

## 6.25 PROBATION – ACADEMIC STAFF PERFORMANCE AND DEVELOPMENT

### INTRODUCTION

The Performance and Development process at UTS provides a mechanism for academic staff to receive constructive and regular feedback on their performance and development. For new academic staff this process commences during the period of probation and continues throughout employment at UTS. The probation provisions of the Academic Staff Agreement 2006 are contained in clause 33.

### WHY DO WE HAVE PROBATION?

Appointing a new staff member is an important decision. Much of the University's success depends on the quality of staff it selects, and how it develops them. For the staff member it is important that the job fits their skills and aspirations. Probation is a period of mutual assessment during which a decision about continuation of employment is made.

A successful probation period requires:

- > support for the staff member taking on the new role
- > effective monitoring and feedback of the staff member's performance
- > critical reflection and assessment of performance by both the supervisor and staff member.

### PROBATION PERIOD

A staff member employed at UTS may be subject to a period of probation appropriate to the nature of the work undertaken. The period of probation should be determined in accordance with the requirements below, having regard to the length of employment and the nature of the work.

Academic staff appointed on a continuing appointment will have a probationary period up to three years. The University may decide to waive or shorten a probation period. However, an academic on probation may not be offered continuing appointment or terminated until half the probation period has been served<sup>1</sup>.

For staff on fixed-term contracts, the probation period must not extend beyond the first quarter of the contract period, or one year (whichever is less). Any further fixed-term appointments to the same position or to an essentially similar position within UTS will not contain a probationary period. At any time during the probationary period of a fixed-term academic, the University may decide to continue the fixed-term appointment (without completing the probationary period) or terminate the employment in accordance with these guidelines.

It is essential that the probation process be conducted within the period of probation. Probation periods will not be extended. However, if an assessment of performance cannot be made due to a staff member's extended absence on approved leave (such as sick leave, leave without pay, or parental leave) then the end date for the probation period may be adjusted by the Director, Human Resources to provide the staff member with a total probationary period equivalent to that initially contemplated.

<sup>1</sup> This requirement is set out under clause 33.5.2 of the *Academic Staff Agreement 2006*.

## THE PROBATION PROCESS IN BRIEF

Timeframe	Action
<p>Within the first few weeks</p>	<p>Planning discussion initiated by the supervisor to:</p> <ul style="list-style-type: none"> <li>▪ clarify and agree duties, expectations and objectives</li> <li>▪ identify support &amp; development</li> <li>▪ advise staff member of the requirements related to evaluation of teaching for major teaching duties in each session</li> </ul> <p>Document agreed work plan (read and signed by staff member and supervisor)</p> <p>Plans are reviewed and endorsed by the Dean/Director</p> <p>Plans are forwarded by the supervisor to the relevant HR Partnership team, HRU</p>
<p>Throughout the probationary period</p>	<p>Regular progress reviews initiated by the supervisor or staff member</p>
<p>When 1/3<sup>rd</sup> of the probation period has been served or earlier if agreed performance expectations are not being met</p> <p>For fixed-term academic staff the supervisor has the discretion to determine whether this review will take the form of a progress review or a first formal review. The supervisor must inform the staff member in writing of any impediments to the continuation of employment.</p>	<p>1<sup>st</sup> Formal Review initiated by the supervisor</p> <ul style="list-style-type: none"> <li>▪ review student evaluations of teaching</li> <li>▪ discuss progress – achievements and any problems including extenuating circumstances</li> <li>▪ supervisor indicates if there are any impediments to granting of continuation of employment</li> <li>▪ if problems are identified an agreed course of action is developed</li> <li>▪ revise plan if necessary</li> <li>▪ report, including any impediments to continuation of employment (and any response from the staff member) submitted to Dean/Director</li> </ul> <p>Copies of record of formal review kept by supervisor and staff member and forwarded to the relevant HR Partnership team, HRU by the supervisor</p>

<p>Six months before the end of the probation period for continuing appointments</p>	<p>Final Formal Review initiated by the supervisor</p> <ul style="list-style-type: none"> <li>▪ review of performance – follows format of first formal review</li> <li>▪ complete documentation</li> </ul>
<p>At least four weeks before the end of probation for fixed-term academic staff</p>	<p>Supervisor recommends to Dean/Director either;</p> <ul style="list-style-type: none"> <li>▪ continuation of appointment, or</li> <li>▪ termination*</li> </ul>
<p>This review may be conducted earlier if performance expectations are not being met, or 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.</p>	<p>Documents read and signed by staff member and supervisor.</p> <p>Dean/Director may approve recommendations for continuation of appointment and termination of fixed-term appointments. Dean/Director advises staff member of his/her decision in writing.</p> <p>*If termination of employment is recommended for a staff member employed on a continuing basis, the Dean/Director forwards the recommendation and any comments through the HR Director to the Probation Review Committee, which reviews the case and makes a recommendation to the VC.</p>

## PROBATION PLAN

### Planning Discussion

Within the first few weeks of employment, the supervisor arranges a planning discussion with the new staff member to:

- > clarify and agree the duties, expectations and goals of the appointment
- > discuss and identify support and developmental needs
- > advise the requirements in relation to evaluation of teaching
- > ensure the staff member is aware of the University's expectations as set out in the Code of Conduct
- > identify any legal or ethical responsibilities of the job e.g. the need to be sensitive to cultural differences, handling grievances, the importance of maintaining confidentiality of records, health and safety issues.

The meeting is arranged so that the staff member has sufficient time and information to prepare for the discussion and to complete as much of the Planning Discussion form as possible. The supervisor also prepares by being familiar with the staff member's experience and responsibilities. The planning discussion is structured, confidential and unhurried.

During the planning phase the supervisor and staff member take into account:

- > the purpose of the appointment
- > the relevant Minimum Standards for Academic Levels (MSALs)
- > criteria for probation (as specified below)
- > the staff member's individual development needs
- > any relevant personal circumstances.

### **Criteria for Probation**

Objectives or expectations are developed for each of the following criteria.

#### ***Teaching*** (teaching-research academics only)

Skill in, and commitment to, teaching (including research supervision) as demonstrated by:

- > an ability to establish an effective learning environment
- > understanding student expectations and capabilities
- > appropriate selection of teaching and assessment methods
- > curriculum materials appropriate to the subject and the student
- > effective teaching performance and the ability to communicate with students
- > availability to students for consultation
- > competent performance of administrative duties associated with teaching activities.

Formal evaluation of teaching through the Student Feedback Survey must be undertaken for major teaching duties carried out in each teaching session during probation. Evaluations of teaching and the staff member's reflections will form a key component of the performance and development discussions. Together the supervisor and staff member may select additional methods of evaluation appropriate for the staff member's teaching context and particular focus. Copies of the evaluations are submitted to the supervisor for each formal review.

#### ***Research, scholarship, professional activity***

Contribution to scholarly activity as demonstrated by contribution to the discipline through research, scholarship or professional activity. This will be consistent with the level of appointment and particular disciplines of the staff member.

#### ***Contribution to the University and the Community***

A willingness to contribute to the academic and/or corporate life of the University as demonstrated through:

- > participation in administrative duties or committee work of the academic unit or the university
- > contribution to University service to professional, community and or employer groups relevant to the staff member's academic expertise,

as appropriate to the level of the staff member.

### **Development and Support**

Resources will be provided to assist new members of staff to orient themselves to the University environment and develop the necessary skills for their role. Any support and development needs that are identified are included in the plan and may include: a mentor, equipment, course/conference attendance, revised workload (teaching, research or administrative), and participation in PEP. The staff development plan may be modified later in the probation period as the staff member's staff support and development needs are identified.

Staff appointed to continuing or fixed-term positions of two years or more at Level A or Level B will undertake a formalised staff development program which is negotiated with their academic supervisor and includes core and elective components. Core components include formal activities offered through the Institute for Interactive Media and Learning (IML). Further information in relation to the program is available from the IML website at:

<http://www.iml.uts.edu.au/learnteach/career/development.html>.

## **Documentation**

It is important for the supervisor and staff member to agree on the activities, expectations and objectives as these will form the basis for discussion at the formal probation reviews. The agreed workplan, including staff development plan, will be documented. The plan can be revised during the review period.

The agreed work plan will include;

- > duties
- > major goals and expectations
- > agreed support
- > professional and career development.

The plan is signed by the staff member and supervisor and endorsed by the Dean/Director. The staff member and supervisor each keep a copy and forward the agreed and signed plan to HRU.

If the supervisor and staff member have difficulty in agreeing any aspect of the planning discussion then assistance should be sought from the Dean/Director or a member of the relevant HR Partnership team. A staff member may choose to be assisted in this process by their chosen representative (who is not a barrister or solicitor in private practice).

## **RESPONSIBILITIES OF THE DEAN/DIRECTOR**

The Dean/Director is accountable for overseeing the performance and development process to ensure that:

- > performance expectations and objectives are meaningful and reasonable
- > the process is fair
- > the staff member's workload is consistent with the academic unit's workload allocation policy
- > the staff member is given adequate developmental support and resources
- > Level A and Level B staff who are eligible to participate in the formal staff development program are given a 25% reduction in teaching load.

The Dean/Director will ensure the agreed workplans accord with the position and workplace requirements and will take action to resolve any differences between the staff member and supervisor. Where the Dean/Director is the supervisor the Senior Deputy Vice-Chancellor will review and resolve any difference.

## **PROGRESS REVIEWS**

Progress reviews occur throughout the probation period. The frequency of these may be agreed during the planning discussion (frequency will vary depending upon the experience of the staff member and the nature of the work undertaken).

Throughout the probation period, the supervisor and staff member have regular progress discussions during which feedback is given to reinforce effective performance, recognise achievements, identify and solve problems in a timely fashion and provide guidance and support if necessary. The staff member reflects on feedback given from the supervisor and others, actively participates in agreed development activities and monitors and evaluates their own performance. Effective ongoing feedback ensures there are no surprises at the formal review meeting.

## **FIRST FORMAL REVIEW**

The first formal review occurs when the staff member has served one third of the probationary period. For continuing academic staff with a probation of three years the review will occur at the end of the first year. The supervisor may hold the review earlier if he/she believes that the staff member is not meeting the agreed performance expectations. The supervisor is responsible for ensuring that the review is conducted.

For fixed-term academic staff, the supervisor has the discretion to determine whether this review will take the form of a progress review (refer to section above) or a first formal review in accordance with this section. If problems are identified, including extenuating circumstances that have impeded expected performance, then a formal review is advisable. The supervisor must inform the staff member in writing of any impediments to the continuation of employment.

The supervisor:

- > arranges an agreed time and place for the review with the staff member
- > provides the staff member with a Formal Review form to be completed for the review.

During the review the supervisor and staff member will discuss:

- > progress against agreed expectations and development activities outlined in the workplan
- > strengths, achievements and successes
- > performance problems and/or areas for development
- > any impediments to continuation of employment
- > the submitted student teaching evaluations
- > the agreed expectations and adjustments to them if required
- > any problems which may impede continuation of employment
- > any further support and development required.

The supervisor and staff member will document the review and may amend the work plan to include or revise expectations, objectives, support or development. The Dean is provided with a copy of the review documentation and any amendments.

## **MANAGING PERFORMANCE ISSUES**

If performance problems are identified an agreed course of action will be developed and documented to assist the staff member. Supervisors must contact a member of their HR Partnership team in the first instance for guidance and advice where problems are identified that may be an impediment to continuation of employment. The following steps will then be taken:

- > The supervisor documents any adverse material and impediments to the continuation of the employment
- > Any development activities or remedial action are documented.
- > Both the supervisor and staff member sign the documentation and each keeps a copy.
- > The document is forwarded to the Dean/Director\* (for noting, or resolution where possible).
- > The Dean/Director\* forwards the documentation to the relevant HR Partnership team, HRU.

\*To the Senior Deputy-Vice Chancellor/Deputy Vice-Chancellor when the Dean/Director is the supervisor.

At any review where performance issues are discussed the staff member may choose to be assisted by their chosen representative during the interview.

### **FINAL FORMAL REVIEW**

The final formal review occurs six months before the end of the probation period for continuing staff and at least four weeks prior to the end of probation for fixed-term staff. The supervisor is responsible for ensuring the review is conducted.

The final review may be held earlier if:

- > the performance of the staff member is not meeting agreed expectations or,
- > in exceptional circumstances, the performance warrants granting of continuation of appointment prior to the end of probation.

Continuing staff must serve at least half the probation period before a final review can be held. The final review of a fixed-term staff member may be held at any time during the probation period.

The format of the final review follows that of the first review. The supervisor also makes a recommendation regarding continuation of appointment.

In preparing for the review, the supervisor:

- > identifies specific performance-related feedback, using examples
- > reviews all feedback and student evaluations of teaching
- > takes into account any factors that may have affected performance
- > provides the staff member with advance notice of the time and place for the review.

The supervisor reviews and discusses:

- > the staff member's accountabilities for the period
- > the staff member's progress against expectations, objectives and development activities agreed during the planning discussion
- > the student evaluations and staff member's reflections
- > strengths, achievements and successes
- > performance problems and/or areas for development, and how to address these
- > any extenuating circumstances which have impeded expected performance
- > any adverse material about the staff member that has been considered
- > any documentation the staff member provides to support the continuation of their appointment
- > the recommendation for either continuation or termination of appointment.

### **PROBATION DECISION**

The supervisor makes a recommendation to the Dean/Director to either:

- continue the appointment
- terminate the employment

Where the Dean/Director is the supervisor, the recommendation is made to the Senior Deputy Vice-Chancellor/Deputy Vice-Chancellor.

### **Continuation of Appointment**

The effective date is normally scheduled date of completion of the probationary period. An earlier date may be made where circumstances warrant. Once continuation of employment is confirmed the staff member will engage in workplanning in accordance with the Performance and Development process in line with other staff within the work area.

The Dean/Director may approve the supervisor's recommendation for continuation of appointment. Where the Dean/Director is the supervisor the recommendation is submitted to the Senior Deputy Vice-Chancellor/Deputy Vice-Chancellor for approval. The staff member is advised of the decision in writing.

### **Termination of Appointment**

If the supervisor recommends that the staff member's employment be terminated then the report must include any adverse material about the staff member, which has been taken into account. The supervisor will:

- > document and sign the recommendation for termination
- > give the report to the staff member to read and sign
- > provide a copy to the staff member to be retained for personal reference
- > accept any response to the report from the staff member.

The supervisor's recommendation together with any response from the staff member will be forwarded to the Dean.

### **Termination of Fixed-Term Appointments**

The recommendation to terminate the appointment and any written response from the staff member will be reviewed by the Dean/Director who makes a recommendation to the Senior Deputy Vice-Chancellor/Deputy Vice-Chancellor. The staff member is advised of the decision in writing. When the decision is to terminate the appointment, the staff member will receive four weeks notice. The University has discretion to give payment in lieu of notice.

### **Termination of Continuing Appointments**

When the Dean/Director:

- endorses a recommendation for termination of employment, or
- disagrees with a recommendation for continuation of appointment

then the recommendation and any response from the staff member are submitted to a Probation Review Committee via the Director, Human Resources.

The staff member is advised of the decision in writing and is provided with a copy of any submission forwarded to the Probation Review Committee.

### **Probation Review Committee**

The Probation Review Committee membership comprises;

- 1) the Senior Deputy Vice Chancellor or nominee (Chair)
- 2) the Director Human Resources or nominee
- 3) a continuing staff member in a cognate discipline (nominated by the Vice-Chancellor)
- 4) 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)
- 5) a person chosen by the staff member from the pool of elected staff representatives.

The staff member, supervisor and Dean/Director may make oral and/or written submissions to the Committee. A staff member may choose to be assisted or represented by a representative chosen by the staff member who is not a barrister or solicitor in private practice.

The Committee recommends either continuation of employment or termination to the Vice-Chancellor.

If the Vice-Chancellor decides to terminate the employment, the staff member is given six months' notice effective from the date of written advice of the decision from the Vice-Chancellor. The University has discretion to give payment in lieu of notice.

If the Vice-Chancellor decides to continue the staff member's employment then the effective date will be the date of the Vice-Chancellor's decision.

## APPROVALS

<b>EFFECTIVE DATE</b>	17 August 2006		
<b>REVIEW DATE</b>	2006/7 as part of alignment of all Performance and Development guidelines		
<b>ACCOUNTABLE OFFICER</b>	Director, Human Resources Unit		
<b>CURRENT INCUMBENT</b>	Jennifer Gilmore		
<b>IMPLEMENTATION OFFICER</b>	Senior Workplace Relations & Policy Specialist, HRU		
<b>CURRENT INCUMBENT</b>	Lisa Carroli	<b>CONTACT NO</b>	Extension 1079

## REVISION/MODIFICATION HISTORY

Date	Version	Current title	Summary of changes	Approved/rejected	Approval authority	Resolution or file number
16/08/06	1	Probation – Academic Staff – Planning and Review for Performance and Development Guidelines	Updated to align with 2006 collective agreements and current process.	Approved effective from 17 August 2006	Director, HR	UR05/120
31/8/07	2	Probation – Academic Staff – Performance and Development Guidelines	Consistency with Performance & Development – Principles and Procedures and HEWRR compliances	Approved	Director, HR	UR05/120