



OLD DOMINION UNIVERSITY

University Policy

Policy #3240

ACCIDENT REVIEW COMMITTEE

Responsible Oversight Executive: Vice President for Audit, Compliance, and Risk Management

Date of Current Revision or Creation: June 6, 2023

A. PURPOSE

The purpose of this policy is to establish the responsibilities and requirements of individuals who operate State-owned licensed motor vehicles for which ODU is responsible and the University's Accident Review Committee in the review of accidents involving such vehicles.

B. AUTHORITY

[Code of Virginia Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning the 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.

[Memo-2001-No. 10, Code of Virginia Section 52-4, as amended](#), requires each state agency to form an Accident Review Committee for the purpose of reviewing and classifying motor vehicle accidents involving State-owned licensed motor vehicles, and to promote motor vehicle and highway safety.

C. DEFINITIONS

Driver(s) – Faculty, staff, students, and non-University personnel who have been approved by their supervisor/Faculty/University Contact, through employment, student matriculation, an MOU (Memorandum of Agreement) or other formal agreement to drive a University Vehicle and have satisfied the requirement of the Office of Risk Management (ORM) to drive a University Vehicle, Loaned Personal Use Vehicle or Personal Vehicle.

Preventable Accident – An accident where the driver of the State-owned vehicle is found to have contributed to the accident.

State-owned Licensed Motor Vehicle – A licensed motor vehicle intended for highway use and under the control of ODU (rental cars excluded). This includes golf carts and other all-terrain vehicles placarded for use on campus and City of Norfolk streets adjacent to the campus.

University Agent – As used in this policy, any person authorized to represent, act on behalf of, and/or bind the University who is also permitted to operate a University vehicle. This may include an ODU student, volunteer, contractor/consultant, or others.

D. SCOPE

This policy applies to all employees and students who operate State-owned licensed motor vehicles. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University. Students include all persons admitted to the University who have not completed a program of study for which they were enrolled; student status continues whether or not the University's programs are in session. This policy also applies to agents of the University who may be provided State-owned licensed motor vehicles to facilitate contracted work.

E. POLICY STATEMENT

University employees who are required to operate a State-owned licensed motor vehicle ("State-owned vehicle") to perform their job duties must hold a valid driver's license and any other specialized license required for vehicle(s) they will operate. In certain circumstances, as determined by department heads, students will be allowed to operate State-owned vehicles for University business or authorized student activity, if they hold the appropriate driver's and specialized licenses. Additionally, in certain circumstances, as determined necessary by the Vice President for Audit, Compliance, and Risk Management or designee, agents of the University will be allowed to operate State-owned vehicles to facilitate contracted work, if they hold the appropriate driver's and specialized licenses.

State-owned vehicle drivers are required to obey all traffic laws, rules, policies and procedures governing the operation and use of such vehicles. If involved in an accident while operating a State-owned vehicle, the driver must follow established procedures for reporting the accident.

Accidents involving State-owned vehicles shall be reviewed by the Director for the Office of Risk Management to make an initial determination as to whether the driver may have contributed to the accident. If the evidence shows the driver contributed to the accident, a referral for review by the Accident Review Committee ("the Committee") is made. The Committee will then determine whether the driver contributed to a preventable accident and make recommendations for appropriate follow-up action.

The Accident Review Committee is appointed by the Vice President for Audit, Compliance, and Risk Management and is comprised of at least seven members including the Executive Director of Risk Management, who serves as Chair of the Committee, and at least one representative from the Old Dominion University Police Department ("ODUPD"), the Division of Talent Management and Culture, the Department of Facilities Management and Construction, Student and Campus Life, Athletics, and Transportation and Parking, each serving a term of no longer than two years. The Chair or designee from the Office of Risk Management will coordinate Committee activities by calling meetings of the Committee; providing accident reports, photos, and other relevant materials; arranging for driver and witness interviews, and consulting with supervisors on disciplinary actions, as necessary. Attendance of at least three members of the Committee will constitute a quorum.

F. PROCEDURES

1. When an accident occurs with a State-owned vehicle, the driver must notify his/her immediate supervisor or University contact ("contact") if the driver is an agent of the University, while the State-owned vehicle is at the accident scene, and report the accident:
 - a. to the ODUPD, if the accident occurred on or near campus; or
 - b. to the Virginia State Police, if the accident occurred off campus but within the State of Virginia; or

- c. to the State Police, Highway Patrol, or local Police Department having jurisdiction, if the accident occurred in another state or the District of Columbia.

The driver must obtain information from the investigating officer as to how to obtain a copy of the accident report and the name, address, and policy number of the insurers of other involved vehicles and provide this information to his/her supervisor or contact.

2. Within 24 hours of the accident, the driver must complete and sign the [Auto Loss Incident Report](#) located in the State-owned vehicle or available on the [Office of Risk Management's website](#). The driver's supervisor/contact is responsible for notifying the Office of Risk Management about the incident/accident.
3. Upon receipt of the accident report and completed [Auto Loss Incident Report](#) by the Office of Risk Management, the Director will make an initial determination as to whether the driver may have contributed to the accident. If, based on the evidence and testimony, the driver appears that the operator may have contributed to the accident, the Director will schedule a meeting of the Accident Review to be held no later than 30 days post-accident unless the driver is unavailable due to health issues.
4. The ODUPD will prepare the initial vehicle accident reports in addition to witness statements, photos, and other police jurisdiction's information relative to each accident within five days of the accident, and provide such materials to the Director, who will distribute the materials to the Committee.
5. The driver involved in the accident will be notified of the time and location the Committee will meet to review the accident and must either attend the meeting at the appointed date in person, or virtually, or may submit a written statement to be considered by the Committee during the review. Failure of the driver to appear or submit a written statement will not prevent the Committee from reviewing the accident record or from making a decision.
6. The driver's supervisor/contact will be notified of the meeting and encouraged to attend to discuss potential disciplinary action, as appropriate. Attendance of the supervisor/contact is not required for the Committee to review the accident record or from making a decision should the Committee believe the evidence and testimony received warrants disciplinary action.
7. After thoroughly reviewing all the material concerning the accident and interviewing the driver if he/she attends the meeting, the Accident Review Committee will determine if the accident is considered "Preventable," "Not Preventable," or "Incident" based on the following:
 - The accident shall be considered "Preventable" when the driver of the State-owned vehicle is found to have contributed to the accident.
 - The accident shall be considered "Not Preventable" if the Committee concludes that the driver of the State-owned vehicle did not contribute to the accident.
 - Those cases resulting from natural causes, acts by other than human sources, deliberate acts (e.g., vandalism), and non-perceivable objects, or cases occurring while the State-owned vehicle is properly parked shall be classified as an "Incident" and not considered as accidents within the review process.
8. If an accident is deemed "Preventable" by the Committee then the Chair the Committee's report with the findings (and, in the case of classified or hourly employees, the supervisor's recommended disciplinary action), along with any recommendations associated with such findings, to the Vice President for Audit, Compliance, and Risk Management.
 - a. If the driver is determined by the Committee to have failed to immediately report the accident to the appropriate state, local, or University Police, and/or failed to complete and

submit the Auto Loss Notice to the Office of Risk Management within 24 hours of the accident, and/or failed to cooperate with the Police or the Office of Risk Management's investigation of the accident, the Committee will consider such actions in its findings and recommendations.

- b. If the Committee identifies other factors that may have contributed to the accident that were not controlled by the driver, remedial action may be recommended (e.g., training, vehicle modifications) to mitigate the possibility of future accidents.
9. The Vice President for Audit, Compliance, and Risk Management will review the report, sign if approved, and send it back to the Chair.
 - a. If the driver is a classified or hourly employee, the Chair will notify the driver of the State-owned vehicle, the driver's supervisor and the department head of the Vice President's decision and refer the supervisor to the Division of Talent Management and Culture for assistance in implementing the approved disciplinary action.
 - b. If the driver is a faculty member, the Chair will forward the report to the Provost and Executive Vice President for Academic Affairs or designee, who will handle notifications and disciplinary action in accordance with appropriate policies and procedures governing faculty.
 - c. If the driver is a faculty administrator, the chair will forward the report to the appropriate Vice President or designee, who will handle notifications and disciplinary action in accordance with appropriate policies and procedures governing faculty administrators.
 - d. If the driver is a student, the chair will forward the report to the Vice President for Student and Campus Life or designee, who will handle notifications and disciplinary action in accordance with the Code of Student Conduct.
 - e. If the operator is a University agent, the chair will forward the report to the driver's University contact who will handle notification and administration of the Committee's recommendation, which may include written notification of the Committee's finding and/or removal of driving privileges for State-owned vehicles.

G. RECORDS RETENTION

Applicable records must be retained and then destroyed five years after closed in accordance with the [Commonwealth's Records Retention Schedule GS-105/101046](#).

The Office of Risk Management will retain records of the activities of the Accident Review Committee.

H. RESPONSIBLE OFFICER

Executive Director of Risk Management

I. RELATED INFORMATION

[Virginia Department of Human Resource Management Policy 1.60 – Standards of Conduct](#)
[Board of Visitors Policy 1450 – Faculty Sanctions](#)
[Board of Visitors Policy 1490 – Administrative and Professional Faculty](#)
[Board of Visitors Policy 1530 – Code of Student Conduct](#)
[Old Dominion University Teaching and Research Faculty Handbook](#)

POLICY HISTORY

Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

/s/ Robert Wells
Responsible Officer

May 16, 2023
Date

Policy Review Committee (PRC) Approval to Proceed:

/s/ Donna Meeks
Chair, Policy Review Committee (PRC)

November 30, 2022
Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

/s/ Chad A. Reed
Responsible Oversight Executive

May 17, 2023
Date

University Counsel Approval to Proceed:

/s/ Allen T. Wilson
University Counsel

June 5, 2023
Date

Presidential Approval:

/s/ Brian O. Hemphill, Ph.D.
President

June 6, 2023
Date

Policy Revision Dates: September 18, 1990; January 24, 2014; June 6, 2023

Scheduled Review Date: June 5, 2028