Texas Woman's University
University Regulation and Procedure

Regulation and Procedure Name:	**Staff Standards of Conduct and Disciplinary Process**
Regulation and Procedure Number:	**URP: 05.600**
Policy Owner:	**Finance and Administration**

POLICY STATEMENT

This University Regulation and Procedure ("URP") sets forth the standard of conduct for Texas Woman's University ("TWU") Staff. Failure to abide by these standards impacts a Staff Member's ability to perform his or her job responsibilities and may result in disciplinary action according to the process in this URP.

APPLICABILITY

This policy is applicable to TWU Staff.

DEFINITIONS

1. "Employee" means any individual at TWU who is hired in a full-time, part-time, or temporary capacity in a faculty or staff position, or in a position where the individual is required to be a student as a condition of employment.

2. "Employment at Will" means the employment of TWU Employees, with the exception of Faculty Members, and means employment for an indefinite duration and can be terminated at any time, with or without cause and with or without notice, by either TWU or the employee. Nothing in this or any other TWU operating policy and procedure constitutes an employment agreement, either expressed or implied, a contract, a contractual relationship, a guarantee of continued employment, or a property right in continued employment. No one can execute a contract of employment for staff except the Board of Regents acting as a whole or the Chancellor. Any such contract must be within their legal authority and must be in writing.

3. "Faculty Member" means a means an individual who is employed by TWU as a member of the faculty and whose duties include teaching, research, service, and administration. Professional librarians and graduate assistant titles are excluded from the definition of faculty.

4. "Staff" or "Staff Member" means each classified, administrative, and professional employee who is appointed to work at least 20 hours each week for a period of four and one-half months, excluding students employed in positions for which student status is required as a condition of employment and those employees holding teaching and/or research positions classified as faculty.

5. "Termination" means the involuntary removal of an Employee from the service of TWU.

REGULATION AND PROCEDURE

I. Standards of Conduct

A. Colleges and universities must function in accordance with the public trust and the actions of faculty, employees, and students within them must be consistent with the execution of that trust.

B. Each TWU Staff Member shall be required to abide by the terms of this policy as a condition of employment. A violation of the standards established in this policy may result in disciplinary action ranging from a verbal reprimand or counseling to termination from employment at TWU, as described in greater detail below. TWU Staff Members are subject to corrective action, including termination, for violation of this and other TWU rules, regulations, departmental policies, and federal, state or local laws.

All employees of TWU shall:

1. Perform their official duties in a lawful, professional, respectful, and ethical manner befitting the State of Texas and TWU;

2. Report any conduct or activity that the employee believes to be in violation of this policy or other TWU policies to his or her immediate supervisor and/or the Office of Human Resources as necessary;

3. Notify his or her immediate supervisor of any arrest, indictment, conviction, or other adjudication for any felony or offense of moral turpitude (including offenses involving dishonesty, fraud, deceit, theft, misrepresentation, deliberate violence) no later than five business days after such arrest, indictment, conviction, or other adjudication; and

4. Abide by all other policies applicable to employee conduct including but not limited to:

a. URP 01.200: Speech, Expression, and Assembly

b. URP 01.210: Ethics Policy for Employees

c. URP 05.550: Employee Attendance, Vacation, Sick, and Other Leave Policy

d. URP 05.215: Nepotism-Employment of Relatives

e. URP 05.100: Non-Discrimination, Equal Opportunity, and Diversity

f. URP 01.225: Prohibition of Sexual Misconduct

g. URP 05.610: Staff Performance Management and Evaluations

II. Prohibited Conduct

A. The following list, while not exhaustive, contains examples of violations of the general rules of conduct governing the actions of all TWU employees:

1. Violations of federal, state, or other public law, or TWU policy including but not limited to:

a. Convictions of a felony or offense involving moral turpitude as defined in Section I.B.3. above,

b. Gambling on TWU premises.

c. Carrying, possessing, selling, or being under the influence of intoxicants, narcotics, or illegal drugs in violation of the law or URP 05.640: Drug-Free Workplace Procedures and Drug Testing Policy for Faculty and Staff, and

d. Assault or attempted assault either on or off TWU premises.

2. Carrying or possessing firearms in violation of TWU policy or State of Texas law. Carrying or possessing explosives, or other lethal or illegal weapons on TWU premises.

3. Theft, misappropriation, or unauthorized use of TWU funds or property, property belonging to other employees or students, or other dishonest actions, including but not limited to:

a. Falsification of timecards, including entering time not actually worked, not entering time that was actually worked, clocking in or out for another employee, or allowing one's time to be entered by another employee.

b. Falsification of personnel or other TWU records.

c. Willfully or negligently abusing, misusing, destroying, damaging, defacing, or removing property, tools, or equipment belonging to TWU, other employees, or students.

4. Failure to observe assigned work schedules (starting time, quitting time, rest and meal periods), if applicable, or unauthorized, unexplained, or inexcusable absence or tardiness without properly notifying supervisor or without satisfactory reason.

5. Failure to notify supervisor of absence at the earliest practical time.

6. Failure to properly notify the employee's immediate supervisor and/or the appropriate administrative officer of reason(s) for absence(s). This failure to notify will result in termination for job abandonment after the employee has failed to notify and missed three (3) consecutive or non-consecutive work shifts within a rolling calendar year period.

7. Failure to return to work upon expiration of vacation leave, sick leave or leave of absence.

8. For employees other than faculty, leaving TWU premises during working hours without permission from the supervisor or leaving regularly assigned work location without notifying immediate supervisor.

9. Abuse of time during assigned working hours, including performing unauthorized personal activities on TWU time.

10. Disruptive conduct that it has the effect of impairing the work of any other employee, including but not limited to:

a. Violence or threat of violence, or causing or threatening to cause imminent or immediate harm to someone;

b. Disrupting another employee's work environment, or preventing another employee from completing his or her assigned duties;

c. Indecent or obscene conduct;

d. Conduct that creates a hostile working environment for any employee;

e. Abusive or unruly conduct;

f. Written, verbal, or physical fighting on the job or while representing TWU off-campus in the scope of their employment;

g. Unprofessional conduct; that is, behavior that a reasonable person in a professional office setting would find inappropriate, rude, disorderly, or offensive, and that is persistent, destructive and/or intimidating;

h. Disrupting the smooth and orderly flow of work within a department or within TWU;

i. Harming the goodwill and reputation of TWU in the community at large; or

j. Delaying or restricting work or inciting others to delay or restrict work.

11. Inappropriate use of TWU electronic media, including internet, e-mail, telephones, computers, software or long-distance codes. Inappropriate use of electronic media is use that violates state or federal law or TWU policy, including URP 04.700: Computer & Software Acceptable Use Policy, or interferes with an employee's ability to effectively perform his or her job duties.

12. Unsatisfactory work performance, including, but not limited to:

a. Failure or refusal to properly perform work assigned by a supervisor or failure to follow any reasonable instructions issued by supervisor related to performing job tasks and/or job duties, or

b. Insubordination.

13. Soliciting or collecting contributions for any purpose or selling or offering for sale any goods or service, on TWU premises in violation of URP 01.285: Sales, Solicitations, and Fundraising.

14. Damaging or defacing TWU property, including bulletin boards or notices posted thereon.

15. Discourteous or demeaning treatment of TWU employees, students, or the public.

16. Violation of TWU safety or sanitation rules and regulations or any act which might endanger the safety or lives of others.

17. Disclosure of confidential TWU information to unauthorized persons.

18. Refusal to attend or complete state or TWU mandated trainings within the appropriate timeframe.

19. Smoking and/or vaping on campus.

20. Violation of internal department rules or other TWU policies or procedures, including those that may be published after the date of this policy, and flagrant or repeated violations of TWU policies and procedures.

B. Activities that Fall Outside of the Scope of Employment

1. Activities of a staff employee that fall outside the scope of employment shall constitute misconduct only if such activities adversely affect the legitimate interests of the University. Examples of such conduct include but are not limited to: Conduct, professional or personal, involving moral turpitude. Action(s) that prevent other university community members from fulfilling their responsibilities or create a clear and present danger to members of the University community.

III. Disciplinary Procedure

A. Supervisors should make a concerted effort to both prevent serious personnel concerns and address employee misconduct. However, supervisors have the right to address issues that interfere with the performance of employees' job responsibilities and the efficient functioning of TWU. It is essential that each concern be investigated thoroughly and expeditiously to ensure that the facts of the situation are known before disciplinary action is taken.

B. Discipline should be progressive. While TWU may elect to follow progressive discipline as described in this policy, TWU is not obligated to do so. Using progressive discipline is at the sole discretion of TWU as an employment-at-will employer. The use of progressive discipline does not grant an entitlement or right to any employee nor does it alter the "at-will" status of any employee of TWU. The normal sequence of progressive discipline is as follows: (1) Counseling; (2) Oral Warning; (3) Written Warning; (4) Final Written Warning; and (5) Termination. Suspension and Demotion are progressive discipline steps that may be used as applicable. Depending on the severity of the case, disciplinary action may begin at any

of these steps and may skip intermediary steps depending on the circumstances of the situation and the best interests of TWU.

C. Disciplinary action will include a statement to the employee regarding the problematic behavior as well as a clear statement of corrective action. Written Warnings, Final Warnings, Demotions, Suspensions, and Terminations must first be reviewed by the Office of Human Resources, in consultation with the Office of General Counsel, as appropriate. The corrective action should include a section which documents specific, job related, and measurable actions identified to increase job knowledge, improve skills, or correct performance difficulties. Timetables shall be established for follow-ups and improvement or non-improvement and will be documented. When appropriate, an employee subject to disciplinary action should be given an opportunity to improve their performance or correct the problematic behavior identified. Termination may be appropriate when corrective action or rehabilitative methods have failed, or when the serious nature of a violation or the accumulation of violations warrants termination.

1. Counseling: A counseling session may be adequate to clear up a minor offense and is generally used to establish an understanding of standards expected of the employee. The supervisor should document the date and nature of the Counseling session.

2. Oral Warning: Typically, the next step of disciplinary action should begin in the form of an oral discussion and warning, especially for relatively minor violations. If it appears that a Staff Member has failed to perform their work in a satisfactory manner or conduct themselves according to job requirements, the supervisor should first talk to the Staff Member about the matter and informally inquire further into the situation. If facts indicate that the Staff Member may have been at fault, the supervisor should discuss the matter with the Staff Member. The supervisor may call appropriate personnel to be present as a witness during the discussion. The supervisor should clearly inform the employee of the problematic behavior and the need for corrective action. Supervisors should maintain a complete and accurate written record of the warning.

3. Written Warning: Written Warning involves both a formal interview with the Staff Member and an official memorandum documenting the incident and corrective action. A Written Warning should be prepared by the employee's immediate supervisor, utilizing the approved warning template, and should include: the names of the parties involved, dates, a description of the incident or behavior, witnesses (if any), and the action taken. Reference should also be made to the dates and results of prior counseling sessions,

oral warning(s), or other written warnings (s) regarding the incident or behavior at issue. Written Warnings should be first reviewed by the Office of Human Resources. A final copy of the Written Warning should be sent to the Office of Human Resources to be placed in the Staff Member's permanent file.

4. Demotion: The supervisory official with the authority to terminate an employee also has the authority to demote an employee. An employee who cannot or will not carry out efficiently and effectively the duties of the job for which they are hired or promoted, may be demoted to a job more commensurate with their abilities, skills, and experience or job performance.

    a. The supervisor recommending demotion will first review the demotion with the Office of Human Resources in consultation with the Office of General Counsel, as appropriate. The Office of Human Resources will ensure that the employee has received proper counseling and an opportunity for improvement of performance prior to the approval of any recommendation for demotion.

    b. Demotion should be considered a last alternative in lieu of termination and may only be considered when a lower job assignment is available in the department in which the employee works. The appropriate Vice President must be made aware of each recommendation for demotion.

5. Suspension: Suspension of employment, without pay, may be appropriate in cases involving serious offenses or repeated or ongoing offenses. The supervisor who has authority to employ a Staff Member also has the authority to suspend a Staff Member.

    a. Prior to suspension of employment, the Staff Member's supervisor must review the situation with the Office of Human Resources, and in consultation with the Office of General Counsel, as appropriate. The Office of Human Resources will ensure that the employee has received proper counseling and an opportunity for improvement of performance prior to the approval of any recommendation for suspension. This review will assure that the case for suspension without pay is warranted and properly documented.

    b. If suspension is recommended, the employee should be presented with a letter documenting the grounds for the suspension, and the date(s) of the proposed suspension.

After the suspension period, the supervisor will conduct a conference with the Staff Member. The discussion should include a review of the reason(s) for the leave, the corrective action(s), and any next step(s) to be taken if improvement does not occur, as appropriate. The appropriate Vice President must be made aware of each recommendation for suspension.

6. Termination: Termination may be appropriate in cases involving serious offenses or repeated or ongoing offenses. The supervisor who has authority to employ a Staff Member also has the authority to terminate a Staff Member.

   a. Prior to terminating employment, the Staff Member's supervisor must review the situation with the Office of Human Resources, and in consultation with the Office of General Counsel, as appropriate. This review will assure that the case for termination is warranted and properly documented.

   b. If termination is recommended, the employee should be presented with a letter documenting the grounds for the termination, and the date of the proposed termination. The appropriate Vice President must be made aware of each recommendation for termination.

D. A review of disciplinary actions by the Office of Human Resources, in consultation with the Office of General Counsel, as appropriate, is required for Equal Employment Opportunity ("EEO") compliance for written warnings, final written warnings, suspensions, demotions and terminations, including "at will" terminations.

IV. Other Actions

A. In extremely serious cases involving violence or imminent threat to personal safety or property, the supervisor and/or Department of Public Safety may determine the need for immediate arrest or removal of an employee from TWU property. This action should be considered an immediate suspension with pay and may warrant initiation of the termination process.

B. An interim suspension with pay may also be used as a non-disciplinary action for situations involving disruptive behavior, violence, or threat to personal safety or property that are not imminent but warrant investigation while the employee does not return to duty.

C. In certain circumstances, Leave Pending an Investigation, which constitutes leave with pay, may be warranted. Leave Pending an Investigation is an

interruption of the active employment of a Staff Member during the pendency of an investigation and must be approved by the appropriate Vice President in consultation with the Office of Human Resources and the Office of General Counsel.

V. Alternative Disciplinary Actions

Other forms of disciplinary action may be appropriate in some cases. These may include making up lost time, docking pay, withholding salary increases, transfer to more suitable work, or compensating TWU for damage. With the exception of making up lost time, alternative disciplinary actions require the prior review of the Office of Human Resources.

VI. Terminations for Non-Disciplinary Reasons

It is not the intent of this policy to prohibit, or in any way restrict, TWU and its administrative officials from the right to terminate any employee at will for any non-disciplinary reason if it is in the best interest of TWU to do so. An employee so terminated shall not have recourse through this policy. Examples of termination for non-disciplinary reasons include, but are not limited to, terminations due to lack of work or funds (reduction in force), the redesigning of jobs, the termination of grant funding which results in the elimination of positions, elimination of a temporary position, and changes in the organizational structure in compliance with TWU policies and rules.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

URP 01.200: Speech, Expression, and Assembly

URP 01.210: Ethics Policy for Employees

URP 05.550: Employee Attendance, Vacation, Sick, and Other Leave Policy

URP 05.215: Nepotism-Employment of Relatives

URP 05.100: Non-Discrimination, Equal Opportunity, and Diversity

URP 01.225: Prohibition of Sexual Misconduct

URP 05.610: Staff Performance Management and Evaluations

URP 05.640: Drug-Free Workplace Procedures and Drug Testing Policy for Faculty and Staff

URP 04.700: Computer & Software Acceptable Use Policy

URP 01.285: Sales, Solicitations, and Fundraising

FORMS AND TOOLS

None

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