HRM-014

Standards of Conduct for University Staff Employees

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Contact Office UVA Human Resources

Oversight Executive
Vice President and Chief Human Resources Officer

Applies To Academic Division and the College at Wise.

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Reason for Policy

The University's commitment to the highest standards of conduct is an integral part of its mission of excellence in teaching, research, and public service. This policy establishes rules of personal and professional conduct, standards of acceptable work performance, and procedures for corrective discipline known collectively as "Standards of Conduct."

Definition of Terms

Corrective Action

Description

Any intervening verbal or written counseling action taken by a supervisor or manager to address employment problems, such as unacceptable performance, behavior, or conduct.

Counseling

Description

A verbal or written intervention that consists of a dialogue between an employee and their supervisor to address and reinforce expectations of an employee's work performance, behavior, and/or conduct.

Criminal Charge

Description

An arrest or indictment by law enforcement authorities against an employee for the commission of a criminal offense.

Demotion

Description

A reduction in work level that may be voluntary, involuntary, or disciplinary.

- Voluntary Demotion - Is initiated or requested by the employee.
- Involuntary Demotion - Occurs when the position held by an employee is reclassified to a lower level, is due to inadequate performance, or a matter of organizational necessity (such as reductions-in-force).

- Disciplinary Demotion - Is imposed upon the employee as a disciplinary measure.

Disciplinary Action

Description

A formal action taken in response to unacceptable performance or misconduct. May take the form of written notices, suspension without pay, or reduction in salary, demotion, or termination. The specific action taken will depend on the nature of the offense, the circumstances surrounding the offense, and the employee's previous record. In all instances, both for job performance and personal conduct, the University reserves the right to take such action as appropriate and as determined by the employee's management.

Disciplinary Review

Description

A process that involves reviewing the facts and circumstances surrounding misconduct or unacceptable performance to determine if disciplinary action is warranted.

Pre-disciplinary Leave

Description

Leave with pay which is applicable when disciplinary action is being considered and the employee's removal from the workplace is necessary or prudent to allow for the completion of a disciplinary review or pre-disciplinary investigation.

Standards of Conduct

Description

Rules of personal and professional conduct, standards of acceptable work performance, and procedures for corrective discipline.

Suspension

Description An employee's absence from work without pay that is imposed as part of a disciplinary action.

University Staff Employees (University Staff)

Description

Those salaried, non-faculty employees hired on or after July 1, 2006, and those salaried non-faculty employees and administrative and professional faculty electing to participate in the UVA Human Resources System established by the Board of Visitors under the authority granted by the *Restructuring Act* and the *Management Agreement*. (The term "University Staff Employee" includes all three categories of University staff employees - Operational & Administrative, Managerial & Professional, and Executive & Senior Administrative.)

Management Agreement

Description

The agreement between the University and the Commonwealth required by Subsection D of § 23.1-1004 of the *Restructuring Act*.

Restructuring Act

Description

The *Restructured Higher Education Financial and Administrative Operations Act*, Chapter 10 of Title 23.1 of the Code of Virginia.

Policy Statement

A University staff employee is expected to perform their job responsibilities in a manner that reflects the highest ethical and professional standards of conduct and performance. The University seeks to resolve conduct and performance problems in the most positive and least formal manner possible, using such techniques as counseling, coaching, additional training, or supervision. When a University staff employee does not meet expectations for behavior or performance, and informal methods fail to result in improvements, the supervisor is required to use the specific corrective action protocols and protections of staff rights set out in the Standards of Conduct.

The Standards of Conduct for a University staff employee applies to any non-probationary University staff employee. However, it is recommended that University schools/department/units use this policy as a guide for evaluating the workplace conduct of an employee not specifically covered by the policy such as a probationary or wage employee. (Refer to HRM-020: Probationary Period for University Staff Employees.)

NOTE: Non-probationary law enforcement officers employed by the police department of any public institution of higher education of the Commonwealth where such department, bureau, or force has ten or more law enforcement officers also have access to the procedural guidelines of the Code of Virginia § 9.1-500 Page 3 General Provisions Application – 507 and § 9.1-508 – 512, respectively, 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.

1. **University Staff Employee Standards of Conduct:**
   Minimum expectations for acceptable workplace conduct and performance include but are not limited to:
   - Report for work dressed and groomed for your working conditions as outlined by your school/department/unit based on their business needs.
   - Report to work as scheduled and obtain advance approval from the supervisor for any changes to the established work schedule, including the use of leave and late/early arrival and departure. (Refer to HRM-012: Workplace Flexibility.)
   - Utilize time off and related employee benefits in the manner for which they are intended. (Refer to HRM-013: Available Leave Types for University Staff Employees and benefit plan.)
   - Obtain approval from the supervisor prior to accepting, initiating, or continuing external consulting if this activity is performed during your normal work hours. (Refer to HRM-025: Professional Service and External Consulting for University Staff Employees.)
   - Obtain approval from the supervisor prior to working overtime if non-exempt from the Fair Labor Standards Act. (Refer to HRM-046: Overtime Management for Non-Exempt Employees.)
   - Devote full effort to job responsibilities during work hours.

- Work cooperatively to achieve school/department/unit goals and objectives.
- Make work-related decisions and/or take actions that are in the best interest of the University.
- Review the University Code of Ethics and Mission Statement.
- Report circumstances or concerns that may affect satisfactory work performance to management, including any inappropriate activities (such as fraudulent, illegal, unethical, or discriminatory action).
- Report convictions involving any criminal offense (except for moving violations) during the course of employment, within five calendar days, via the *online employee conviction disclosure form*. (Refer to HRM-034: Background Checks, Screenings, and Ongoing Responsibility for Employees to Disclose Criminal Convictions, Section IX.)
- Report any moving traffic violation within five calendar days of the citation. (Limited to those employees whose responsibilities include the use of University-owned vehicles, refer to policy PRM-014: Use and Management of University-Owned Vehicles).
- Perform assigned duties and responsibilities with the highest degree of public trust in a manner that supports the University's mission.
- Maintain the qualifications, certification, licensure, and/or training requirements identified for the position.
- Meet or exceed job performance expectations.
- Demonstrate respect for the University, coworkers, supervisors, managers, subordinates, students, suppliers, contractors, patients, and visitors.
- Resolve work-related issues and disputes in a professional and respectful manner, engaging with department management, utilizing University resources, and/or operating within established business processes.
- Refrain from publishing a person's name or photograph with identifying information with the intent to coerce, intimidate, or harass the individual (also known as doxing).
- Use University equipment, time, and resources judiciously and as authorized. (Refer to PRM-011: Use of Working Time and University Equipment for Personal or Commercial Purposes.)
- Support efforts for a safe and healthy work environment.
- Comply with the letter and spirit of any federal and state laws and regulations as well as University policies pertaining to your job responsibilities.

2. **Expectations for Supervisors and Managers:**
   Supervisors and managers are expected to serve as role models through compliance with policies, protocols, and best practices in leading and communicating with their subordinates. In addition to adhering to the above expectations as an employee of the University, supervisors and managers are expected to:
   - Demonstrate interpersonal communications, leadership strategies, and personal conduct that fosters a respectful workplace culture and models the expectations established for a University staff employee.
   - Establish on-boarding and periodic communications with subordinates to inform them of policies, protocols, and expectations specific to job duties.
   - Provide consistent and objective feedback, coaching, and instructional guidance to a University staff employee regarding their performance, conduct, or compliance with applicable policies and procedures prior to initiating corrective or formal actions.
   - Document verbal counseling and retain corrective written counseling in confidential supervisor files.
   - Maintain the confidentiality of the University staff employee's performance, disciplinary actions, and related documentation.
   - Seek guidance from UVA Human Resources prior to administering disciplinary actions or removing a University staff employee from the workplace.

- Under the guidance of UVA Human Resources, participate collaboratively in pre-disciplinary investigations or disciplinary reviews to include identifying or disclosing relevant documentation and witnesses or parties to the incident(s) of concern.
- Report all violations of law or University policy, without fear of retaliation for reports made in good faith.
- Investigate all concerns, determine corrective actions, and cooperate with all investigations into suspected wrongdoing.
- Review the University Code of Ethics and Mission Statement.
- Treat every individual with kindness, dignity, and respect, regardless of position or status. Collaborate with others in a positive and respectful manner. (Refer to Civility in the Workplace and Respect@UVA.)
- Provide a safe and healthy environment for working, living, and learning.
- Participate in periodic training/education on this Standards of Conduct policy and best practices.

3. **Corrective Actions:**
   Corrective action may be taken by a supervisor or manager to address employment problems (e.g., unacceptable performance, behavior, or conduct).

   Counseling is provided by a supervisor or manager in the University staff employee's reporting structure. It is typically the first level of corrective action but is not required prior to the issuance of a Written Notice.

   Counseling is appropriate for conduct and/or performance issues resulting in minimal impact to business operations or that involve minor infractions of policies or laws.

   Documentation regarding counseling should be retained in the supervisor's files and not in the University staff employee's official personnel file maintained by UVA Human Resources, except as necessary to support subsequent formal disciplinary action or an unsatisfactory performance rating as part of the annual performance review. A copy must be provided to the University staff employee. Counseling may be verbal or written communication which conveys that a University staff employee's conduct or performance was improper and must be corrected.

   a. ***Verbal Counseling:***
      Verbal Counseling should consist of private, confidential discussions between the University staff employee and their supervisor regarding the desired course of action to improve the University staff employee's performance and/or conduct and what may occur if the performance or conduct is not corrected. The supervisor should explain that a summary of the conversation will be noted and placed in the supervisory file.

   b. ***Written Counseling:***
      A written memorandum, Performance Improvement Plan, or Notice of Improvement Needed form should be issued to emphasize the significance of relatively minor acts of misconduct or unacceptable performance when facts and discussions with the University staff employee demonstrate that verbal counseling has not corrected the problem. It may also be issued as the initial means to address first instances of misconduct or unsatisfactory performance. The appropriate documentation is completed by the immediate supervisor during the performance cycle to capture substandard performance and the need to improve. (Refer to HRM-018: Performance Management for University Staff Employees.)

Written counseling must be documented by a letter, memorandum, electronic communication, Performance Improvement Plan, or Notice of Improvement Needed form. It should not be documented via the Written Notice form.

4. **Disciplinary Actions:**
When counseling has failed to correct misconduct or performance problems, or when a University staff employee commits a more serious offense, management should address the matter by issuing a Written Notice as promptly as feasible upon becoming aware of misconduct or unacceptable performance. (Refer to Section 5. Predetermination Process/Due Process.) The Written Notice must include an advisory statement that an active Written Notice may affect the University staff employee's overall annual performance evaluation.

A Written Notice may be accompanied by additional actions including:

- suspension
- a demotion or transfer with reduced responsibilities with a disciplinary salary action
- a transfer to an equivalent position in a different work area
- termination

An employee may be retained in their current position and have their duties reduced, be demoted, or transferred to a position in the same pay grade or pay range with reduced job responsibilities in lieu of termination. The employee's salary in each case may be reduced by a minimum of 5%. In no case may an employee's salary exceed the maximum of the pay grade or pay range following a disciplinary salary action. The University has the authority to transfer employees to equivalent positions as part of the disciplinary process without a reduction in salary.

To assist management in the assessment of the appropriate action, offenses are organized into three groups (Group I, Group II, and Group III) according to the severity of the misconduct or behavior. (Refer to Examples of Offenses Grouped by Level which is not an all-inclusive list. It is intended as examples of conduct for which specific corrective or disciplinary actions may be warranted.)

Multiple offenses may be addressed through the issuance of one or more Written Notices. Any offense not specifically enumerated in the Examples of Offenses Grouped by Level, that in the judgment of the school/ department/unit head or their designee(s) undermines the effectiveness of the school/ department/unit's activities, may be considered unacceptable and treated in a manner consistent with these provisions.

A short description of each Group Offense, respective active life of a written notice, and suspension options are summarized below.

a. **Considerations for Group I Offenses:**
Offenses in this category include acts of minor misconduct that require formal disciplinary action. This level is appropriate for repeated acts of minor misconduct or for first offenses that have a relatively minor impact on business operations but still require formal intervention. Examples may include tardiness; poor attendance; abuse of state time; use of obscene or disrespectful language; disruptive behavior; conviction of a minor moving traffic violation while operating a state owned/leased or public use vehicle; unsatisfactory work performance.
b. **Considerations for Group II Offenses:**
Offenses in this category include acts of misconduct of a more serious and/or repeat nature that require formal disciplinary action. This level is appropriate for offenses that seriously impact

business operations and/or constitute neglect of duty involving major consequences, insubordinate behaviors and abuse of state resources, violations of policies, procedures, or laws.

c. **Considerations for Group III Offenses:**
Offenses in this category include acts of misconduct of such a severe nature that a first occurrence normally should warrant termination. This level is appropriate for offenses that, for example, endanger others in the workplace, constitute illegal or unethical conduct; indicate significant neglect of duty; result in disruption of the workplace; or other serious violations of policies, procedures, or laws.

A University staff employee who is issued a Written Notice that would normally warrant termination but who is not terminated due to mitigating circumstances should be notified that any subsequent Written Notice for any level offense during the active life of the Written Notice may result in termination. (Refer to Examples of Offenses Grouped by Level.)

If the University permits the University staff employee to resign in lieu of termination, this transaction must be recorded in the Human Resources Management System (HRMS) as a resignation in lieu of termination.

d. **Active Life of Written Notices:**
The active life of Written Notices as outlined in the Examples of Offenses Grouped by Level document is definite and may not be extended due to a University staff employee's absence. Notices expire when a University staff employee voluntarily or involuntarily separates provided re-employment with the University or another State agency occurs after a formal break in service (i.e., a break of at least 30 days from the date of separation. Periods of leave with or without pay do not count toward satisfying this break in service) and a new probationary period is required.

e. **Mitigating Circumstances and Aggravating Factors:**
The level of a disciplinary action may be reduced if there are mitigating circumstances, such as conditions that compel a reduction to promote the interests of consistency, equity, and objectivity, or based on a University staff employee's otherwise satisfactory work performance.

Aggravating factors may support a higher-level offense when the facts and circumstances associated with the University staff employee's actions negatively impact their credibility as a supervisor/manager of subordinates, reveals a serious disregard for the safety and well-being of self or others, or damages the credibility and reputation of the University. Repeat infractions of the same or significantly similar offense may also be considered an aggravating factor.

5. **Predetermination Meeting and Due Process:**
The University must provide a clear and descriptive explanation of the offense in a manner such that the employee understands the facts presented and will be able to present mitigating factors or denial of the allegations.

a. **Advance Notice of Potential Discipline:**
Prior to the issuance of a Written Notice, a University staff employee must be given oral or written notification of the offense, an explanation of the University's evidence in support of the charge, and a reasonable opportunity to respond.

b. **Reasonable Opportunity to Respond:**
A University staff employee must be given a reasonable opportunity to respond after receiving

notification of potential disciplinary actions. Typically, a 24-hour period is sufficient time. 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, the time frame over which alleged events occurred, and the volume of evidence that may be presented. Based on this assessment, more or less time may be granted to refute the allegations.

The University staff employee's response may be written or provided to management during a virtual, telephonic, or face-to-face meeting. University staff in attendance may include the appropriate supervisor or manager within the University staff employee's reporting structure. A representative from UVA Human Resources may also attend.

A University staff employee on paid or unpaid leave may receive an explanation letter. The University may proceed with the expectation for the University staff employee to respond, however, their current circumstances and availability to respond should be considered. (Refer to the Due Process Reference Guide.)

c. **UVA Human Resources Review:**
Prior to the issuance of any Written Notice, demotion, transfer with disciplinary salary action, suspension, or termination, the UVA Human Resources Officer (or designee) must review the documentation for the recommended action to determine:
    - Is the action appropriate for the offense and does the documentation support the selected level of action?
    - Is a referral to the Faculty and Employee Assistance Program (FEAP) advisable? FEAP is a University program that provides comprehensive, confidential, onsite employee assistance services (such as short-term counseling, assessment, and referral services).
    - Is there evidence that warrants mitigation of disciplinary actions?
    - What is the final recommendation for corrective action and is it consistent, equitable, and objective?

6. **Pre-Disciplinary Leave or Suspension Pending Reviews or Investigations:**
The University staff employee may be removed from the workplace pending reviews or investigations.

    a. **Removal from the Workplace:**
    Contingent upon circumstances, a University staff employee may immediately be removed from the workplace or instructed to cease performing work or representing the University in business matters when their continued presence:
        - May be harmful to them, other employees, students, clients, patients, and/or visitors.
        - Hinders the University's ability to conduct business operations.
        - May hamper or interfere with an internal University disciplinary review or pre-disciplinary investigation regarding their alleged misconduct.
        - May hamper or interfere with an external investigation conducted by law enforcement for alleged criminal charges that are relevant to their performance of assigned job duties.
        - May constitute negligence regarding the University's duties to the public and/or other faculty, staff, students, and patients.

    Following the University staff employee's removal from the work area for reasons stated above, the supervisor must provide a notice of investigation or potential disciplinary action as promptly as feasible.

Written notification of pre-disciplinary leave with pay pending a disciplinary review or pre-disciplinary investigation shall be by memorandum, not communicated via the Written Notice form.

Contingent with the circumstances and in consultation with UVA Human Resources, a University staff employee may be temporarily reassigned to a vacant position in the same pay grade or pay range; temporarily be removed and reassigned job duties at the same pay level; or permitted a flexible work option (Refer to HRM-012: Workplace Flexibility) as appropriate.

The University Staff employee must be provided specific instructions in writing prohibiting potential interference with the ongoing investigation, including refraining from discussing the matter with other employees. Such discussions shall be limited to UVA Human Resources or the supervisor or managers within their reporting structure.

b. **Removal for Disciplinary Review or Pre-Disciplinary Investigations:**
A University staff employee may be placed on paid administrative leave for up to 15 workdays (maximum of 120 hours for non-exempt employees).

If the disciplinary review or pre-disciplinary investigation is not completed within15 workdays or 120 hours, the University must:

- Impose disciplinary action in accordance with this policy;
- Permit the employee to return to work to include a flexible work option or a temporary reassignment pending the outcome of the review or investigation; or
- Extend pre-disciplinary leave with pay for a specified period of time as determined by the manager; **and**
- Advise the employee of the action in writing.

c. **Removal from the Workplace for Criminal Charges:**
The University may also immediately remove a University staff employee from the workplace without providing advance notification when the individual is under investigation for alleged criminal conduct that is impactful to their performance of job duties or to the University's critical mission activities. Contingent with the circumstances of the criminal charges, reassignment may occur if a placement can be identified that does not jeopardize the investigation or create liability for the University.

i. **Suspension without Pay due to Alleged Criminal Conduct:**
A criminal offense includes felonies and misdemeanors as defined in the statutes of the United States, the Commonwealth of Virginia, other sovereign states, and other city and county governments. Any University staff employee who is formally charged with a criminal offense that impacts their ability to do their job or represents a risk to the University and to its mission shall be immediately suspended without pay for a period not to exceed 90 calendar days or temporarily reassigned to a position that is not impacted by the criminal charges. At the University's discretion, the employee may be allowed to use accrued paid leave to this period of suspension provided the employee has paid leave available to use.

If, at the conclusion of the 90-day period of suspension without pay there has been no resolution of the criminal charge, the individual will be placed on or returned to pre-disciplinary leave with pay until the charge has been resolved.

If the criminal investigation is concluded without a formal indictment, or if the charge is resolved without the individual being convicted, the University shall return the University staff employee to active status.

Regardless of the status of any criminal investigation, process, or outcome, the University may determine at any time to notify the University staff employee of disciplinary charges and administer formal disciplinary actions up to and including termination, based upon the facts or evidence of conduct that prompted the criminal investigation or process. (Refer to Impact on Pay and Benefits.)

d. **Impact of Felony Convictions for Misconduct Associated with Performance of Job Duties:** In accordance with VA code § 51.1-124.13, when an employee is convicted of a felony for misconduct associated with the performance of job duties, a forfeiture of all Virginia Retirement System (VRS)-related benefits will occur.

   Prior to making such a determination, the University must provide the University staff employee with a written notice and provide a reasonable opportunity for them to be heard during the review process. Their response may be written or heard orally via a virtual or in-person meeting.

   Upon consideration of their response and the relevant criteria associated with the felony, the University shall notify the University staff employee in writing of a determination which includes the option to appeal. Within five calendar days of receipt of the determination, the University staff employee may submit a written appeal of this determination to the Vice President and Chief Human Resources Officer (or designee). Within five working days of receiving the appeal of the determination, the University shall transmit a copy of the record to the clerk of the circuit court in the jurisdiction where the employer is located. If a timely appeal is not filed by the employee, the University's determination becomes final 10 calendar days after the University's determination.

   Within 30 days of receipt of the record, the court shall hear the appeal and evidence that is necessary to resolve any controversy as to the correctness of the record and at its discretion, may hear other relevant evidence. The circuit court hearing shall be at no cost to the University or the employee per § 51.1-124.13.

   The court may affirm, reverse, or modify the University's determination. The decision of the court shall be rendered within 15 days from the date of the hearing's conclusion. The court's decision shall be considered final and is not subject to appeal.

   Upon a final determination that the felony conviction is associated with the University staff employee's job, UVA Human Resources must submit a completed VRS-180 (Employer Request for Forfeiture of Member Benefits) to the VRS. The VRS-180 provides detailed descriptions of the forfeiture and appeals processes as well as which VRS benefits are affected by the request.

   (Refer the University staff employee to the Virginia Retirement System to determine their eligibility for a full or partial refund of employee contributions and interest based on vesting requirements for refunds as established by the VRS policies.)

7. **Disciplinary Suspensions:**
   All disciplinary suspensions represent a leave without pay or pay docking transaction. A University staff employee on suspension normally is not allowed on the University's premises, nor allowed to work except to fulfill previously scheduled court obligations or to file and process a grievance or complaint with the

Office of Equal Opportunity & Civil Rights. A University staff employee may seek medical treatment or continue with scheduled medical appointments located at the University Hospital, Medical Center, or Health Systems. (Refer to Examples of Offenses Grouped by Level for maximum periods of suspensions.)

a. **Suspension of University Staff Employees Exempt from the Fair Labor Standards Act (FLSA):**
   An exempt University staff employee's salary may not be reduced as the result of a suspension except as described in this section. An exempt University staff employee should be reimbursed promptly for any disciplinary salary reductions that are non-compliant. (Note: A probationary University staff employee is not covered by this policy, refer to HRM-020: Probationary Period for University Staff Employees; however, FLSA rules for suspension are applicable. The Standards of Conduct, while not mandatory for probationary employees, are recommended to guide the disciplinary process.)
   i. **Suspension for Infraction of a Safety Rule:**
      Disciplinary suspension of an exempt University staff employee for an infraction of a safety rule of major significance may be applied for less than a full workday or workweek. Safety rules of major significance are defined as provisions intended to prevent serious danger to the workplace or to other employees.

   ii. **Suspension for Misconduct:**
      If an exempt University staff employee is suspended for misconduct, the suspension shall not be less than a full workday. Suspensions of more than one workday must be in multiples of full workdays (e.g., a three-day (24 hours) suspension for an individual assigned to 8-hour workdays, or a three-day (30 hours) suspension for an individual assigned to 10-hour workdays).

      If it becomes necessary to remove an exempt University staff employee from the workplace for a partial workday due to their misconduct, they must be paid for that partial day's absence.

b. **Suspension for Unsatisfactory Attendance or Non-Conduct Related Performance Issues for Exempt Employees:**
   If an exempt University staff employee is suspended for disciplinary reasons related to their unsatisfactory attendance or performance issues (non-conduct related), the suspension shall not be less than a full workweek.

   Suspensions of more than one workweek will be in multiples of full workweeks (e.g., a three-week (120-hour) suspension).

   Less serious violations in these areas should be addressed by other means of discipline, reserving suspension for the most serious or repeated violations.

c. **Disciplinary Actions for Non-exempt Employees:**
   Non-exempt employees should refer to Disciplinary Actions.

d. **Suspension Pending Outcome of a Criminal Investigation:**
   If an exempt University staff employee is suspended pending the outcome of a criminal investigation, they must be paid for any partial workweek suspensions. Full workweeks of suspension are unpaid. (Refer to Impact on Pay and Benefits guidance.)

8. **Removal Due to Circumstances which Prevent a University Staff Employee from Performing their Job:**
   A University staff employee unable to meet the working conditions of their employment due to circumstances such as those listed below may be removed under this section. Reasons include but are not limited to:
   - Loss, suspension, or restrictions of driver's license that is required for performance of the job.
   - Incarceration for any period that is disruptive to University business operations.
   - Failure to obtain or retain license, certification, or other credentialing required for the job.
   - Inability to perform the essential functions of the job after reasonable accommodation (if required) has been discussed, applied, and alternative accommodations will result in undue hardship.
   - Failure to successfully pass the University's background investigation.
   - Conviction of a misdemeanor crime of domestic violence for employees whose jobs require carrying a firearm; or authorization to carry a firearm or barrier crimes that impact the employee's ability to perform assigned job duties.
   - Failure to timely present appropriate documentation of identity and eligibility to work in the U.S. as required by federal law to include expiration of prior visa.

   Prior to such removal, UVA Human Resources shall gather full documentation supporting such action and issue a notice of intent or letter of explanation to the University staff employee, verbally or in writing, of the reasons for such a removal, giving them a reasonable opportunity to respond.

   Final notification of removal should be via memorandum or letter, not by a Written Notice form.

   A University staff employee may challenge a removal in accordance with policy HRM-027: Resolving Grievances for University Staff Employees.

   The University may, based on mitigating circumstances, demote or transfer and reduce the employee's duties with a minimum 5% reduction in salary, or transfer them to an equivalent position without a reduction in salary as an alternative to termination based upon availability of funded positions and University business need.

9. **Terminations:**
   Refer to HRM-013.01: Paid Leave for University Staff Employees for information on the disposition of leave. Refer to Impact on Pay and Benefits guidance for more information on Virginia Sickness and Disability Program Benefits, Health Insurance, and other benefits upon separation from the University.

10. **Use of Grievance Procedure:**
    A non-probationary University staff employee may raise a workplace issue or concern as stated in policy HRM-027: Resolving Grievances for University Staff Employees. (Refer to Grievance Procedure – Executive and Senior Administrative Staff or Grievance Procedure Manual – Staff.)

    For purposes of this policy, retaliation occurs when an employer (through a manager, supervisor, administrator, or director) terminates from employment an employee or takes any other type of adverse action (e.g., reprisal, interference, restraint penalty, discrimination, intimidation, or harassment) against an employee for engaging in protected activity.

    NOTE: Complaints of prohibited discrimination, harassment, or retaliation should be filed in accordance with the applicable procedures established by the Office of Equal Opportunity & Civil Rights.

11. **Disciplinary Records:**
    Records in the HRMS must be updated as promptly as feasible upon:
    - Issuance of a Written Notice.
    - Placing a University staff employee on pre-disciplinary leave or disciplinary suspension.
    - Subsequent demotions or transfers with disciplinary salary actions, terminations, or reinstatements or reduction of the disciplinary action.

12. **Compliance with Policy:**
    Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination in accordance with relevant University policies.

    Direct questions about this policy to UVA Human Resources.

Related Information

HRM-012: Workplace Flexibility
HRM-013: Available Leave Types for University Staff Employees
HRM-013.01: Paid Leave for University Staff Employees
HRM-018: Performance Management for University Staff Employees
HRM-020: Probationary Period for University Staff Employees
HRM-025: Professional Service and External Consulting for University Staff Employees
HRM-027: Resolving Grievances for University Staff Employees
HRM-037: Evaluating Employee Fitness for Duty
PRM-011: Use of Working Time and University Equipment for Personal or Commercial Purposes
University Code of Ethics and Mission Statement
Professional Conduct & Ethics
Research Integrity
DHRM 1.60 Standards of Conduct
2022 Code of Virginia §18.2-186.3

Major Category Human Resource Management

Next Scheduled Review Tuesday, July 28, 2026

Revision History

Added definition of identifying information and 18th bullet in Section 1. 2/5/24; Revised 7/28/23; Added Compliance section 7/20/21.

Policy Summary

This policy sets forth the University's Standards of Conduct and the disciplinary process that are utilized to address unacceptable behavior, misconduct, and related employment problems in the workplace or outside the workplace when conduct impacts a University staff employee's ability to do their job and/or influences the University's overall effectiveness.

Approved By Executive Vice President and Chief Operating Officer

Approved Date Tuesday, November 25, 2008