35 PROBATION

35.1 The provisions of this Clause apply to continuing or fixed-term staff members. Casual staff are excluded from the application of this Clause.

35.2 On commencement of employment, a staff member may be subject to a period of probation appropriate to the nature of the work being undertaken. If an assessment of performance cannot be made due to the staff member’s extended absence on approved leave from the University (for example, leave without pay, sick leave, parental leave) then the end date for the probation period may be adjusted by the Director, HRU to provide the staff member with a total period of probation equivalent to that initially contemplated.

35.3 All probationary staff will participate with their supervisor in a process of planning, review and development to assist them to meet the requirements for continuing appointment. To ensure that each staff member is able to contribute effectively to the University, staff must demonstrate that they meet the criteria for probation (consistent with the level and type of appointment) in order to satisfy probationary requirements.

35.4 Through the probationary period, the supervisor must inform the staff member in writing of any impediments to the continuation of the staff member’s employment when such impediments become apparent.

35.5 Period of probation – continuing appointments

35.5.1 Staff commencing employment at UTS on continuing appointments will be appointed with a probationary period of up to three years.

35.5.2 The University may confirm a continuing appointment or terminate the employment of a staff member provided that at least half of the probation period has been served.

35.6 Period of probation – fixed-term appointments

35.6.1 A period of probation will apply to staff employed on their first fixed-term appointment. Any second or subsequent fixed-term appointment to the same position or to an essentially similar position with UTS will not contain a probationary period.

35.6.2 A period of probation of a maximum of one-quarter of the period of appointment (or one year, whichever is the lesser) may apply to staff employed on their first fixed-term appointment. The period of probation to apply to each appointment should be determined having regard to the period of fixed-term employment and the nature of the work.

35.6.3 The University may at any time during the probationary period and in accordance with the procedures set out in this Clause, offer to continue the fixed-term appointment without completing the probationary period or terminate the employment of a staff member.

35.7 Formal review and subsequent action – continuing and fixed-term appointments

35.7.1 At the time of the formal review, the staff member will be expected to submit to their supervisor copies of student evaluations of teaching undertaken since appointment. The review will include discussion on progress against agreed expectations and development activities. The supervisor will be required to indicate if there are problems, which may potentially affect the continuation of the staff member’s appointment.

35.8 Formal Review – continuing appointments

35.8.1 A formal review of performance will normally occur six months before the end of the probation period unless the review is brought forward because:

(a) the staff member is not meeting agreed expectations; or
(b) in exceptional circumstances and where performance warrants, so that a decision to continue the staff member’s appointment can be made before the completion of the full probationary period.
35.8.2 The supervisor will prepare a report on the formal review which will recommend either:

(a) the continuation of the staff member’s appointment; or
(b) termination of appointment.

35.8.3 Where the report recommends termination, the report must include any adverse material about the staff member which has been taken into account in making the recommendation for termination. The staff member will be provided with a copy of the supervisor’s report and will be given reasonable opportunity to provide a response in writing. The supervisor’s recommendation together with any response from the staff member will be forwarded to the Dean.

35.8.4 If the Dean’s decision is to endorse a recommendation that a continuing appointment be granted, the recommendation will be submitted to the Deputy Vice-Chancellor for final consideration and approval.

35.8.5 Should the Dean disagree with the supervisor’s recommendation for continuing appointment, or should the Dean endorse a recommendation for termination, this recommendation will be submitted, through the Director, HRU to a Review Committee. At this time the Dean will advise the staff member in writing of his/her decision and will provide a copy of any submission forwarded to the Review Committee.

35.9 Probation Review Committee

35.9.1 Membership will comprise:

(a) the Deputy Vice-Chancellor or nominee (Chair)
(b) the Director, HRU (or nominee)
(c) a continuing staff member in a cognate discipline (nominated by the Vice-Chancellor)
(d) a continuing staff member from another UTS Faculty who is of the same or higher classification as the person on probation (nominated by the Vice-Chancellor); and
(e) a staff member nominated by the NTEU UTS Branch President.

35.9.2 The staff member, supervisor and Dean may make submissions to the Committee and the staff member may choose to be represented by a representative.

35.9.3 The Committee will make a recommendation to the Vice-Chancellor regarding continuing appointment or termination of probation.

35.10 Formal review – fixed-term staff

35.10.1 A formal review of performance will normally occur at least four weeks before the end of the probation period unless the review is brought forward because:

(a) the staff member is not meeting agreed expectations; or
(b) in exceptional circumstances and where performance warrants, so that a decision to continue the staff member’s fixed-term appointment can be made before the completion of the full probationary period.

35.10.2 At the time of the formal review, the staff member will be expected to submit to their supervisor copies of student evaluations of teaching undertaken since appointment. The review will include discussion on progress against agreed expectations and development activities. The supervisor will be required to indicate if there are problems, which may potentially affect the granting of continuing appointment.

35.10.3 The supervisor will prepare a report on the formal review which will recommend either

(a) the continuation of the staff member’s fixed-term appointment; or
(b) termination of appointment.

Where the report recommends termination, the report must include any adverse material about the staff member which has been taken into account in making the recommendation for termination. The staff member will be provided with a copy of the supervisor’s report and
will be given reasonable opportunity to provide a response in writing. The supervisor’s recommendation together with any response from the staff member will be forwarded to the Dean who will review the recommendation. The Dean will forward the recommendation for final decision by the Deputy Vice-Chancellor.

35.11 Notice

35.11.1 If termination of a probationary staff member is approved, the staff member will receive, in the case of fixed-term appointments four weeks notice and in the case of continuing appointments six months notice of termination. At the University’s discretion payment may be made in lieu of notice, effective from the date of the written advice of the decision.