



OLD DOMINION UNIVERSITY

University Policy

Policy #6601

VIRGINIA HEALTH SCIENCES DISCIPLINARY ACTION POLICY (INTERIM POLICY)

Responsible Oversight Executive: Executive Vice President for Health Sciences

Date of Current Revision or Creation: July 1, 2024

A. PURPOSE

The purpose of this policy is to outline expectations for employee behavior in the health care field and to establish a policy of progressive discipline to identify, address, and correct employment-related problems, including performance deficiencies.

B. AUTHORITY

[Virginia Code Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning institution. Section 7.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

C. DEFINITIONS

Administrative and Professional (A/P) Faculty - Employees who perform work directly related to the management of the educational and general activities of the institution, department or subdivision or whose professional positions serve the educational, research, athletic, medical, student affairs, and development functions or activities of the institution.

Administrative and Professional (AP) Medical Restricted Faculty - Employees who have been accepted in the Eastern Virginia Medical School Graduate Medical Education (GME) Program and have the title of Resident, Chief Resident, or Fellow.

Administrative and Professional (AP) Medical Faculty - Employees who have administrative or professional duties directly related to the management or administration of, or patient care services in, a clinical care setting on behalf of EVMS Medical Group.

Classified Medical Staff - A salaried employee whose terms and conditions of employment are subject to the Virginia Personnel Act, Code of Virginia Section 2.2-2900 et seq., as amended, and who is employed in a classified position to perform administrative or patient care services in a clinical setting on behalf of EVMS Medical Group.

Teaching and Research Faculty - Employees whose work assignments primarily involve instruction, research, and scholarly activities, and who hold academic rank/titles of professor, associate professor, assistant professor, senior lecturer, lecturer, instructor, or the equivalent in an academic unit.

Teaching and Research (TR) Medical Faculty - Employees who hold academic rank and whose work assignments primarily involve instruction, research, or scholarly activity for trainees in a clinical setting and/or the management or administration of, or patient care services in, a clinical setting and who have a faculty appointment in a department of the school of medicine.

Informal Actions - Used to address less severe performance or conduct issues and may be verbal or written. Informal actions are documented and maintained in the supervisor's departmental personnel file.

Formal Actions - The Department of Human Resources must be consulted prior to administering formal discipline. Formal actions are used to address more severe or pervasive performance or conduct issues and become a part of the employee's personnel record maintained by the Department of Human Resources. Formal actions are documented verbal reprimand, written reprimand, disciplinary probation, and demotion, and suspension with or without pay may be used in conjunction with these actions.

Disciplinary Probation – Probation in response to employee misconduct and is not the same as the Commonwealth's probationary period assigned to all new classified employees.

D. SCOPE

This policy applies to Teaching and Research Medical Faculty, AP Medical Restricted Faculty, AP Medical Faculty, Classified Medical Staff, and AP Faculty and TR Faculty who are appointed to a program with a clinical component within the School of Medicine and School of Health Professions at Virginia Health Sciences.

E. POLICY STATEMENT

Virginia Health Sciences is committed to the safety of our patients and to training healthcare professionals who are committed to the highest standards of excellence. To ensure that individuals foster a culture of respect and accountability, Virginia Health Sciences has adopted a policy of progressive discipline to identify, address, and correct employment-related problems, including performance deficiencies of those employees who are subject to this policy. The goals of progressive discipline are to: 1) provide the employee with notice of unacceptable behavior(s); 2) advise the employee of the expectations of the corrective action and any necessary steps to achieve satisfactory performance, and 3) inform the employee of what action(s) will be taken in the future if the situation remains uncorrected or expectations are not met. In certain circumstances involving egregious, dangerous, or fraudulent behavior, employees may be terminated for a first offense (e.g., violence, intoxication, theft, sexual harassment, etc.), or discipline may begin at an elevated step commensurate with the nature of the offense.

F. PROCEDURES

The University reserves the right to place an employee on paid or unpaid leave pending the outcome of an investigation. In addition, discipline may be issued for conduct that falls outside of the areas identified in this policy.

1. Unacceptable behavior. Employees will be subject to disciplinary action, including termination, for engaging in unacceptable behavior such as:
 - a. Violation of the ODU Employee Standards of Conduct or Faculty Code of Conduct;
 - b. Violation of ODU policies or safety rules;
 - c. Refusing to do assigned work or refusing to cooperate with an institutional investigation/audit;
 - d. Insubordination;
 - e. Poor performance, being inattentive to duty, sleeping on the job;
 - f. Falsifying a time card or other ODU record or giving false information to anyone whose duty is to make such record;
 - g. Failing to report an on-the-job injury;
 - h. Conducting oneself in a manner which is offensive, abusive, disruptive, or violent;
 - i. Carrying out any form of harassment including sexual harassment or spreading false or malicious gossip;
 - j. Operating ODU owned vehicles without proper license or operating any vehicle on ODU property in an unsafe or improper manner;
 - k. Appropriating ODU equipment, time, or resources for personal use or gain;
 - l. Computer abuse, including misuse of computer accounts, unauthorized destruction of files, sharing passwords, disruptive or obscene emails, non-work-related utilization of computer software or hardware;
 - m. Conviction of a felony;
 - n. Misusing or willfully neglecting ODU property, funds, materials, equipment, or supplies;
 - o. Unauthorized visitors during work hours;
 - p. Theft of ODU equipment, tools, materials, or other property or theft from other employees;
 - q. Violation of the Virginia Health Sciences Confidentiality Policy
 - r. Failing to behave in a professional, businesslike manner at the employees assigned work location, on Virginia Health Sciences property, and whenever representing Virginia Health Sciences at public events/locations;
 - s. Dress and appearance that is not appropriate to the individual's job functions and the performance standards established for the position or department specific guidelines. This includes maintaining an acceptable level of grooming and hygiene; and
 - t. Any other violations of established rules and/or unacceptable work performance may result in disciplinary action.
2. Corrective Action. Any Informal Actions that a Supervisor employs to address problematic behavior at the department level. Human resources involvement is not required for this action to be taken but it is recommended that supervisors consult with Associate Vice President of Human Resources for Health Sciences (AVPHRHS) prior to meeting with the employee. Corrective action does not require Human Resources' approval and should be taken, and documented in writing, before requesting disciplinary action.
3. Formal Disciplinary Action. Any Formal Actions used when corrective action fails to remedy unacceptable behavior. Disciplinary action may be issued by the AVPHRHS or an employee's supervisor. Supervisors must consult with the AVPHRHS before taking any disciplinary action. The determination of initial disciplinary action will be made by the AVPHRHS and will depend on the seriousness and extent of the behavior. Once the progressive discipline procedure has been started, each step must be followed in succession unless otherwise approved by the AVPHRHS. The AVPHRHS reserves the right to combine or skip steps dependent upon the severity of the incident, when progressive discipline has failed to remedy the unacceptable

behavior, and/or when there is evidence of a pattern of unacceptable behavior for which multiple disciplinary actions have been taken within the time frames in Standards of Conduct for Classified Medical faculty. Prior disciplinary action will be taken into consideration for AP and TR Medical faculty when determining the appropriate level of disciplinary action.

- a. *Step One: Verbal warning.* The purpose of the verbal warning is to make the employee aware of the unacceptable behavior, suggest ways to mitigate the behavior, and to discuss consequences of continued unacceptable behavior. The verbal warning must be documented by the supervisor and sent to the employee via email with a copy to the AVPHRHS.
 - b. *Step Two: Written warning.* The written warning serves to notify the employee that his or her behavior or actions constitute unacceptable behavior, and that future violation will result in further disciplinary action. The written warning shall contain the specifics regarding the unacceptable behavior, the date of any verbal warning(s) previously given, recommended corrective action, and consequences for continued unacceptable behavior. The written warning shall be signed by the employee (if the employee refuses to sign the warning, the refusal must be documented on the warning). The employee shall be given a copy of the written warning, with a copy retained by the supervisor, and a copy sent to Human Resources for placement in the employee's permanent record.
 - c. *Step Three: Disciplinary Probation.* The Disciplinary Probation memorandum must include the reason for the probation (including specifics regarding all incidences of unacceptable behavior and dates of any verbal or written warnings), the corrective action and timeframes for correction, and that termination is possible for future unacceptable behavior of any type. Initial Disciplinary Probation may be 30 to 90 days in length and may be extended in certain circumstances. The Disciplinary probation memorandum should be signed by the employee and the supervisor. If the employee refuses to sign the memo, the refusal must be documented on the memorandum. The employee shall be given a copy of the probation memorandum, with a copy retained by the supervisor, and a copy sent to Human Resources for placement in the employee's permanent record.
 - d. *Step Four: Termination.* If progressive discipline fails to remedy the unacceptable behavior, or if another type of unacceptable behavior occurs while the employee is on probation, termination may result. The AVPHRHS must approve termination of Classified Medical Staff in accordance with applicable university and DHRM policies.
 - e. The AVPHRHS and the department chair must approve Formal Disciplinary action for Teaching and Research Medical Faculty, AP Medical Faculty, and AP Faculty and TR Faculty who are appointed to a program with a clinical component. The AVPHRHS and the Vice Chair of Graduate Medical Education must approve termination of AP Medical Restricted Faculty. Upon termination, the department shall follow the university separation process. The department shall send its personnel file regarding the employee to Human Resources.
4. Immediate Termination. Human Resources may deem that the nature and severity of an unacceptable behavior (i.e., violence, threats of violence, conducting illegal or deceptive activity, sexual harassment, willful violation of the Confidentiality Policy, etc.) is such that it warrants immediate termination. In such event, the department shall follow the university separation process and shall send the department personnel file regarding the employee to Human Resources.

5. Grievance. All disciplinary action taken under this policy is grievable as follows:
- a. AP Restricted Faculty and AP Medical Faculty - In accordance with the Virginia Health Sciences Grievance Policy.
 - b. TR Medical Faculty – In accordance with the Virginia Health Sciences Grievance Policy and Health Sciences Faculty Grievance Policy.
 - c. AP Faculty - In accordance with the Grievance Policy for Administrative and Professional Faculty.
 - d. TR Faculty – In accordance with the Faculty Grievance Policy (#1470).
 - e. Classified Medical Staff – In accordance with the Classified Employees Grievance Policy and Procedure (#6602).

G. RECORDS RETENTION

Disciplinary Action Records are retained for five years after the employee separated and are then destroyed in compliance with the [Commonwealth's Records Retention and Disposition Schedule \(General 103, Series 100490\)](#).

H. RESPONSIBLE OFFICER

Associate Vice President of Human Resources for Health Sciences

I. RELATED INFORMATION

DHRM Policy 1.45 - [Commonwealth's Probationary Period Policy](#)
[Board of Visitors Policy 1470 - Faculty Grievance Policy](#)
[University Policy 6060 – Separation Process for Faculty and Staff](#)
[University Policy 6602 – Classified Employees Grievance Policy & Procedure](#)
University Policy 6604 - Virginia Health Sciences Grievance Policy
[Grievance Policy for Administrative and Professional Faculty in the AP Guidebook](#)

