



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A

POLICY: PROBATION

Purpose:	To provide a process for the effective management of performance during a staff member's probation period.
Responsible Executive:	Chief Operating Officer
Responsible Office:	Legal Office
Effective Date:	28 March 2012
Modification History:	Created: 28 March 2012
Last Edited:	28 March 2012
Date of Next Review:	28 March 2014

1	Introduction and purpose	2
2	Definitions and scope	2
3	Length of probation period.....	2
4	Reviewing work performance	3
5	Unsatisfactory performance during probation	3
6	Appeal	3

1 Introduction and purpose

- 1.1 The University is committed to engaging and retaining staff members who demonstrate excellence in the role to which they have been appointed. As such, the University recognises that the Probation Period is a time to assist staff to get to know the requirements of the role and to deal with any performance issues, so that they are able to achieve excellence in the position.
- 1.2 The Probation Period gives the University and the Staff Member time to establish whether there is an appropriate match of skills, ability and mission fit to the requirements of the position and the working environment.

2 Definitions and scope

- 2.1 Performance issues for staff on Probation will be dealt with under this Policy, and are not subject to the process contained in the University's Policy for Managing Unsatisfactory Performance.
- 2.2 For the purposes of this Policy, **Staff Member** means any employee of the University or any other person who is subject to this Policy by reason of their contractual relationship with the University.
- 2.3 **Probation Period** means the period set out in accordance with clause 3 of this Policy.
- 2.4 **Immediate Supervisor** is the person with immediate managerial responsibility for the Employee. For Academic Staff this will normally be the Dean. For General Staff, it will normally be the person to whom the Staff Member reports on a daily basis.
- 2.5 **Informal feedback** includes, but is not limited to, feedback relating to a specific work task at the time the task is undertaken, feedback provided during informal 'catch-up' meetings from time to time, advice and counselling provided by email relating to a work task or work issue.
- 2.6 **Formal review** means a review that is set specifically for the purpose of reviewing performance during the Probation Period, covering all aspects of the role/work performance/conduct.

3 Length of probation period

- 3.1 All General Staff Members, subject to clause 3.5, may be appointed on probation and may be continued in such a probationary appointment for a period of up to 6 months from the date of commencement.
- 3.2 All Academic Staff Members, subject to clause 3.5, may be appointed on probation and may be continued in such a probationary appointment for a period of up to 18 months from the date of commencement.
- 3.3 The period of probation for a Staff Member on a Fixed-Term contract or Maximum Term Contract shall be no longer than the greater of 6 months or one-third of the length of the Fixed-Term appointment.
- 3.4 The length of the probationary period shall be specified in the Staff Member's contract of employment.

- 3.5 A probationary period may be extended by up to a further 6 months, provided that the Staff Member is notified in writing of the reason for the extension not less than 10 working days prior to the conclusion of the initial probation period.
- 3.6 An existing Staff Member who has served a 6 month probationary period shall not have a further probationary period included in any second or subsequent contract in the same or similar position with the University.

4 Reviewing work performance

- 4.1 The Staff Member's immediate supervisor shall review the Staff Member's work performance during the probationary period and provide written feedback to the Staff Member.
- 4.2 The process of review may include informal feedback as well as a formal review/s.
- 4.3 There shall be at least 1 formal review during the probationary period.

5 Unsatisfactory performance during probation

- 5.1 Prior to any decision to terminate employment:
- (a) a Staff Member on probation shall be advised in writing of any adverse material about the Staff Member that the University intends to take into account in a decision to terminate the employment; and
 - (b) the University shall give the Staff Member the opportunity to respond within 5 working days of receipt of the advice.
- 5.2 The University shall confirm completion of probation, extend probation or terminate the appointment on or before conclusion of the probationary period.
- 5.3 Any decision to extend or terminate the probationary period must be agreed to by the Vice Chancellor.
- 5.4 Where a Staff Member's employment is to be terminated in accordance with this clause, the University shall give notice in accordance with the Staff Member's conditions of employment or such lesser period as agreed between the University and the Staff Member.

6 Appeal

- 6.1 Where a decision has been made to terminate the Staff Member's employment in accordance with the provisions of clause 5.4, the Staff Member shall have a right of appeal based only on a breach of procedural fairness.
- 6.2 Appeals must be lodged by the Staff Member with the Vice Chancellor within 5 working days of the Staff Member having been advised of the termination of their employment.
- 6.3 On receipt of an appeal, the Vice Chancellor shall establish a Staff Review Committee convened for that purpose.

- 6.4 The Staff Review Committee shall determine whether procedures have been followed. If the appeal is upheld, the reasons will be submitted to the Vice Chancellor for consideration.
- 6.5 The Vice Chancellor shall determine the matter and notify the Staff Member in writing of the final decision within 5 working days of the decision being made. The University's decision shall be final, save for a Staff Member's right to pursue the matter outside the University through any relevant external agency.