

# Unsatisfactory Performance - Management Procedure

## Section 1 - Purpose

(1) This Procedure will operate in conjunction with the provisions of the applicable industrial instrument that regulates the terms and conditions of employment of an employee of Charles Sturt University (the University), and provide further details on the management of unsatisfactory performance.

(2) Where any inconsistency arises between the provisions set out in the applicable industrial instrument and this Procedure, the industrial instrument will prevail.

(3) The University is committed to ensuring due process with respect to all decisions made on the taking of disciplinary action against any of its employees.

## Section 2 - Glossary

(4) (Nil)

## Section 3 - Policy

(5) (Nil)

## Section 4 - Procedures

(6) Where a supervisor is of the view that the performance of an employee is unsatisfactory, the supervisor will first meet with and counsel the employee on their performance and provide the employee with a document setting out the specific aspects of the employee's performance deemed to be unsatisfactory.

(7) Should they so choose, an employee may be accompanied by an employee of the University at any meeting with their supervisor conducted pursuant to clause 6. Where an employee chooses to be accompanied by another employee that employee may provide advice and assistance to the employee whose performance is in doubt.

(8) Following a meeting conducted pursuant to clause 6, the supervisor will develop a document setting out the nature of the improvements required of the employee and the period within which these improvements are expected. Prior to initiating such a document, the supervisor will consult with their Executive Dean of Faculty/Executive Director (or equivalent) concerning the details set out in the document.

(9) The supervisor shall meet with the employee to provide him or her with a copy of the document and to explain the details set out in the document.

(10) At the conclusion of the specified review period, the supervisor will meet with the employee and review their performance having regard to the details set out in the document.

(11) Where, following a review pursuant to clause 10, the performance of the employee is deemed by the supervisor to meet the level required, no further action is required.

(12) Where, following a review pursuant to clause 10, the performance of the employee is deemed by the supervisor not to have improved to the level required:

- a. the supervisor will provide a report to the employee outlining the continuing deficiencies identified in their performance;
- b. the employee will be given ten working days to submit to the supervisor a written response to the report; and
- c. the supervisor will advise their Executive Dean of Faculty/Executive Director (or equivalent) and the Executive Director, Human Resources of the administrative action taken pursuant to this clause.

(13) Having received and considered the response from the employee made pursuant to clause 12, the supervisor shall advise the employee:

- a. to continue undertaking some or all of the actions set out in the document for a further specified period;
- b. that their performance is such that no further action is required; or
- c. that action is to proceed in accordance with this clause.

(14) Where the supervisor advises the employee that action is to proceed pursuant to clause 13c., the supervisor will provide a copy of the report to the employee at the time of submitting the report to the Executive Dean of Faculty/Executive Director (or equivalent). The Executive Dean of Faculty/Executive Director (or equivalent) will normally consult with the supervisor, the employee and with any other appropriate employees, before endorsing the report.

(15) Where the report is endorsed, the Executive Dean of Faculty/Executive Director (or equivalent) shall refer the report via the Executive Director, Human Resources to the Vice-Chancellor. The report will clearly state the specific deficiencies identified in the employee's performance and the record of attempts to remedy those deficiencies.

### **Subsequent Action by the Vice-Chancellor**

(16) In giving consideration to the report from the supervisor, as endorsed by the Executive Dean of Faculty/Executive Director (or equivalent), and the employee's response provided pursuant to clause 12b, the Vice-Chancellor shall first be satisfied that:

- a. appropriate steps were taken by the supervisor to draw the attention of the employee to the deficiencies identified in their performance;
- b. the nature of the improvements required of the employee were fair and reasonable;
- c. a reasonable period of time was afforded to the employee to remedy the deficiencies identified in their performance; and
- d. adequate opportunity was given to the employee to respond to the supervisor's report.

(17) If satisfied in relation to each of the matters set out in clause 16, the Vice-Chancellor shall advise the supervisor and the employee in writing that:

- a. no further action is to be taken; or
- b. disciplinary action pursuant to clause 19 is to be taken.

(18) If not satisfied in relation to one or more of the matters set out in clause 16, the Vice-Chancellor shall refer the matter back to the supervisor with such direction as may be appropriate and shall advise the employee in writing accordingly.

(19) Disciplinary action may include one of the following actions:

- a. counselling;
- b. formal censure;
- c. withholding of a salary step;
- d. demotion by one or more salary steps;
- e. demotion by one or more classification levels; or
- f. termination of employment.

(20) Where the Vice-Chancellor decides to terminate the employment of the employee, the employee shall be given written notice as provided for in the applicable industrial instrument. The University may affect payment of salary in lieu of all or part of the period of notice.

(21) Nothing in this Policy shall prevent the Vice-Chancellor on his or her own motion from referring a question of possible unsatisfactory performance to a supervisor, through the Executive Dean of Faculty/Executive Director (or equivalent), for appropriate action.

## **Section 5 - Guidelines**

(22) (Nil).

## Status and Details

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