

University College Dublin
National University of Ireland, Dublin

Statute 30
Probation

Universities Act 1997

WE, the Governing Authority of University College Dublin, National University of Ireland, Dublin, a constituent University of the National University of Ireland, under and by virtue of the powers conferred on us by the above Act, do by this present instrument under our seal, make the statute hereunto annexed for University College Dublin, National University of Ireland, Dublin.

Given under the Common Seal

Of University College Dublin, National University of Ireland, Dublin
The 15 day of September 2022



Present when the Common Seal of University College Dublin,
National University of Ireland, Dublin
was affixed:

Chairperson of the Governing Authority:



Marie O'Connor

Acting President of the University:



Professor Mark Rogers

Chapter 1: Definitions Probation Principles and Objective

Chapter 2: Probation Review Process

Chapter 3: Gross Misconduct

Chapter 4: Other Matters

Chapter 1: Definition, Probation Principles and Objectives

1. In the interpretation of this Statute, the following words and expressions shall have the meaning hereby assigned to them, except when the context otherwise requires:

“Head of School/Unit” means the Head of School or the Head of the administrative unit or function to which the probationary employee has been assigned or such other person as may be nominated by that person to discharge the functions of Head of School/Unit under the Statute.

“Line Manager” means the person designated by the University to whom the probationary employee reports as per the employee’s job description and contract of employment or who is otherwise designated as the Line Manager by the Head of School/Unit for the purpose of carrying out the functions of Line Manager under this Statute.

“Probationer” means the probationary employee who is working within the probation period.

If any doubt or ambiguity arises with reference to the identity of the Head of School/Unit or Line Manager in respect of any probationary employee (including one where the Head of School/Unit is the probationary employee or the probationary employee reports directly to them), a determination on that matter shall be made by the relevant College Principal/Vice President.

2. The probationary period will be that specified in the Contract of Employment. The University reserves the right to set an appropriate probationary period, taking into account the nature of the role and whether the role is a permanent role or a temporary role.
3. An employee is not subject to the Disciplinary Statute 28 during the probationary period; however, where issues of possible gross misconduct arise, the process, set out in Chapter 3 of this Statute, will be followed to address the matter.

4. The University reserves the right to terminate employment during, or at the end of, the probationary period, in accordance with this statute.
5. Probation is the process of managing performance to integrate new employees into the University and to ensure that the employee's suitability for employment is confirmed. Probation is an extension of the selection process and is operated in an open, clear and supportive manner to enable the University to make the appropriate decision as to whether the person should be retained in employment.
6. Equity, effectiveness and accountability underpin the probationary process. Consistent with best practice, the Line Manager provides the new employees with regular feedback on their performance to help them to deliver at the required standard; and with an opportunity to respond to comments on their performance. Line Managers will set out clearly for the employee what standards are expected across the spectrum of performance and conduct
7. Probation provides employees with an opportunity to show that they can demonstrate and maintain consistent satisfactory standards of job performance and behaviour. It enables the employee to adapt to their new position and environment and to become familiar with the working procedures of the University. For those who satisfactorily complete the probationary process, their experience within the process should provide clear evidence that the University is committed to the retention and development of employees who are motivated to perform to the required standards. In addition, the employee should have gained an enhanced awareness of their strengths and, if required, areas for improvement and any reasonable supports needed.
8. The Probationary period allows the Line Manager to monitor new employees' progress in the job to establish their suitability for continued or permanent employment having regard to their standard of work, attendance, conduct and behaviour. For probation to work properly, the employee must be aware on an ongoing basis of the standards of conduct and performance against which they will be measured, both job-specific and generally. The Line Manager ensures that the employee is given reasonable supports to assist them to meet the required standard. If the employee does not meet all the requirements of the role to the required standards in the probationary period, the Line Manager is responsible for the decision that the employment be terminated.

9. At the commencement of employment, employees who commence employment after the date on which this statute comes into force, will be provided as part of their orientation with information on their terms and conditions of employment, including the length of the probation period, a copy of the Job Description and a copy of this Statute and supporting documentation. Employees are expected to make themselves aware of their obligations regarding their probation.
10. Line Managers are responsible for the local induction of new employees into the relevant School/Unit. It is also the Line Manager's responsibility, in consultation with the employee, to identify and make reasonable arrangements for on-the-job training or support as required and appropriate to the position.

Chapter 2: Probation Review Process

11. Human Resources are available to provide assistance to Line Managers in order to manage the probationary process effectively.
12. The probationary review process will consist of formal review meetings and informal continuous review meetings with the Line Manager. The formal review meeting schedule may vary, depending on the role that the individual is in; however, it should consist of an initial probation meeting, a review probation meeting, typically at mid-point and a final review probation meeting.
13. The purpose of the review meeting is to allow the line manager to assess whether the 'probationer' is meeting the conditions of probation, namely that the probationer's:
 - A. **Standard of work** is satisfactory.
 - B. **Attendance**, including punctuality and sick absence record, is satisfactory; and
 - C. **Conduct and behaviour** are of the required standard.

The review meeting is also an opportunity for the probationer to discuss how they are performing in their role. This is an opportunity to ask questions and to ask for

more training or support where they might need it.

14. Where it has become apparent that the probationer is not meeting the standards expected in their probation, the Line Manager will.
 - A Explain the reasons why the probationer is not reaching the expected standard,
 - B Ask for feedback from the probationer,
 - C Explore suitable supports available, such as training or coaching,
 - D Put a plan in place, in consultation with the probationer to support them in improving within an appropriate timeframe.
 - E Make the probationer aware in writing, that if their performance does not improve to the expected standard, they will not pass their probation and their employment will be terminated.

15. The Line Manager is responsible for making the decision about the future employment of the probationary employee. Each review meeting should provide the necessary information, to inform the Line Manager regarding the employee's continuation in employment. Where an employee fails to meet the required standards, they are informed at the review meetings of their deficiencies. The employee should be in no doubt that, if their performance and/or conduct does not improve, it will result in the termination of their employment.

16. The Line Manager makes a decision of either confirmation or termination of employment based on the probation reviews. The employee will be informed of that decision during or after the final probation review meeting, and the decision will be confirmed in writing. Where the decision is that the employment is to be terminated, the decision will set out the reasons and attach all relevant documents.

17. An employee who has been appointed to a permanent role and who satisfactorily completes their period of probation, will be appointed on a permanent basis, terminable by notice, as set out in the contract of employment. An employee who is appointed on a fixed term or specified purpose contract and who satisfactorily completes their period of probation will continue in employment of the University for the duration of the contract or until cessation of the purpose unless the contract is terminated sooner in accordance with its terms.

18. A decision to terminate a probationer's employment will be based upon the conditions of probation as outlined in paragraph 13 of this statute. Probationers may appeal this decision. The appellant must submit their notice of appeal within five working days in writing to the Head of School/Unit.
19. The appellant will thereafter be given an opportunity to make a verbal or written representation in support of the appeal to the Head of School/unit or, in a case where the Head of School/Unit has had prior involvement in the matter, an alternative Head of School. Appellants may be accompanied when making a verbal representation by a colleague of the employee's choice or by a whole-time official of a recognised union.
 - A. **Appeal unsuccessful** – termination of the probationer's appointment is confirmed.
 - B. **Appeal successful** –the probationer's appointment continues in the probationary period; or, if the probationary period has been completed or substantially completed, be made permanent, or continue in the case of a fixed term contract until the cessation of the fixed or specified term. A successful appeal may still suggest some development needs and these will be supported as appropriate.
20. If an appeal is unsuccessful, the date of termination of employment will be the date of dismissal and not the date of the outcome of the appeal.

Chapter 3: Gross Misconduct

21. The following procedure is followed where a concern has arisen, or an allegation has been made, that gross misconduct may have occurred on the part of the employee serving in a probationary capacity.
22. The following rights will be afforded in any case where gross misconduct on the part of a probationer is alleged or suspected.

- A The right to be informed of any concern about their conduct
- B the right to reply to any such concern
- C the right to be accompanied by a university work colleague or a recognised trade union representative.
- D the right to be provided with all relevant documentation
- E the right to a fair and impartial determination of the matter after all the relevant facts have been considered.

23. The employee may be suspended with pay pending the outcome of this procedure, including the outcome of any appeal. The employee will be invited to attend a formal disciplinary meeting. During the meeting the employee will be given an opportunity to respond to the allegations/concerns that have been put to them. Only after due consideration has been given to the employee's response and to the circumstances, will a decision be made. Possible outcomes could be;

- (A) A finding that no gross misconduct occurred;
- (B) A finding that no gross misconduct occurred, but misconduct has occurred and a recommendation that the conduct be managed through the probation review process as outlined in Chapter 2 of this Statute.
- (C) A finding that gross misconduct occurred, and decision is made to terminate the employment of the employee.

24. Probationers may appeal a decision to terminate their employment on gross misconduct grounds. The appellant must submit their notice of appeal within five working days in writing to the Head of School/Unit or, in a case where the Head of School/Unit has had prior involvement in the matter, to a person nominated by the President to hear and make the decision on the appeal.

25. The appellant will thereafter be given an opportunity to make a verbal or written representation in support of the appeal to the person hearing the appeal. After consideration of the matter one of the following will be made by the person hearing the appeal.

- A To uphold the appeal, in which case the probation if unexpired will continue

and if expired the employment will be confirmed but a verbal, written or final warning may be imposed on the employee. A successful appeal may still suggest some development needs and these will be supported as appropriate.

B To reject the appeal and confirm the decision to terminate employment.

26. If an appeal is unsuccessful, the date of termination of employment will be the date of dismissal and not the date of the outcome of the appeal.

Chapter 4: Other matters

27. Probation Pause: There are circumstances where a 'pause' in the probationary period may occur by operation of law or by decision of the Line Manager. In each case this will be advised to the probationer by the Line Manager. The main such circumstances are as when the probationer has been absent due to statutory or legitimate extended leave.
28. Where an employee's probation has been paused, their employer should notify them of the circumstances relating to that pause.
29. **Transfer/Secondment.**

In order that probation can be properly conducted, a request for a transfer to a different School or Unit should not be granted within the first 6 months of the probationary period and at least one successful probationary review shall have been undertaken.

Appendix 1 – Gross Misconduct Should be the same as Statute 28

Examples of gross misconduct include, but are not limited to:

1. serious criminal behaviour (including conviction in respect of or pleading guilty to any criminal offence(s)) and/or acting in an unlawful way which is prejudicial to the University's interests or reputation.
2. serious and/or repeated non-adherence to the University codes of practice/policies;
3. serious and/or repeated non-adherence to the University's e-mail, internet, IT, telephone policies;
4. serious and/or repeated breaches of health and safety rules/policies, fighting and/or assault on another person;
5. serious and/or repeated incapability through alcohol or being under the influence of illegal drugs or misuse of prescribed medication, possession and/or sale of illegal drugs;
6. serious and/or repeated acts of negligence which cause unacceptable loss, damage and/or injury.
7. serious and/or repeated disruptive/offensive behaviour;
8. serious and/or repeat misrepresentation or misuse of authority abuse of position;
9. serious and/or repeated breaches of research integrity requirements and/or policies;
10. breaches of child protection policies;
11. deliberate falsification of records, and/or violation(s), misuse and/or improper sharing of confidential information and/or serious misuse of organisational property, material or equipment;
12. theft, fraud, embezzlement, misappropriation of funds, bribery and/or corruption;
13. unauthorised entry/access to computer and/or other confidential records/files;
14. discrimination, bullying, harassment, sexual harassment or other conduct of a sexual nature;
15. unauthorised absence/unacceptable attendance levels and/or repeat failure to comply with sick leave policies.
16. failure to disclose potential and/or actual serious conflicts of interest, including where such conflicts include family members or connected persons.
17. improper influence, or decision making to make personal gain (including financial gain) and improper influence to make gain (including financial gain) for family and other connected persons;
18. acceptance of improper gifts/hospitality, e.g., from commercial organisations.

DATE OF COMMENCEMENT

Statute 30 shall come into operation on 15 September 2022. It may be cited as Statute 30 of University College Dublin, National University of Ireland, Dublin.

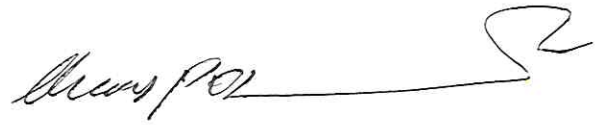
DATE OF ENACTMENT

Given under the Common Seal
Of University College Dublin, National University of Ireland, Dublin
15 Day of September 2022



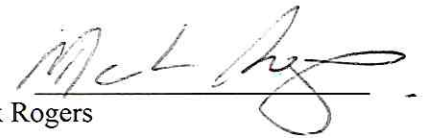
Present when the Common Seal of University College Dublin,
National University of Ireland, Dublin
was affixed:

Chairperson of the Governing Authority:

A handwritten signature in black ink, appearing to read "Marie O'Connor". The signature is written in a cursive style and is positioned above a horizontal line.

Marie O'Connor

Acting President of the University:

A handwritten signature in black ink, appearing to read "Mark Rogers". The signature is written in a cursive style and is positioned above a horizontal line.

Mark Rogers