

SECTION II: TITLE IX

2.1 Title IX Grievance Procedures

In accordance with Title IX, 34 CFR Part 106, and university standards, High Point University is committed to operating educational programs and activities that are free from sex-based and gender-based discrimination and sexual misconduct. This mission also extends to admissions and employment. HPU takes all allegations of sex-based and gender-based discrimination and sexual misconduct seriously. We welcome your involvement in fostering a campus community that strives to prevent sex-based and gender-based discrimination and sexual misconduct in all their forms and to compassionately respond to and support the parties involved.

The university's Director of Title IX is responsible for the administration and coordination of High Point University's Title IX-related policies, programs, and compliance efforts. The scope of these responsibilities includes, among other things, oversight of complaint resolution, resources, communications, and training in connection with Title IX's prohibition of discrimination based upon sex or gender. The Director of Title IX can answer questions and address any concerns about Title IX, 34 CFR Part 106, and university policy. Inquiries about the application of Title IX and 34 CFR Part 106 may also be referred to the Assistant Secretary at the Office for Civil Rights (U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250, Mail Stop 0115, phone: (202) 720-3808). High Point University's grievance process can be found below and on High Point University's Title IX and Sexual Misconduct web page (<http://www.highpoint.edu/title-ix/>).

2.2 How to Report

Any person may report sexual harassment, sex/gender-based discrimination, and/or sexual misconduct, whether or not the person reporting is the person who is the victim of alleged misconduct.

HPU takes all allegations of sexual misconduct seriously. When an incident involving an allegation of sexual misconduct is made against a student or applicant for admission, the incident should be reported to the Director of Title IX or online using the Title IX/Sexual Misconduct Form – Student Misconduct on the HPU Title IX website (<http://www.highpoint.edu/title-ix/>).

When an incident involving an allegation of sexual misconduct is made against an employee or applicant for employment, the incident should be reported online using the Title IX/Sexual Misconduct – Employee Misconduct Form on the HPU Title IX website (<http://www.highpoint.edu/title-ix/>) and Human Resources website (<https://www.highpoint.edu/human-resources/>) or by contacting the following resources at any time:

Nicole Rios
Title IX Coordinator
TitleIX@highpoint.edu
nrios@highpoint.edu
336-841-9138
327 Couch Hall
High Point University
One University Parkway
High Point, NC 27268

Melissa Marion
Senior Director of Human Resources

Deputy Title IX Coordinator

mmarion0@highpoint.edu
336-841-4698
1911 N. Centennial Street
High Point University
One University Parkway
High Point, NC 27268

In case of an emergency, contact law enforcement at 911 or HPU Security at 336-841-9111.

Updated 2.9.23

2.3 Required Reporting

All HPU employees, except for confidential resources detailed below, are required to report instances of sexual misconduct or sexual harassment to the Director of Title IX .

On-Campus Student Confidential Resources

Counseling: 336-888-6352
Emergency Counseling After Hours: 336-841-9112 (Referred by Security)
Minister to the University: 336-841-9241
Minister/Clergy in Residence: 336-841-9828
Sport's Chaplain: 336-307-1629
Manager of Chapel Programs: 336-841-9132
Student Health: 336-841-4683

2.4 Scope and Jurisdiction

This policy applies to complaints about conduct by staff members that takes place on the campus or on property owned or controlled by HPU, at HPU-sponsored events, or in buildings owned or controlled by HPU.

This policy can also be applicable to off-campus misconduct that effectively deprives someone of access to HPU's educational program. HPU may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial HPU interest.

Regardless of where the conduct occurred, HPU will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial HPU interest includes, but is not limited to, the following:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeated violations of any local, state, or federal law;
- b. Any situation in which it is determined that HPU poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the HPU.

If the Respondent is unknown or is not a member of the HPU community, the Director of Title IX will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the HPU's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the HPU may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from HPU property and/or events.

All vendors serving the HPU through third-party contractors are subject to the policies and procedures of their employers and are expected to follow the conduct guidelines of HPU with performing services on campus.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Director of Title IX may be able to advocate for a Complainant who experiences discrimination in an externship, study abroad program, or other environment external to HPU where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

2.5 Definitions: Violations of University Title IX Policy

The Department of Education's Office for Civil Rights (OCR) regards sexual harassment as an unlawful discriminatory practice. Sexual harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

HPU takes all allegations of sexual misconduct seriously.

- When an incident involving an allegation of sexual misconduct is against a student or a faculty member the applicable Title IX policy can be found on the Title IX and Sexual Misconduct webpage (<http://www.highpoint.edu/title-ix/>).
- When an incident involving an allegation of sexual misconduct is against a staff member, the definitions below serve as potential Title IX policy violations and conduct that the University prohibits.

Complainant is an individual who is the reported victim of conduct that could constitute sexual misconduct.

Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.

HPU has adopted the following definition of sexual harassment in order to address the unique environment of an academic community.

Dating Violence, defined as:

- a. Violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the complainant.
 - i. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence, defined as:

- a. Violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the complainant,
- d. by a person with whom the complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of North Carolina or
- g. by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina.

*To categorize an incident as Domestic Violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Stalking, defined as:

- a. Engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or

- iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Sexual Assault, defined as:

Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the complainant, including instances in which the complainant is incapable of giving consent.

a) Forcible Rape:

- i) Penetration,
- ii) no matter how slight,
- iii) of the vagina or anus with any body part or object, or
- iv) oral penetration by a sex organ of another person,
- v) without the consent of the complainant.

b) Forcible Sodomy:

- i) Oral or anal sexual intercourse with another person,
- ii) forcibly,
- iii) and/or against that person's will (non-consensually), or
- iv) not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age¹ or because of temporary or permanent mental or physical incapacity.

c) Sexual Assault with an Object:

- i) The use of an object or instrument to penetrate,
- ii) however slightly,
- iii) the genital or anal opening of the body of another person,
- iv) forcibly,
- v) and/or against that person's will (non-consensually),

- vi) or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- d) Forcible Fondling:
 - i) The touching of the private body parts of another person (buttocks, groin, breasts, etc.),
 - ii) for the purpose of sexual gratification,
 - iii) forcibly,
 - iv) and/or against that person's will (non-consensually),
 - v) or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sex Offenses, Non-forcible:

- e) Incest:
 - i) Non-forcible sexual intercourse,
 - ii) between persons who are related to each other,
 - iii) within the degrees wherein marriage is prohibited by North Carolina law.
- f) Statutory Rape:
 - i) Non-forcible sexual intercourse,
 - ii) with a person who is under the statutory age of consent of North Carolina.

Sexual Harassment

Sexual harassment is defined as unwelcome conduct determined by a reasonable person to be so *severe, pervasive, and objectively offensive* that it effectively denies a person equal access to the HPU's education program or activity.

Quid Pro Quo Sexual Harassment

Quid Pro Quo is defined as an employee of the HPU conditioning the provision of an aid, benefit, or service of HPU on an individual's participation in unwelcome sexual conduct.

Consent

Consent is

- voluntary,
- freely given,
- informed,
- positive cooperation in act and attitude,
- revocable at any time, and
- ongoing throughout a sexual encounter.

Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A

current or previous dating or marital relationship shall not be sufficient to constitute consent. Consent to some form of sexual activity does not imply consent to other forms of sexual activity.

- Consent may not be assumed. If there is any ambiguity or confusion, the person involved should stop the activity and clarify and confirm consent. Once consent is withdrawn, the sexual activity must stop immediately.

Consent is not freely given if:

- It is obtained through the use of force, through the fear of or the threat of force, intimidation, coercion, or by kidnap;
- The individual has acted or spoken in a manner which expresses they refuse to give consent.
- the complainant was unable to give consent for any of the following reasons:
 - The individual is unable to make an informed decision due to incapacitation;
 - The individual is unconscious, asleep, or suffering from shock;
 - The individual is under the statutory age of consent; or
 - The individual has a permanent or temporary mental disorder or developmental or physical disability, and therefore legally unable to give consent.

Coercion is the practice of forcing another party to act in an involuntary manner by use of intimidation or threats or some other form of undue pressure or force. Coercion may include the use of emotional manipulation to persuade someone to do something the person does not want to do.

Incapacitation is the state where someone cannot make rational, reasonable decisions due to a lack of capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, and how” of the sexual interaction) due to alcohol, prescribed medication, predatory drugs, or other drugs.

Prohibition of Retaliation

Retaliation is defined as intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by Title IX or against an individual for engaging in protected activity. Protected activity consists of (1) making a report or complaint about conduct reasonably believed to constitute a violation of the University’s Title IX or (2) testifying, assisting, or participating in any manner in an investigation or other proceeding related to such a complaint. Retaliation is prohibited under HPU’s Title IX Policy.

2.6 REPORTING A POTENTIAL VIOLATION OF THE TITLE IX POLICY

Complaints of violations of High Point University’s Title IX Policy may be reported at any time, regardless of the length of time between the alleged misconduct and the decision to file a complaint. Complainants are encouraged to make reports as soon possible after the alleged conduct occurs in order to best preserve any evidence for the University to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action regardless of a police report being filed. However, this does not mean that the desired resolution is impossible. Individuals are encouraged to meet with the Director of Title IX or Deputy Title IX Coordinators at any time to discuss options. Complainants also are encouraged to report incidents of sexual misconduct to the local police department by calling 911 or HPU Security at 336-841-9111.

1. Filing an anonymous complaint

- a. A complainant can file an anonymous complaint using the reporting form on the HPU Title IX website (<http://www.highpoint.edu/title-ix/>). The purpose of an anonymous report is to comply with the

complainant's wish to keep the matter private, while taking steps to ensure the future safety of the complainant and others. With such information, the University can keep an accurate record of the number of incidents involving individuals, determine where there is a pattern of misconduct with regard to a particular location, method, or individual, and alert the campus community to potential danger.

- b. If the complainant decides to file a complaint anonymously and is a victim of alleged sexual misconduct, the University encourages the individual to seek out the available medical and mental health resources. Individuals who wish to make a formal complaint at a later date may contact the Director of Title IX at any time.

2. Filing an informal complaint

- a. If a complainant does not request a formal investigation process, they can still access reasonable supportive measures such as mutual no contact order, office alternatives, and other supports.
- b. If the complainant requests that their name or other identifying information not be shared with the respondent or that no formal action be taken, the Director of Title IX will balance the request against the following factors to determine whether the request can be honored:
 - i. The nature and scope of the alleged conduct, including whether the reported conduct involves the use of a weapon;
 - ii. The respective ages and positions of the complainant and respondent;
 - iii. The risk posed to any individual or the campus community by not proceeding, including but not limited to, the risk of additional violence;
 - iv. Whether there have been other reports of conduct by the respondent;
 - v. Whether the report reveals a pattern of misconduct at a given location or by a particular individuals or group;
 - vi. The complainant wishes to pursue disciplinary action;
 - vii. Whether the University has other means to obtain relevant evidence;
 - viii. Considerations of fundamental fairness process to the respondent; and
 - ix. The University's obligation to provide a safe and nondiscriminatory environment.

3. How to file a formal complaint

- a. Formal Complaint means a document filed/signed by a complainant or signed by the Director of Title IX alleging the respondent violated the Title IX policy and requesting that HPU investigate the allegation.
- b. A formal complaint can be filed with the Director of Title IX in person, via mail, email, or by using the contact information detailed above.
- c. The Director of Title IX reserves the right to initiate a formal complaint and the investigation process without a formal complaint from or against the wishes of the complainant.

4. Director of Title IX authority to consolidate complaints

If two or more persons have an agreement/plan to intentionally carry out prohibited conduct, each person may be deemed responsible for such prohibited conduct. Formal complaints as to allegations of sexual misconduct may be consolidated when the allegations of sexual misconduct arise out of the same facts or circumstances.

5. Mandatory and Discretionary Dismissal of Formal Complaint

The University is committed to responding promptly and effectively when it learns of any form of possible

discrimination based on sex or gender. Title IX is a federal civil rights law in the United States of America that was passed as part of the Education Amendments of 1972. Title IX states that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Title IX addresses many forms of sexual misconduct. However, Title IX does not address all the forms of sexual misconduct that High Point University prohibits in our community (see Section 3.2, Discrimination and Harassment)

Title IX does not address conduct alleged in the formal complaint if:

1. It would not constitute sexual harassment as defined under Title IX even if proved,
2. It did not occur in the University’s education program or activity,
3. It did not occur against a person in the United States, or if
4. The complainant was not participating in or attempting to participate in the education program or activity* of the University at the time of filing.

Education program or activity includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

In compliance with federal law, the parties will receive a notice of “dismissal” if reported conduct does not constitute conduct prohibited by Title IX. However, the reported conduct may still constitute a violation of another HPU policy.

The Title IX Coordinator may dismiss a formal complaint if:

1. A complainant notifies the Director of Title IX in writing that they would like to withdraw the formal complaint or any allegations in the complaint,
2. The respondent is no longer enrolled or employed by the University, or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the complaint.

The Director of Title IX will promptly send written notice of the dismissal, including the reason(s) for the dismissal to both parties. Both parties have to opportunity to appeal the dismissal of a formal complaint or any allegations in the formal complaint in the manner set forth in the Appeal Procedures section.

A dismissal does not preclude action under another provision of the University policy. Even if the University is unable to take disciplinary action, the University will seek to take any prompt and effective steps to prevent sexual misconduct from occurring.

2.7 Impartial, Equitable, And Prompt Proceeding

The University endeavors to maintain a prompt, equitable, and impartial proceeding.

Any rights or opportunities that the University makes available to one party during the investigation will be made available to the other party on equal terms.

All proceedings and meetings will be conducted by officials who do not have a conflict of interest or bias for or against complainant(s) or respondent(s) generally or an individual complainant or respondent. Due to availability, absences, conflict of interest, etc., employees may delegate their duties to another trained person upon approval by the Director of Title IX. All employees involved in the formal complaint process are trained as required by applicable law.

The university will conduct a timely investigation. The process allows for the reasonable extension of time frames for good cause and with written notice to the complainant and respondent of the delay and reason for the delay. The Director of Title IX maintains discretion to reasonably advance the process. The university will give timely notice of proceedings and meetings.

1. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge. Supportive measures are available to both complainants and respondents before or after the filing of a formal complaint, or where no formal complaint has been filed.

The University will maintain as confidential any supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

These supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Education to the community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Timely Warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

2. No Contact Orders

A No Contact Order may be imposed at the request of a party or the discretion of a Director of Title IX. When a No Contact Order is put in place, the party must refrain from:

- a. Approaching one another at any time;
- b. Calling one another at any time;
- c. Communicating electronically (email, text, social media);
- d. Contacting or communicating with one another through a third party (including friends and/or family), in any way, at any time.

- e. Other terms outlined in the No Contact order that may be required specific to the terms of the case.

A No Contact directive implies no judgment or discipline. When a No Contact directive is issued, individuals may be required to move to a temporary office space or may be temporarily removed from a shared classroom as a means to create space for the situation to be resolved.

Individuals may encounter one another in public spaces on campus. In keeping with the spirit of the no contact directive, if the persons encounter one another in public spaces or events, including yet not limited to, Cafeteria, Promenade, academic buildings, sporting events, food venues, Cinema, or University concerts, they are to refrain from intentionally engaging one another visually, verbally, or through a third party.

Violations of no contact orders will be referred to appropriate disciplinary processes for enforcement.

3. Administrative Leave

HPU may place a respondent on paid or unpaid administrative leave during the pendency of this grievance process.

4. Parties Rights

Once a report is made to the Director of Title IX equal access and resources are given to both the complainant and respondent.

Right to Notify Law Enforcement

Each party has the right to report an incident of sexual misconduct or other criminal activity to campus security or local law enforcement.

Right to Supportive Measures

Each party will have the opportunity to access supportive measures.

Once a formal complaint is filed the following rights attach:

Right to an Advisor

Resolving a complaint through the Title IX process can be a challenging experience and for that reason both parties are encouraged to seek the assistance of an advisor to support and accompany them through the process. Each party may have one (1) advisor present with them for support throughout the proceedings.

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the grievance process. The university maintains a pool of trained advisors who are university employees that the parties may choose from.

If a party is unable to arrange an advisor on their own within five (5) days of receipt of the Notice of Investigation (NOI), the Director of Title IX may assign the party a university-trained advisor.

It may be helpful to inform the advisor of all meetings and deadlines as soon as the parties are made aware so that the advisor can provide their advisee with prompt support.

Right to Notice of Investigation

Each party will be notified of the University's investigation via a Notice of Investigation (NOI) letter. The NOI will reiterate the investigation proceedings as well as their rights to an advisor and campus resources.

Right to Present Evidence

Each party will have an equal opportunity to present witnesses and other evidence.

Right to Notification of Outcome

Each party will be informed of the outcome of the hearing board proceeding and any appeal in writing, including any applicable sanction(s).

Right to Appeal

Both parties have to opportunity to appeal a determination regarding responsibility and a dismissal of a formal complaint or any allegations in the complaint to the Executive Committee. See Appeal Procedures Section.

2.8 Investigation of Formal Complaints

1. The Director of Title IX will inform the respondent and complainant in writing of the investigation.
2. The Investigator will investigate the claims. The Investigator is primarily responsible for the investigation of the reported conduct. The investigation is a neutral fact gathering process.
3. The Investigator will:
 - a. Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings with each party and witnesses.
 - b. Create, gather, and maintain investigative documentation, as appropriate.
 - c. Disclose appropriate information to others only on a need-to-know basis, consistent with state and federal law.
 - d. Handle all data in accordance with applicable federal and state privacy laws.
 - e. Prepare a written investigation report summarizing the investigation. The investigator will determine the relevance of any proffered evidence and to exclude irrelevant evidence from the investigation report.
 - f. Both parties may inspect and review any evidence obtained as part of the investigation that is directly related to the reported conduct contained in a formal complaint.
4. To help ensure a prompt and thorough investigation, the parties are encouraged to provide as much of the following information as possible:
 - a. A description of any relevant incident(s), including the date(s) and location(s)
 - b. The identities/names of any relevant witnesses.
 - c. Any relevant information, documentation, or electronic media.
 - d. Any other information believed to be relevant to the reported behavior.
 - e. A written statement addressing the reported conduct.
5. After receiving the report prepared by the Investigator, the Director of Title IX sends to each party and the party's advisor, if any, the investigation report. Each party will have 10 calendar days to submit a written response to the Director of Title IX.
6. The Director of Title IX will refer the matter to the Hearing Chair, who will take the following actions:
 - a. Review the Hearing Board Procedures.
 - b. Schedule and manage the Title IX Hearing Board.
 - c. Notify both parties of the date, time, and location of the Title IX Hearing Board.
7. A Title IX Hearing Board will take place between 7 - 21 calendar days after the parties receive their final copy of the investigation report.

Estimated Timeline: 60 - 90 days from filing a formal complaint to hearing board outcome. Each case is unique, and the process for handling the incident may be impacted by factors such as the complexity of the investigation, the scope of the allegation, the parties' schedules and availability, and/or the academic calendar. Although the University will make best efforts to complete the process based on the estimated timelines outlined in the policy, there may be a need to exceed any of the stated timelines. The University will provide the parties with periodic status updates, as available, throughout each step of the grievance process and notify the parties if any part of the process exceeds the estimated timeframe.

2.9 Title IX Hearing Board Procedures

A Title IX Hearing Board consists of a panel of trained justices and the Hearing Chair. The Hearing Board is used to determine responsibility, along with appropriate sanctions. The Hearing Chair is responsible for determining whether a question is relevant and explaining any decision to exclude a question as not relevant. If the Title IX Hearing Board determines responsibility, the Chair will provide any prior violations of University policy to the panel to consider appropriate sanctions.

1. Standard of Evidence

High Point University uses a preponderance of the evidence as its standard of evidence in all disciplinary and Title IX matter. This means that the information needs to show that it is "more likely than not" that a violation of the policy occurred.

The respondent is presumed to be not responsible. The presumption may be overcome only where there is sufficient evidence by a preponderance of evidence to support a finding that the respondent is responsible for violating University policy.

2. Hearing Format

- a. The Hearing Chair will read the charge(s) to which the respondent must respond, "not responsible," or "responsible," for each.
- b. The complainant has the option, but is not required, to provide a brief verbal or written opening statement addressing the charges. Upon request by the complainant, the hearing chair, in its discretion, may read the written statement out loud or provide copies of the written opening statement to the hearing board and the respondent.
- c. Following an opening statement, the hearing panel will ask the complainant questions. Once the hearing panel has completed its questioning, the respondent's advisor may question the complainant. The hearing chair will determine if the question(s) are relevant and will explain any decision to exclude a question as not relevant.
- d. The respondent has the option, but is not required, to provide a brief verbal or written opening statement addressing the charges. Upon request by the respondent, the hearing chair, in its discretion, may read the written statement out loud or provide copies of the written opening statement to the hearing board and the complainant.
- e. Following an opening statement, the hearing panel will ask the respondent questions. Once the hearing panel has completed its questioning, the complainant's advisor may question the respondent. The hearing chair will determine if the question(s) are relevant and will explain any decision to exclude a question as not relevant.
- f. Following the parties' presentations of evidence, the hearing chair will call each witness to be questioned by the hearing panel. Once the hearing panel has completed its questioning, the parties' advisor may question the witness(es), or parties may submit questions in writing to the hearing chair. The hearing chair will determine if the question(s) are relevant and will explain any decision to exclude

- a question as not relevant.
- g. The Investigator will be available as a witness to address questions related to the report or investigation proceedings as needed by the complainant, respondent, and/or Title IX hearing board.
 - h. The complainant has the option, but is not required, to provide a brief closing statement or impact statement presenting any final remarks. Following the closing statement, the hearing panel may ask any additional questions for the complainant. The respondent's advisor may question the complainant. The hearing chair will determine if the question(s) are relevant and will explain any decision to exclude a question as not relevant.
 - i. The respondent has the option, but is not required, to provide a brief closing statement or impact statement presenting any final remarks. Following the closing statement, the hearing panel may ask any additional questions for the respondent. The complainant's advisor may question the respondent. The hearing chair will determine if the question(s) are relevant and will explain any decision to exclude a question as not relevant.
 - j. Once the closing statements and inquiry is complete, the justices will deliberate in private. The justices shall evaluate the evidence and decide, based on a preponderance of the evidence, an outcome of responsible or not responsible and, if responsible, determine appropriate sanctions. A decision is reached by a majority of the justices.

Both the complainant and respondent will be notified in writing of the outcome of the hearing, if applicable, corresponding sanctions, and appeals process by the Hearing Chair.

The determination regarding responsibility becomes final either on the date that the HPU provides the parties with the written determination of the result of the appeal, if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

3. Arrangements for Hearings

All parties, witnesses, and other participants may appear at the live hearing virtually with technology enabling participants to see and hear each other simultaneously. At the request of either party, the university will consider conducting an in-person hearing.

The University will create an audio or audiovisual recording of any hearing and make it available to the parties for inspection and review at any time. Requests to review recordings may be submitted to the Title IX Coordinator in writing. However, the recording may not be released to either party without consent of all involved or if required by applicable law. Individuals may request a written transcription of the hearing recording, however, any cost associated with this transcription may be passed on to the party making the request.

If any ADA accommodation is needed, please advise the Title IX Coordinator no later than (3) three days prior to the scheduled hearing.

4. Witnesses and Evidence

All witnesses, evidence, and information should be presented to the investigator prior the conclusion of the investigation. Any information or evidence submitted will be shared with the other party at least 10 days prior to the Title IX Hearing.

Each party will have an equal opportunity to present witnesses and other evidence. Any credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

If a party or witness does not submit to questioning during the hearing, the justices cannot rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the justices cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the complainant and are offered to prove consent.

The University cannot require, access, consider, disclose, allow, rely upon, seek disclosure of, or otherwise use a party's protected records or information without the voluntary, written consent of the relevant party or individual. Protected records or information, include but is not limited to the following:

- Records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; and
- Information protected under a legally recognized privilege (e.g. attorney-client, married individuals, clergy and communicant, psychotherapist and patient, physician and patient, etc.)

2.10 SANCTIONS

Sanctions are designed to hold individuals accountable for their actions and to protect the safety of the university community. Sanctions are also designed to restore or preserve equal access to the University's education program or activity.

The following may be considered:

1. The threat or use of a weapon
2. The presence of a pattern and/or practice of behavior
3. The gravity of a respondent's actions
4. The respondent's intent
5. The respondent's past conduct record even if those allegations did not result in a finding or outcome
6. Power imbalance between the parties

The Title IX Hearing Board will determine employee sanctions for each policy violation pursuant to the following guidelines:

- The minimum sanctions for Dating Violence, Domestic Violence, Forcible Fondling, Incest, Stalking, Retaliation, Sexual Harassment, and Quid Pro Quo Sexual Harassment are final written warning.
- The minimum sanctions for Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, and Statutory Rape are suspension without pay or termination.

The following sanctions may be utilized in response to any of the above violations:

Loss of privileges, residential and/or campus bans, no contact order, removal from educational program/project/class, counseling referral, educational conversation with faculty or staff, community service warnings or reprimands, censure, modified teaching or research responsibilities, removal from the classroom, removal from committees and programs (including exclusion from travel, personnel committees, internal research funds, working with students, or other sanctions), reassignment, denial of salary increase, salary

reduction, fines or restitution , removal from administrative position, demotion in academic rank, mandatory counseling or training, involuntary leave of absence, any other university sanctions, or any other appropriate reformative sanctions

2.11 Appeal Procedures

1. Both parties have the opportunity to appeal a determination regarding responsibility and a dismissal of a formal complaint or any allegations in the complaint to the Executive Committee within five (5) calendar days of the issuance of the decision. Appeals are submitted by completing the online appeal form that will be included in any decision letter from the Title IX Hearing Board or can be found on the Title IX and Sexual Misconduct webpage.
2. If neither party requests an appeal within the (5) calendar day timeline, any sanction will take effect immediately at the end of the (5) calendar day appeal timeline. Appeals are limited to 1,500 words, including attachments. Grounds for the appeal must be clearly and concisely stated, and all relevant information substantiating the grounds for appeal should be included. The following constitute appropriate grounds for appeal:
 - a. the procedural irregularity that affected the outcome,
 - b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, or
 - c. Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainant or respondent generally or the individual complainant or respondent that affected the outcome of the matter.
3. Mere dissatisfaction with Title IX Hearing Board or Dismissal outcome is not a valid basis for appeal. In addition, appeals are not intended to be a rehearing of the matter. The scope of the appeal will be limited to the grounds for appeal included in the written appeal submissions. In any request for an appeal, the burden of proof lies with the party requesting the appeal, because the outcome will be presumed to have been decided reasonably and appropriately.
4. A trained HPU staff member will assess the written appeal to determine whether it is properly filed, based on permissible grounds, and in compliance with word count limitations. If it is determined that the written appeal does not meet any of these criteria, the appeal will be denied without review by the Executive Committee.
5. Once the appeal is filed, the other party will be notified of the appeal in writing. If the appeal is determined to be properly filed, the other party will be given an opportunity to review and respond to the written appeal. Responses to written appeals are due five (5) days after receipt of a copy of the appeal and are limited to 1,500 words. If both parties have filed an appeal, the appeal documents from each party will be considered together in one appeal review process. Each party will be provided the other party's appeal statement and may provide a response to the other party's written appeal. Responses to written appeals are due five (5) days after receipt of a copy of the appeal and are limited to 1,500 words.
6. Once an appeal is received and determined to meet the criteria for filing an appeal, the Executive Committee may, at its discretion, choose to hold a meeting, or it may decide the matter based on the written submissions. If strictly necessary and at the discretion of the Executive Committee, it may interview or request documentation from any individual to gather more information about basis for the appeal. After reviewing all submitted materials, the Executive Committee may:
 - a. affirm the outcome;
 - b. return the matter to the original or a newly constituted Title IX Hearing Board with instructions to cure the procedural error, perceived conflict of interest/bias, or to consider the new evidence
 - c. return the matter to the original or a new investigator with instructions to cure the procedural error, perceived conflict of interest/bias, or to consider the new evidence;
 - d. change the sanctions;

- e. overturn the dismissal.
- 7. Decisions by the Executive Committee are by a majority vote of Executive Committee members present and participating in the appeal consideration.
- 8. The outcome (including rationale for the result) of the Executive Committee will be made in writing to both the complainant and respondent. All decisions by the Executive Committee are final.

Estimated Timeline: 50 - 55 days from request to decision. However, each case is unique, and the process for handling the incident may be impacted by factors such as the complexity of process, the scope of the allegation, the parties' schedules and availability, and/or the academic calendar. Although the University will make best efforts to complete the process based on the estimated timeline, there may be a need to exceed this timeline. The University will provide the parties with periodic status updates, as available, throughout each step of the process and notify the parties if any part of the process will exceed the estimated timeframe.

2.12 INFORMAL RESOLUTION PROCESS (IRP)

At the request of either the complainant or respondent in writing, the University may facilitate an informal resolution process (IRP) that does not involve a full investigation and hearing. The University has chosen to offer IRP as an option for parties to choose a resolution that is best for them, while still serving the safety and educational needs of the campus community. Where circumstances allow for this, the Informal Resolution Process will be initiated as soon as possible after the filing of a formal complaint and the conclusion of an initial intake meeting. However, an IRP may be requested any time prior to the Title IX Hearing Board rendering its decision

The IRP process is voluntary, and both the complainant and respondent must consent in writing to participating in the IRP process. The University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints.

The request for IRP must be made after a formal complaint has been made, both parties have been provided with written notice of the allegations and possible options for resolution.

1. Is IRP appropriate?

The Title IX Coordinator will determine whether the request for IRP is appropriate for the particular Title IX complaint. In addition, IRP is not appropriate to resolve an allegation that any HPU employee has sexually harassed a student. The Title IX Coordinator may deny a request for IRP if the Title IX Coordinator determines that IRP would not be appropriate for the unique allegations and circumstances, even if both the complainant and respondent consent to the request.

2. How to submit a request for IRP

Informal resolution requests must be submitted, in writing, to the Director of Title IX and include the following:

- a. An explanation of why the party is requesting the IRP in lieu of the formal proceedings.
- b. An overview of what the party would like to communicate to the other party involved.

Once the written request is received, and the University determines the request is appropriate for the particular complaint, the University will provide written notice of the request, allegations, and the requirements, rights, and consequences of IRP to both parties. To proceed with IRP both parties will have to give voluntary, written

consent.

3. Participating in IRP

IRP may include a broad range of strategies, including, but not limited to mediation or restorative justice and may be conducted by any means (in-person, virtually, email, etc.) the Director of Title IX determines to be appropriate, based on factors such as the nature of the complaint, the desires of the parties, and any other relevant considerations. The Title IX Coordinator may facilitate the IRP or assign a facilitator as appropriate. If either party believes that the assigned facilitator of IRP has a conflict of interest or bias, they should notify the Title IX Coordinator immediately. If the Director of Title IX is the facilitator, either party should notify the Senior Vice President of Business and Financial Affairs if a party believes that the Director of Title IX or Title IX Deputy has a conflict of interest or bias.

Any resolution through IRP must be mutually agreed upon in writing by the parties involved, and this written agreement will become the final outcome of the case. The outcome of IRP may result in disciplinary measures against the respondent. At any time prior to agreeing to a resolution in writing, any party has the right to withdraw from IRP and resume the formal complaint process. The facilitator is prevented from participating in a formal resolution process as a witness, Hearing Chair, or justice.

The Director of Title IX maintains records of any resolution that is reached in accordance with the records retention section of this policy.

Estimated Timeline: 7 - 14 days from request to resolution. However, each case is unique, and the process for handling the incident may be impacted by factors such as the complexity of process, the scope of the allegation, the parties' schedules and availability, and/or the academic calendar. Although the University will make best efforts to complete the process based on the estimated timeline, there may be a need to exceed this timeline. The University will provide the parties with periodic status updates, as available, throughout each step of the grievance process and notify the parties if any part of the process will exceed the estimated timeframe.

2.13 PRIVACY AND MAINTENANCE OF RECORDS

High Point University will take precautions to preserve the privacy of both the complainant and respondent during the investigation of a reported violation of the Title IX policy. The school will keep confidential the identity of complainant, respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding and as further described in this policy.

However, the University must handle information and records regarding an alleged Title IX report in accordance with applicable law. For example, in instances of potential imminent harm to the community, the University may be required by federal law to inform the community of the occurrence for the protection of all members of the community.

Documents prepared in anticipation of any hearing, such as pre-hearing submission, notices of hearing testimony and information submitted at the hearings may not be disclosed outside the investigation and hearing proceedings, including with advisors, except as may be required or authorized by law. The University maintains records related to Title IX, including investigations, appeals, resolutions, training, and supportive measures in accordance with Title IX regulations or as otherwise required by law.

The University, in accordance with Title IX compliance, will to the extent practicable, try to comply with the wishes of the individual regarding their request for confidentiality or not pursuing a hearing. The University will take such requests seriously; however, such requests may limit the University's ability to investigate and take reasonable action. Under federal law, the University may be required to move forward with an investigation and take reasonable action in response to the complaint, no matter if these steps may be limited by a request for confidentiality. Title IX requires the University to evaluate the request of the complaint next to the University's concern for the safety, wellbeing, and non-discriminatory environment.

The University, in accordance with Title IX, will maintain all records relating to complaints, investigations, hearings, appeals, IRP, sanctions, remedies, supportive measures and any training materials for seven (7) years from the date the record is created.

SECTION III: HOURS OF WORK

3.1 Work Schedule

Work hours are scheduled to satisfy the needs of the work unit and to make certain that sufficient staff personnel are available when needed. Employees will be informed by the supervisor about the normal schedule and subsequent changes that are required.

The University's standard workweek is Saturday through midnight Friday.

The standard work schedule for most staff positions is based on 40 hours of work per week. The normal daily work schedule adopted by the University is eight hours plus a lunch period of one hour covering the hours of 8:00 a.m. – 5:00 p.m., Monday through Friday.

Some staff positions have work schedules based on 40 hours of work per week. The daily work schedules, days of the week, lunch periods, hours of work, and paid time off for these employees may vary significantly.

Reviewed and adopted December 2007
Revised July 2022

3.2 Time and Attendance Reporting

Employees are responsible for ensuring that any absences, including absences covered by paid leave, are accurately reported, and recorded in Workday. Failure to accurately record absences and the use of paid leave may result in disciplinary action.

- Exempt Employees
 - Employees working in exempt positions are not required to report daily hours worked. Absences for a full day (8 hours) or half day (4 hours) must be charged to the employee's available vacation or sick banks and recorded in Workday. Absences less than half day (4 hours) do not need to be charged against time off banks. All time off must be reported to the immediate supervisor in a timely manner for approval.
- Non-exempt Employees
 - Employees working in non-exempt positions are required to report all hours worked and all absences, to include full and partial day absences.
 - Non-exempt employees may be allowed, with the prior approval of their supervisor, to make up time for partial-day absences by coming in early and/or staying late within the same pay period.

Revised June 2010
Reviewed November 2018
Reviewed November 2023

3.3 Meal Periods

Regular full-time hourly employees receive a thirty-minute paid meal break.

All salaried employees are allowed a sixty-minute unpaid meal period.

Non-exempt salaried employees who perform any work, including answering telephones, during the meal break must have supervisory approval to work and any time worked during the one-hour meal break must be reported as work time.

Revised June 2010
Revised November 2018

3.4 Work Disrupted by Inclement Weather or Other Emergency Conditions

High Point University may be closed, or its opening may be delayed during normal work hours for staff employees due to inclement weather or other unusual conditions. Closure is expected to be infrequent, and consideration will always be given to personal safety and maintaining appropriate service levels in departments that provide essential services to the University community.

Weather-related closings and cancellations for High Point University are broadcast by all local television stations. Employees may receive weather and closing information by calling the University's general number, 841-9000, or accessing the University website. **Unless the announcement specifically mentions a delay or cancellation of work, staff employees should exercise caution and report to work at the normal starting time or as soon as possible.**

Due to the essential services they provide, certain departments or employees will need to work regardless of weather delays or closures. Such departments and/or employees are designated by the relevant Senior Vice President. Employees should direct any questions about attendance and performance expectations regarding a delay or closure to their supervisor.

If the University is delayed or closed due to inclement weather or other emergency conditions, employees scheduled to work will be compensated appropriately. If the University is open with normal operating procedures, the employee should use their own judgement to decide whether it is safe to report to work. In this instance, employees who choose not to report to work or are delayed to work, must use paid time off to cover the absence. Employees who have no available sick/personal or vacation leave will not be paid for the absence.

Reviewed and adopted December 2007
Reviewed November 2018

SECTION IV: PAYROLL PRACTICES

- **Pay Periods**

- **Bi-Weekly:** Non-exempt hourly staff employees will be paid bi-weekly for all hours worked during the previous two-week period which begins on Saturday and ends on Friday. Normal pay date is on a Friday.
- **Monthly:** Exempt and non-exempt salaried staff employees are paid monthly. Normal pay date is the 20th of the month for work performed during the month. Salaries of all full-time regular employees in less than twelve-month positions are spread over twelve months.

Revised January 2009
Revised November 2018

4.2 Direct Deposit

All employees are required to have their paychecks directly deposited to a financial institution of their choice. Initial enrollment and changes to direct deposit information can be made in Workday. Employees may view and print their pay advices in Workday.

Revised January 2009
Revised November 2018

4.3 Payroll Deductions

Various payroll deductions are required by law and include federal and state income tax, Social Security, and Medicare.

Employees may choose to have certain other expenses deducted to include voluntary benefits. These optional costs may be deducted only with the employee's written authorization. All deductions – both mandatory and optional – will appear on the check stub in Workday for the employee's information and reference. If employees have questions about deductions, they should speak with the Office of Human Resources.

Reviewed and adopted December 2007
Revised November 2018

4.4 Overtime Pay

Non-exempt employees are subject to the overtime provisions of the Fair Labor Standards Act are limited to a forty-hour work week at the regular rate of pay. Any hours worked in excess of 40 hours per week are considered overtime and must be compensated at the Fair Labor Standards overtime rate of pay. Paid leave for hours not worked, to include but not limited to, holiday, vacation, personal or sick leave, does not count as work time for the purpose of determining eligibility for Overtime Pay.

Compensatory time off in lieu of overtime pay for non-exempt employees is prohibited by University policy. For example, an employee cannot work overtime in one week and be allowed time off in a future week instead of being paid overtime wages. However, University policy does allow for employees to be given time off in the same work period.

Non-exempt employees are not allowed to work overtime without prior approval from their supervision, to include coming in early, staying late, or working during meal breaks. Non-exempt employees who work unauthorized overtime may be subject to disciplinary action up to and including termination of employment.

Revised June 2010
Revised November 2018

4.5 Holiday Premium Pay

- **Hourly Non-Exempt Employees**

- Scheduled to Work on a University Holiday
 - If a University holiday falls on employees' scheduled workday and they work, they shall be compensated for all hours worked and will be given an option to also receive holiday pay equivalent to their regular scheduled hours OR another day off in lieu of receiving holiday pay.
 - If employees are scheduled to work and do not work, they will be required to cover their absence with sick/personal or vacation leave.
- Not Scheduled to Work on a University Holiday
 - If a University holiday falls on a day that employees are not scheduled to work, employees will be paid for the holiday.
- Rescheduled Holidays
 - Rescheduled holidays are days that are granted off in lieu of receiving holiday pay for the actual University holiday as detailed above.
 - The rescheduled holiday must be scheduled with management's approval.

- **Salaried Exempt and Non-Exempt Employees**

Salaried employees, both exempt and non-exempt, who are required to work on a University holiday, may be granted another day off in lieu of the holiday. The rescheduled holiday may be scheduled and taken at a time that is mutually agreeable with the employee and his or her supervisor.

- **Temporary and Part-time Employees**

Temporary and part-time regular hourly employees are not eligible for holiday pay or rescheduled holidays.

Revised November 2008
Revised November 2018

4.6 Call Back Pay

If a regular, full-time non-exempt hourly employee is called in for an emergency before or after his or her scheduled work hours or on non-workdays, he or she is guaranteed a minimum of two hours Call Back Pay. If the call-back assignment does not result in two hours of work, the employee is still guaranteed two hours of compensation.

Revised January 2009
Revised November 2018

4.7 Salary Advances

Salary advances will not be granted except in extreme emergency situations as determined within the sole discretion of the University. An extreme emergency is defined as an unforeseen circumstance such as death, illness, or accident, which requires immediate financial attention. Each request for a salary advance will be considered on the basis of its own merit and should be submitted in writing to the Office of Human Resources.

Reviewed and adopted December 2007
Revised November 2018

4.8 Final Pay

Staff employees who resign their employment or who are terminated by the University will receive their final paycheck on the next regularly scheduled payday. Final pay includes pay through the employee's last day of work and, if eligible, any accrued but unused vacation for the current calendar year. The employee's date of termination is the last day worked. Final pay includes pay through the employee's last day of work and, if eligible, any earned, but unused accrued vacation for the current calendar year.

Revised June 2010
Revised November 2018
Revised January 2022
Revised March and May 2024

4.9 Income Assignments and Garnishments

It is the University's policy to not accept wage orders or assignments for payments of an employee's debts to a third party except as ordered by the courts or other legal authorities.

Reviewed and adopted December 2007
Revised November 2018

4.10 Name Change Requirements

When employees have a name change, to ensure earnings are properly reported and recorded, they must contact the Social Security Administration for a new card with the new name. The employee is responsible for submitting the name change in Workday. The new card must be presented to a representative of the Office of Human Resources in order for the change to be approved in Workday. The phone number for the Social Security Administration is 800-772-1213 and the website is www.ssa.gov.

Reviewed and adopted December 2007
Revised November 2018

SECTION V: PERSONNEL ACTIVITY

5.1 Personnel Records and Confidentiality

The Office of Human Resources maintains employment, compensation and benefits records for all staff employees. Records include printed documents and electronic data. Employees are responsible for ensuring that benefits and personal information on record is accurate and up to date. Incorrect information could cause problems concerning pay, benefits, or state and federal taxes. If an employee acquires additional education or training, he/she should notify the Office of Human Resources.

An employee may review his or her personnel records during regular business hours. Personnel records of staff employees shall be available to their supervisors and to any Human Resources representative acting in the normal course of business. Benefits records and medical information are considered confidential and are not accessible by anyone other than the employee.

From time to time, the University may be asked to furnish information regarding a staff member's demographic information, employment status, and/or income information. The University may verify to a prospective employer of a present or former staff member the dates of the individual's employment with the University and the present or previous position(s) held and the department in which the staff member was or is employed. Other information, including salary verification, may be released to prospective employers, credit bureaus, or financial institutions upon written authorization by the current or former staff member. Information requested by federal or state agencies, including law enforcement agencies, will be released as required by law. Supervisors should refer all reference checks and requests for verification of employment information to the Office of Human Resources.

Reviewed and adopted December 2007
Revised November 2018

5.2 Transfer and Promotional Opportunities

It is the University's intent to consider all qualified employees when filling job openings with the University. However, because of the experience, skills, and educational requirements of specific jobs as well as overall University staffing needs, promotions or transfers within the University are not always possible.

Staff employees who have completed one year (12-months) of service are eligible to apply for other staff position vacancies by submitting the information as requested in the posting. If an employee has not completed the one-year (12-month) service requirement but has completed the required 90 day orientation period, he or she may apply for other staff position vacancies provided the current department or office head agrees to waive the one year (12-month) service requirement. Employees meeting the requirements and who apply will be considered along with other applicants for the vacant position. An employee's past performance, length of service, experience, attitude, and qualifications are all important factors which will be considered in making promotion and transfer decisions.

The supervisor with the vacant position should contact the supervisor of any employee(s) that are being considered for the vacancy after the interview if the employee is the top candidate for the vacant position.

If a current employee accepts a job offer, the two supervisors and the employee will negotiate a reasonable transfer date. A two-week notice for non-exempt employees and a three-week notice for exempt employees are required; however, extenuating circumstances may necessitate a longer or shorter agreed-upon period.

When an employee moves to another position, he/she should remain in that position for one year (12-months) before requesting another opportunity to transfer, as explained above. Employees who transfer to another position will have a 90 day orientation period in the new position. Reviews will be provided at the 30 day, 60 day and 90 day mark.

Reviewed and adopted December 2007
Revised November 2018

5.3 Reclassification

Reclassification is the assignment of a position to a different classification based on changes in duties and responsibilities. The new classification may be higher, lower, or at the same salary level.

If an employee's position is reclassified to a higher salary level as the result of increased responsibilities, a salary increase may be given.

If an employee's position is reclassified to a different title with no additional responsibilities, the salary normally remains the same.

If an employee's position is reclassified as the result of a decrease in job responsibility, the salary may be reduced.

Reviewed and adopted December 2007
Revised November 2018

5.4 Demotion

A demotion is a move to a position with a lower salary. An employee may be moved to a lower position and salary as the result of a voluntary request or the result of a disciplinary action.

Reviewed and adopted December 2007
Revised November 2018

SECTION VI: COMPENSATION

6.1 Wage and Salary Reviews

Employees are generally reviewed at least annually for consideration of a merit pay increase. A wage or salary review does not imply an automatic wage increase but that employees are eligible for consideration of a wage increase based on job performance. The University does not make automatic cost of living salary adjustments.

Annual merit salary adjustments shall be effective September 1 for employees in 12, 11, 10, or 9-month staff positions who are not absent due to a disability or leave of absence.

If the employee is out on paid or unpaid leave on the effective date of an annual merit or promotional salary adjustment, the adjustment will become effective on the pay date after the employee returns to work. It is the employee's responsibility to inform the Office of Human Resources when the employee returns to work so that the adjustment can be applied.

Revised June 2010
Revised November 2018

6.2 Salary Structure

It is the policy of the University to compensate staff employees at a level that encourages excellent performance and to maintain the labor market competitiveness necessary to recruit and retain a competent workforce.

The salary levels are determined by and approved by the Office of Human Resources. The salary levels may be increased or decreased based upon factors such as labor market trends and availability of funds.

Reviewed and adopted December 2007
Revised November 2018

6.3 Salary Determination

New regular staff employees are hired at a salary within the salary range and appropriate to their education, experience, and job qualifications.

Reviewed and adopted December 2007
Revised November 2018

SECTION VII: STANDARDS FOR JOB PERFORMANCE AND CONDUCT

7.1 Performance Planning and Evaluation

The Performance Evaluation is a tool to aid in the development of employees to become stronger performers and full contributors to the University's success.

New employees will receive a written performance evaluation after 30, 60, and 90 days of employment and yearly thereafter. The annual written performance evaluation covers the calendar year. The annual online performance evaluations can be found in Workday.

The purpose of the performance evaluation is to ensure that employees:

- Are made aware of the job duties that are expected of them,
- Are made aware of the level of performance expected of them,
- Receive feedback about their performance; the evaluation may include commendation for good work as well as specific recommendations for improvement.

Employees have the responsibility to actively participate in the performance evaluation process by providing comments and input on achievement of goals and in setting new goals for the next year. During the scheduled performance evaluation meeting, employees will have the opportunity to discuss their performance evaluations with their supervisor. This is a time for the employee to provide feedback and self-evaluation to their supervisor.

A satisfactory performance evaluation does not guarantee a salary increase nor does it alter, modify, or amend the at-will employment agreement between the employee and the University.

Revised June 2010
Revised November 2018

7.2 Job Description and Title

New employees are given a job description before they start to work. A job description summarizes the employee's duties and responsibilities. Employees are expected to read the job description carefully and discuss it with their supervisor if they have any questions.

The job responsibilities of a particular position may evolve and change over time. The University reserves the right to revise and update a job description as it deems necessary and appropriate. Managers should periodically review job descriptions for their respective areas to ensure they are current and up to date.

The job title should accurately reflect the accountability and nature of the work that is performed as described in the job description.

The official job description format for the University can be found on Blackboard under the HR-Faculty and Staff Employees Organization.

Reviewed and adopted December 2007
Revised November 2018

7.3 Staff Code of Ethics and Conduct

Preamble

As members of the High Point University community, all staff employees are responsible for sustaining the highest ethical standards of this institution and of the broader community in which we function. The University values integrity, honesty, and fairness and strives to integrate these values into its teaching, research, and business practices. It is the intent of the Staff Code of Ethics and Conduct to protect academic freedom, to help preserve the highest standard of teaching and scholarship, and to advance the mission of the University.

Definitions

- 7.3.1 The term “University” means High Point University.
- 7.3.2 The term “student” includes all persons taking courses at the University either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered “students” as are persons who are living in the University residence halls, although not enrolled in this institution.
- 7.3.3 The term “faculty member” means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
- 7.3.4 The term “staff” includes any full-time and part-time employee of the University who holds managerial, administrative, clerical, technical, skilled craft, service or other positions designated by the University to be subject to these rules, policies, procedures and benefits.
- 7.3.5 The term “member of the University community” includes any person who is a student, faculty member, University official, or any other person employed or contracted by the University. A person’s status in a particular situation shall be determined by the Office of Human Resources.
- 7.3.6 The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.
- 7.3.7 The term “organization” means any number of persons who have complied with the formal requirements for University recognition or registration.
- 7.3.8 The term “policy” means the written regulations of the University as found in, but not limited to, the Staff Code of Ethics and Conduct, Resident Life Handbook, the University website, Computer Use Policy, and Graduate/Undergraduate Catalogs.

Proscribed Conduct

A. Jurisdiction of the University Staff Code of Conduct and Ethics

The Staff Code of Ethics and Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University Community and/or staff member’s fitness to perform his/her professional responsibilities. Staff employees that have teaching responsibilities are also required to comply with the Faculty Code of

Ethics and Conduct. Each staff member shall be responsible for his/her conduct throughout his/her employment relationship with the University.

B. Conduct – Rules and Regulations

Staff employees are required to comply with basic standards of conduct and professionalism as members of the University community. Failure to comply with the Staff Code may result in disciplinary action up to and including termination of employment as outlined in the University's [Disciplinary/Corrective Action Policy and Title IX Grievance Procedures](#). Furthermore, in situations involving criminal activity or the potential for criminal activity, the University will contact law enforcement authorities.

The University will not attempt to list here all the types of conduct for which discipline or termination could result. Generally, employees must avoid conduct that is not in the best interest of the University or that adversely affects members of the University community. The following list provides **examples** of behavior and conduct that the University will not tolerate and which may subject an employee to immediate discipline, up to and including termination. Such prohibited behavior and conduct includes, **but is not limited to**, the following:

1. Neglect of duty and/or lack of due care and/or diligence in the performance of duties.
2. Unsatisfactory job performance or failure to maintain reasonable standards of performance.
3. Failure to dress appropriately for work or maintain appropriate appearance, including uniform or style of dress, according to departmental standards.
4. Poor attitude and discourtesy toward others (for example, rudeness or lack of cooperation).
5. Lack of dependability due to excessive absenteeism or tardiness, or unacceptable pattern of absences.
6. Insubordination, including refusal to comply with a supervisor's instructions unless the instructions are illegal, endangering, or unethical.
7. Failing to devote one's full time, attention, and best efforts to one's job duties and responsibilities.
8. Gambling while on duty.
9. Unauthorized use of the University's name or letterhead.
10. Actual or attempted theft, misappropriation, abuse, and/or unauthorized possession or removal of any property, equipment, resources, or funds belonging to the University, member of the University community, or other persons with whom the University has a business relationship.
11. Concealing, falsifying, altering, misusing, or removing University information and documents, including electronically stored information and data.
12. Misappropriating, misusing, disclosing, revealing, publishing, or failing to safeguard the security and confidentiality of the University's confidential, proprietary, private, and personal information such as that about its business, finances, faculty, staff, students and their parents/guardians, alumni, and donors.
13. Unauthorized use, misuse, or abuse of University resources and property. University resources must be reserved for business purposes on behalf of the University. They may not be used for personal gain, or for commercial, political, or other improper purposes. University resources may not be used for personal use except in a manner that is incidental and reasonable in light of the staff member's duties. University resources include, but are not limited to, University systems, such as telephone systems, data communication and networking services, computers and internet access; the domain for electronic

- communication forums; University equipment; procurement tools such as purchasing cards and petty cash; mail service; University property and supplies; and work time and the time and effort of other staff, students, and others at the University.
14. Smoking, using smokeless tobacco, or vaping on campus including University owned vehicles.
 15. Sleeping while on duty.
 16. Failure or refusal to cooperate in or interference with University disciplinary proceedings and investigations, including but not limited to destroying or concealing evidence, providing false or misleading information, intimidating witnesses, or influencing a witness to withhold information or provide false information
 17. Violation of the [Conflicts of Interest Policy](#).
 18. Violation of the [Alcohol, Drugs and Controlled Substances Policy](#).
 19. Unauthorized use, possession, distribution or sale of alcohol or being under the influence of alcohol while on University premises, participating in University-sponsored activities, representing the University, or performing job duties. Refer to [Alcohol, Drugs and Controlled Substances Policy](#).
 20. Possession, distribution, sale or use, or being under the influence of, illegal drugs while on University premises, participating in University-sponsored activities, representing the University, or performing job duties. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, as well as drugs that are legally obtainable but used for illegal or unauthorized purposes.
 21. Providing alcoholic beverages to any student less than twenty-one (21) years of age.
 22. Violation of safety rules and policies.
 23. Failure to comply with all federal laws, state laws, agreements with third parties, and University policies and principles pertaining to the use, protection, and disclosure of various types of confidential, proprietary, and private information. Such policies apply even after the staff member's relationship with the institution ends. Refer to the following policies: [Personnel Records and Confidentiality](#); [Personal Information Security and Disposal](#); [Access to Student Information](#).
 24. Discrimination or harassment, against another community member, including but not limited to students, faculty, staff, administrators, and independent contractors on political grounds, or for reasons of race, religion, gender, sexual orientation, age, disability, and any other basis prohibited by state, federal, and/or local law, or for other arbitrary or personal reasons. Where actions are found to have occurred that violate this standard, the University will take prompt action to cease the offending conduct, prevent its recurrence and discipline those responsible. Refer to the University's [Policy Against Discrimination and Harassment](#).
 25. Sexual misconduct as outlined in the University's [Policy Against Discrimination and Harassment](#), and [Dating and Relationships](#). Sexual misconduct as outlined in the University's [Policy Against Discrimination and Harassment](#), [Dating and Relationships](#), or Title IX Grievance Procedures.
 26. Disruption or obstruction of lawful institutional activities and functions.
 27. Threats, intimidation, physical contact, physical abuse, harassment, coercion and any other conduct which threatens or endangers the health or safety of any person.
 28. Possession or use on the University premises of any weapon (e.g. firearms and knives), dangerous instruments, explosive devices, fireworks, or dangerous chemicals.
 29. Theft, abuse, and/or misuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change contents, or for any other purpose.

- b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.
 - d. Use of computing facilities and resources to interfere with the work of a student, faculty member or University official.
 - e. Use of computing facilities and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the University [Computer Use Policy](#), [Social Media Policy](#), or [Network Fair Usage Policy](#).
30. Violations of any published University policies.
 31. Intentionally misrepresenting personal views as the position of the institution.
 32. Conviction of criminal acts which demonstrate unfitness as a staff member, including but not limited to crimes of moral turpitude.
 33. Failure to abide by all rules and laws governing the use of copyrighted materials, patented ideas, licenses, and proprietary information. Staff must refrain from any activity that constitutes infringement of individual or University intellectual property and properly attribute the ideas and work of others.
 34. Improper documentation, destruction, or making false statements, alterations, deletions or omissions on University forms, records or reports including but not limited to time records, educational records, and employment records.
 35. Violation of [Whistleblower Policy](#).

Revised March 2011
Revised November 2018

7.4 Conflicts of Interest

Each employee owes a duty of loyalty to the University to act in such a manner as to uphold and further the interest and reputation of the University. A “conflict of interest” occurs when your personal interest interferes, or appears to interfere, with the interest of the University. A conflict of interest may arise, for example, when you take or fail to take action or have an interest that may make it difficult for you to perform your job at the University. A conflict of interest may also arise when you, or your immediate family member, receive a personal benefit that is intended to influence your judgment in connection with University business. Such a conflict frequently arises when you or your immediate family member have a financial or other interest with students, parents, donors, alumni, friends, trustees, clients, consultants, vendors or other persons or companies dealing with the University.

Members of the University will manage their personal and business affairs in such a manner to 1) avoid bringing discredit to the University, and 2) avoid a conflict, or even the appearance of a conflict, between self-interest (or the self-interest of an immediate family member) and the interest of the University.

The following is a non-exclusive listing of some key areas that may give rise to a conflict of interest under certain circumstances:

A. Gifts and Entertainment

In general, no employee may accept or receive any gift or other thing of value (including entertainment) from students, parents, donors, alumni, friends, trustees, clients, consultants, vendors or other persons or companies connected to the University except as permitted by this section of the Code. You may never (1) solicit for yourself or for a third party anything of value from anyone in return for any business or service from the University or confidential information about the University, or (2) accept anything of value under circumstances where it would appear to others that your business judgment has been compromised (i.e., creating a conflict or apparent conflict of interest).

Employees may never accept anything of value from students, parents, donors, alumni, friends, trustees, clients, consultants, vendors or other persons or companies connected to the University if corrupt or criminal intent is involved. In this regard, it is a violation for an employee or agent of the University to accept or agree to receive, directly or indirectly, gifts or fees (such as, special discounts, free services, or other payments or concessions) from any person offered as influence or as a reward either before, after, or in connection with any business or other transaction with the University.

1. Accepting Permissible Gifts (Excluding Hospitality or Entertainment)

Within the above guidelines, you may accept gifts from students, parents, donors, alumni, friends, trustees, clients, consultants, vendors or other persons or companies connected to the University if they are non-cash items of nominal value, so long as they do not accumulate to more than \$200 per giver per year. Gifts of greater than this nominal value must be politely declined, unless the gift is from a personal friend for whom you are also the University's representative, you must disclose the gift to your manager and receive approval.

2. Giving Permissible Gifts (Excluding Hospitality or Entertainment)

Excluding University-sponsored events, the same guidelines applicable to accepting permissible gifts above apply to you giving gifts to students, parents, donors, alumni, friends, trustees, clients, consultants, vendors or other persons or companies connected to the University. If the giving of a gift could be seen by others as engaging in improper or illegal dealings with students, parents, donors, alumni, friends, trustees, clients, consultants, vendors or other persons or companies connected to the University, you must not give the gift. Gifts between employees, when appropriate, should be reasonable and must not otherwise adversely impact working or managerial relationships.

3. Hospitality or Entertainment

Offers of hospitality or entertainment by students, parents, donors, alumni, friends, trustees, clients, consultants, vendors or other persons or companies connected to the University, such as occasional meals, sporting events or concerts, may be accepted by an employee only under the following circumstances: (1) you may not solicit the offer of hospitality or entertainment and (2) the event must be reasonable and customary, and not lavish or unusual.

In evaluating the appropriateness of offers of hospitality or entertainment, you should consider the status of the relationship and whether a reciprocal offer could be made to the students, parents, donors, alumni, friends, trustees, clients, consultants, vendors or other persons or companies connected to the University within your granted authority at the University. Questions concerning

the appropriateness of offers of hospitality and entertainment should be discussed, whenever possible, in advance with your supervisor.

B. Participation in Civic and Charitable Organizations

The University encourages its members to be civic and charitable minded and to support, through leadership roles and other participation, worthy organizations to help improve the communities in which we live and work. However, members of the University are careful to avoid any outside interest or activity, whether non-profit, religious, civic or charitable in nature, that may (1) materially encroach on the time or attention required for them to effectively perform their duties and responsibilities to High Point University, (2) adversely affect the quality of their work at High Point University, (3) adversely affect the reputation of High Point University, or (4) otherwise pose a conflict of interest or create the appearance of a conflict of interest

Revised January 27, 2011
Revised November 2018

7.5 Whistleblower Policy

It is the responsibility of all directors, officers and employees to comply with the Code of Ethics and Conduct and to report violations or suspected violations in accordance with this Whistleblower Policy. Employees and others are encouraged to raise serious concerns within the University prior to seeking outside resolution.

No one who in good faith reports a violation of the Code shall suffer harassment, retaliation, or adverse employment consequences. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

In most cases, an employee's supervisor is in the best position to address an area of concern. However, if the employee is not comfortable speaking with his or her supervisor, or the employee is not satisfied with the supervisor's response, the employee is encouraged to speak with the Director of Human Resources, anyone in management whom the employee is comfortable in approaching, or the University's Compliance Officer (Senior Vice President for Business Affairs). Supervisors and managers are required to report suspected violations of the Code of Conduct to the University's Compliance Officer, who has specific and exclusive responsibility to investigate all reported violations.

The University's Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations of the Code, and, at his or her discretion, shall advise the President and/or the Finance and Audit Committee. The Compliance Officer has direct access to the Finance and Audit Committee of the Board of Directors and is required to report to the committee at least annually on compliance activity. The University's Compliance Officer is the chair of the Finance and Audit Committee.

The Finance and Audit Committee of the Board of Directors shall address all reported concerns or complaints regarding University accounting practices, internal controls or auditing. The Compliance Officer shall immediately notify the committee of any such complaint and work with the committee until the matter is resolved.

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the code. Any allegations that prove not be substantial and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Violations or suspected violations may be submitted on a confidential basis by the complainant of may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

Reviewed and adopted December 2007
Revised November 2018

7.6 Conduct and Work Performance

Employee conduct and work performance should support and promote University and department goals. Employees who exhibit inappropriate conduct or unsatisfactory work performance are subject to appropriate disciplinary action.

Inappropriate conduct is behavior for which no reasonable person would expect to be forewarned that such behavior is wrong and subject to severe penalty. Examples include, but are not limited to, failure to follow University policies, insubordination (willfully refusing to carry out a reasonable work assignment), stealing University or personal property, fighting, or involvement with illegal drugs. Inappropriate conduct includes activities both on and off the job that may affect an employee's ability to perform duties according to the expected standards. [Refer to Staff Code of Ethics and Conduct.](#)

Unsatisfactory work performance includes lack of quality, quantity, or timeliness in work assignments, and irregular and inconsistent attendance.

Reviewed and adopted December 2007
Revised November 2018

7.7 Attendance Policy and Timeliness Policy

Employee attendance and timeliness is essential to the operating efficiency of the University. Dependability is a key performance factor and demonstrates dedication to the institution and its effectiveness. Except where otherwise specifically authorized, staff employees are scheduled to work from 8:00 am to 5:00 pm or 8:30 a.m. to 5:30 pm for a 40-hour week. **Accordingly, employees are expected to arrive at their assigned workstation and be prepared to start work promptly at 8:00 AM.** Repeated absences and/or tardiness may lead to disciplinary action up to and including termination. The University recognizes that employees may need to be absent from work for scheduled vacation or for illness/personal reasons. Please see **Section 8.3 Vacation or Section 8.4 Sick/Personal Leave** for policy details.

The employee is responsible for maintaining an acceptable attendance record by using the paid and unpaid leave provided by the University to cover any absences and for notifying supervision of an

absence before the scheduled workday begins. It is the employee's responsibility to keep the University informed on a daily basis during a short-term absence and to provide medical verification when asked to do so.

The University does not support flexible work schedules. If an employee needs to be out of work, the appropriate paid time off leave should be used to cover the absence. Employees may not choose to work from home in lieu of using paid time off.

Reviewed January 2022

Tardiness

Being late or absent is considered "excused" only when the employee calls ahead of time and the tardy or absence is for a compelling reason. The University reserves the right, at its sole discretion, to determine what constitutes a compelling reason. Being late or absent for a non-compelling reason and failing to call in according to University policy, will be considered as "unexcused".

Unpaid Absences

When an employee is absent from work and does not have the appropriate amount of vacation or sick/personal leave to cover the absence, the employee will not be paid for the absence. Supervision will make the determination as to whether the reason for the unpaid absence is excused or unexcused and will counsel the employee to ensure the employee understands the importance of maintaining an acceptable attendance record.

No-Word Absences

- **First No-Word Absence**
Failure to notify supervision of an unscheduled absence prior to or during the scheduled workday will be considered a no-word absence. One no-word absence will result in a final warning and the absence will be paid as vacation or sick/personal leave as appropriate.
- **Second or Consecutive No-Word Absence**
A second no-word absence within 12 months of the first no-word absence is grounds for termination of employment. Consecutive workdays of no-word absences are grounds for termination without warning. The second and any consecutive workday no-word absence will be unpaid.

Unexcused Absences

Employees who are repeatedly tardy or absent for unexcused reasons will be subject to disciplinary action, up to and including termination of employment.

Continuous Absence of Six Months

Any employee who is absent from work for a continuous period of six months will be terminated from employment, regardless of the reason for the absence. An employee must return to work for a period of 60 full working days to interrupt the continuous six-month period.

7.75 Dean's Administrative Work Schedule

Once academic employees (i.e., faculty) accept the post and responsibilities of Dean or any other staff position, they are expected to follow the twelve-month administrative work schedule rather than the faculty academic work schedule. Administrative offices, with few exceptions, operate on an 8:30 AM to 5:00 PM schedule and their staffs are required to be available on campus during that time, unless they are expressly assigned elsewhere.

Revised November 2018

7.8 Dress Code

Employee appearance reflects not only on employees as individuals but on the University as well. All employees are expected to take pride in their appearance and strive to achieve a positive business-like image when representing the University.

Employees are expected to wear clothing appropriate to their jobs. If management considers the clothing an employee is wearing to be inappropriate, the individual concerned may be warned or sent home to change.

Reviewed and adopted December 2007
Revised November 2018

7.9 Disciplinary/Corrective Action Policy

The overriding philosophy of High Point University is that of being a high-performance culture. It is the University's policy to reward tenacious, accountable, and results-oriented employees who are fully engaged in their work. However, to meet our objective of being an extraordinary University in an increasingly competitive environment, it is imperative that corrective action is administered promptly, though not in haste, and in a fair, uniform manner whenever an employee, who has completed the 90-day orientation period, is:

- 7.9.1 Not performing or meeting their job accountabilities
- 7.9.2 Exhibiting poor performance or undesirable behavior
- 7.9.3 Acting in a manner that is contrary to our University values
- 7.9.4 In violation of any form of University policy or rule

With the basic belief that employees are trustworthy, want to perform well, and will perform as productive employees when treated with respect, the University approaches employee discipline from a constructive perspective. The primary purpose of corrective action is to help an employee:

1. Improve job performance and/or behavior
2. Protect the interests of other employees and the interests of the University; and
3. Improve working relationships with other employees

It is the responsibility of management to ensure that employee discipline is administered consistently and impartially in appropriate circumstances. Management should ensure that corrective action taken is commensurate with the disciplinary problem and that the action is taken in a private, calm, and dignified manner. Every Supervisor must make sure that each employee

understands job accountabilities and management's expectations for the position. Supervisors must communicate regularly, routinely, and effectively with employees about performance and behavior. While Supervisors are expected to seek input from the Office of Human Resources, the responsibility for dealing promptly with performance or behavior problems is the Supervisor's.

It is the responsibility of every employee to ensure that he or she understands his or her assigned job accountabilities; to follow University rules and established standards of conduct; and to ensure that personal conduct and behavior do not jeopardize his or her own job performance or interfere with or disrupt the job performance of other employees. While University policy focuses on coaching and improving employee performance or behavior, poor performance, and/or behavior will not be tolerated. It is University policy to aggressively pursue situations involving employees who are not performing up to the standards that have been set or not acting in a manner that is consistent with University values.

High Point University has adopted and published grievance procedures that provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX and part 106 of title 34 of the Code of Federal Regulations. All potential violations of the University's Title IX Policy and Grievance Procedures shall be addressed according to the grievance process outlined in Section 2.1, Title IX Policy and Grievance Procedures.

Progressive Corrective Action

Due to the broad and varying nature of undesirable behavior, misconduct, or performance problems, it is not possible to specify the corrective action step appropriate for each type of behavior. When corrective action is necessary, it is the responsibility of management in consultation with the Office of Human Resources, to determine on a case-by-case basis which of the following corrective action steps is appropriate based on the particular facts and circumstances involved. The University reserves the right to omit or repeat the steps listed below if it determines such action is appropriate in a particular situation. Some improper behavior may justify immediate final warning or discharge. The fact that a progressive corrective action system is utilized by the University neither requires the use of prior corrective action before the discharge nor alters the fact that employment with the University is "at-will" and can be terminated at any time and for any reason not specifically prohibited by law by either the University or the employee. The corrective action will remain in effect for 12 months from the date of the corrective action.

7.9.5 Written Counseling – With Formal Documentation

This is the most frequently used corrective action step for a minor infraction or when performance, behavior or attendance problems first become evident to the Supervisor. It is a counseling session that is documented and signed by the Supervisor and employee and placed in the employee's personnel file.

7.9.6 Written Reprimand

If a performance, behavior or attendance problem continues after the employee has been counseled, the Supervisor should document the employee's deficiencies and supervision's suggestions for ways to improve. The Written Reprimand should state that the employee is expected to maintain and sustain a satisfactory level of performance, behavior, or

attendance, whichever deficiency is being documented. It should also include statement that if there is a further demonstration of the deficiency, further corrective action will be taken. The contents of the Written Reprimand is discussed with the employee and signed by the Supervisor and employee; however, the employee's signature is not mandatory. If the employee does not sign, the Supervisor should note that it was reviewed with the employee and the employee refused to sign and then placed in the employee's personnel file.

7.9.7 Final Written Reprimand

If the unsatisfactory performance, behavior or attendance continues after a written reprimand has been issued, the employee shall be given a Final Written Reprimand. This form of corrective action is designed to give the employee a final chance to correct the problem. The employee should be told that failure to correct the problem will result in further disciplinary action up to and including termination. Like the written reprimand, the Final Written Reprimand should be prepared, discussed with the employee, signed by the Supervisor and employee; however, the employee's signature is not mandatory. If the employee does not sign, the Supervisor should note that it was reviewed with the employee and the employee refused to sign and then placed in the employee's personnel file.

Employees receiving a final written reprimand will be ineligible for wage or salary increases, promotions, or transfers for a period of one year from the date the final written reprimand is issued, unless the terms of a specific policy state otherwise.

7.9.8 Termination

There will be occasions when termination from the University may be necessary in situations when an unsatisfactory performance, behavior or attendance problem persists despite previous corrective actions or due to a serious University policy violation. When this occurs, and before the employee is informed of termination, the Supervisor will immediately contact the Office of Human Resources for further counsel on appropriate action that should be taken. Appropriate action may mean suspension for a definite time pending further investigation, or it may mean that immediate termination of employment is indicated. If the decision is to terminate the employment, the Supervisor will prepare a termination report in consultation with the Office of Human Resources, sign it, review it with the employee, and request that the employee sign it. Employee's signature is not mandatory. This document will be placed in the employee's personnel file.

Revised May 2015
Revised November 2018

7.10 Staff Grievance Procedure

The University is committed to fair and equitable treatment for all employees; therefore, every regular full and part-time staff employee with a work-related complaint has the opportunity to present a grievance in accordance with the grievance procedures, free from reprisal. The following issues are not considered to be work-related complaints for purposes of this procedure: wages and salaries, classification actions, reduction in force, termination, and reorganization that does not result in loss of pay.

High Point University has adopted and published grievance procedures that provide for the prompt and equitable resolution of employee complaints alleging any action that would be prohibited by Title IX and part 106 of title 34 of the Code of Federal Regulations. All potential violations of the University's Title IX Grievance Process shall be addressed according to the grievance process outlined in *Section 2.1 Title IX Grievance Procedures*.

The grievance process consists of the following four steps:

Step 1 – Informal discussion of the grievance between the staff employee and the immediate supervisor. If the issue is not resolved by the supervisor, the employee should proceed to the next step.

Step 2 – Filing a formal written grievance for review by the Department Head.

Step 3 – Appeal to the Staff Grievance Committee, which is composed of the Vice President of Human Resources, Senior Vice President for Business Affairs, one staff member to be named by the University, and one staff member to be named by the employee if the employee so chooses.

Reviewed and adopted December 2007
Revised November 2018