

[~~Minor~~ Major revision—posted 4/27/125/24/18 (replaces 4/5/101/27/12 edition)]



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.31: Employee Conduct, Coaching, Corrective Action, ~~Discipline~~, and Terminations

DATE: ~~January 27, 2012~~ May 24, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy regarding ~~classified, professional, administrative, and executive~~ employee conduct, ~~discipline~~ coaching, corrective action, and terminations.

REVIEW: This OP will be reviewed in March of even-numbered years by the ~~managing director~~ Assistant Vice President for of Human Resources, General Counsel, and the Managing Director of Equal Opportunity with recommended revisions forwarded to the University President. ~~managing director of Equal Employment Opportunity with recommended revisions forwarded to the chief of staff to the president.~~

POLICY/PROCEDURE

1. Definition of Terms

- a. Administrative Officer – University leadership, including the president, vice presidents, deans, and department heads. ~~Voluntary Termination—The resignation or other voluntary removal of an employee from the service of the university when the removal is initiated by the employee~~
- a. b.
b. Employee – Refers to a person hired by the University in accordance with federal and state regulations and the University's employment policies.
~~Involuntary Termination—The involuntary removal of an employee from the service of the university~~
- c. Involuntary Termination – Separation from employment that is initiated by the University, but does not include separation from employment due to the expiration of a specified term or appointment. ~~Employee—Any person paid with university funds. This includes members of the faculty at all ranks and holding any appointment.~~

Applicability

~~All provisions of this policy apply to all university employees except:~~

- (1) ~~Employees who have a written contract approved by the Board of Regents, chancellor, or president for which they have the legal authority to enter; and~~
- (2) ~~Tenured faculty members whose termination will be controlled by the tenure policy (OP 32.01) and for whom the “at will” employment provisions herein do not apply.~~

- d. University or TTU – Refers to Texas Tech University and all of its campuses.
- e. University Community – Refers to an enrolled student, faculty or staff member, University official, any other person employed by the University, third party vendor, or campus visitor.
- f. Voluntary Termination – Separation from employment that is initiated by the employee on his or her own accord, such as, but not limited to resignation (whether oral or written), retirement, or failing to report or work as scheduled.

2. Employee at Will

- a. Employment at the University is governed by the employment at will doctrine unless otherwise modified by official University operating policy or contract. Employment is for an indefinite duration and can be terminated at any time, with or without cause and with or without notice, by either the University or the Employee. Nothing in this policy constitutes an employment agreement, either expressed or implied, a contract, a contractual relationship, a guarantee of continued employment. Only the Board of Regents acting as a whole, the chancellor, or the president, or their designees may execute an employment contract, and any such contract must be within their legal authority and must be in writing.
- b. Although the University is an at will employer, it has policies and standards of conduct in place and requires Employees to comply with any such policies and standards.
- c. In the case of employees with contracts or faculty members, the provisions of this policy will apply unless they are in conflict with the terms of the contract or other University operating policies that specifically apply to those employees. In the case of faculty members, whose conduct is governed by OP 32.04 and whose termination is governed by OP 32.02, this policy does not apply.

3. ~~Faculty~~

~~In the case of non-tenured and non-tenure track faculty members, all disciplinary procedures other than non-renewal of appointment, termination, or denial of tenure will be governed by this OP.~~

4. Employee Conduct

- a. The University, as a tax-supported institution, must function in accordance with the public trust, and the actions of all Employees, whether faculty or staff, must be consistent with the execution of that trust. With this in mind, all Employees are expected to acquaint themselves with the performance criteria for their particular job and with all rules, procedures, and standards of conduct established by the Board of Regents of the Texas Tech University System, the Texas Tech University System (TTUS), the University, and the Employee's department or unit. An Employee who does not fulfill the responsibilities set out by such performance criteria, rules, procedures, and standards of conduct, or who violates the standards established in this policy may be subject to corrective or adverse personnel action

Commented [CW1]: These changes restore the explicit exception for tenured and tenure-track faculty members.

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ranging from verbal counseling to termination from the University. The standards of conduct set forth below apply to all Employees of the University regardless of classification, status, or title.

~~Colleges and universities that are tax supported must function in accordance with the public trust and the actions of faculty, staff, and students within them must be consistent with the execution of that trust. A violation of the standards established in this policy may result in the~~

b. Examples of conduct, performance, and work standards expected of University Employees include, but are not limited to:

~~b. A breach of trust and/or misconduct includes, but will not be limited to, the following offenses:~~

- (1) Obeying the law ~~and supporting~~ and adhering to all TTUS and University policies;
- (2) Behaving in all interpersonal interactions in an ethical, respectful, and considerate manner;
- (3) Communicating, reporting, and documenting accurately, honestly, and in good faith;
- (4) Performing work competently and in accordance with expected standards of performance;
- (5) Efficiently using University resources and assets, including one's work time; and
- (6) Contributing to a safe and violence free workplace.

c. Specific examples of Employee conduct or work performance that would be inconsistent with conduct, performance, and work standards set by the University and which constitute misconduct and/or breach of trust include, but are not limited to:

- (1) Failure to meet or maintain acceptable job performance standards, qualifications, or reasonable expectations, including standards of conduct, professionalism, productivity, quality, competency, training, or licensure;
- (2) Forgery, alteration, falsification, or unauthorized use of University documents, records, timesheets, or identification materials;
- (3) Providing, whether by commission or omission, false or inaccurate information, claims, or allegations to the University, either verbal or written, including, but not limited to, providing inaccurate information in support of an application for employment, promotion, or transfer; providing inaccurate information regarding time worked; reporting sick leave when not actually sick or injured; or providing inaccurate information when requesting leave or a workplace accommodation;
- (4) The use of force, violence, threat, conduct, or communication that bullies, harasses, intimidates, humiliates, endangers, retaliates, or otherwise obstructs the functions or activities of the University or a member of the University Community;
- (5) Theft of, misuse of, or damage to University property or the property of a member of the University Community;

Commented [CW3]: Employees can be required to follow TTUS and University policies. The System and the University, however, should not (and I would argue cannot) require that employees "support" policies. The purpose of a university is the search for truth, and this often requires a robust debate that includes differing viewpoints. Further, state employees have First Amendment protections that prevent state actions against for the views that they hold.

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- (6) Unauthorized entry, use, or possession of University facilities, property, or operating systems;
- (7) Unauthorized access, use, or release of confidential or protected information including student records, employee records, and protected health information (PHI);
- (8) Unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, or any substance the possession or distribution of which is regulated by federal or Texas law; and/or the use, possession, or distribution of unauthorized alcoholic beverages or illegal drugs, including misuse of prescription drugs, while on duty;
- (9) Being unfit for duty, including reporting for work under the influence of drugs or alcohol;
- (10) Refusal to submit to an Administrative Officer's request for an alcohol or drug test;
- (11) Behaving in a disorderly manner; use of slurs, hostile, abusive, or profane language; or lewd, indecent, or obscene conduct while on duty, while on University property, or while at a University-sponsored or supervised function;
- (12) Insubordination, including failing to comply with the lawful directives of an Administrative Officer, failing to follow University or departmental policies and procedures, or showing contempt or disrespect for authority through verbal or written communication or behavior;
- (13) Use of University funds or assets for any unauthorized purpose, including theft, fraud, waste, misuse or diversion of funds, resources, assets, supplies, materials, or work time;
- (14) Illegal or unauthorized use or possession of weapons, firearms, ammunition, fireworks, explosives, noxious materials, incendiary devices, or other dangerous substances;
- (15) Gambling or wagering while on University-owned property or at a University sponsored event;
- (16) Falsely initiating a fire alarm, emergency call, or a bomb threat, constructing mock explosive devices, or tampering with or removing fire equipment or emergency signs;
- (17) Failure to meet financial obligations due the University;
- (18) Unauthorized use of the name, trademarks, or symbols of the University;
- (19) Unauthorized absence from work or failure to provide a University approved reason for an unscheduled absence or tardiness; excessive tardiness or absence; failure to respond when on call outside regular work schedule; or failure to report sick, vacation, or other time away from work as required by University or other departmental policies;
- (20) Violation of University safety rules including, but not limited to refusal or failure to wear safety and protective apparel and/or equipment; failure to follow safety guidelines, instructions, or recommendations of the University and its responsible research or safety committees; or unsafe acts which endanger persons or University property;

Commented [CW4]: University employees have First Amendment rights. See 4.b.(1) above.

- (21) Academic dishonesty or misconduct such as plagiarism, giving unauthorized aid on an assignment or examination, or unauthorized altering of grades or student records;
- (22) Failure to maintain or restriction, suspension, or revocation of job required licensure, certification, or credentials or failure to report same to the University within three (3) business days;
- (23) Failure to cooperate with a University investigation including impeding an investigation; withholding, omitting, or concealing information; or influencing or intimidating witnesses;
- (25) Violation of University policies and procedures, Board of Regents Rules, or federal and state laws or regulations that apply to the University.

- ~~(1) Academic dishonesty such as giving or receiving aid on a test, examination, quiz, or other academic assignment;~~
- ~~(2) Plagiarism;~~
- ~~(3) Forgery, alteration, or unauthorized use of university documents, records, timesheets, or identification materials;~~
- ~~(4) Knowingly furnishing false information to the university, including information contained in or in support of an application for employment, promotion, or transfer;~~
- ~~(5) The use of force, violence, verbal threat, physical conduct, or other methods that obstruct the functions of the university, which include teaching, research, administration, public service, presentations by guest lecturers and speakers, and other authorized activities, or that threaten or endanger the health or safety of any person;~~
- ~~(6) Theft of or damage to university property including, but not limited to, equipment, tools, and fixtures, or of a member of the university community or campus visitor;~~
- ~~(7) Unauthorized entry to, use of, or possession of university facilities or property;~~
- ~~(8) Unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, or any substance the possession or distribution of which is regulated by federal or Texas law;~~
- ~~(9) Behaving in a disorderly manner, use of slurs or hostile epithets, use of abusive or profane language, lewd, indecent, or obscene conduct on university-owned or controlled property or at a university-sponsored or supervised function;~~
- ~~(10) Failure to comply with the lawful directions of university officials where such directions are issued in the performance of their duties, including following university or departmental policies and procedures;~~
- ~~(11) Use of university funds for any purpose other than outlined in the legislative guidelines or university or departmental guidelines;~~

- ~~(12) Use of a university-owned vehicle for any reason other than conducting official university business;~~
- ~~(13) Use of university-owned property to access lewd, indecent, obscene, or racially discriminatory materials;~~
- ~~(14) Use of university-owned property to participate in criminal or illegal activity;~~
- ~~(15) Use, possession, or distribution of alcoholic beverages or illegal drugs, including misuse of prescription drugs, while on duty or reporting to work under the influence of such substances;~~
- ~~(16) Illegal or unauthorized use or possession of weapons, firearms, ammunition, fireworks, explosives, noxious materials, incendiary devices, or other dangerous substances;~~
- ~~(17) Acts or communications that are intended to harass, intimidate, humiliate, or retaliate against a member of the Texas Tech community or campus visitor;~~
- ~~(18) Gambling or wagering while on university-owned property or at a university-sponsored event;~~
- ~~(19) Intentional sounding of a false fire alarm or false emergency call, issuing a bomb threat, constructing mock explosive devices, or tampering with or removing fire equipment or emergency signs;~~
- ~~(20) Failure to meet financial obligations due Texas Tech;~~
- ~~(21) Unauthorized use of the name, logotype, or symbols of Texas Tech;~~
- ~~(22) Intentionally or recklessly misusing, destroying, or damaging university-owned property or the property of others;~~
- ~~(23) Excessive tardiness or absence;~~
- ~~(24) Insubordination, as in showing contempt or disrespect for authority through verbal or written communication or behavior;~~
- ~~(25) Failure to meet acceptable job performance standards or reasonable expectations, including productivity or quality established for the assigned position;~~
- ~~(26) Failure to respond when on call outside regular work schedule;~~
- ~~(27) Unauthorized absence from work or failure to provide a valid reason for an unscheduled absence or tardiness. Failure to report to work on a single occasion may result in disciplinary action up to and including termination. However, in all instances, failure to report to work or notify the supervisor for three (3) consecutive work days will be considered job abandonment and will result in immediate termination;~~
- ~~(28) Refusal to submit to alcohol or drug testing as outlined in OP 70.35;~~

~~(29) Willful, deliberate, or repeated violation of university safety rules including, but not limited to, refusal or failure to wear university provided safety and protective apparel and/or equipment; failure to follow safety guidelines or instructions; repeated incidents of unsafe acts resulting in property damage or injury to self or others;~~

~~(30) Nepotism in violation of Chapter 03, *Regents' Rules*;~~

~~(31) Violation of university antidiscrimination policies or state or federal laws;~~

~~(32) Failure to protect confidential information;~~

~~(33) Failure to report to the supervisor while on leave, as instructed or in accordance with university policy.~~

d. ~~e.~~ ~~—Criminal Conviction or Probation - All Employees are Each faculty, staff, and/or student employee is~~ required to notify Human Resources ~~the university~~ of any criminal conviction or probation, deferred or suspended sentence, whether from a conviction or deferred adjudication, no later than five (5) calendar days after such conviction, deferred adjudication, suspended sentence, or probation, has been rendered. Notification is not required for minor traffic offenses other than for routine traffic offenses, unless one of the ~~e~~Employee's job duties includes or involves use of a ~~u~~University vehicle, in which case these also must be reported. Failure to notify the University in a timely manner will constitute misconduct. Human Resources will consult with the Office of General Counsel and appropriate Administrative Officers to determine whether continued employment is appropriate given the nature of the criminal offense in relation to the Employee's job duties and responsibilities.

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e. Ethical Behavior – All Employees are expected to comply with all University and other job related or professional ethical standards.

d. ~~Ethical Behavior The ethics policy for Texas Tech employees, OP 10.11, sets also forth requirements regarding:~~

- ~~(1) Standards of conduct~~
- ~~(2) Principles of ethical behavior~~
- ~~(3) Conflict of interest~~
- ~~(4) Travel~~
- ~~(5) Benefits, gifts, and honoraria~~
- ~~(6) Political activities~~
- ~~(7) Use of authority~~
- ~~(8) Sexual harassment~~
- ~~(9) Nepotism~~
- ~~(10) Affirmative Action~~
- ~~(11) Private use of university facilities, equipment, supplies, and services~~

e. ~~An employee may not have any material interest in or engage in any business or professional activity or incur any obligation that is in substantial conflict with the proper discharge of duties in the university's interest. Specifically, no employee shall:~~

- ~~(1) Accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in discharging official duties or that the employee knows, or should know, is being offered with the intent to influence the employee's official conduct;~~

- ~~(2) — Accept employment or engage in any business or professional activity in which the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of the official position;~~
- ~~(3) — Accept other appointments or any employment or compensation that could reasonably be expected to impair the employee's independent judgment in the performance of official duties;~~
- ~~(4) — Make personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest; or~~
- ~~(5) — Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised official powers or performed official duties in favor of another.~~
- ~~f. — Funds administered by the university, regardless of their source or character, must be used by an employee for duly authorized university business, projects, and programs.~~
- ~~g. — None of the moneys under Texas Tech control shall be used for influencing the outcome of any election or the passage or defeat of any legislative measure. This prohibition shall not be construed to prevent any official or employee of the state from furnishing to any member of the legislature or committee, upon request, or to any other state official or employee, or to any citizen information in the hands of the employee or official not considered under law to be confidential information. Any action taken against an employee or official for supplying such information shall subject the person initiating the action to immediate dismissal from state employment.~~
- ~~h. — No funds under the control of Texas Tech may be used directly or indirectly to hire employees or in any other way fund or support candidates for the legislative, executive, or judicial branches of government of the state of Texas or the government of the United States.~~
- ~~i. — None of the funds under Texas Tech control shall be expended in payment of the salary for full-time employment of any state employee who is also the paid lobbyist of any individual, firm, association, or corporation. None of the funds under Texas Tech control shall be expended in payment of the partial salary of a part-time employee who is required to register as a lobbyist by virtue of the employee's activities for compensation by or on behalf of industry, a profession, or association related to operation of the agency or institution for which the person is employed. A part-time employee may serve as a lobbyist on behalf of industry, a profession, or association so long as such entity is not related to the agency with which he or she is employed.~~
- ~~j. — None of the moneys under Texas Tech control shall be paid to any official or employee who violates any of the provisions of this section.~~
- ~~k. — An employee must operate university-owned vehicles only to conduct official university business. Use of these vehicles for any political campaign or for personal reasons is specifically prohibited.~~
- ~~l. — Each employee of the university will be furnished a copy of the above conduct guidelines as part of the *Employee Affidavit* and shall be required to abide by its terms as a condition of employment.~~

4. Coaching and Corrective Action

a. General Policy

Coaching and corrective action is designed to identify performance or conduct that is failing to meet expectations and then allow the Employee a reasonable opportunity to improve deficiencies and maintain satisfactory work performance.

Each Administrative Officer has the authority and responsibility to establish and maintain an effective, efficient, and orderly workplace. However, when an Employee's performance or conduct is not in compliance with the standards expected of an Employee, the Employee's immediate supervisor has the responsibility to determine the facts and to take appropriate corrective action. Guidance is available through Human Resources to assist all Administrative Officers and other supervisory personnel in the exercise of this responsibility.

While the University encourages the use of coaching and corrective action, it is not required, nor is it necessary, to progress through each of the options in sequence. The use of coaching and corrective action should be based on the facts of the individual situation. It may be appropriate in some situations to repeat certain options while in others to advance directly to more significant corrective action. Nothing in this policy relating to corrective action gives any Employee a property or other right to any option in the corrective action process, nor does it in any way modify employment at will.

Receiving and acknowledging, by signature, performance evaluations, written coachings, performance improvement plans, and corrective action documents is a condition of employment for all Employees. Therefore, refusing to sign such documents may result in corrective action up to and including termination.

b. Coaching and Corrective Action Options

Coaching and corrective actions are used to encourage the correction of performance deficiencies by providing the Employee with knowledge of the deficiencies, recommended actions that will correct the deficiencies, and an opportunity to take the actions recommended.

Coaching and Corrective Action may include:

(1) Verbal or Written Coaching

If an Employee is exhibiting minor deficiencies, verbal and/or written coaching may be used to establish an understanding of the work and/or behavioral standards expected by the University. In the event the job performance or behavior does not improve, a summary of the verbal and/or written coaching, along with any Employee's response to same, may be used to support further corrective action. All supervisors should document and maintain records relating to verbal and/or written coaching.

(2) Written Letter of Warning

If it is determined that an Employee has failed to respond to the verbal and/or written coaching, or if the infraction is more severe, a written corrective action may be given to the Employee. The written corrective action should include specific details of the unacceptable performance or conduct, list any relevant previous discussions or actions,

and state expectations with time frames for correction. The supervisor shall promptly forward any written corrective action and responses to Human Resources to be placed in the Employee's personnel file.

(3) Suspension without Pay

If misconduct or adverse behavior has continued after verbal coaching, written coaching, and/or a written corrective action, a suspension without pay may be imposed. For offenses that violate major rules of conduct, suspension without pay may be justified without prior corrective action. The suspension without pay may range from the balance of a shift up to one week.

Written documentation supporting an Employee's immediate supervisor's recommendation for suspension without pay must be submitted to and reviewed by Human Resources and approved by the appropriate Administrative Officer prior to the suspension. Additionally, if the suspended Employee is a member of a protected class under state or federal anti-discrimination laws, prior review of the managing director of the Equal Opportunity Office is required.

(4) Demotion or Reassignment

An Employee's immediate supervisor may request a demotion or reassignment of an Employee in order to assign the Employee to a position where the needs of the department may be met. This may or may not be for corrective reasons.

Written documentation supporting the supervisor's recommendation for demotion or reassignment must be submitted to and reviewed by Human Resources and approved by the appropriate Administrative Officer prior to implementation of the demotion or reassignment.

(5) Written Final Warning

For repeated minor offenses or a serious infraction, an Employee may be issued a written final notice of corrective action. A final notice of corrective action is not, however, required prior to termination.

c. Employee Responses to Corrective Actions

Employees may submit a written response to written coachings, performance improvement plans, and corrective action documents within ten (10) business days to the Employee's immediate supervisor who will promptly forward any response to Human Resources to be placed in the Employee's personnel file.

~~7. Discipline~~

~~a. General Policy~~

~~Each administrative officer has the authority and responsibility to establish and maintain an effective, efficient, and orderly workforce of employees. However, when an employee's performance or conduct is not in keeping with the behavior standards expected of a university~~

employee, the administrative officer has the responsibility to investigate the situation so that facts are known and to take actions that provide a means of correction. *A Supervisor's Guide to Employee Conduct, Discipline, and Separations* is available to assist each administrative officer in the exercise of this charge.

The university encourages, but does not require, the use of a positive discipline system designed to give the employee a reasonable opportunity to improve deficiencies and maintain satisfactory work performance.

It is not necessary to progress through each of the steps in sequence. Some situations may necessitate repetition of certain steps while other situations may call for skipping steps. Each employee situation should be considered based on the facts of the situation. Nothing in this policy relating to discipline gives any employee a property or other right to any step in the counseling or positive discipline plan, nor does it in any way limit the university rights to terminate an employee for any reason or no reason at all, as long as it is not a reason prohibited by law.

b. ~~Counseling and Positive Discipline~~

~~Counseling and positive discipline are used to encourage the correction of deficiencies by providing the employee with knowledge of the deficiencies, with recommended actions that will correct the deficiencies, and with an opportunity to take the actions recommended. Positive discipline may include:~~

~~(1) Verbal Counseling~~

~~If an employee is exhibiting minor deficiencies, verbal counseling may be used to establish an understanding of the work and/or behavioral standards expected by the supervisor. In the event the job performance or behavior does not improve, a summary of the verbal counseling may be used to support further disciplinary action.~~

~~(2) Written Letter of Reprimand~~

~~If it is determined that an employee has failed to respond to the verbal counseling, or if the infraction is of a more severe nature that would warrant stronger disciplinary action, a written letter of reprimand may be given to the employee. The letter should include specific details of less than acceptable performance or conduct, list any previous discussions or actions regarding the situation, and clearly state expectations with detailed time frames for correction. The employee may file a letter of response to the supervisor with a copy to Human Resource Services to be placed in his or her personnel file.~~

~~(3) Administrative Leave~~

~~(a) Administrative Leave With Pay~~

~~If a supervisor deems it necessary to release an employee from the workplace pending an investigation or decision regarding a suspected offense, the employee may be placed on leave from duty with full pay for a prescribed period of time. The employee will remain subject to return to duty at any time during the administrative leave with pay.~~

~~(b) Disciplinary Leave Without Pay~~

~~If misconduct or adverse behavior has continued after disciplinary counseling or letters of reprimand, a disciplinary leave without pay may be imposed. For offenses that violate major rules of conduct, leave without pay may be justified without prior disciplinary steps. The leave without pay may range from the balance of a shift to several days.~~

~~Disciplinary leave without pay must have prior written concurrence of the assistant vice president for human resources administration, a vice president or the provost/senior vice president, or the president prior to the implementation of the leave. Additionally, if the suspended employee is a member of a protected class under state or federal anti-discrimination laws, prior approval of the managing director of the Equal Employment Opportunity Office is required.~~

~~d. Demotion or Reclassification~~

~~An administrative officer may request a demotion or reclassification of an employee in order to reassign the employee to a position where the needs of the department may be met. This may or may not be for disciplinary reasons. A recommendation shall be submitted to the managing director of Human Resource Services providing information to support the action. Written approval of the appropriate vice president or the provost/senior vice president and the managing director of Human Resource Services is required prior to any commitment being made and prior to the effective date of the proposed change of status. Prior approval of the managing director of the Equal Employment Opportunity Office is required if the demoted employee is a member of a protected class under state or federal law.~~

~~e. Final Letter of Warning~~

~~For repeated minor offenses or a serious infraction, an employee may be issued a final letter of warning. This may also be issued when disciplinary leave without pay is imposed.~~

~~f. Involuntary Termination~~

~~It is recommended that termination from employment for disciplinary reasons normally be preceded by counseling, written letters of reprimand, and/or leave without pay. However, when the supervisor believes that the employee's behavior will not improve and that the employee ultimately will not be a productive employee, termination without prior disciplinary action may be warranted. Termination without prior warning may also occur when continuation of employment would be detrimental to normal departmental operation. In some cases, wages in lieu of notice may be given, but it is not warranted in all circumstances. All such payments must be approved in advance by the assistant vice president for human resources administration.~~

~~A written explanation of the action recommended and the letter of termination to the employee must be submitted and approved by the appropriate vice president or the provost/senior vice president, and the assistant vice president for human resources administration before an employee is terminated. Prior approval of the managing~~

~~director of the Equal Employment Opportunity Office is required if the terminated employee is a member of a class protected by state or federal antidiscrimination laws.~~

~~Nothing in these termination procedures precludes a manager from terminating an employee for any reason or no reason at all.~~

~~The determination of eligibility for re-hire will be the made by the assistant vice president for human resources administration. If the employee is classified as upper administration, the provost/senior vice president or the president will be the authority who determines re-hire eligibility.~~

5. Administrative Leave

If an Employee's immediate supervisor deems it necessary to remove an Employee from the workplace pending an investigation or other employment decision, the Employee may be placed on administrative leave, with or without pay, for a prescribed period of time. The Employee will remain subject to return to duty or may be required to perform duties at any time during the administrative leave. Written documentation supporting the supervisor's recommendation for administrative leave must be submitted to and reviewed by Human Resources and approved by the appropriate Administrative Officer prior to placing an Employee on administrative leave.

6. Involuntary Termination

It is recommended that verbal coaching, written coaching, written corrective action, and/or suspension normally precede termination from employment for job performance reasons. However, when the Employee's immediate supervisor believes that the Employee's behavior will not improve, that the Employee will not ultimately be a productive Employee, that the conduct involved constitutes a significant violation of University standards of conduct, or when continuation of employment would be detrimental to normal departmental operations, termination without prior corrective action may be warranted.

Supervisors must consult with Human Resources prior to initiating an involuntary termination.

Employees who are terminated are not entitled to wages in lieu of notice, may not be paid wages in lieu of notice, or paid any sort of severance payment without prior approval of the appropriate Administrative Officer and the Office of General Counsel.

Before an Employee is terminated, a written explanation of the action recommended and the letter of termination to the Employee must be submitted to and reviewed by the Vice President of Human Resources, or designee, and approved by the appropriate Administrative Officer. Prior approval of the managing director of the Equal Opportunity Office is required if the terminated Employee is a member of a protected class under state or federal law.

The determination of non-eligibility for re-hire will be reviewed by the Vice President of Human Resources and must be approved by the appropriate Administrative Officer.

Nothing in this policy changes the at-will status of an Employee.

7. Complaints, Grievances, or Appeals

For complaints, grievances, or appeals, other than for termination, please see the following policies:

OP 70.10 – Non-faculty Employee Complaint Procedures

OP 32.02 – Faculty Non-reappointment, Dismissal, and Tenure Revocation

OP 32.05 – Faculty Grievance Procedure

OP 40.02 – Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and other Laws

OP 40.03 – Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure

Terminations may not be grieved or appealed unless specifically provided for in the above policies.

8. **Reduction in Force**

A reduction in force will be processed pursuant to the provisions of OP 70.23, Reduction in Force Policy, and is to be used only when a termination is based on reorganization, anticipated decrease in funding, reductions in services, or other reasons approved by the appropriate Administrative Officer.

A reduction in force is not to be used in lieu of a corrective action or to dismiss an Employee if the sole cause of dismissal is either misconduct or lack of satisfactory performance.

Recommendations for reorganization or reduction in staff within offices, departments, divisions, schools, and colleges will require written approval of the appropriate vice president or the provost/senior vice president, and the managing director of Human Resource Services prior to any notification to an employee. Positions may be deleted and/or employees terminated as a result of reorganization or staff reduction. A position will be deleted based on the importance of the job to the mission of the unit or university.

The selection of individual employees to be retained or terminated will take into consideration the critical nature of the job to the mission of the university, performance, military return to work protection, and the ability to do the work remaining. The selection of individuals to be terminated shall not be made on the basis of race, color, religion, sex, age, disability, national origin, veteran status, or genetic history. The Office of Equal Employment Opportunity should be consulted in all reductions in force.

If the lack of work or funds is temporary (i.e., less than one year), the employee, at the university's discretion, may be offered the opportunity to take a leave without pay instead of being terminated or placed on leave without pay under the provisions of this policy.

For joint TTU/TTUHSC employees, a decision by TTU to reduce funding to a position will not obligate TTUHSC to increase its funding to compensate for the reduction, or vice versa.

A written explanation of the action recommended and the letter of termination to the employee must be submitted and approved by the assistant vice president for human resources administration through normal administrative channels before an employee is terminated or placed on a leave without pay due to lack of work or funds. Provisions of this policy are not applicable to financial exigency.

9. **Exhaustion of All Available Leaves**

~~If an employee is absent from work and has exhausted all leaves available to the employee, the department will terminate the employee.~~

9. Resignation

Employees voluntarily resigning from employment are asked to provide as much written notice as possible to their immediate supervisor to minimize the impact of their departure on the University. Non-exempt Employees are asked to provide at least two weeks written notice. Professional or exempt Employees are asked to provide at least thirty (30) calendar days of notice. Upon receipt of notice of resignation, the immediate supervisor should acknowledge such and confirm the date of separation.

~~An employee may resign in good standing by submitting reasons for resignation to the supervising administrative officer at least two calendar weeks prior to the effective date of the resignation.~~

Employees are required to continue performing their assigned duties and work their assigned schedule until their last day of employment unless approved leave is taken.

If, during the notice period, it is determined by the University that an Employee's continued presence in the workplace poses a risk to the University or the Employee's performance does not meet expectations of his/her immediate supervisor, the University may initiate corrective action, including termination.

If an Employee resigns after the decision to terminate the Employee has been made and communicated to the Employee, the resignation will be designated as a resignation in-lieu of termination. A resignation submitted in-lieu of termination will be effective immediately upon receipt of the verbal or written notification from the Employee.

~~If an employee is subject to termination, he or she may be given the opportunity to resign in lieu of termination, but it is not a requirement.~~

~~11. Grievance~~

~~Any employee of the university may present a complaint or grievance to higher authority without retaliatory action being taken against him/her in accordance with the policy governing appeals and grievances (see OP 70.10 for non faculty employees and OP 32.05 for faculty employees). A termination cannot be grieved unless the employee has reason to believe the action taken is prohibited by law.~~

~~12. Notice~~

~~Nothing in this policy or disciplinary procedure limits the university's right as an at-will employer to terminate an employee for any reason or no reason at all.~~

10. Review and Acknowledgment of Policy

Upon employment and as requested thereafter, each Employee will acknowledge receipt and review of this policy and other important employment information by signing an Employee Acknowledgement form.

11. Right to Change Policy

The University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of Employees.

12. Forms

All related forms are available on the Human Resources website:
<http://www.depts.ttu.edu/hr/forms.asp>

13. Authoritative Reference

Authoritative references include, but are not limited to the following:

Section 03.02, Regents' Rules
Section 07.12.2.c, Regents' Rules
~~Texas Government Code Section 556.004~~
~~Texas Government Code Section 572.051~~
Section 03.01.1, Regents' Rules

~~15. Right to Change Policy~~

~~Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.~~