



REGULATIONS

REG No.: 875

REMEDIATION OF PERFORMANCE: CONTRACT EMPLOYEES

I. PURPOSE

Provides a process for investigating ~~suspected major weaknesses in the~~ unsatisfactory performance of contract employees and outlines procedures for remediation.

II. LEGAL REFERENCES or BACKGROUND

No legal references on this topic were located in the TACC Policy Manual.

III. DEFINITION

Unsatisfactory performance or *major weakness in performance* is defined as a departure from the acceptable standards of performance established by or for full-time professional employees on contract (i.e., faculty or administrative staff) in fulfilling their job duties or responsibilities as indicated in such documents as employment contracts, ~~or~~ job descriptions, ~~or~~ employee handbooks, ~~or~~ evaluation plans, ~~(see or the college's formal policies and procedures.~~ (See Reg 872, Evaluation of Faculty, or Reg 876, Evaluation of Administrative and Support Staff) ~~or the college's formal policies and procedures.~~

IV. POLICY

- A. ~~Except for anonymous allegations, any~~ Any allegation ~~of unsatisfactory performance~~ shall be investigated ~~immediately~~ as described below to determine if evidence ~~exists to substantiate a major weakness~~ of unsatisfactory performance exists. The college will investigate anonymous allegations to the extent possible, but its ability to do so may be limited by the anonymous nature of the allegations.
- B. If substantiation is found, the College shall provide the employee with a written ~~specification~~ explanation of the problem, suggestions for improvement, a timetable for remediation, a description of the subsequent evaluation to take place to determine if substantial progress or improvement has occurred, and possible consequences if remediation does not occur. This remediation process need not be followed in circumstances where the college determines, in its sole discretion, that the actions of the employee warrant immediate termination from employment.
- C. If ~~substantiation~~ no evidence of unsatisfactory performance is ~~not~~ found, the allegations shall be removed from the employee's personnel file.
- D. While the responsibility for improvement rests primarily with the employee, the College may ~~suggest~~ recommend how the employee may improve performance and provide reasonable assistance toward the goal of improvement.
- E. Documentation ~~of incident(s)~~ must be included to ~~substantiates~~ support an Unsatisfactory or Poor Performance Evaluation Review.

(POLICY APPROVAL: 10-16-96, rev. 11-20-96, 3-23-10 Board of Trustees)

V. PROCEDURES

- A. The ~~immediate~~ supervisor, ~~with the guidance of the appropriate Cabinet level supervisor,~~ is responsible for investigating thoroughly any allegation of unsatisfactory performance.

- B. The supervisor is expected to use proper, relevant, focused, expeditious, and reliable investigative techniques, tools, and procedures to determine if information exists to substantiate the allegation.
- C. If substantiating information is found indicating that unsatisfactory performance or a major weakness may exist, the ~~employee's~~ supervisor ~~schedules~~ shall schedule a meeting with the employee to review the allegation and ~~to review~~ the supporting information ~~for the allegation~~. ~~The employee is provided with sufficient time to review the information presented and to gather any information that may refute the allegation.~~
- D. ~~After the initial meeting, the employee shall be provided an opportunity to review the information presented and to gather any information that may refute the allegation. If the employee wishes to refute the allegation, he or she must do so in writing submitted within ten (10) calendar days of the meeting.~~
- DE. If, after reviewing all information (including any information submitted by the employee), the supervisor concludes that the allegation is substantiated in whole or in part, the supervisor ~~develops~~ shall develop a plan for remediation.
- EF. The supervisor ~~provides~~ shall provide the employee with a written document specifying the identified weakness, the remediation plan, and the evaluation technique to be used.
- FG. The supervisor ~~meets~~ shall meet with the employee on a periodic and regular basis to review progress of the remediation plan. After each such meeting, both the supervisor and the employee sign a statement documenting that the meeting occurred. The supervisor ~~files~~ will file one copy with the other documents pertaining to the remediation process and ~~gives~~ give one copy to the employee for his or her records.
- GH. The supervisor ~~conducts~~ shall conduct a thorough evaluation at the conclusion of the specified time period (or earlier, if mutually acceptable). The results ~~are~~ of the evaluation shall be communicated to the employee in writing concluding that (1) complete remediation has been achieved, (2) substantial progress has taken place and the identified weakness is being remediated although continued progress is still expected, or (3) no substantial progress has been made toward remediation.
- HI. Continued lack of progress toward remediation may subject an employee to disciplinary action and/or possible dismissal according to the policy and procedures outlined in Reg 886, Reprimand, Suspension, and Dismissal.

VI. GUIDELINES

- A. ~~Though the~~ The College may ~~suggest how~~ recommend ways in which an employee may improve performance and ~~may also~~ provide reasonable assistance to the employee who demonstrates a willingness to address the problem and show improvement. ~~However,~~ the responsibility for performing one's job satisfactorily resides with the individual employee. The College is not required to offer remediation in any case in which the employee is uncooperative or demonstrates an unwillingness to acknowledge poor performance; continues performing unsatisfactorily even after the problem has been brought to the employee's attention; or in any case in which the employee's behavior is judged unacceptable as to warrant immediate disciplinary action up to and including dismissal from employment.
- B. A supervisor who, aware of a problem with an employee, fails to take appropriate action (including disciplinary action or action to remediate) to address the unacceptable behavior or unsatisfactory performance of an employee for whom he or she is responsible becomes himself or herself subject to disciplinary action or remediation for this failure.

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C. The employee has the right to file a complaint or grievance according to the procedures in Reg 877, Employee Grievances and Complaints, if he or she disputes the existence of unsatisfactory performance or feels that he or she has not been treated fairly with the procedures outlined in this regulation.

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