduct, by whom the |</p>
<table>
<thead>
<tr>
<th>Appeal:</th>
<th>The process used by an employee of obtaining a review of the University’s decision to annul an appointment.</th>
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<tr>
<td></td>
<td>comments were made, and having the opportunity to respond and be heard.</td>
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<tr>
<td>Probationary Period:</td>
<td>The probationary period is a defined period of time during which a new employee’s performance and conduct are subject to formal assessment. The new employee is provided with continuing constructive counselling and support to confirm progress and/or identify difficulties and develop strategies for their resolution.</td>
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<tr>
<td>Supervisor:</td>
<td>An employee who has designated responsibility for managing and/or overseeing the performance, development and conduct of other employees.</td>
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**Actions**

1. As soon as possible after commencement of employment the Deputy Vice-Chancellor, Dean or Head of School/Section shall meet with the person newly appointed into a position to explain probationary requirements including (if appropriate):
   - teaching requirements;
   - research direction and expected research outcomes;
   - completion of the University’s Academic Induction Program;
   - enrolment in, and completion of at least 50% of a Graduate Certificate of Education (Tertiary Teaching) or equivalent;
   - completion of other relevant qualification or professional development (as identified);
   - mentoring arrangements for the employee;
   - performance and development objectives and performance standards for a successful probation, including participation in peer reviews; and
   - plan of formal and informal review during the probation period.

2. At regular intervals throughout the probation period the Deputy Vice-Chancellor, Dean or Head of School/Section shall meet informally with the employee to review progress and to consider any guidance and assistance that may be appropriate.

3. Depending on the length of the probationary period, at three (3) or six (6) months after commencement of employment, and normally at three (3) or six (6) month intervals thereafter, the Deputy Vice-Chancellor, Dean or Head of School/Section conducts a formal review of progress. As part of the review the Deputy Vice-Chancellor, Dean or Head of School/Section shall consult colleagues, consider feedback from colleagues and students, and interview the employee.

4. At the conclusion of each formal review meeting the Deputy Vice-Chancellor, Dean or Head of School/Section shall make a record of the meeting and provide copies to the employee and to Human Resources.

5. The final review should be conducted no later than four (4) months before the end of the probationary period. Following this review the Deputy Vice-Chancellor, Dean or Head of School/Section shall within five (5) working days prepare a comprehensive report on the employee's performance, development and conduct over the probationary period.

6. If the supervisor is not a Dean or other appropriate senior manager, the supervisor shall make a recommendation to the relevant senior manager. If the supervisor is a Dean or other appropriate senior manager, they shall decide on the action to be taken as a result of a probation review.

7. The Deputy Vice-Chancellor or Dean or nominee may decide that:
   - the appointment be confirmed in accordance with the contract of employment; or
   - that a recommendation be made to the Director, Human Resources that the probation be extended; or
• the appointment be annulled.

8. In the case of a decision to annul, the Deputy Vice-Chancellor or Dean or nominee shall consult the Director, Human Resources (or nominee) and notice conveyed to the employee.

Extending Probation Periods

In the event that problems and concerns are identified during the probation period in relation to the employee’s performance and/or conduct, the supervisor shall counsel the employee.

The Director, Human Resources may, on a recommendation from the Dean or nominee, approve an extension to the probation by a period of not more than three (3) months to allow the employee to address performance and/or conduct issues.

In the event that an assessment of performance and/or conduct cannot be made due to an employee taking a period of approved leave (e.g. leave without pay, personal leave, parental leave) that is greater than four (4) weeks, then the end date for probation may be extended to provide the employee with a total probation period equivalent to that contemplated in the contract of employment.

Annulment of Appointment

The University will annul an appointment if:

• an employee is unsuited to the position they hold, either by reason of performance and/or conduct;
• claims made by the employee during the selection process were either untrue or not substantiated by performance in the position.

Any decision to annul employment during the probationary period will not be made until the employee has completed 12 months service, provided that period does not go beyond the expiry date of the probationary period stipulated in the employment contract.

If a decision to annul and appointment is made a report will be prepared for the Vice-Chancellor.

Where employment is annulled, three (3) months’ notice shall be given, or by mutual agreement, payment in lieu thereof.

Appeal Against Decision to Annul Employment

Where the probation review process leads to a decision to annul employment, the employee may appeal against the decision.

1. An a written appeal against the decision must be lodged with the Director, Human Resources within ten (10) working days of receiving written notice of the decision to annul employment.

2. An Appeal Committee shall be established to hear the appeal. The Appeal Committee will comprise of:
   • a senior academic nominated by the Vice-Chancellor;
   • a nominee of the NTEU;
   • a Chairperson mutually agreed between NTEU and the Vice-Chancellor.
   Wherever practicable, the members of the Appeal Committee will be academics holding continuing appointments and from a cognate discipline.

3. The probationary employee and the supervisor who made the decision subject to the appeal may each elect to be assisted or represented by an organisation or individual of their choice (other than a practising solicitor or barrister), in the proceedings of the Appeal Committee.
4. The Appeal Committee shall conduct proceedings as expeditiously as possible and in accordance with the principles of fairness and natural justice. Proceedings shall be conducted in camera. The Appeal Committee shall take such material into account as is believed to be necessary and appropriate. Any person may be interviewed, provided that the member of staff and the supervisor and their agents have the right to make submissions, challenge evidence, and be present during all interviews.

5. The Appeal Committee shall prepare a written report to the Vice-Chancellor and shall make a recommendation to:
   • dismiss the appeal, or
   • uphold the appeal such that the employment of the employee is confirmed in accordance with the employment contract.

6. The Vice-Chancellor may seek advice and/or clarification on any recommendation from the Chair of the Appeal Committee.

7. The Vice-Chancellor may approve or not approve the recommendation of the Appeal Committee. Should the Vice-Chancellor decide not to approve the recommendation, they will provide a written statement setting out the reasons to the Chair of the Appeal Committee. A copy of this statement shall also be provided to the employee.

8. The Vice-Chancellor's decision shall be final.

Responsibilities

1. Human Resources is responsible for:
   • providing assistance and advice to staff and supervisors about this procedure and its implementation;
   • coordinating implementation of this procedure, including preparation of appropriate correspondence; and
   • providing guidance as required to supervisors to ensure effective implementation of this procedure.

2. Academic supervisors have a specific responsibility for ensuring that this procedure of academic probation is implemented for all staff in probationary appointments for whom they are nominated as line manager or supervisor.

Policy Base

• University Collective Agreement - Academic and General Staff Employees.
• Academic Probation (Higher Education) Policy.

Forms/Record Keeping

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<tr>
<th>Title</th>
<th>Location</th>
<th>Responsible Officer</th>
<th>Minimum Retention Period</th>
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<tr>
<td>Appeal documentation</td>
<td>Personnel file.</td>
<td>Director, Human Resources.</td>
<td>Employment records.</td>
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Implementation

The Academic Probation (Higher Education) Procedure will be implemented throughout the University via:

1. An Announcement Notice under the 'FedNews' website and on the 'What's New' page on the 'Policies and Procedures @ FedUni' website to alert the University-wide community of the approved Procedure, and/or

2. Information Sessions to Heads of Schools.