

Texas Tech University System

Regulation 07.07

Employee Conduct, Coaching, Corrective Action, and Termination

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1. Purpose

- a. The Texas Tech University System (“System”) and its component universities (each a “University”) are committed to the recruitment, development, and retention of an effective workforce. Chapter 3 of the [Regents’ Rules](#) sets out certain policies regarding ethical behavior and personnel conduct. The purpose of this regulation is to establish additional policies regarding employee conduct, coaching, corrective action, and termination.

2. General Provisions

- a. *At-Will Employment.* University employment is at-will unless otherwise modified by official University operating policy or contract, and nothing in this regulation changes the at-will status of an Employee. 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 regulation constitutes an employment agreement, either expressed or implied, a contract, a contractual relationship, or a guarantee of continued employment. Only the Board of Regents, chancellor or president, or their authorized designee(s) may execute employment contracts, and any such contract is effective only if written and validly executed within the legal and designated authority of the person signing the contract.
- b. *Applicability.* Unless specified otherwise herein, this regulation applies to all non-faculty employees of the System and its component Universities. Each University shall adopt this regulation through an Operating Policy and Procedure expressly referencing this regulation. For Employees with employment contracts, the provisions of this regulation will apply except to the extent they are in conflict with the express written terms of the Employee’s contract.
- c. *Exception for Recent Hires.* The coaching, corrective action, and discipline procedures set forth in this regulation are not applicable for performance terminations of Employees that have been employed by the University for six (6) months or less. Involuntary terminations involving recent hires must be coordinated through the University’s human resources department.
- d. *Right to Change Policy.* The System reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time, without prior notice or the consent of the Employee.

3. Defined Terms

- a. *Coaching* means partnering with employees in a thought-provoking process that inspires them to make necessary changes to their behavior and/or performance to align with the organization. It assumes the individual has the desire and motivation to solve their own problem. The coach asks powerful questions to help the employee. It differs from directive corrective action.

- b. *Employee* means a non-faculty person hired by a University in accordance with federal and state regulations and the University's employment policies.
- c. *Involuntary Termination* means separation from employment that is initiated by the University.
- d. *University Community* means enrolled students, faculty, staff members, University officials, other persons employed by the University, third-party vendors, and campus visitors.
- e. *Voluntary Termination* means separation from employment that is initiated by the Employee on his or her own accord and includes separation from employment due to the expiration of a specified term or appointment.

4. Employee Conduct

- a. *Generally.* All Employees are expected to understand and conduct themselves in accordance with the performance criteria for their particular job and with all rules, procedures, and standards of conduct established by the System, 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 regulation, may be subject to coaching, corrective action, and/or termination.
- b. *Expectations.* Examples of conduct, performance, and work standards expected of Employees include, but are not limited to:
 - i. Obeying all applicable laws, rules, regulations, and directives and adhering to all System, University, and department policies and adopted core values;
 - ii. Engaging in all interpersonal interactions in an ethical, respectful, and professional manner;
 - iii. Communicating, reporting, and documenting accurately, honestly, and in good faith;
 - iv. Performing work in a professional manner and in accordance with expected standards of performance;
 - v. Adhering to attendance, timeliness, and work schedule standards;
 - vi. Using University resources and assets efficiently, including one's work time;
 - vii. Contributing to a safe and violence-free workplace; and
 - viii. Maintaining active licenses that are applicable to the Employee's job functions and adhering to all licensure standards.
- c. *Misconduct.* Examples of misconduct include, but are not limited to:
 - i. Failure to meet the Expectations set forth in Section 4(b);
 - ii. Acts of dishonesty, forgery, alteration, or falsification; unauthorized use or access of University property or resources; or providing false or inaccurate information;

- iii. Conduct that threatens or harms a member of the University Community or University property;
 - iv. Unauthorized access, use, or release of confidential or protected information, including but not limited to student records, employment records, consumer information, protected health information, or any other personally identifiable information;
 - v. Conduct that could constitute a violation of applicable criminal law while in the course and scope of employment, while on duty, at a University function, or on university property, regardless of whether criminal prosecution is pursued or conviction is attained;
 - vi. Being unfit for duty, including being under the influence of drugs or alcohol, or refusing to submit to a drug or alcohol test;
 - vii. Behaving in a manner that is materially and substantially disruptive to University functions or operations;
 - viii. Engaging in an act of insubordination;
 - ix. Failure to meet financial obligations to the University;
 - x. Failure to cooperate with a University investigation or federal or state inquiry including impeding an investigation; withholding, omitting, concealing, or providing false or misleading information; or influencing or intimidating witnesses;
 - xi. Violation of federal or state law, Board of Regents Rules, System or University policies and procedures, or other applicable laws, rules, and regulations; or
 - xii. Effective January 1, 2024, violation of state law prohibiting diversity, equity, and inclusion initiative(s), training(s), or practice(s) as defined in Texas Education Code, Section 51.3525 (this prohibition shall apply to faculty as well).
- d. *Criminal Conviction or Probation.* All Employees are required to notify their University's human resources department of any indictment, criminal conviction or deferred adjudication, no later than three (3) calendar days after such has been rendered. Notification is not required for minor traffic offenses, unless one of the Employee's job duties includes or involves use of a University vehicle. Failure to notify the University in a timely manner will constitute misconduct. The University's human resources department will consult with the System Office of General Counsel and the System Office of Equal Opportunity to determine whether continued employment is appropriate given the nature of the criminal offense in relation to the Employee's job duties and responsibilities.
- e. *Ethical Behavior.* All Employees are expected to comply with all University and other job-related or professional ethical standards, including, but not limited to [Regents' Rule 03.01](#), and 07.03, [System Regulation 01.05](#), and all applicable System and University Policies and Procedures.

5. Faculty Conduct

- a. *Tenure Revocation.* In accordance with Texas Education Code, Section 51.942, tenured faculty may be dismissed with appropriate due process, as specified in the respective University's

Operating Policies and Procedures, on a determination a faculty member has engaged in any of the following (the following is a non-exhaustive list of actions which may result in actions including but not limited to tenure revocation proceedings; please consult the University's Operating Policies and Procedures):

- i. Exhibited professional incompetence;
- ii. Continually or repeatedly failed to perform duties or meet professional responsibilities of the faculty member's position;
- iii. Failed to successfully complete any post-tenure review professional development program;
- iv. Engaged in conduct involving moral turpitude that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities;
- v. Violated laws or University system or institution policies substantially related to the performance of the faculty member's duties;
- vi. Been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration;
- vii. Engaged in unprofessional conduct that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities; or
- viii. Falsified the faculty member's academic credentials.

Each University will be responsible for providing its policies and procedures regarding tenure, including amendments, for annual filing as required by Texas Education Code, Section 51.942(g).

- b. *Summary Dismissal.* A faculty member, with or without tenure and subject to a component institution's policies, may be subject to the Summary Dismissal process—and tenure revoked if the faculty member is tenured—if the reason for dismissal is a finding of Serious Misconduct that has been substantiated by an investigation that provides the faculty member due process rights and the opportunity to respond to the allegation and has been conducted by the System and/or its component institutions, or federal, state, or local agencies with applicable jurisdiction over the subject matter. Unless otherwise provided in a component institution's policies, Serious Misconduct includes, but is not limited to a finding of:
 - i. Sexual misconduct;
 - ii. Egregious scientific/research misconduct;
 - iii. Fraud;
 - iv. Violence or threat of violence in the workplace (means a written, verbal, electronic, or behavioral message that, either explicitly or implicitly, communicates the intent to inflict, or cause to be inflicted, physical harm to persons or property);
 - v. Falsification of a faculty member's academic credentials; or

- vi. Conviction of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration

A faculty member who has been found to have engaged in Serious Misconduct will be subject to the Summary Dismissal process and procedures as set forth in the respective component University's Operating Policies and Procedures in accordance with Texas Education Code Section 51.942(c-4). The sole purpose of this process is to determine if the finding of Serious Misconduct warrants immediate termination (Summary Dismissal). Once a finding of Serious Misconduct has been determined, the Hearing Process will not be utilized to re-open, dispute, or contest the findings made by an investigating party described above. Nevertheless, the accused faculty member is entitled to respond to the charge of Summary Dismissal by presenting any evidence (including witnesses, subject to a component institution's policies) as to why the finding does not warrant Summary Dismissal. Upon completion of the Summary Dismissal process, the component institution's President shall have the authority to render a final determination in a manner consistent with the component institution's policies.

6. Coaching and Corrective Action

- a. *Generally.* Coaching and corrective action are 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 supervisor 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 action. Guidance is available through the University's human resources department to assist supervisory personnel in the exercise of this responsibility.
- b. *Use of Coaching and Corrective Action.* While the University encourages the use of coaching and corrective action, in appropriate circumstances, it is not required or necessary that coaching or corrective action be offered in every situation or that coaching or corrective action progress through the options in the sequence presented below. The use of coaching and corrective action should be based on the facts of the individual situation. Nothing in this policy relating to corrective action gives any Employee a property or other right to corrective action or any of the processes described below, nor does this policy in any way modify Employee's at-will employment.
- c. *Employee Receipt and Acknowledgment of Evaluations.* Receiving and acknowledging, by signature, position descriptions, performance evaluations, written coaching, and corrective action documents is a condition of employment for all Employees.
- d. *Coaching and Corrective Action Options.* Coaching and corrective actions are used to encourage the correction of performance or conduct 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, but is not limited to:
 - i. *Coaching.* If an Employee is exhibiting minor deficiencies, coaching may be used to clarify a gap between current performance or behaviors and those expected by the University. The leader or designated coach uses coaching protocols to inspire the employee to recognize the gap and establish an action plan to correct the deficiencies. The underlying assumption is the Employee recognizes the need and has the desire to change. In the event the job performance or behavior does not improve, a summary of the 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 coaching.

- ii. *Written Corrective Action.* If an Employee is exhibiting deficiencies and coaching is either not effective or not appropriate for the situation, 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 the University's human resources department to be placed in the Employee's personnel file.

- iii. *Suspension Without Pay.* If an Employee engages in misconduct or adverse behavior, a suspension without pay may be imposed. The terms of such suspension without pay will be determined based on the situation. Written documentation from a supervisor supporting the recommendation for suspension without pay must be submitted to and reviewed by the University's human resources department, the System Office of General Counsel, and the System Office of Equal Opportunity.
- iv. *Demotion or Reassignment.* An Employee's 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 or unit 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 the University's human resources department, the System Office of General Counsel and the System Office of Equal Opportunity prior to implementation of the demotion or reassignment.
- e. *Employee Responses to Corrective Actions.* Employees may submit a signed and dated written response to written coaching and corrective action, within ten (10) business days of receipt, to the Employee's immediate supervisor who will promptly forward such response to the University's human resources department to be placed in the Employee's personnel file.

7. Administrative Leave

- a. An Employee may be removed from the workplace pending an investigation or other employment decision pursuant to Texas Government Code § 661.923 and [Texas Tech University System Regulation 07.12](#).

8. Involuntary Termination

- a. *Generally.* It is recommended that verbal coaching, written coaching, written corrective action, and/or suspension normally precede termination from employment for job performance reasons. However, termination without prior coaching or corrective action may be warranted depending on the circumstances.
- b. *Required Consultations and Review.*
 - i. *Human Resources.* Supervisors must first consult with the University's human resources department prior to initiating an involuntary termination. Before an Employee is involuntarily terminated, a written explanation of the action recommended and a draft letter of termination to the Employee must be submitted to and reviewed by the University's chief human resources officer, or their designee.
 - ii. *General Counsel and Equal Opportunity.* Before any involuntary termination is finalized, the University's chief human resources officer or designee must consult with the System Office of General Counsel and the System Office of Equal Opportunity.
- c. *Settlement Agreements.* Any proposed settlement agreement must be reviewed and approved by the University's Human Resources Department and the System Office of General Counsel.

- d. *Eligibility for Re-hire.* Eligibility for re-hire is governed by [System Regulation 01.09](#).

9. Reductions in Force

- a. Reductions in force are governed by [System Regulation 07.08](#). A reduction in force is not to be used in lieu of corrective action. Reductions in Force must be reviewed and approved by the University's human resources department, the System Office of General Counsel, and the System Office of Equal Opportunity.

10. Complaints, Grievances, and Appeals

- a. Each University will establish Operating Policies and Procedures for complaints, grievances, or appeals, other than for termination. Termination may not be grieved or appealed unless specifically provided for in such University policies.

11. Resignation

- a. *Resignation in-lieu of Termination.* If an Employee resigns in writing after the decision to terminate the Employee has been made, the resignation will be designated as a resignation in-lieu of termination upon approval by the University's department of human resources.
- b. *Voluntary 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 (2) 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.

Contact Office: System Office of General Counsel
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