



# OLD DOMINION UNIVERSITY

## University Policy

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### Policy #6600

### STANDARDS OF CONDUCT FOR CLASSIFIED EMPLOYEES

**Responsible Oversight Executive:** Vice President for Human Resources

**Date of Current Revision or Creation:** October 4, 2016

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#### A. PURPOSE

The purpose of this policy is to set forth the University's and the Commonwealth of Virginia's Standards of Conduct and the disciplinary process used to address unacceptable behavior, conduct, and related employment problems in the workplace or outside the workplace when conduct impacts an employee's ability to do his/her job and/or influences the University's overall effectiveness.

#### B. AUTHORITY

[Virginia Code Section 23-9.2:3, as amended](#), grants authority to the Board of Visitors to establish rules and regulations for the institution. Section 6.01(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.

The [Virginia Personnel Act, Code of Virginia Section 2.2-2900 et. seq., as amended](#), specifies that agency heads shall be the appointing authorities of their respective agencies and shall establish methods of personnel administration within their agencies.

[Virginia Department of Human Resource Management Policy 1.60 - Standards of Conduct](#)

#### C. DEFINITIONS

Aggravating Circumstances – Conditions that support the issuance of a more severe corrective action.

Classified Employee – 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.

Corrective Action – Any intervening informal or formal action taken by management to address employment problems, such as unacceptable performance, behavior or misconduct.

Counseling – Counseling may be an informal or formal intervention that consists of a discussion between an employee and his or her supervisor regarding problems with the employee's work performance, behavior, and/or conduct. Informal counseling discussions may be notated and

placed in the supervisory file. Formal counseling discussions must be documented in a written memorandum to the employee.

Demotion – Performance or disciplinary-based management-initiated assignment of an employee to the same or a different position in the same or lower Pay Band with fewer job responsibilities that results in a minimum of a 5% reduction in base salary.

Disciplinary Action – A formal action taken in response to unacceptable performance or misconduct. Disciplinary actions include the issuance of written notices; suspensions; demotions; transfers; disciplinary salary actions; and terminations.

Employee Assistance Program (“EAP”) - A benefit provided by the Commonwealth of Virginia to persons enrolled in the health benefit program that provides comprehensive, confidential, employee assistance services (such as short term counseling, assessment, and referral services) to covered University employees and their families.

Management – Employees assigned responsibility to direct and oversee employees and/or operations within an agency.

Mitigating Circumstances – Conditions that in the interest of fairness and objectivity support the issuance of a less severe corrective action.

Non-Probationary Employee – A classified employee who has completed his or her probationary period.

Notification of Planned Disciplinary Action – Written communication, typically a memo, that describes the policy violation(s) or performance deficiencies being cited and the disciplinary action being considered. The memo provides instructions for responding including deadline. Final decisions about disciplinary action are made after the employee response is considered.

Pay Band – One of nine salary ranges assigned to classified positions for purposes of recruitment, pay practices and compensation administration.

Progressive Discipline – A system of increasingly significant measures that provide feedback to employees so that they can correct conduct or performance problems. It is most successful when provided in a way that helps an employee become a fully contributing member of the organization. Progressive discipline also enables management to fairly, and with reliable documentation, terminate an employee who is unable or unwilling to improve his/her workplace conduct and/or job performance.

Reasonable Opportunity to Respond – Employees must be given a reasonable opportunity to respond after receiving notification of planned disciplinary action. Normally, a 24- hour period is sufficient. However, a “reasonable opportunity to respond” should not be based solely on the quantity of time provided but also on the nature of the offense, which may or may not require time to refute or mitigate the charge.

Restricted Classified Employee – A classified position with at least 10% of its funding from non-continuous or non-recurring funding sources, such as grants, donations, contracts, capital outlay projects, or higher education auxiliary enterprise revenues. Employees in restricted positions have no guarantee of employment for a particular term and may be terminated in accordance with the policies of the Department of Human Resource Management (DHRM). Certain provisions of the Layoff Policy do not apply to employees in restricted positions.

Suspension – An employee’s absence from work, without pay, that is imposed as a part of a disciplinary action.

Wage Employee - A non-salaried employee who receives pay for hours worked and is not covered by the provisions of the Virginia Personnel Act. Wage employees are sometimes referred to as hourly employees. Wage employees have no guarantee of employment for a particular term or a particular daily or weekly work schedule; they serve at the will of the designated hiring official and may be terminated at any time.

Written Notice – Formal disciplinary documentation that is issued when counseling has failed to correct misconduct or performance problems or when an employee commits a more serious offense. A written notice may be accompanied by additional actions including suspension; a demotion or transfer with reduced responsibilities and disciplinary salary action; a transfer to an equivalent position in a different work area; or termination. Written notices are organized into three groups according to the severity of the misconduct or behavior.

#### **D. SCOPE**

This policy applies to all positions covered by the Virginia Personnel Act, including non-probationary full-time and part-time classified and restricted classified employees. This policy may be used as a guide for evaluating the workplace conduct of employees who are not covered by the Virginia Personnel Act, such as wage employees, probationary employees and employees expressly excluded from the Act's coverage. (Official written notice forms may not be issued to these employees.)

#### **E. POLICY STATEMENT**

It is the policy of Old Dominion University, as a Commonwealth of Virginia agency, to promote the well-being of its employees by maintaining high standards of work performance and professional conduct. Therefore, rules of conduct and standards of acceptable work performance for employees have been established. Violations of the established rules and/or work performance may result in the imposition of corrective action. Such action is designed to encourage employees to become fully contributing members of the University and to enable management to fairly and effectively discipline and/or terminate employees who are unable or unwilling to improve their conduct and/or job performance. Corrective and disciplinary actions shall not be based on an employee’s race, color, religion, national or ethnic origin, age, sex (including pregnancy), political affiliation, veteran status, family medical and genetic information, sexual orientation, gender identity, gender expression, or disability.

#### **F. PROCEDURES**

Employees covered by this policy are employed to fulfill certain duties and expectations that support the mission and values of the University and are expected to conduct themselves in a manner deserving of public trust. The following list is not all-inclusive but is intended to illustrate the minimum expectations for acceptable workplace conduct and performance.

Employees who contribute to the success of the University's mission:

- Report to work as scheduled and seek approval from their supervisors in advance for any changes to the established work schedule, including the use of leave and late or early arrivals and departures;

- Perform assigned duties and responsibilities with the highest degree of public trust;
- Devote full effort to job responsibilities during work hours;
- Maintain the qualifications and certifications, licensure, and/or training requirements identified for their positions;
- Demonstrate respect for the University and toward university coworkers, supervisors, managers, subordinates, residential clients, students, and customers;
- Use state equipment, time, and resources judiciously and as authorized;
- Support efforts that ensure a safe and healthy work environment;
- Use leave and related employee benefits in the manner for which they were intended;
- Resolve work-related issues and disputes in a professional manner and through established business processes;
- Meet or exceed established job performance expectations;
- Make work-related decisions and/or take actions that are in the best interest of the University;
- Comply with the letter and spirit of all State and University policies and procedures, the Conflict of Interest Act, and Commonwealth laws and regulations;
- Report circumstances or concerns that may affect satisfactory work performance to management, including any inappropriate (fraudulent, illegal, unethical) activities of other employees;
- Obtain approval from their supervisor prior to accepting outside employment;
- Obtain approval from their supervisor prior to working overtime, if non-exempt from the Fair Labor Standards Act (FLSA);
- Work cooperatively to achieve work, unit, and University goals and objectives; and
- Conduct themselves at all times in a manner that supports the mission of the University and the performance of their duties;
- Demonstrate the ODU Service Standards

Unacceptable performance and/or behavior shall be addressed progressively. Progressive discipline may include informal verbal counseling, formal written counseling or a written notice (formal discipline). Formal discipline may be issued when counseling has failed to correct misconduct or performance problems or when an employee commits a more serious offense. Written notices are organized into three groups according to the severity of the misconduct or behavior. Mitigating and aggravating circumstances should be considered when determining if the offense warrants a Group I (least severe), Group II or Group III (most severe) corrective action.

Written notices may be accompanied by additional actions including suspension, demotion or transfer with reduced responsibilities and a disciplinary salary action, a transfer to an equivalent position in a different work area, or termination. Although supervisors may suggest remedial training, referral to the Employee Assistance Program, and other options in lieu of formal disciplinary action, these suggestions may also be included in written notices and thus become part of the formal disciplinary action.

Prior to the issuance of any written notice, an employee shall be given oral or written notice of the offense, an explanation of the University's evidence in support of the charge, management's intended action and a reasonable opportunity to respond to the charges.

**EXCEPTION:** Management may immediately remove an employee from the workplace without providing advance notification when the employee's continued presence may constitute negligence in regard to the University's duties to the public and/or other employees; may be harmful to the employee, other employees, students, or visitors; makes it impossible for the University to conduct business; or may hamper the investigation by law enforcement. In such cases, the employee shall be given notice of the charges and an explanation of the University's evidence as soon as possible thereafter and shall then be given a reasonable opportunity to respond prior to any formal corrective action taking place.

Management must review all written notices with the Department of Human Resources employee relations staff prior to issuance. Written notices involving suspension, demotion or termination must be signed by the hiring supervisor and the Dean or Director of the department. Written notices involving termination must be approved by the respective Vice President prior to issuance.

Complete procedures, including guidelines on the group offenses, may be obtained through the [Department of Human Resources' Employee Relations Unit](#).

**Note:** *Non-probationary law enforcement personnel also have access to the procedural guidelines of [Code of Virginia Sections 9.1-500-507, as amended](#), in cases of investigation of work-related matters that could lead to the dismissal, demotion, suspension or transfer for punitive reasons of a law-enforcement officer.*

## **G. RETENTION**

Copies of records created or received in pursuance of this policy will be maintained in an individual's personnel file, which is retained for 50 years following separation, in compliance with the [Commonwealth's Records Retention and Disposition Schedule \(General Schedule 103, Series 100484\)](#).

## **H. RESPONSIBLE OFFICER**

Director of Human Resources for Employee Relations and Strategic Initiatives

## **I. RELATED INFORMATION**

[Virginia Department of Human Resource Management Policy 1.40 - Performance Planning and Evaluation](#)

[Virginia Department of Human Resource Management Policy 1.70 – Termination/Separation from State Service](#)

[Virginia Department of Human Resource Management Policy 1.75 - Use of Electronic Communications and Social Media](#)

[University Policy 1002 - Code of Ethics](#)

[University Policy 1005 – Discrimination Policy](#)

[University Policy 1020 – Closure of the University Due to Inclement Weather and Emergencies](#)

[University Policy 6028 – Fitness for Duty Policy](#)

[University Policy 6200 – Hours of Work Policy](#)

[University Policy 6501 – Workplace Violence Prevention Policy](#)

[University Policy 6602 – Classified Employee Grievance Procedure](#)

[University Policy 6603 – University Drug and Alcohol Policy](#)

[Old Dominion University Service Standards](#)

