

# Probation (Fixed Term Academic Staff) Policy

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Administrative - Vice-Chancellor
<b>Accountable Executive - Policy</b>	Provost
<b>Responsible Manager - Policy</b>	Chief People Officer
<b>Review Date</b>	26 February 2028

## Section 2 - 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 fixed term academic staff and supervisors with clear guidance of their obligations and the process to be followed during a staff member's period of probation.
- (3) Academic Probation for fixed-term academic staff is administered through the Probation Form in MyHR.

## Section 3 - Scope

- (4) This Policy and supporting procedures apply to fixed term academic staff on probation and supervisors of fixed-term Academic staff on probation. They do not apply to casual staff, continuing academic staff [refer to the [Probation \(Continuing Academic Staff\) Policy - for staff who commenced on or after 1 July 2023](#)] or Professional staff [refer to the [Probation \(Professional Staff\) Policy](#)] or Senior Staff Contracts.
- (5) The La Trobe University [Enterprise Agreement 2023 \(the EA\)](#) also contains provisions relating to the management of Probation at the University.

## Section 4 - Key Decisions

<b>Key Decisions</b>	<b>Role</b>
Approve shortened or waived periods of probation for academic staff appointments	Provost/Deputy Vice-Chancellor
Determine the termination of employment during the probationary period	Provost/Deputy Vice-Chancellor/Vice-Chancellor
Approve a payment in lieu of termination notice period	Chief People Officer
Approve the extension of a probation period	Chief People Officer

## Section 5 - Policy Statement

(6) 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.

(7) 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.

(8) These procedures can be used during the probation period to address performance or conduct concerns. As per subclause 20.5 of the [EA](#), clauses 67 (Misconduct and Serious Misconduct), 68 (Breaches of the Research Code) and 69 (Unsatisfactory Performance) of the EA, do not apply to staff members during their probation period. It is important, however, that appropriate probationary procedures are followed to ensure a fair and equitable process.

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

## Section 6 - Procedures

### Part A - Period of Probation

(10) Unless otherwise provided in the contract of employment, Academic staff appointed to a fixed-term position with the University are required to complete a probationary period, with the exact probation duration and expiry date specified in the contract of employment in line with the University's [Academic Probation Expiry Date Guidelines](#).

(11) 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](#).

(12) 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](#).

(13) 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](#).

(14) 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 P&C Business Partner for advice before proceeding with that decision.

(15) The period of probation for Academic staff appointments may be shortened or 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. In exceptional circumstances an Academic staff member's probationary period may be extended – see Part G.

## **Part B - Responsibilities of the Supervisor During Probation**

(16) The supervisor is responsible for:

- a. setting and confirming the probation goals with the staff member by:
  - i. within the first two weeks of commencement in the role, organising a meeting with the staff member to discuss the position description, duties, responsibilities and setting probationary goals (performance and behavioural) for the staff member to document in the Probation Plan in MyHR;
- b. scheduling and conducting formal probationary reviews 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) or panel members, 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 P&C Business Partner for advice.

(17) During the probation period, the supervisor will determine whether the staff member has the required skills, knowledge and attributes to have their employment confirmed. This decision will be made in accordance this Policy and clause 20 of the [EA](#).

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

(18) The staff member is responsible for:

- a. entering set probationary goals in the Academic Probation Form in MyHR;
- b. working towards meeting the set probationary goals;
- c. participating actively in all probation discussions with their supervisor;
- d. undertaking any professional development required during the probationary period; and
- e. providing feedback to their supervisor in relation to performance matters, including:
  - i. seeking further clarification of expectations as required; and
  - ii. advising their supervisor of 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 will occur, as a minimum, at the mid-point of probation with the final probation review to be conducted around 5 months before the end of the probation period (for probation periods of three years). The Supervisor may undertake more frequent reviews and may align these with the Career Success timelines for the staff member. For probation periods of less than three years, probation reviews should occur periodically throughout

the probation period with the final probation review to be conducted no later than four weeks prior to the end of the probation period.

(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 the staff members capacity to achieve their probation goals

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

(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 the P&C Business Partner for further advice and support.

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

(23) Where the supervisor considers the staff member has met their probation goals, at least six weeks prior to the expiry of the probationary period, the staff member must complete their self-assessment in the MyHR Probation Form. The supervisor must discuss their probation decision with the 2-up manager then submit their assessment and recommendation for confirmation of employment in the MyHR Probation Form.

(24) If the 2-up Manager approves the supervisor's recommendation, the staff member will receive a system notification to review the probation outcome in MyHR Probation Form.

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

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

(26) 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.

(27) 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.

(28) 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 P&C Business Partner for further advice and support.

(29) 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 P&C 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).

(30) 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 Chief People Officer of their decision.

(31) 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.

(32) 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.

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

(34) 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 Chief People Officer, 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.

## **Part G - Extension of Probation**

(35) 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 P&C Business Partner for advice. Any extension must be approved by the Chief People Officer (or nominee) and communicated to the Academic staff member in writing prior to the expiry of the original probation period.

## **Section 7 - Definitions**

(36) For the purpose of this policy and procedure:

- a. **Misconduct:** means conduct that is not serious misconduct but is nevertheless unsatisfactory, and also includes a Research Code Breach.
- b. **Probation Period:** is a period of time in which La Trobe 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 member, or the staff

member's colleagues, carrying out their duties, or to students completing part or all of their course of studies, including but not limited to:

- breaches of the University's Code of Conduct;
- serious or repeated bullying, abuse or sexual harassment of another staff member, student or member of the public in connection with work; or
- causing a serious risk to the safety of staff, students or visitors to the University;

ii. serious dereliction of the duties required of the staff member in their position;

iii. conviction by a court for an offence that constitutes a serious impediment of the kind referred to in this definition;

iv. theft or fraud;

v. wilful refusal to carry out lawful and reasonable instruction that is consistent with the staff member's contract of employment;

vi. a serious Breach of the Research Code (see clause 68); and/or

vii. 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.

## **Section 8 - Authority and Associated Information**

(37) This Policy is made under the [La Trobe University Act 2009](#).

(38) Associated information includes:

- a. [Achievement Relative to Opportunity Guidelines](#)

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	26th February 2025
<b>Review Date</b>	26th February 2028
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	26th February 2025
<b>Expiry Date</b>	Not Applicable
<b>Responsible Manager - Policy</b>	Regan Sterry Chief People Officer
<b>Enquiries Contact</b>	People & Culture +61 3 9479 1234