MANAGING UNSATISFACTORY PERFORMANCE: ACADEMIC STAFF PROCEDURE

SCOPE
This procedure applies to all continuing and fixed-term academic staff at the University's Australian campuses, herein collectively referred to as ‘you’ for the purpose of this procedure, but does not apply during any period of probationary employment. For managing performance of staff on probation, refer to the Academic probation procedure.

PROCEDURE STATEMENT
Monash University supports staff in their performance and development by providing the tools and support that will enable staff to reach and maintain expected performance standards within a given period of time. However, the University (‘us’, ‘our’ or ‘we’) will take appropriate disciplinary action where a staff member’s performance does not accord with required standards.

This procedure covers the management of staff where a supervisor is of the view that the staff member’s performance is unsatisfactory. In this situation, the supervisor may counsel the staff member in accordance with the requirements of this procedure, including identifying the nature of the improvement required and the time within which reasonable improvement can be expected. (Supervisors with concerns about the conduct of staff, as opposed to their performance, should refer to Integrity and Respect Policy and related procedures.

This procedure is based on the principles of procedural fairness and natural justice as set out under clause 52 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014 (the “Enterprise Agreement”) and operates in conjunction with the provisions of clauses 53 and 56 of the Enterprise Agreement.

1. Planning for performance improvement
1.1 Where, in the opinion of your supervisor, your performance is regarded as unsatisfactory, your supervisor should contact their HR Business Partner for support and advice. Usually, your supervisor will be encouraged to arrange for a counselling discussion with you, in the first instance.

1.2 The discussion will focus on how you are to achieve the required performance standard and by when and what resources may be available to assist you to meet the required performance standard.

1.3 In the counselling session, your performance supervisor will:
   - inform you that your performance is not of an acceptable standard;
   - discuss with you why your performance is not of an acceptable standard, and determine what issues might be affecting your ability to perform;
   - explain the required performance standard, and the improvements that you must make in your performance in order to meet the required performance standard;
   - specify the timeframe within which you must have improved your performance to the required standard;
   - determine what resources and/or remedial actions are required to give you a reasonable opportunity to quickly improve performance to the required standard within a specified timeframe (for example, directing you to appropriate professional development); and
   - confirm that you may be subject to further disciplinary action if you do not meet the required performance standard.

1.4 You are able to ask questions of your supervisor, provide information about your performance, including mitigating factors, and to be able to request assistance in meeting the required performance standard where such assistance is available and suitable for the purpose.
1.5 At the end of the counselling discussion you should have a clear understanding of:

- your performance (as assessed by your supervisor);
- how it is failing to reach the required performance standard;
- what is required of you to meet the required performance standard; and
- the set period of time in which your performance must improve.

1.6 Your supervisor will keep a record of the counselling given (preferably in the Notes function of the myPlan system) and may upload any relevant documentation to your performance portfolio. A copy of any notes or documentation should also be provided to you. In addition, your supervisor will ensure that relevant goals, strategies and achievement indicators are reflected in your myPlan.

1.7 Your supervisor will ensure that the resources and remedial measures that have been identified are accessible to you in a timely fashion.

2. **Reviewing progress**

2.1 Following the counselling discussions, your supervisor will monitor your performance and will keep you informed about how you are progressing in meeting the required performance standard. Your supervisor may inform you that you are meeting the required performance standard and maintaining it, or are making progress toward meeting the required performance standard after an agreed period and then maintaining it.

2.2 Your supervisor will provide feedback to you when you have met and continue to meet the required performance standard.

2.3 If your performance continues to be unsatisfactory and you are not yet at the increment ceiling for your academic level, your supervisor and Head of Unit may consider withholding your annual increment payment in accordance with clauses 64.7 to 64.10 of the Enterprise Agreement. Your supervisor and/or Head of Unit must contact their HR Business Partner or a Workplace Relations Consultant for advice.

3. **Disciplinary action**

3.1 Your supervisor will discuss the possible need for disciplinary action with the Head of Unit if your supervisor considers that no substantial improvement has occurred and that the required performance standard has still not been achieved, despite counselling, advice and assistance being provided to you.

3.2 Where your supervisor is the Head of Unit, your supervisor will discuss the matter with the Dean, or appointed deputy Dean/Associate Dean.

3.3 Where the Head of Unit (or appointed deputy Dean/Associate Dean) agrees with your supervisor that counselling has not produced the required improvements in performance, your supervisor and the Head of Unit will prepare a formal unsatisfactory performance report in conjunction with the Workplace Relations Consultant assigned to their faculty/department. The report will then be submitted, circulated and considered in accordance with clause 53 of the Enterprise Agreement.

3.4 You will be provided with a copy of the report and be given 10 working days to provide a written response to the report to the Dean and to the Vice-Chancellor and President.

3.5 Upon receipt of an unsatisfactory performance report and any written response from you, the Vice-Chancellor and President will satisfy themselves that appropriate steps have been taken by your supervisor and may make such further enquiries as the Vice-Chancellor and President considers reasonable and appropriate to determine if disciplinary action should be imposed.

3.6 Any decision regarding disciplinary action will be in accordance with clauses 53.12 and 53.13 of the Enterprise Agreement.

4. **Unsatisfactory Performance Review Committee**

4.1 Refer to clauses 53.14 - 53.17 of the Enterprise Agreement.

5. **Responsibilities**

Staff member

5.1 Staff have a responsibility to perform their work to a standard that is acceptable to their supervisors and which conforms with the faculty-specific academic performance standards, work performance policies, objectives, and accountabilities of the work units in which they are engaged.

5.2 Where staff are deemed to not be performing to the acceptable standard they have a responsibility to:

- use their best endeavours to quickly reach and maintain the required performance standard;
- appraise their supervisor of any matters that are affecting their ability to perform to required performance standard; and
- participate fully in any remedial measures that the University considers are suitable in assisting the staff member to attain and maintain acceptable work performance standards, including the steps set out in this procedure.
Supervisor

5.3 The supervisor is accountable to the University for:

- the performance of those whom they supervise;
- ensuring that the staff member understands the standards of performance that apply to the work that they are given, including the faculty-specific academic performance standards that apply to the staff member’s level and (where applicable) the required performance standard set in accordance with this procedure; and
- ensuring that the performance of every staff member whom they supervise is of an acceptable standard, or if it is not of an acceptable standard that the staff member’s performance is being actively managed in accordance with this procedure.

5.4 Where a staff member’s performance is not of an acceptable standard, the supervisor has a responsibility to:

- identify the poor performance; and
- follow the steps set out in this procedure in order to give the staff member a reasonable opportunity to improve their performance to the required standard.

5.5 If, at the end of the specified timeframe, the staff member’s performance has not met the required standard the supervisor has a responsibility to provide information to the Head of the Unit about the failure of the staff member to meet the required performance standard and to provide whatever contextual information that the Head of Unit requires to examine the matter and issues involved.

5.6 The supervisor also has a separate responsibility to advise the Head of Unit immediately when they consider that serious misconduct has arisen (supervisors with concerns about the conduct of staff, as opposed to their performance, should refer to the Integrity and Respect Policy and related procedures).

The Head of Unit

5.7 The Head of Unit is responsible for:

- ensuring that any poor performance within the department or school is identified and actively managed in accordance with this procedure;
- reviewing the issues and facts after an allegation of failure to meet the required performance standard has been made by the supervisor;
- ensuring that the supervisor has followed procedures, including counselling;
- ensuring that any report for the Vice-Chancellor and President examines the facts and provides information and recommendations about what actions are appropriate; and
- providing a copy of the report to the staff member who is the subject of the report.

The Vice-Chancellor and President

5.8 The Vice-Chancellor and President is responsible for the discharge of their obligations under clause 53 of the Enterprise Agreement.

6. Breach of procedure

6.1 We treat any breach of our policies or procedures seriously. We encourage reporting of concerns about non-compliance and manage compliance in accordance with the applicable Enterprise Agreement or contract terms.

DEFINITIONS

| Academic performance standards | Faculty or discipline specific performance standards for all academic staff against which academic performance will be measured, particularly for the purpose of probation, promotion and performance development. The standards are qualitative, quantitative or a mixture of both across the three key areas of academic activity - research, education and service. They include identified minimum performance standards, below which the staff member would be managed for unsatisfactory performance in accordance with this procedure. |
| Counselling | A process in which the supervisor may advise the staff member about aspects of their performance that are giving rise to concern. The counselling process identifies what the issues under advisement are, to examine options for change and to point to ways in which the staff member may improve their performance. The counselling process also provides an opportunity for the staff member to furnish to the supervisor information about aspects of their performance, or about the context or contributing factors that are impacting on their behaviours. Counselling may occur in the context of or arising from the disciplinary process described at clause 53 of the Enterprise Agreement or the performance development process described at clause 64 of the Enterprise Agreement, in accordance with the applicable clause and with relevant University policy and procedures. |
Disciplinary actions | Actions by the University to discipline a member of academic staff including unsatisfactory performance, misconduct or serious misconduct, and may entail the following measures: formal censure or counselling; demotion by one or more classification level or increments; withholding of an increment; suspension with or without pay; and/or termination of employment as defined by clause 53.2 of the Enterprise Agreement.

Enterprise Agreement | The relevant Enterprise Agreement that applies to a particular staff member. Clauses relating to this procedure are:

- Monash University Enterprise Agreement (Academic and Professional Staff) 2014
  - Clause 3 - Definitions
  - Clause 11 - Committees and Chairpersons
  - Clause 52 - General Principles
  - Clause 53 - Termination of Employment and Disciplinary Action – Academic Staff
  - Clause 58 - Probationary Employment Principles – Academic Staff
  - Clause 64 - Performance Development

Head of Unit | The head of unit/school/department/centre or director or, where applicable, a person acting as their nominee. If there are no heads of unit within the faculty, a deputy dean or equivalent may be delegated the head of unit’s responsibilities for the academic performance development process.

HR Business Partner | A key member of the Monash HR Business Partnering community and provides strategic advice, guidance and solutions that underpin key client goals, HR strategy and organisational vision to a particular client group.

myPlan | The online performance planning tool that supports academic staff and supervisors to manage the performance development cycle.

Representative | A person chosen by the staff member, to assist them during a disciplinary process and who is not a practicing barrister or solicitor as defined under clause 3.10 of the Enterprise Agreement.

Required performance standard | A staff member’s required performance standard:

- is established by the supervisor with the staff member;
- is at or above the ‘minimum’ level of academic performance for the candidate’s current level according to faculty’s academic performance standards;
- contains clear and defined criteria for performance that are measurable; and
- contains criteria that are either qualitative or quantitative or a mixture of both.

Unsatisfactory performance report | A report issued by the supervisor and prepared after counselling and after, in the opinion of the supervisor, performance has not improved to a satisfactory level. An unsatisfactory performance report is provided to the relevant dean and the Vice-Chancellor and President and must state clearly the aspects of performance seen as unsatisfactory and record any attempts to remedy the issues. In preparing the report the supervisor should have referenced and, as appropriate, incorporated relevant excerpts from performance development reports.

Unsatisfactory Performance Review Committee | A committee formed when a staff member requests a review of the Vice-Chancellor’s decision to take disciplinary action. The committee is constituted under clause 53.14 of the Enterprise Agreement.

Vice-Chancellor and President | Provost and Senior Vice-President is the nominee of the Vice-Chancellor and President under clause 3.19 of the Enterprise Agreement.
| GOVERNANCE |
|------------------|----------------------------------|
| Parent policy    | Probation, performance and promotion |
| Supporting schedules |                                           |
| Associated procedures | • Performance Development Process: Academic Staff  |
|                     | • Managing Unsatisfactory Performance for Academic Staff Flowchart |
|                     | • myPlan |
| Legislation mandating compliance |                                           |
| Category            | Human Resources |
| Approval            | Chief Human Resources Officer as delegate of the Chief Operating Officer - 6 November 2015 |
| Endorsement         | Director, Workplace Relations - 6 November 2015 |
| Procedure owner     | Director, Workplace Relations |
| Date effective      | 26 October 2018 |
| Review date         | 6 November 2018 |
| Version             | 5 |
| Content enquiries   | ask.monash or phone Monash HR on (03) 990 20400 |