

Name of Policy	Probation for Continuing Academic Staff Policy
Description of Policy	This policy describes the process and procedures that apply to probation for Academic Staff members who have been appointed to a continuing position. The Policy outlines the responsibilities of those involved in the process.
Policy applies to	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific (<i>outline location, campus, organisational unit etc.</i>) <hr/> <input checked="" type="checkbox"/> Staff Only <input type="checkbox"/> Students Only <input type="checkbox"/> Staff and Students
Policy Status	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision of Existing Policy

Approval Authority	Vice-Chancellor
Governing Authority	Chief Operating Officer
Responsible Officer	Director, Human Resources

Approval Date	17 December 2012
Effective Date	17 December 2012
Date of Last Revision	16 April 2019
Effective Date of Last Revision	16 April 2019
Date of Policy Review*	16 April 2022

* Unless otherwise indicated, this policy will still apply beyond the review date.

Related Policies, Procedures, Guidelines and Local Protocols	Academic Performance Matrices and Evidence Framework ACU Capability Development Framework ACU Teaching Standards and Criteria Framework ACU Staff Enterprise Agreement 2017-2021, including clauses on Academic Career Pathways, Performance Excellence and Minimum Standards for Academic Levels (MSALs) Classification Standards Policy Fixed-term Academic Staff Policy Incremental Progression for Academic Staff Policy Learning for Life Framework 2014-2017 Managing for Performance Policy Performance Review and Planning for Academic Staff Policy Probation for Fixed Term Academic Staff Recruitment and Selection Policy and Procedures Research Quality Standards Higher Education Standards Framework
---	---

Table of Contents

1. Background Information.....	3
2. Definitions.....	3
3. Policy Statement.....	3
4. Policy Purpose.....	4
5. Application of Policy.....	4
6. Approvals.....	4
7. Procedures	5
7.1 Probation Criteria.....	5
7.2 Probation Period.....	5
7.3 Changing probation terms during the period of probation.....	5
7.4 Probation Reviews – Performance Review and Planning, and Formal Probation Reviews.....	6
7.5 Managing unsatisfactory performance during probation.....	10
8. Revisions made to this Policy	12
9. Further Assistance.....	12

Attachment 1: Mid-point Probation Review for Continuing Academic Staff – Process

Attachment 2: Mid-point Probation Review for Continuing Academic Staff – Process

Attachment 3: Probation Review Committees

Attachment 4: Regulation 1.07 of the Fair Work Act Regulations 2009

1. Background Information

The period of probation is the final stage of the recruitment and selection process. A probationary period is established to identify and support an appropriate match between the person, the position and the work environment. Successful probation requires both the staff member and the nominated supervisor over the established period of time to be satisfied with the match of the staff member's qualifications, skills, abilities and development and the needs of the position.

The ACU Staff Enterprise Agreement 2017 - 2021 sets out arrangements which apply to the probation process and these are supplemented by this Policy. The probation process is conducted in conjunction with the Performance Review and Planning for Academic Staff Policy and is informed by the Academic Performance Matrices and Evidence (APME) Framework and the Capability Development Framework (CDF).

2. Definitions

The following terms have specific meanings in this Policy:

- (i) The "Agreement" refers to the ACU Staff Enterprise Agreement 2017 - 2021.
- (ii) "Director Human Resources" refers to the person appointed to the position of Director Human Resources or a nominee of that person.
- (iii) "Executive Dean (or equivalent)" refers to the person appointed to the position of Executive Dean of a Faculty or the equivalent member of the Executive for non-Faculty units.
- (iv) "National Head of School (or equivalent)" refers to the person appointed to the position of National Head of School or an equivalent line management position(s) within a Faculty or non-Faculty.

3. Policy Statement

An Academic Staff member, other than a casual appointee, may be employed on the basis of a requirement to satisfactorily complete a specified, reasonable period of probationary employment that is directly related to the nature of the work to be performed. The requirement to complete a probationary period will normally be a condition within offers of continuing and fixed-term employment.

An Academic Staff member cannot normally be required to serve more than one period of probation. However, an Academic Staff member who has successfully completed the probationary requirements of a fixed-term appointment and who becomes eligible for and is subsequently offered a continuing academic appointment, may be required to serve a further period of up to two (2) years' probation. The additional probationary requirements for this continuing appointment will be detailed in the University's letter of offer, in accordance with this Policy.

The terms of an Academic Staff member's probation will be advised in writing to the Academic staff member in advance of the commencement of employment via the letter of offer of employment. The terms will include the period of probation and the probation criteria which must be achieved during probation. The maximum period of probation for staff appointed on a continuing basis is five (5) years.

The performance of an Academic Staff member, including in relation to the achievement of probation criteria, will be assessed during the probation period as part of the process for Performance Review and Planning (PRP) for Academic Staff. Formal Probationary Reviews may be conducted as an extension of the PRP process. An Academic Staff member with a five (5) year probation period would normally participate in two (2) Formal Probationary Reviews.

The potential outcomes during probation are normally as follows:

- early confirmation as an outcome of a Formal Probation Review process;
- confirmation (at the end of the period of probation), as an outcome of the Final Probation Review process; or
- non-confirmation of appointment and separation from employment at any time during the probation period; normally following a PRP and/or a Formal Probation Review process. This outcome would apply if the Academic Staff member does not meet the terms of their probation and/or their performance is unsatisfactory.

For the purposes of this Policy, unsatisfactory performance includes behaviour of a kind described in Regulation 1.07 of the Fair Work Act Regulations (refer to Attachment 4).

4. Policy Purpose

The purpose of this Policy is to set out the process and procedures which apply to probation for Academic Staff appointed on a continuing basis. The Policy also outlines the role and responsibilities of each of the following in the process and procedures:

- Academic Staff appointed to a continuing position with a probationary period;
- Nominated Supervisors;
- National Heads of School (or equivalent)(refer to definition in section 2);
- Executive Deans (or equivalent) (refer to definition in section 2); and
- relevant members of the Senior Executive.

5. Application of Policy

This policy applies to all Academic Staff employed at ACU who are appointed to a continuing position and are required to serve a probationary period.

6. Approvals

All approvals of decisions made must be in accordance with the relevant University Delegations of Authority Policy and Register.

7. Procedures

7.1 Probation Criteria

Probation criteria set out the expectations that the Academic Staff member will need to meet in order to achieve confirmation of their continuing appointment. Probation criteria will include essential and specific probation criteria.

The probation criteria for continuing academic positions will normally be determined as part of the recruitment and selection process and advised to Human Resources via the completion and authorisation of an 'Academic Staff Probation Period and Criteria Form' (refer to the [Recruitment and Selection Procedures](#)).

7.2 Probation Period

The period of probation of an Academic Staff member will be determined as part of the selection process based on the following options:

- the maximum probationary period which is:
 - five (5) years. This is the normal expectation.
 - two (2) years for a staff member who has previously been employed on a fixed-term basis¹.
- a shorter period of probation. For example, to recognise the qualifications and significant experience of the Academic Staff member verified through comprehensive referee checks.
- the waiver of probation. For example, if a probation period (or significant portion of a probation period) has already been served and/or in recognition of and as an attraction strategy for a candidate of high standing and reputation verified through comprehensive referee checks.

The recommended probation period will be set out on the 'Academic Staff Probation Period and Criteria Form'.

7.3 Changing probation terms during the period of probation

The approved probation criteria and period as set out in the 'Academic Staff Probation Period and Criteria Form' will be included in the letter of offer of employment to the Academic Staff member. Once the letter of offer containing the terms of probation is signed by the Academic Staff member, it cannot be changed except through mutual agreement between the University and the staff member to a variation to the letter of offer.

A change to an Academic Staff member's specific probation criteria may be appropriate following:

- a change to the staff member's Academic Career Pathway,
- an increase or reduction in the staff member's employment fraction, and/or
- another change to the employment arrangement.

¹ An Academic Staff member engaged on a second or subsequent fixed-term appointment with the University cannot be required to serve a probationary period (refer to section 3).

A period of leave, including parental leave and/or leave without pay, does not vary the probationary period specified in the letter of offer.

However, an increase to the period of probation could occur:

- if less than the maximum period of probation applies (refer to section 7.2); and
- there are extenuating circumstances; and
- there is mutual agreement between the University and the Academic Staff member to a variation to the letter of offer.

The following process will apply to changing the terms (criteria and/or period) of probation:

- The relevant section(s) of the 'Academic Staff Probation Period and Criteria Form' will be completed and signed by the nominated supervisor, National Head of School (or equivalent) and Executive Dean (or equivalent). The relevant member of the Senior Executive may approve an increase to the period of probation in accordance with this Policy;
- the Form will be lodged with Human Resources and a variation to the letter of offer will be generated;
- the Academic Staff member will be invited to accept the variation to the letter of offer and the revised terms take effect where there is formal acceptance.

This process does not apply to the reduction of a period of probation which occurs as a result of:

- approval of early confirmation in accordance with this Policy;
- a successful application for promotion to a higher academic level under the University's Academic Staff Promotion Policies (in this case, the probationary conditions and expectations will be deemed to have been met and the Academic Staff member will be granted continuing employment automatically);
- successful application for appointment to a higher level academic position through a recruitment and selection process (in this case, the period of probation will be determined as part of the selection process for the position. Probation may continue and apply for a combined total period of up to five (5) years or may be waived subject to approval by the appropriate delegate); or
- termination of employment.

7.4 Probation Reviews – Performance Review and Planning, and Formal Probation Reviews

During the period of probation the Academic Staff member will participate in the Performance Review and Planning (PRP) process for Academic Staff on an annual basis.

Formal Probation Reviews will be conducted as an extension of the annual PRP Review process and would normally occur twice within a full five (5) year probationary period.

7.4.1 PRP during Probation

(i) PRP Performance Planning

Normally within the first three (3) months of their probation period, an Academic Staff member and their nominated supervisor will conduct the planning component of the PRP process.

This will involve the development of a Performance Plan and a discussion between the Academic Staff member and nominated supervisor to:

- clarify the duties of the position, academic level and Academic Career Pathway (and the associated workload allocation);
- set objectives aligned with the essential and specific probation criteria specified in the offer of employment;
- discuss the evidence² that will need to be provided for the purposes of assessment of performance and progress towards or achievement of probation criteria;
- provide information about the PRP and Formal Probation Review processes; and
- identify support, professional development and any other needs to assist the staff member achieve confirmation of their appointment³.

The Performance Plan for the review period, including the relevant probationary criteria, will be documented on the PRP Form for Academic Staff and will normally be signed by the Academic Staff member and their nominated supervisor.

Each year thereafter a review of the Academic Staff member's performance against the Performance Plan will be conducted and a new Performance Plan incorporating the relevant probationary criteria will be developed in accordance with the PRP process.

(ii) PRP Performance Reviews

In accordance with the PRP for Academic Staff Policy, the performance of an Academic Staff member is reviewed annually. In addition, regular informal reviews should also occur.

Regular informal reviews may be initiated by the nominated supervisor or the Academic Staff member. During progress reviews any concerns should be raised, discussed and documented.

At the end of the review period in each year of probation, the Academic Staff member and their nominated supervisor will review the Academic Staff member's performance against the Performance Plan.

During these reviews, the following will be discussed and documented:

² Examples of evidence can be found in the Academic Performance Matrices and Evidence Framework.

³ The Capability Development Framework and the Academic Performance Matrices and Evidence Framework can assist in identifying professional development needs.

- the activities undertaken by the Academic Staff member, including their progress towards meeting performance objectives and probationary criteria;
- feedback to the Academic Staff member on progress toward meeting their performance objectives and probationary criteria;
- professional development activities undertaken;
- any perceived deficiencies in performance and suggestions for overcoming these deficiencies (including appropriate professional development, counselling and/or appropriate work allocation), and the timeframe for expected performance improvement; and
- information (evidence) gathered by the Academic Staff member and nominated supervisor from peers, students and other sources³.

The PRP Review documentation will normally be signed by both the Academic Staff member and their nominated supervisor. If perceived deficiencies with the Academic Staff member's performance are identified, these should be brought to the attention of the National Head of School (or equivalent) and the Executive Dean (or equivalent). The Executive Dean (or equivalent) may then take action in accordance with section 7.5, Managing unsatisfactory performance during probation.

(iii) Incremental Progression

The PRP process will inform the nominated supervisor's assessment of whether the Academic Staff member has met the performance outcomes and demonstrated the expected standards of performance for incremental progression. If the expected standards of performance are:

- met, incremental progression, to the next step within the Academic Staff member's classification, will occur.
- not met, the nominated supervisor is responsible for taking appropriate action in accordance with the Incremental Progression for Academic Staff Policy.

7.4.2 Formal Probation Reviews

(i) Timing of Formal Probation Reviews

Formal Reviews of Probation will normally be conducted:

- as part of the second PRP Review and before the middle of the probation period. This is referred to as the Mid-point Probation Review. A Mid-point Probation Review will not apply to a period of probation of three (3) years or less.
- six (6) months before the end of the probation period. This is referred to as the Final Probation Review.

(ii) Documentation for Formal Probation Reviews

For the purposes of a Formal Probation Review, the Academic Staff member and nominated supervisor will normally complete a PRP Form in conjunction with a Formal Probation Review Form. The Forms will be accompanied by supporting

³ Examples of evidence can be found in the Academic Performance Matrices and Evidence Framework.

documents and the evidence specified on the Formal Probation Review Form and agreed as part of the probation criteria and/or PRP process.

In circumstances where satisfactory progress towards or completion of a qualification is a probationary criterion, the Academic Staff member will be expected to provide evidence of their enrolment and progress (for example, a report from their research higher degree supervisor concerning progress and anticipated completion or evidence of submission of thesis).

The Academic Staff member may be required to give their permission for further information to be obtained directly from relevant officers within the institution in which the qualification is being undertaken, if requested to do so by the nominated supervisor.

(iii) Process for Formal Probation Reviews

The normal process for conducting the Mid-Point Probation Review (if applicable) and Final Probation Review is represented in Attachments 1 and 2, and is summarised below:

- The PRP and Formal Probation Review Form is completed by the Academic Staff member and nominated supervisor as described above.
- The Form is considered by the National Head of School (or equivalent) who may comment on the information provided by the Academic Staff member and nominated supervisor and sign the Form. The Form may be returned to the nominated supervisor with a request for further information as part of this process.
- The Executive Dean (or equivalent):
 - reviews the Form including any recommendations,
 - makes a judgement about the Academic Staff member's performance and/or progress towards achieving probation criteria, and
 - makes a recommendation or determination in relation to the staff member's probation.

The usual options for the Executive Dean (or equivalent) and the subsequent action required to complete the Formal Probation Review are summarised below. The options differ depending on whether the review is a Mid-point Probation Review or the Final Probation Review.

Mid-Point Probation Review

- (a) The Academic Staff member's performance and progress is satisfactory and probation should continue. The Academic Staff member will be informed of this outcome in writing.
- (b) The Academic Staff member's performance consistently exceeds expectations and early confirmation is recommended. In these circumstances the recommendation is referred to a Probation Review Committee by the Executive Dean (or equivalent). If early confirmation is endorsed by the Probation Review Committee, the recommendation will be referred to the relevant member of the

Senior Executive for decision. The Academic Staff member will be informed of this outcome in writing.

- (c) The Academic Staff member is at risk of not achieving their probation criteria by the end of the probationary term and/or their performance has been assessed as being unsatisfactory. In such circumstances, refer to section 7.5 (Managing unsatisfactory performance during probation) of this Policy.

Final Probation Review

- (a) The Academic Staff member's performance is satisfactory and confirmation is recommended. The recommendation is referred to the relevant member of the Senior Executive for approval. The Academic Staff member will be informed of this outcome in writing.
- (b) The Academic Staff member's performance is unsatisfactory and non-confirmation of their appointment is recommended. This recommendation may be referred to the Probation Review Committee for review. Refer to section 7.5 (Managing unsatisfactory performance during probation) of this Policy.

Refer to Attachment 3 for further information in relation to the composition and role of the Probation Review Committee.

Nothing in this Policy prevents the member of the Senior Executive from, in exceptional circumstances, considering other outcomes of the probation process which may be recommended by the Executive Dean (or equivalent) and/or a Probation Review Committee.

7.5 Managing unsatisfactory performance during probation

At any time during the probation period, a nominated supervisor may form the view that the performance of an Academic Staff member who is serving a probationary period:

- is at risk of not meeting one or more probation criteria by the end of their probation period; and/or
- has been assessed as unsatisfactory; and/or
- engaged behaviour of a kind described in Regulation 1.07 of the Fair Work Act Regulations (refer to Attachment 4).

7.5.1 Remedial action to address unsatisfactory performance

The PRP process and/or Formal Probation Reviews(s) provide the nominated supervisor with opportunities to:

- bring to the attention of the Academic Staff member the unsatisfactory nature of their performance, including any specific probation criteria that are at risk of not being met; and
- provide the Academic Staff member with reasonable opportunity and guidance to remedy their performance problem(s) including in order to meet the probation criteria.

The staff member will be made aware of any significant performance concerns through any actions taken by the nominated supervisor to defer or withhold incremental progression, in accordance with the Incremental Progression for Academic Staff Policy.

7.5.2 Continued Unsatisfactory Performance

Where a review of performance finds that earlier action to address the unsatisfactory performance has not achieved satisfactory performance, the nominated supervisor will bring this to the attention of the Executive Dean (or equivalent) and Director Human Resources and action will be taken in accordance with one of the following options.

(i) Referral to the relevant member of the Senior Executive

If the unsatisfactory performance (including any consideration that the academic staff member's behaviour has been in breach of Regulation 1.07 of the Act) is such that separation of employment before the end of the probation period is considered appropriate, the matter may be referred to the relevant member of the Senior Executive for appropriate action in accordance with the Agreement.

(ii) Referral to the Probation Review Committee as part of a Formal Probation Review

If the staff member is at risk of not meeting their probation criteria and/or the unsatisfactory performance has been identified through the Formal Probation Review process, the Executive Dean (or equivalent) may seek further consideration and advice from the Probation Review Committee as part of a Formal Probation Review⁴.

Outcomes from the consideration of the Probation Review Committee will normally include the following (depending on the timing of the Formal Probation Review):

Mid-point Probation Review

- (a) Where the Probation Review Committee endorses a recommendation of non-confirmation, the Executive Dean (or equivalent) will refer this to the relevant member of the Senior Executive for consideration of the recommendation for separation of employment in accordance with the Agreement.

Where the Probation Review Committee provides feedback on areas of performance and development for the Academic Staff member to address, this feedback is communicated to the Academic Staff member by the nominated supervisor and/or NHOS (or equivalent) and/or Executive Dean (or equivalent).

The outcomes of the managing for performance process include:

- If the Academic Staff member achieves satisfactory performance, their probation will continue and the Academic Staff member's performance will be reviewed through the PRP and (where applicable) the Final Probation Review.

⁴ In addition, the matter may be referred to a Probation Review Committee based on particular procedural requirements for probation reviews within the staff member's the letter of offer of employment.

- If the performance of the Academic Staff member continues to be assessed as unsatisfactory, the Executive Dean (or equivalent) may at any time refer the matter to the relevant member of the Senior Executive for consideration of a recommendation for separation of employment in accordance with the Agreement.

Final Probation Review

- (a) The Probation Review Committee may endorse a recommendation for confirmation of appointment and this is referred to the relevant member of the Senior Executive. The Academic Staff member will be informed of this outcome in writing.
- (b) Where the Probation Review Committee endorses a recommendation for the non-confirmation of appointment on the basis of unsatisfactory performance and/or behaviour, the Executive Dean (or equivalent) will refer this to the relevant member of the Senior Executive for appropriate action in accordance with the Agreement.

8. Revisions made to this Policy

Date	Major, Minor or Editorial	Description
19 December 2016	Major	Changes following comprehensive review of probation process and integration of Academic Performance Matrices and Evidence Framework and the Capability Development Framework
16 April 2019	Editorial	Updated to include title change to Australian Catholic University Staff Enterprise Agreement 2017 – 2021.

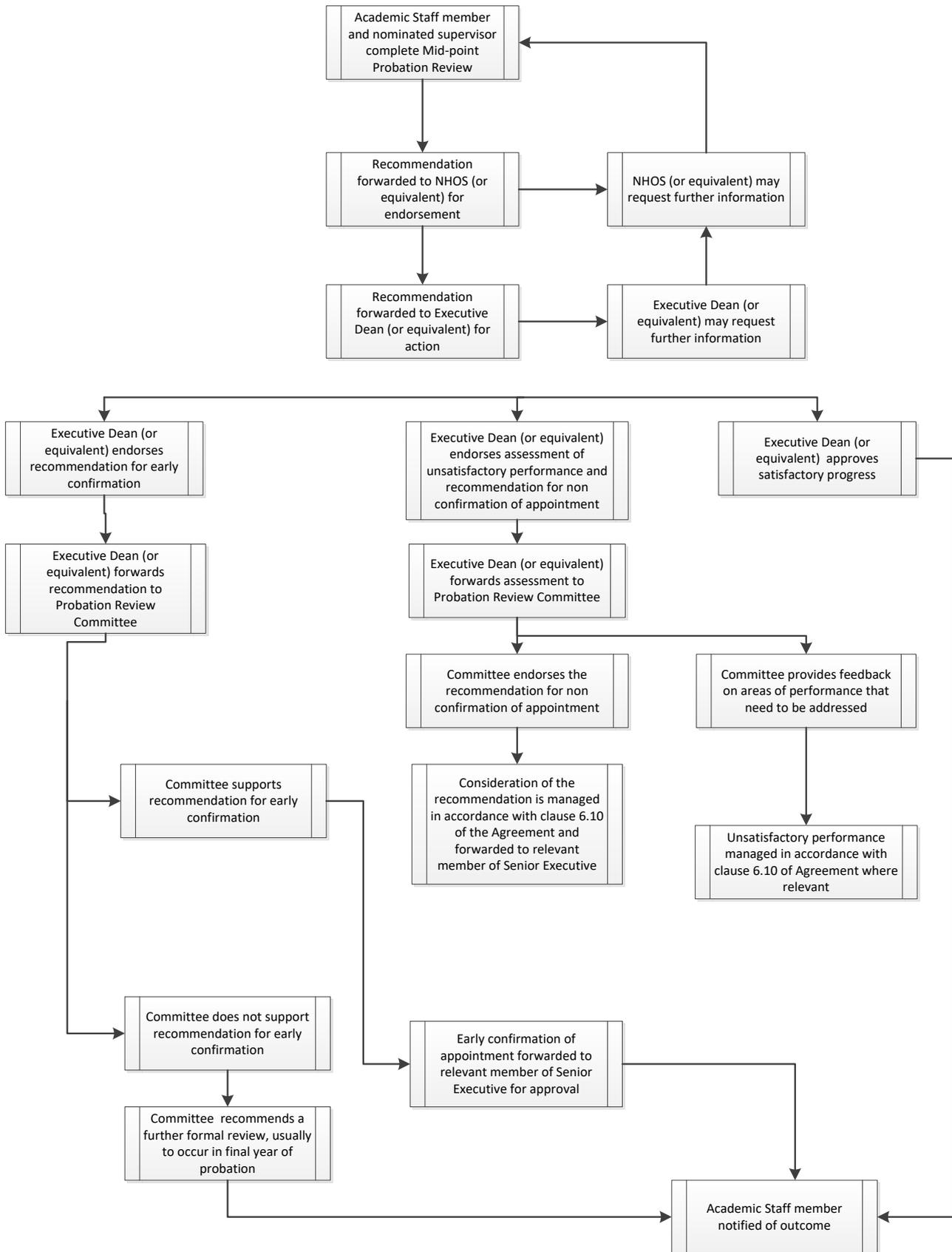
The University may make changes to this policy and procedures from time to time. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to Human Resources.

9. Further Assistance

Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit [Service Central](#).

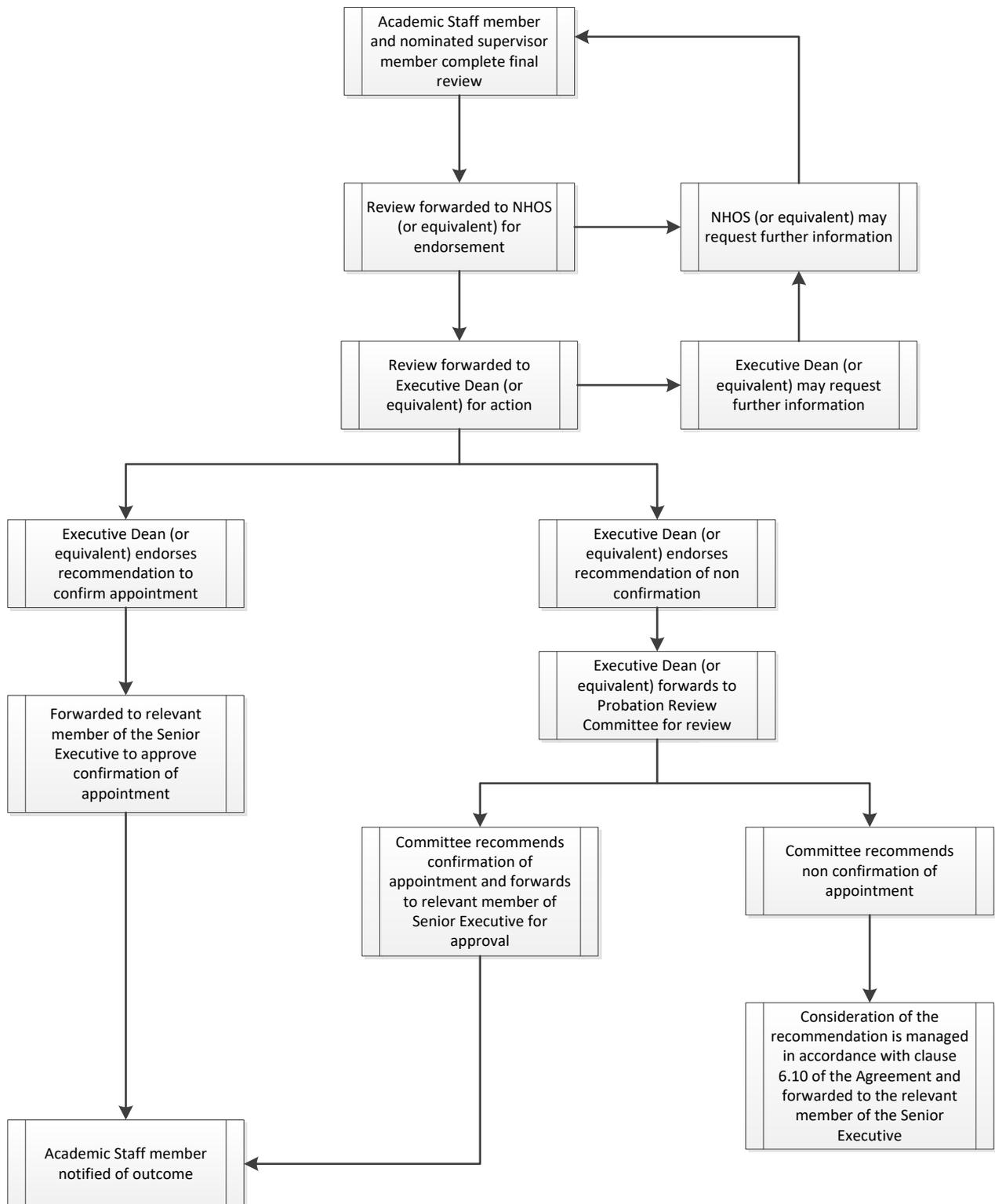
Attachment 1

Mid-point Probation Review for Continuing Academic Staff – Process



Attachment 2

Final Probation Review for Continuing Academic Staff – Process



Attachment 3 – Probation Review Committees

Each Faculty will have a standing Probation Review Committee. The Faculty Committees will also normally conduct Formal Probation Reviews for non-Faculty Academic Staff based on relevance of the discipline to the work of the Academic Staff member under review (e.g. the Formal Probation Reviews of Academic Staff of the Learning and Teaching Centre will normally be conducted by the Faculty of Education and Arts Probation Review Committee).

Probation Review Committees will make recommendations in relation to probation matters referred to them for consideration. A Probation Review Committee has no authority to make decisions in relation to probation matters.

1 Composition

Each Probation Review Committee will have the following membership:

- Relevant Executive Dean (or equivalent) (Chair) (or nominee);
- Two (2) continuing members of Academic Staff, one from the relevant Faculty/unit and one from another Faculty or unit;
- The nominated supervisor for the Academic Staff member whose Formal Probation Review is under consideration, as an advisor;
- The Director, Human Resources (or nominee) may attend meetings as an advisor and/or observer; and
- For Research focussed and Research only appointments, the Deputy Vice-Chancellor (Research) or nominee may attend meetings as a member.
- For Teaching focussed appointments, the Deputy Vice-Chancellor (Students, Learning and Teaching) or nominee may attend meetings as a member.

The following continuing Academic Staff members of Probation Review Committees will be elected, available to serve on other Faculty Probation Review Committees for a period of three (3) years, and eligible for re-election for further terms of office:

- each Faculty elects three (3) representatives.
- non-Faculties will elect three (3) representatives.

A quorum for a Probation Review Committee is three (3) members present, one of whom shall be the Chair.

The Executive Dean (or equivalent) will be replaced as Chair when the Probation Review Committee is considering the Formal Probation Review in the following circumstances:

- where the Executive Dean (or equivalent) is the nominated supervisor of the Academic Staff member under review; and/or
- where there may be a perception of a potential conflict of interest.

The replacement Chair will normally be a Chair of another Probation Review Committee nominated by the Provost.

2 Meetings

Faculty Probation Review Committees meet as required and at least on a biannual basis.

3 Summary of the Role of Probation Review Committees in Formal Probation Reviews

Probation Review Committees will participate in Formal Probation Reviews under the circumstances below. Refer to section 7.4.2(iii) further information about the process for Formal Probation Reviews.

Type of Review	Recommendations considered by Probation Review Committee
Mid-point Probation Reviews	Early confirmation
	An assessment of unsatisfactory performance
Final Probation Reviews	Unsatisfactory performance and non-confirmation of appointment

Attachment 4: Regulation 1.07 of the Fair Work Act Regulations 2009

1.07 Meaning of serious misconduct

- (1) For the definition of **serious misconduct** in section 12 of the Act, serious misconduct has its ordinary meaning.
- (2) For subregulation (1), conduct that is serious misconduct includes both of the following:
 - (a) wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
 - (b) conduct that causes serious and imminent risk to:
 - (i) the health or safety of a person; or
 - (ii) the reputation, viability or profitability of the employer's business.
- (3) For subregulation (1), conduct that is serious misconduct includes each of the following:
 - (a) the employee, in the course of the employee's employment, engaging in:
 - (i) theft; or
 - (ii) fraud; or
 - (iii) assault;
 - (b) the employee being intoxicated at work;
 - (c) the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.
- (4) Subregulation (3) does not apply if the employee is able to show that, in the circumstances, the conduct engaged in by the employee was not conduct that made employment in the period of notice unreasonable.
- (5) For paragraph (3)(b), an employee is taken to be intoxicated if the employee's faculties are, by reason of the employee being under the influence of intoxicating liquor or a drug (except a drug administered by, or taken in accordance with the directions of, a person lawfully authorised to administer the drug), so impaired that the employee is unfit to be entrusted with the employee's duties or with any duty that the employee may be called upon to perform.