



# REGULATIONS

REG No.: 875

## REMEDICATION OF PERFORMANCE: CONTRACT EMPLOYEES

### I. PURPOSE

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

### II. LEGAL REFERENCES OR BACKGROUND

No legal references on this topic were located in the TASB 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 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 allegation of unsatisfactory performance shall be investigated immediately to determine if evidence exists to substantiate a major weakness.
- B. If substantiation is found, the college shall provide the employee with a written specification 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.
- C. If substantiation is not found, the allegations shall be expunged from the employee's record.
- D. While the responsibility for improvement rests primarily with the employee, the college recognizes an obligation to suggest how the employee may improve performance and to provide reasonable assistance toward the goal of improvement.
- E. Documentation of incident(s) must be included to substantiate an Unsatisfactory or Poor Performance Evaluation Review.

(POLICY APPROVAL: 10-16-96; rev. 11-20-96)

## **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 evidence exists to substantiate the allegation.
- C. If substantiating evidence is found indicating that a major weakness may exist, the supervisor schedules a meeting with the employee to review the allegation and to review the supporting evidence 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. The supervisor schedules a subsequent meeting with the employee to review all available information, evidence, and arguments.
- E. If, after reviewing all evidence and information, the supervisor concludes that the allegation is substantiated, the supervisor develops a plan for remediation.
- F. The supervisor provides the employee with a written document specifying the identified weakness, the remediation plan, and the evaluation technique to be used. (See attached sample form entitled *Remediation Plan* as one suggested format for documenting a remediation plan. Use of this form is only suggested, not required.)
- G. The supervisor meets 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 one copy with the other documents pertaining to the remediation process and gives one copy to the employee for his or her records.
- H. The supervisor conducts a thorough evaluation at the conclusion of the specified time period (or earlier, if mutually acceptable). The results are communicated to the employee in writing concluding that (1) complete remediation has been achieved, or (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.
- I. Continued lack of progress toward remediation may subject an employee to disciplinary action according to the policy and procedures outlined in Reg 886, Reprimand, Suspension, and Dismissal.

## **VI. GUIDELINES**

- A. Though the college imposes an obligation upon itself to suggest how an employee may improve performance and to provide reasonable assistance to the employee who demonstrates a willingness to address the problem and show improvement, the responsibility for performing one's job satisfactorily resides with the individual employee; and 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 or 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 so egregiously 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.

- 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 and in accord with established college policies and procedure.

FRV/FRV  
11-20-96  
5-25-99  
CN/BAM  
7-13-04

Reg 875

Sample

*Wharton County Junior College*

# Remediation Plan

Name of Employee \_\_\_\_\_ Date \_\_\_\_\_

Position \_\_\_\_\_

Unit/Department \_\_\_\_\_

Immediate Supervisor \_\_\_\_\_

This remediation plan is constructed in order to provide an opportunity for an employee to improve a record of unsatisfactory performance.

- A. **Statement of Problem**
- B. **Objectives of Remediation/Evidence of Improvement**
- C. **Schedule/Timetable/Evaluation**
- D. **Further Action**

Failure to comply with the terms of this remediation plan or any recurrence of unsatisfactory performance will lead to further disciplinary action, up to and including dismissal.

\_\_\_\_\_  
Signature of Immediate Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Cabinet-Level Supervisor

\_\_\_\_\_  
Date

***Employee's Acknowledgment:*** By my signature below, I acknowledge that I have received a copy of this remediation plan, that I understand its contents and purpose, and that I have met with my immediate supervisor to discuss the plan. My signature does not indicate in any way whether I agree or disagree that my performance has been unsatisfactory.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date