Probation for Fixed Term Academic Staff Policy

Section 1 - Background Information

(1) 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.

(2) The ACU Staff Enterprise Agreement 2022-2025 sets out the arrangements which apply to the probation process for fixed-term academic staff and these are supplemented by this Policy. The probation process is conducted in conjunction with the Progress Plan for Academic Staff Policy and is informed by the Academic Performance Matrices and Evidence (APME) Framework and the Capability Development Framework (CDF).

Section 2 - Definitions

(3) The following terms have specific meanings in this Policy:

Term	Definition
The Agreement	Refers to the ACU Staff Enterprise Agreement 2022-2025.
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.
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.

Section 3 - Policy Statement

(4) An Academic Staff member, other than a casual appointee, may be employed on the basis of a requirement to complete satisfactorily a specified reasonable period of probationary employment that is directly related to the nature of the work performed.

(5) The requirement to complete a probationary period will normally be a condition within offers of continuing and fixed-term employment.

(6) The terms of an Academic Staff member's probationary period shall be advised in writing to the 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. For staff appointed on a fixed-term basis:

a. the maximum term of the probationary period may not exceed twelve (12) months;
b. the normal terms of probation are:

i. six (6) months for contracts of one to two (2) years duration;
ii. twelve (12) months for contracts of two (2) or more years duration; or
iii. the duration of the fixed term appointment for appointments of less than six (6) months.

(7) An Academic Staff member cannot normally be required to serve more than one period of probation with the University. A second or subsequent fixed-term contract with the University cannot contain a period of probation.

(8) In accordance with the Leave Without Pay Policy, periods of leave without pay exceeding twenty (20) working days, whether continuous or aggregated, will not count as service towards a probationary period for a fixed-term staff member. The period of probation will be extended by a period equivalent to the leave without pay up to the maximum probation period of twelve (12) months.

(9) The performance of an Academic Staff member, including in relation to the achievement of probation criteria, will be monitored and managed during the probation period as part of the Progress Plan for Academic Staff process. The performance of an Academic Staff member will normally be reviewed at the mid-point and prior to the end of the probation period.

(10) The potential outcomes during probation are normally as follows:

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

(11) For the purposes of this Policy, unsatisfactory performance includes behaviour of a kind described in Regulation 1.07 of the Fair Work Act 2009 (Cth) (refer to Attachment 1: MidPoint Probation Review Process [Fixed-term]).

Section 4 - Policy Purpose

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

a. Academic Staff appointed to a fixed-term position with a probationary period;
b. Nominated Supervisors;
c. National Heads of School (or equivalent) (refer to definition in section 2);
d. Executive Deans (or equivalent) (refer to definition in section 2); and
e. relevant Members of the Senior Executive.

Section 5 - Application of Policy

(13) This Policy applies to all Academic Staff employed at ACU who are appointed on a fixed-term basis who are required to serve a probationary period.

Section 6 - Approvals

(14) All approvals of decisions made must be in accordance with the relevant University Delegations of Authority

Section 7 - Procedures

Part A - Probation Criteria

(15) Probation criteria set out the expectations that the Academic Staff member will need to meet in order to achieve confirmation of their fixed-term appointment. Probation criteria will include essential and specific probation criteria.

(16) The probation criteria for fixed-term academic positions will normally be determined as part of a recruitment and selection process and advised to People and Capability via the completion and authorisation of an Academic Staff Probation Period and Criteria Form.

Part B - Probation Period

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

a. the normal terms of probation which are:
    i. six (6) months for contracts of one to two (2) years duration;
    ii. twelve (12) months for contracts of two (2) or more years duration;
    iii. the duration of the fixed term appointment, for appointments of less than six (6) months.
b. a shorter period of probation than stated above. For example, to recognise the qualifications and significant experience of the Academic Staff member verified through comprehensive referee checks.
c. 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 verified through comprehensive referee checks.

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

Part C - Changing probation terms during the period of probation

(19) 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.

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

a. a change to the staff member's Academic Career Pathway;
b. an increase or reduction in the staff member's employment fraction;
c. a period of leave without pay exceeding twenty (20) working days; and/or
d. another change to the employment arrangement.

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

a. 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.

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of staff printing this document to always refer to the ACU Policy Portal for the latest version.

b. The Form will be lodged with People and Capability and a variation to the letter of offer will be generated.
c. 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.

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

a. approval of early confirmation in accordance with this Policy;
b. a successful application for promotion to a higher academic level under the University's Academic Promotions Policy (in this case, the probationary conditions and expectations will be deemed to have been met and the Academic Staff member's employment will be automatically confirmed);
c. successful application for appointment to a higher level academic position through a recruitment and selection process (if this is to a fixed-term position, then it cannot contain a period of probation as it will be a second or subsequent fixed-term position. If it is to a continuing position, refer to the Probation for Continuing Academic Staff Policy); or
d. termination of employment.

Part D - Probation Feedback and Reviews

(23) During the period of probation, the Academic Staff member will participate in the ongoing Progress Plan for Academic Staff process. This process provides the framework for monitoring and reviewing the Academic Staff member's performance in particular against the probation criteria specified in their offer of employment.

Progress Plan for Academic Staff

(24) The Progress Plan is continuous for the duration of employment. It commences at the time of appointment with the University.

(25) Following commencement, Progress Plan conversations will begin between the Academic Staff member and nominated supervisor to:

a. clarify the duties of the position, academic level and Academic Career Pathway (and the associated workload allocation);
b. set expectations aligned with the essential and specific probation criteria specified in the offer of employment;
c. discuss the evidence[1] that will need to be provided for the purposes of assessment of process towards or achievement of probation criteria;
d. provide information about the Progress Plan feedback conversations and Probation Review processes; and
e. identify support, professional development and any other needs to assist the staff member achieve confirmation of their appointment.[2]

[1] Examples of evidence can be found in the Academic Performance Matrices and Evidence Framework.

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

(26) The Progress Plan can be utilised to outline and record any development plans associated with the staff member's probation.

(27) In accordance with the Progress Plan for Academic Staff Policy, regular formal or informal conversations should

occur, which may be initiated by the nominated supervisor or the Academic Staff member. During these conversations any probation related concerns should be raised, discussed and documented.

Performance Review

Progress Reviews

(28) In accordance with the Progress Plan for Academic Staff Policy, regular formal or informal conversations should occur, which may be initiated by the nominated supervisor or the Academic Staff member. During these conversations any probation related concerns should be raised, discussed and documented.

Mid-Point and Final Probation Reviews

(29) The purpose of Mid-Point and Final Probation Reviews is to assess performance against the essential and specific probation criteria specified in the offer of employment.

Timing

(30) The Probation Reviews will normally be conducted before the mid-point (Mid-Point Probation Review) and end of the probation period (Final Probation Review). The latter will occur prior to and normally no later than two (2) months before the end the period of probation

Process and Documentation

(31) The process for Probation Reviews is summarised in Attachment 1: MidPoint Probation Review Process [Fixed-term] and Attachment 2: Final Probation Review Process [Fixed-term].

(32) The following will be completed and normally be signed by both the Academic Staff member and their nominated supervisor:

a. Progress Plan 'snapshot' (if previously completed); and
b. for the Final Probation Review, a Final Probation Review Form, accompanied by supporting documents and the evidence specified on the Final Probation Review Form and agreed as part of the probation criteria, and probation review process.

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

a. the activities undertaken by the Academic Staff member, including their progress towards meeting their probationary criteria;
b. feedback to the Academic Staff member on their progress toward meeting their probationary criteria;
c. professional development activities undertaken;
d. any opportunities for improvements including:
    i. suggestions and/or actions for improvements (including appropriate professional development, counselling and/or appropriate work allocation);
    ii. the timeframe for expected performance improvement;
e. information (evidence) gathered by the Academic Staff member and nominated supervisor from peers, students and other sources.[3]

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

(34) 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.

Potential Outcomes of Probation Reviews

(35) Based on the information gathered during the Probation Reviews the nominated supervisor may form a view that:

Performance is satisfactory. The nominated supervisor will then inform the Academic Staff member of this. For a Final Probation Review, the nominated supervisor will recommend confirmation to the National Head of School (or equivalent) and then Executive Dean (or equivalent). The Executive Dean (or equivalent) is authorised to approve confirmation of the staff member's fixed-term appointment.
The Academic Staff member is at risk of not achieving their probation criteria by the end of the probationary period and/or their performance is unsatisfactory. The nominated supervisor will inform the National Head of School (or equivalent) and Executive Dean (or equivalent) one or both of whom may request further information. For a Mid-Point Probation Review the Executive Dean (or equivalent) may: • determine that the staff member's probation should continue. The staff member will be notified of the outcome, and informed of the nature of the improvement required and the timeframe within which reasonable improvement can be expected. • make a recommendation for non-confirmation of appointment to the relevant Member of the Senior Executive for appropriate action in accordance with the Agreement. For a Final Probation Review: The Executive Dean (or equivalent) may make a recommendation for non-confirmation of appointment to the relevant Member of the Senior Executive for appropriate action in accordance with the Agreement. Where a recommendation for non-confirmation of appointment is made, the staff member will be advised of, and given an opportunity to respond to, any adverse material that will be taken into account by the Member of the Senior Executive.

(36) Nothing in this Policy prevents early confirmation as an outcome of a Probation Review process. The relevant Member of the Senior Executive is authorised to approve early confirmation of the staff member's fixed-term appointment.

Section 8 - Revisions Made to This Policy

(37) The revision table includes revisions up until this document was migrated into the current policy platform. Any later changes will show in the Status and Details tab.

Date	Major, Minor or Editorial	Description
19 December 2016	Major	Updated to incorporate changes following a comprehensive review of probation process and integrates the Academic Performance Matrices and Evidence Framework.
16 April 2019	Editorial	Updated to include title change to ACU Staff Enterprise Agreement 2017-2021.
21 January 2021	Minor	Policy has been reviewed and updated to reflect the Progress Plan process, the University's new performance review and planning process.

(38) The University may make changes to this Policy from time to time. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to People and Capability. Unless otherwise indicated, this policy will still apply beyond the review date.

Section 9 - Further Assistance

(39) 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.

Section 10 - Additional Information

(40) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

Status and Details

Status	Current
Effective Date	19th December 2023
Review Date	1st August 2027
Approval Authority	Vice-Chancellor and President
Approval Date	19th December 2023
Expiry Date	Not Applicable
Responsible Executive	Angelle Laurence Chief People Officer
Responsible Manager	Angelle Laurence Chief People Officer
Enquiries Contact	Bernardine Lynch ER and Safety Committees and Policy Officer People and Capability