The University of Texas at Dallas is committed to providing a safe workplace for the benefit of the University community. Faculty who are not fit for duty may present a safety hazard to themselves, to other members of the University community or to the public. Denial of university privileges to a faculty member is a serious matter and should only take place when there is a perceived danger to the faculty member, coworkers, students, or to university property.

Scope

This policy applies to all members of the faculty.

Purpose

The purpose of this policy is to establish the procedures by which the University evaluates faculty members’ fitness for duty when a faculty member is:

1. Having observable difficulty performing work duties in a manner that is safe for the faculty member, for the other faculty, staff, or students, for the University, or for the public, as determined by the supervisor; or
2. Posing an imminent and serious safety threat to self or others.

Definitions

Faculty includes both tenure/tenure track faculty and other nonstudent instructional staff such as clinical faculty, senior lecturers, professors of instruction, professors of practice, and adjunct faculty.

Fit for duty means able to perform the duties of the job in a safe, secure, productive, and effective manner as determined by the supervisor.
Health service provider is a doctor of medicine or osteopathy, dentist, podiatrist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or a licensed clinical social worker that is authorized to practice in the state of Texas or in the state the employee resides for employees who reside outside the state of Texas.

Supervisor means the dean of the faculty member’s school or his/her designee, such as an associate dean or a program head.

The Provost’s role in the operation of this policy may be designated at his/her discretion to others within the Provost’s office.

Employee Responsibilities

1. Faculty members are responsible for managing their health in a manner that allows them to safely perform their job responsibilities.
2. Faculty members must report to work fit for duty and must perform their job responsibilities in a safe, secure, productive, and effective manner during the entire time they are working.
3. Faculty members are responsible for notifying their supervisors when they are not fit for duty.
4. Faculty members are responsible for notifying the supervisor when they observe a coworker acting in a manner that indicates the coworker may be unfit for duty. If the supervisor’s behavior is the focus of concern, faculty may inform the Provost or may call his/her designee. The Office of Human Resources (OHR) – Employee Relations may also be consulted for additional guidance.

Employer Responsibilities

1. Supervisors are responsible for observing the attendance, performance, and behavior of the faculty they supervise.
2. Supervisors/managers are responsible for following this policy’s procedures when presented with circumstances or knowledge that indicate that a faculty member may be unfit for duty.
3. Confidentiality of medical records: Any document containing medical information about a faculty member is considered a medical record and is regarded as confidential. If a department has any medical information about a faculty member, that information should be maintained in a file separate from all other faculty member records, including those used in consideration for tenure and promotion.
Procedures

1. The supervisor who receives reliable information that a faculty member may be unfit for duty, or through personal observation believes a faculty member to be unfit for duty, will validate and document the information or observations as soon as is practicable. Actions that may trigger the need to evaluate fitness for duty include, but are not limited to, problems with dexterity, coordination, concentration, memory, alertness, vision, speech, inappropriate interactions with coworkers or students, inappropriate reactions to criticism, or suicidal or threatening statements.

2. The supervisor will present the information or observations to the faculty member at the earliest possible time in order to validate them; and will allow the faculty member to explain his or her actions, or to correct any mistakes of fact contained in the description of those actions. The supervisor will then determine whether the faculty member should leave the workplace immediately for safety reasons.

3. In situations where there is a basis to think that a crime may have been committed and/or the faculty member is making threats to harm himself or herself or others, or is acting in a manner that is immediately dangerous to himself or herself or others, the supervisor must contact The University of Texas at Dallas Police Department. OHR-Employee Relations and the Office of the Provost should be contacted regarding the fitness for duty procedure after the immediate safety issue has been addressed.

4. In circumstances not involving immediate safety issues, possible illegal activities, or threats to others of the faculty member himself or herself, the supervisor shall take appropriate action, including contacting OHR-Employee Relations, by determining whether the faculty member should be sent home. The supervisor should arrange to contact the Provost as soon as possible after he or she receives a report, and validates or personally observes an employee’s unfit behavior. After regular business hours the supervisor should determine whether the employee should be sent home and then the supervisor should arrange to contact OHR-Employee Relations no later than the next business day.

5. Based on the descriptions provided by the supervisor, the Provost, in consultation with OHR-Employee Relations, will assist the supervisor in determining whether a fitness for duty evaluation is required and, if so, the type of evaluation needed and the type of health service provider to make the evaluation. OHR-Employee Relations will then provide a form to the supervisor containing that information, and the supervisor will convey the form to the employee. OHR-Employee Relations will assist in determining the type of leave to be used pending a complete assessment of the situation. The supervisor will prepare a written advisory report.
that will be provided to the faculty member and the Provost.

6. OHR-Employee Relations will provide a form for the designated health service provider to complete to certify whether the faculty member is fit to return to work. The form will include a behavioral description of the circumstances leading to the request for evaluation, and a list of the faculty member’s relevant duties. OHR-Employee Relations may communicate with the health service provider as necessary. The faculty member may submit an additional evaluation from their health service provider.

7. In most cases, the faculty member will be responsible for the cost of the fitness for duty evaluation, if not covered by his/her health plan.

8. Based on information provided by the health service provider, OHR-Employee Relations will advise the supervisor whether the faculty member should return to work and, if so, the conditions of return, including whether the faculty member must attend a reentry conference with the supervisor and OHR-Employee Relations, and whether additional follow-up meetings are necessary. The final decision on whether a provider’s certification will be accepted lies with the Provost. A second independent health service provider certification may be requested in some cases. The University will be responsible for the cost of the second independent provider’s certification.

9. At any stage of the process described in this policy, the faculty member may submit a grievance to the Committee on Faculty Standing and Conduct (UTDPP1027). Such grievance will follow the standard grievance procedures as stated in the Faculty Grievance Procedures (UTDPP1050).

10. The faculty member must comply with all aspects of the fitness for duty and evaluation procedures, including furnishing necessary consent and release forms to the health service provider. Noncompliance may be grounds for disciplinary action up to and including termination. Any recommendation for termination shall be automatically reviewed by the Committee on Faculty Standing and Conduct. Information will be requested from the health service provider regarding work restrictions that may be required upon the faculty member’s return to work.

11. Application of this policy is not intended as a substitute for other University policies or procedures related to performance. Nor is it intended as a substitute for disciplinary action. Situations involving violations of University policies or practices may result in disciplinary action being taken.

For Assistance: Questions regarding faculty fitness for duty should be directed to OHR-Employee Relations and/or the Office of the Provost.