

# Probation (Academic Staff) Policy - for staff who commenced on or after 1 July 2023

## Section 1 - Background and Purpose

(1) La Trobe University is committed to ensuring that assessment of staff employed on probation is fair and equitable.

(2) The purpose of this Policy and supporting procedures is to provide academic staff and supervisors with clear guidance of their obligations and the process to be followed during a staff member's period of probation.

## Section 2 - Scope

(3) This Policy and supporting procedures apply to:

- a. continuing and fixed-term Academic staff on probation and supervisors of Academic staff on probation, whose employment commences on or after 1 July 2023. They do not apply to casual staff, Professional staff or staff employed on a Senior Staff Contract.

(4) The [La Trobe University Enterprise Agreement 2023](#) (the EA) also contains provisions relating to the management of Probation at the University.

## Section 3 - Policy Statement

(5) The purpose of a probationary period is to ensure an appropriate match is made between the person, the job and the work environment. It serves as an opportunity for both La Trobe and the new staff member to confirm whether the staff member satisfies the goals and objectives of the position.

(6) Probation provides an opportunity to evaluate the staff member's suitability in terms of:

- a. Job fit – are the performance standards and expectations of the role being met?
- b. Behaviour – is behaviour appropriate and aligned to La Trobe's policy and procedures?
- c. Cultural fit – readiness to adapt to the attitudes, cultural qualities and values within the Team and La Trobe.

(7) These procedures can be used during the probation period to address performance or conduct concerns. The disciplinary procedures under the EA do not apply during the probationary period. It is important, however, that appropriate probationary procedures are followed to ensure a fair and equitable process.

(8) All new Academic staff appointed to a continuing or fixed-term position will normally be required to serve a period of probation.

# Section 4 - Procedures

## Part A - Period of Probation

(9) Unless otherwise provided in the contract of employment, Academic staff appointed to a continuing position with the University are required to complete an approximately three (3) year probation period, with the exact probation expiry date specified in the contract of employment in line with the University's Academic Probation Expiry Date Guidelines.

(10) Unless otherwise provided in the contract of employment, Academic staff appointed to a fixed-term position of five (5) years or more with the University are required to complete an approximately three (3) year probation period, with the exact probation expiry date specified in their contract of employment in line with the University's Academic Probation Expiry Date Guidelines.

(11) Unless otherwise specified in their contract of employment, Academic staff appointed to a fixed-term position of greater than two (2) years but less than five (5) years with the University are required to complete an approximately twelve (12) month probation period, with the exact probation expiry date specified in their contract of employment in line with the University's Academic Probation Expiry Date Guidelines.

(12) Unless otherwise specified in their contract of employment, Academic staff appointed to a fixed-term position of two (2) years or less with the University are required to complete a six (6) month probation period, with the exact probation expiry date specified in their contract of employment in line with the University's Academic Probation Expiry Date Guidelines.

(13) Probation will not usually apply to a second or subsequent fixed-term contract unless the duties of the new position are fundamentally different from the previous fixed-term appointment. Where a supervisor is considering requiring a second period of probation, the supervisor should contact their Senior HR Business Partner for advice before proceeding with that decision.

(14) The period of probation for Academic staff appointments under (9) to (11) above may be shortened to a minimum of one year or waived; and the period of probation for Academic staff appointments under (12) above may be waived on the recommendation of the Dean/Director and with the approval of the Provost/Deputy Vice- Chancellor. In determining this, consideration will normally take into account service at the University or at other universities, the level at which the appointment is being made and the staff member's demonstrated experience.

(15) In exceptional circumstances an Academic staff member's probationary period may be extended. Examples of this may include (but not be limited to) prolonged absences due to illness or another form of leave or transfer to other duties for a substantial portion of the probation period. Where a supervisor considers that an extension may be required, the supervisor is required to contact their HR Business Partner for advice. Any extension must be approved by the Executive Director, Human Resources (or nominee) and communicated to the Academic staff member in writing prior to the expiry of the original probation period.

## Part B - Responsibilities of the Supervisor During Probation

(16) The supervisor is responsible for:

- a. developing and confirming the probation goals with the staff member by:
  - i. organising a meeting within the first two weeks of the staff member's commencement in the role to commence discussions on the position description, duties and responsibilities, and to ensure that clear probation goals (performance and behavioural) will be set and documented in the staff member's Probation Plan in Career Success;

- ii. holding a further meeting within two months of commencement to confirm with the staff member their proposed probation goals and record these in Career Success;
  - iii. confirming with the Chair of the Panel in clause (27) that the proposed probation goals have been developed and recorded in Career Success and requesting the Panel be convened no later than within three months of commencement to review the proposed probation goals. When convened, the Panel will review the proposed probation goals and provide feedback on whether they are appropriate, taking into consideration the level of the role and the experience of the staff member.
  - iv. confirming with the staff member the outcome of the Panel review and discussing with them any changes required to the probation goals following this review.
- b. scheduling and conducting formal probationary review meetings throughout the probation period;
- c. facilitating and encouraging ongoing and regular discussions with the staff member regarding their performance, including:
- i. monitoring the general progress of the staff member's performance towards goals;
  - ii. assessing the staff member's behaviours, attitudes, cultural fit and alignment to values;
  - iii. seeking the views of other relevant senior Academic staff members, including any mentor(s), about the progress and contribution made by the staff member in relation to the staff member's probationary goals;
  - iv. providing feedback to the staff member;
  - v. providing appropriate support, development, coaching or training to assist the staff member;
  - vi. maintaining a record of meetings, including documenting any agreements or outcomes; and
  - vii. in situations where they have concerns in relation to the staff member's performance or behaviour, contacting their HR Business Partner for advice.

(17) During the probation period, the supervisor will determine whether the staff member has the right skills, knowledge and attributes to have their employment confirmed. This decision will be made in accordance with clauses 23 to 33 of this Policy and the Probation clause in the [EA](#).

## **Part C - Responsibilities of the Staff Member During Probation**

(18) The staff member is responsible for:

- a. working towards meeting the probationary goals set by their supervisor;
- b. participating actively in all probation discussions with their supervisor;
- c. undertaking any professional development required during the probationary period; and
- d. providing feedback to their supervisor in relation to performance matters, including:
  - i. seeking further clarification of expectations as required; and
  - ii. advising their supervisor or any concerns in relation to the achievement of their goals should this arise during the probationary period.

## **Part D - Reviews During the Probation Period**

(19) Formal probation review meetings for Academic staff appointments under (9) to (11) above will occur at least annually throughout the probation period. The Supervisor may align these with the Career Success timelines for other staff members.

(20) At each probation review meeting:

- a. the supervisor will assess the staff member's progress towards achieving their probation goals and provide the

staff member with feedback on their performance and suitability;

- b. the supervisor and staff member will discuss the staff member's development needs; and
- c. the staff member will have the opportunity to raise any areas of concern and discuss these with the supervisor including any significant factors impacting on the staff member's capacity to achieve their probation goals.

(21) The supervisor will document the discussion and any agreed outcomes in the staff member's Probation Plan in Career Success.

(22) Where a supervisor has any concerns in relation to the performance or behaviour of the staff member at any stage throughout the probationary period, the supervisor should contact their HR Business Partner for further advice and support.

(23) For Academic staff appointments under (9) to (11) above at approximately 5 months prior to the end of the probation period, the staff member will be asked to complete a Probation Assessment Form and provide this to the supervisor no later than 3 months prior to the end of probation. The Probation Assessment Form will include information on work progress and personal circumstances, including achievement relative to opportunity during the probation period.

(24) For Academic staff appointments under (12) above at approximately 10 weeks prior to the end of the probation period the staff member will be asked to complete a Probation Assessment Form and provide this to the supervisor no later than 8 weeks prior to the end of probation. The Probation Assessment Form will include information on work progress and personal circumstances, including achievement relative to opportunity during the probation period.

## Part E - Outcome of Probation - Confirmation of Employment

(25) Where the supervisor considers the staff member has met their probation goals or is uncertain as to the outcome of probation, at least six weeks prior to the expiry of the probationary period, the supervisor must submit the Probation Assessment Form, including their recommendation for confirmation of employment or their reasons as to why they are uncertain whether the staff member should have confirmation of employment to the Dean/Director (or where the Dean/Director is the supervisor, the Provost/Deputy Vice-Chancellor).

(26) On receipt of the Probation Assessment Form the following processes shall be followed.

### Convene a Probation Panel

(27) For staff members with an academic classification, a Probation Panel will be convened as follows:

	Probation Panel Convenor and Panel Chair	Probation Panel Member
Level A and B Academics	Dean/Director (or Provost/ Deputy Vice-Chancellor where the Dean/Director is the supervisor)	<ul style="list-style-type: none"><li>a. The staff member's supervisor</li><li>b. Head of Department/Division</li><li>c. A professorial member of the School/Division</li></ul>
Level C and D Academics	Dean/Director (or Provost/ Deputy Vice-Chancellor where the Dean/Director is the supervisor)	<ul style="list-style-type: none"><li>a. The staff member's supervisor</li><li>b. The Head of Department/Division</li><li>c. The Deputy Provost (if required by the Panel Chair)</li></ul>
Level E Academics	Provost (or the Deputy Vice-Chancellor Research and Industry Engagement where the Provost is the supervisor)	<ul style="list-style-type: none"><li>a. The staff member's supervisor</li><li>b. The Head of Department/Division</li><li>c. The Dean/Director</li><li>d. The Deputy Provost (if required by the Panel Chair)</li></ul>

(28) The Probation Panel:

- a. shall review the Probation Assessment Form and seek further information from those on the Probation Panel or external to the Probation Panel as required.
- b. where required, may request attendance from the staff member to provide feedback, respond or ask questions.
- c. will assess the information available to it. The Chair is responsible for ensuring that Probation Panel members carry out a fair, confidential and objective assessment of the staff member's Probation Assessment Form and probation period.

(29) The Chair, on recommendation from members of the Probation Panel, will decide whether to:

- a. Confirm the staff member's appointment in accordance with the contract of employment; or
- b. Recommend not to confirm the staff member's appointment (ie terminate the employment in accordance with the contract of employment).

(30) For staff members at Levels A, B C and D, the Chair will discuss the decision with the Provost or Deputy Vice Chancellor (or Vice-Chancellor where the Provost or Deputy Vice Chancellor is the supervisor) prior to confirmation of the decision/recommendation.

(31) For staff members at Level E, the Chair will discuss the decision with the Vice Chancellor prior to confirmation of the decision/recommendation.

(32) The Probation Panel shall be supported, for administrative matters, by the office of the Chair.

(33) If the decision is to confirm the staff member's appointment, the staff member will receive email confirmation of the successful completion of their probation period with the University at the end of the probation period.

(34) If the decision is to recommend to not confirm employment, the processes under Part F shall be followed.

## **Part F - Outcome of Probation - Termination of Employment**

(35) An Academic staff member's employment may be terminated by the University at any stage during the probation period for any reason, which may include (but not be limited to) unsatisfactory performance, behavioural concerns and misconduct.

(36) As per clause 20.4 of the EA, prior to making any decision to terminate a staff member's employment in probation, the staff member shall be advised of, and given an opportunity to make a written response to any adverse comments/material about the staff member which the University intends to take into account in a decision to terminate the staff member's employment upon or before the expiry of the probationary period.

(37) Where a supervisor has any concerns in relation to the performance or behaviour of the staff member at any stage throughout the probationary period, the supervisor should contact their HR Business Partner for further advice and support.

(38) Where a supervisor considers that a staff member should not have their employment confirmed upon or before the expiry of the probationary period or a decision is made under Part E to recommend to not confirm a staff member's employment, the supervisor will:

- a. advise the staff member that they will be making a recommendation to terminate the staff member's employment on or before the expiry of the probation period to:
  - i. (for Level A to D academic staff), the Provost/Deputy Vice-Chancellor (or where the Provost/Deputy Vice-Chancellor is the supervisor, the Vice-Chancellor)
  - ii. (for Level E academic staff), the Vice-Chancellor;

- b. provide the staff member with relevant documentation the supervisor intends to provide to the Provost/Deputy Vice- Chancellor/Vice-Chancellor;
- c. provide the staff member with an opportunity to provide a written response to the adverse material to the supervisor within ten (10) working days; and
- d. following advice from their HR Business Partner, write to the Provost/Deputy Vice-Chancellor (or where the supervisor is the Provost/Deputy Vice-Chancellor, the Vice-Chancellor) with their recommendation, and include a copy of the staff member's response to the adverse materials (if any).

(39) The Provost/Deputy Vice-Chancellor/Vice-Chancellor will consider the supervisor's recommendation and the staff member's response (if any) prior to determining whether to accept the recommendation and will inform the Executive Director, Human Resources of their decision.

(40) Prior to making the decision, the Provost/Deputy Vice-Chancellor/Vice-Chancellor may seek further clarification from the staff member or the supervisor on any information they provided.

(41) In making a decision to terminate a staff member's employment during the probationary period, the Provost/Deputy Vice-Chancellor/Vice-Chancellor will have regard to whether the procedures set out in the probation policy were followed.

(42) Where the Provost/Deputy Vice-Chancellor/Vice-Chancellor has determined that the termination of employment during the probationary period is warranted, the Human Resources Division will provide the staff member with a letter confirming termination of their employment.

(43) Except in cases of serious misconduct, where a staff member's employment is terminated at any stage during the probation period, the staff member will be provided with three months' notice unless a greater period of notice is specified in their contract of employment. At the discretion of the Executive Director, Human Resources, a payment in lieu of this notice may be made to the staff member. In cases of serious misconduct, the staff member's employment may be terminated without notice.

## Section 5 - Definitions

(44) For the purpose of this Policy:

- a. Misconduct: means conduct that is not serious misconduct but is nevertheless unsatisfactory.
- b. Probation Period: is a period of time in which La Trobe University places the staff member on 'trial' to assess if the staff member is suitable for the role and University. The Probation Period is outlined in the staff member's contract of employment.
- c. Serious Misconduct means:
  - i. serious misbehaviour of a kind that constitutes a serious impediment to the staff, or the staff's colleagues, carrying out their duties (including but not limited to breaches of the University's Code of Conduct);
  - ii. serious dereliction of the duties required of the employee in their position;
  - iii. conviction by a court for an offence that constitutes a serious impediment of the kind referred to in the first dot point above;
  - iv. theft or fraud; and/or
  - v. persistent misconduct or wilful and repeated incidents of misconduct.
- d. Supervisor: means the direct line manager of the staff member as recorded in MyHR and as varied from time to time.



## Status and Details

<b>Status</b>	Current
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