

Utah Tech University Policy

325: Probation



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I. Purpose

- 1.1 To outline probation of staff positions at Utah Tech University (University). Faculty probation is defined, regulated, and enforced within Academic Policy, specifically Policy 638 for Adjunct & Clinical Faculty and Policy 641 for full-time faculty.

II. Scope

- 2.1 This policy applies to both full-time and part-time staff positions at the University, as defined in Policy 301.

III. Definitions

- 3.1 ***“At-will” Employee:*** as defined in Policy 301, those positions where employment and compensation can be terminated with or without cause and with or without notice. Within the probationary period of employment, full-time faculty and staff are considered at-will.
- 3.2 ***Probation:*** the process or period of testing and observing the character or abilities of a person in a certain role; for example, a new employee.

IV. Policy

- 4.1 Part-time employees are considered at-will employees and can be terminated with or without cause and with or without notice. See Policy 373.
- 4.2 All full-time staff employees shall serve a probationary period of one year, starting the first day of full-time employment, during which time their work performance and general suitability for their position will be evaluated. If completed, the probationary period will end on the anniversary date of hire.

- 4.2.1 An employee who applies for and receives another position at the University and who has previously completed the one-year probationary period will only serve a six-month probationary period for the new position. Any employee who has not completed the initial probationary period must complete a full year of probation at the second position.
- 4.2.2 Employees who leave full-time University employment and are rehired following any break in service shall serve a new one-year probationary period, whether or not they attained non-probationary status previously.
- 4.3 During the probationary period, employees and supervisors should meet together frequently to train, mentor, support, and ensure satisfactory work performance and general suitability for the position. A written probationary evaluation (including an employee self-evaluation, as well as a supervisor evaluation) will be completed by the employee and the supervisor at approximately the sixth month of probation. The probationary evaluation process includes a face-to-face meeting to discuss both the self-evaluation and supervisor evaluation.
 - 4.3.1 Failure to complete probationary evaluation forms does not prevent the probationary period from ending as scheduled. Employees and/or supervisors who fail to complete and/or turn in evaluation forms to Human Resources may be subjected to disciplinary action as outlined in Policy 372.
 - 4.3.2 Deviation from completing the probationary evaluation at approximately the sixth month of probation may be granted on a case-by-case basis by the Human Resources Director and Vice President approval. Such approval would be to allow optimal evaluation to occur (examples may include additional time required due to recent department head turnover or evaluation of a new coach during their first year but at the conclusion of their sport season, etc.). Any deviation requires that a written probationary evaluation be completed within the employee's first year of full-time employment and all parties be notified of when evaluation forms are due.
- 4.4 In the final month of probation, Human Resources will inquire of the supervisor whether the probationary period may end as scheduled or there are any concerns that need to be addressed.
- 4.5 The probationary period may be extended up to six months longer, in collaboration with the supervisor and Human Resources, in those cases

that indicate additional training and experience may enable the employee to be successful.

- 4.5.1 An extension must be based upon written indication of the deficiencies and the steps that must be taken in order to address those deficiencies.
 - 4.5.2 Supervisors will work with Human Resources to draft a letter to the employee regarding extended probation. Included within the letter is the reason for extended probation, the deficiencies, and the required remedy, as well as what additional training, support, and/or mentorship the supervisor and/or department will make available for the employee's success.
 - 4.5.3 An employee on extended probation will continue to have the same probationary employee rights as during the initial probation, with the exception of the termination process at the end of extended probation.
 - 4.5.4 In the final month of extended probation, Human Resources will inquire of the supervisor whether the extended probation may end as scheduled (e.g., deficiencies have been addressed) or employment will end. A recommendation of termination for any employee on extended probation requires approval from the applicable Vice President.
- 4.6 During the probationary period, an employee may be terminated with or without cause. See Policy 373.
- 4.6.1 An employee who is terminated during the probationary period shall be given two weeks' paid notice. It is at the discretion of the supervisor whether the terminated employee continues to work during the two weeks' termination notice period.
 - 4.6.1.1 If an employee is being terminated for serious misconduct, two weeks' paid notice is not required. Examples of serious misconduct include but are not limited to those considered terminable in Policy 372.
 - 4.6.2 A probationary employee does not have the right to statement, written or verbal, of reasons or cause for termination. While departments are encouraged to give rationale and cite examples of corrective steps taken prior to the decision to terminate a probationary employee, no reason is required, as outlined by Utah State Code, Chapter 34.

4.6.3 An employee who is terminated during the probationary period does not have the right to appeal or grieve the termination, the effective date, or the reason for the action. See Policy 151.

4.7 The employee may submit a written resignation during the probationary period in lieu of termination. Such resignation will result in no statement regarding termination being included in the employee's personnel file.

V. References

5.1 University Policy 151: Staff Grievances

5.2 University Policy 301: Personnel Definitions

5.3 University Policy 327: Staff Performance Evaluations

5.4 University Policy 372: Corrective & Disciplinary Action

5.5 University Policy 373: Termination & Reduction in Workforce

5.6 University Policy 638: Adjunct & Clinical Faculty

5.7 University Policy 641: Faculty Retention, Promotion and Tenure

5.8 State of Utah Code, Chapter 34: Utah Labor Code (<https://le.utah.gov/xcode/code.html>).

VI. Procedures

6.1 Probationary evaluation forms are available through the Human Resources office, with additional resources on criteria used for evaluating (core competencies, evaluator guidelines, etc.) found on the Human Resources website.

6.2 Human Resources monitors all full-time staff currently on probation and will notify departments of pending evaluations due, forms required, and associated deadlines.

6.3 Once the probationary period ends, all staff employees will complete annual staff performance evaluations (as outlined in Policy 327) and receive additional due process as outlined in Policy 151.

VII. Addenda

7.1 The Human Resources webpage: <https://humanresources.utahtech.edu>. Staff evaluation materials are listed under the "employee resources" section.

Policy Owner: Executive Director of Human Resources
Policy Steward: Human Resources

History:

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