

Policy Title: **Unsatisfactory Performance – Academic Employees**

Policy Owner: **Director, Human Resources Services Centre**

Keywords: **1) Unsatisfactory performance 2) Disciplinary action**

Policy Code: **PL285 / hr177**

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1. INTENT

The ECU Code of Conduct defines required employee behaviour and performance, and this policy details processes to be followed where it is claimed an academic employee’s performance is unsatisfactory.

2. ORGANISATIONAL SCOPE

All ECU Academic Employees excluding casual and probationary employees.

3. DEFINITIONS

TERM	DEFINITION
Decision-maker	Means the delegated authority or nominee as provided within the University’s Schedule of HR Delegations.
Industrial Instrument	Means the Edith Cowan University (ECU) Enterprise Agreement.
Line Manager	Means the person with managerial responsibility for the employee.
Performance Improvement Plan	Means a formal document provided to the employee that sets out what the unsatisfactory performance is, and defines and sets performance improvement objectives and expected outcomes the employee must achieve within a reasonable timeframe to demonstrate their performance has satisfactorily improved.
Unsatisfactory Performance	Means the gap between the employee’s actual performance and the level of performance required by the University. Including inefficiency

or negligence in the performance of the employee's duties or unacceptable workplace behaviour, or the inability or unwillingness of the employee to utilise relevant skills to carry out major accountabilities associated with their job.

4. POLICY CONTENT

4.1 Principles applicable to unsatisfactory performance processes

- 4.1.1** Unsatisfactory performance processes will be conducted in a respectful manner, and where practicable in a manner that maintains confidentiality, and recognises the sensitive nature of issues.
- 4.1.2** Management and resolution of unsatisfactory performance will be fair and reasonable.
- 4.1.3** Where practicable the emphasis will be on early intervention and resolution by informal management.
- 4.1.4** Where performance concerns of a serious nature are identified, the Formal Management process at Clause 4.3 below will be commenced.

4.2 Informal management

- 4.2.1** Concerns about unsatisfactory performance will be considered in the first instance by the employee's line manager.
- 4.2.2** If the line manager determines that there is substance to performance concerns, they will inform the employee of the nature of these concerns, such as providing examples or evidence to demonstrate the unsatisfactory performance, standards of performance expected, and the time within which reasonable improvement is expected. The employee will be provided with an opportunity to respond to these concerns.
- 4.2.3** Where appropriate, the line manager may decide to resolve the concern through guidance, counselling or other appropriate action to assist the employee to improve their performance. This may include a requirement for the employee to undertake any reasonable action, including participation in professional development activities or attending sessions with the Employee Assistance Program, to attain the desired standard of performance.

The matter will be resolved and no further action will be taken where the employee can meet and maintain the required performance expectations.

- 4.2.4** If the line manager considers the performance cannot be resolved or addressed through guidance or other reasonable actions, or if these have been unsuccessful or are inappropriate due to the serious nature of the unsatisfactory performance, then the line manager will advise the employee of the need to commence an unsatisfactory performance process.

4.3 Formal Management

- 4.3.1** The employee will be notified in writing of the nature of the unsatisfactory performance, examples of where performance is not currently being met, and the possible disciplinary outcome that may be instituted and what the formal process entails. The unsatisfactory performance concerns will be in sufficient detail to enable the employee to understand the nature, and to properly consider and respond to them.
- 4.3.2** The line manager will meet with the employee to discuss the identified unsatisfactory performance, and where necessary develop in consultation with the employee a Performance Improvement Plan. The employee may have a support person or request to have an employee representative at any time during the process. The line manager may be supported by a member of Human Resources Services Centre during the process.
- 4.3.3** Where implemented a Performance Improvement Plan will detail performance expectations and/or targets, required performance standards, expected outcomes and/or milestones, methods of assessment and anticipated timelines.
- 4.3.4** During the Performance Improvement Plan period the line manager will meet regularly with the employee, and discuss progress towards achieving performance objectives and or performance milestones.
- 4.3.5** If the unsatisfactory performance concerns are resolved during the Performance Improvement Plan period, the outcome will be recorded and no further action will be taken.
- 4.3.6** If, during or on expiry of Performance Improvement Plan the unsatisfactory performance concerns remain unresolved, or the employee cannot meet required performance standards the line manager will inform the relevant Line Executive and provide a report to the Vice-Chancellor and employee consistent with provisions within the Industrial Instrument.
- 4.3.7** The Vice-Chancellor may determine the employee's performance is not unsatisfactory and take no further action, or may refer the matter back to the relevant line manager if the policy or Industrial Instrument have not been followed, and the employee will be advised accordingly.
- 4.3.8** If the Vice-Chancellor is satisfied the employee's performance is unsatisfactory, they may take such disciplinary action as is considered appropriate in the circumstances.
- 4.3.9** Consistent with the Industrial Instrument the employee may request a review of particular disciplinary decisions.

4.4 Employee Record

Where disciplinary action is determined, details of the action taken will be placed on the employee's personal file. Other documentation relating to the matter will be placed on a formal restricted access file. Such documentation may include records of meetings, performance improvement plan, and considerations relevant to the unsatisfactory performance.

5. ACCOUNTABILITIES AND RESPONSIBILITIES

The Director, Human Resources Services Centre has overall responsibility for the content of this policy and its operation in ECU.

All academic employees are required to comply with the content of this policy and to seek guidance in the event of uncertainty as to its application.

6. RELATED DOCUMENTS:

6.1 Other documents which are relevant to the operation of this policy are as follows:

- [ECU Enterprise Agreement](#)
- [ECU Code of Conduct](#)

7. CONTACT INFORMATION

For queries relating to this document please contact:

Policy Owner	Director, Human Resources Services Centre
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8. APPROVAL HISTORY

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