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# Methodist University Employee Handbook February 2024



## Methodist University Mission Statement

**Preamble:** *Methodist University, historically supported by the North Carolina Conference of the United Methodist Church, owes its origin and values to the life and teachings of Jesus Christ. The University is committed to an ecumenical spirit, respects diversity, and recognizes the dignity and worth of all human beings. The University's programs are based on the conviction that a liberally educated person is sensitive to the needs and rights of others. Methodist University affirms the importance of intellectual values and ethical principles such as truth, virtue, justice, and love. The University community seeks to develop whole persons who will contribute substantially and creatively to the professions and to civic life. Therefore, Methodist University provides opportunities for spiritual, academic, and social growth, to the end that students may acquire enlightened minds and responsible spirits, as well as a continuing thirst for knowledge.*

**Purpose:** *The purpose of Methodist University is to provide an undergraduate and graduate education firmly grounded in the liberal arts tradition that nurtures moral values and ethical decision making; to provide distinctive professional and graduate programs that complement the undergraduate programs; to provide educational and cultural services and resources to the community; and to prepare students for a variety of careers and educational pursuits..*

## Equal Employment Opportunity Statement

*Methodist University is by policy and practices an equal opportunity employer. This fact applies to all types of employees, including students of the University.*

*Methodist University does not discriminate on the basis of age, race, gender, national or ethnic origin, religion, sexual orientation or disabilities for otherwise qualified persons in the administration of its admissions, educational policies, scholarships, loan programs, athletics, employment or any other university sponsored or advertised program.*

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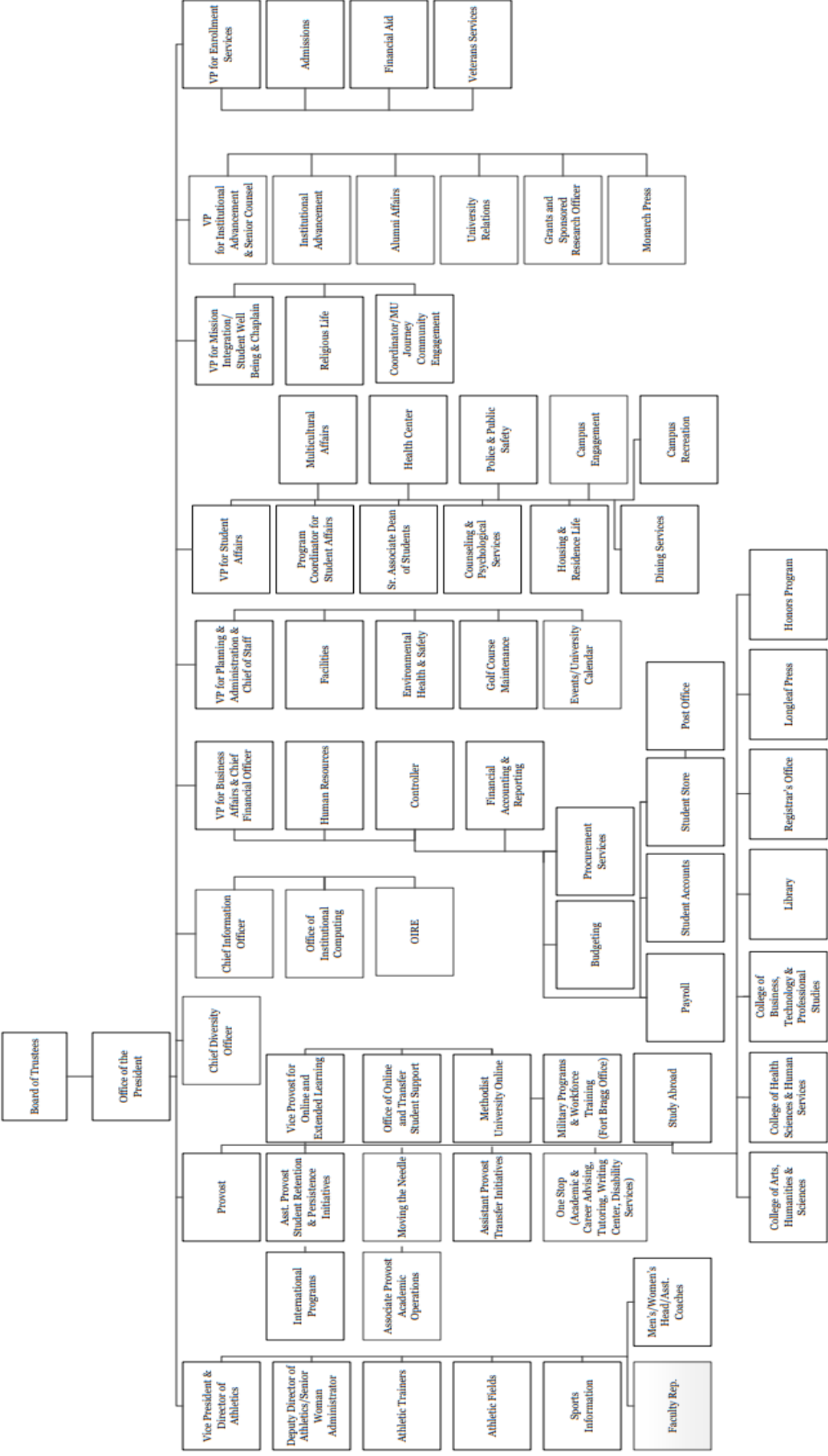
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TO:               Methodist University Employees  
FROM:           Dr. Stanley T. Wearden, President  
RE:               Policies and Procedures

Policies and procedures like those outlined in this manual make sure that we look out for the benefits of our employees and that we adhere to university policies as well as government regulations. They serve as guidelines for all of us and provide a resource to turn to should we have any questions.

Please take the time to review this information and offer suggestions for improvement, if needed. As a result, we can contribute to the implementation of policies and improve their effectiveness.

**MU Organizational Chart**  
**2022**





# 1.0 Introduction

The information provided in this handbook has been prepared to introduce you to the many aspects of your employment with Methodist University. By reading this handbook, you should become familiar with the policies and procedures of the University, the benefits provided to you by the University, and your responsibilities as a Methodist University employee. The University reserves the right to modify and/or expand this policy at any time.

This handbook was designed to be a reference material for you to use during your employment at Methodist University. We are aware that not every answer to every question can be contained within this handbook. Whenever you have further questions about a policy, procedure, benefit, or any other question regarding your employment, please call 910-630-7385/7255 or visit the Human Resources Office located in the Horner Administration Building.

We are pleased to be able to present you with this handbook as a demonstration of our concern and interest in each and every individual who works here. A capable and caring staff of individuals who work well together as a team is vital to the success of the University. We are proud to have these kinds of people employed at Methodist University.

## 1.1 Latest Changes

### Deletions

### Additions

### Updates

- Alcohol & Drug Free Campus/Policy on Consumption of Alcohol in Presence of Students: *updated as necessary per recent student alcohol policy changes.*
- Child Protection Policy
- Hiring Procedures
- Holiday Policy
- Inclement Weather
- Leave Policy
- Reduced Work Schedule Policy: *updates related to the new leave policy.*
- Ownership of Intellectual Property

## 1.2 Methodist University Policy Approval and Adoption Process

University-wide new policies or revisions to existing policies (with the exception of those that fall within the purview of the faculty) may be suggested by any individual, department, constituent group, or originate because of changes in laws or regulations. These policies should be sponsored and submitted for approval by the appropriate member of the Administrative Cabinet. The following would apply to adopting or revising policies

1. Policy origination – An individual or a department determines a need for a new policy or a revision to an existing policy.
2. Policy drafting – The individual or department makes a recommendation to the appropriate member of the Administrative Cabinet. The Cabinet member will review the request and if he/she believes that the new policy or revised policy may be needed, he/she will then agree to sponsor the policy and present it to the Cabinet for discussion.
3. Editing/refinement of policy drafts – The appropriate Cabinet member will prepare a draft of the policy or policy

revision and will review it with key stakeholders. Once the policy has been reviewed by the Cabinet member and key stakeholders, it will be presented for discussion to the Cabinet.

4. Policy approval – The Cabinet will determine the level of approvals needed for new policies and policy revisions, which may include review by Board of Trustees and the University’s legal counsel.
5. Policy communication/publication/dissemination – Once new campus-wide policies are approved, they must be communicated to all individuals who may be affected by the policy (See Policy Communications below).
6. The responsible office/department oversees the implementation of the policy and provides routine reviews and updates as needed.

#### **1.2.1 Other considerations regarding policy adoption**

- Verification from employees they have read the policy and agree to abide by it
- Enforcement and Consequences of non-compliance
- Training needed to implement new policies
- Annual Review of Policies (timetable to include submission of new policies, review of policies, deletion of obsolete policies)
- Risk Management Annual Report

#### **1.2.2 Policy Communications**

New or revised policies must be communicated to all individuals who will be affected by the policy including faculty, staff, students, alumni, members of the greater community, and vendors. All new policies should be communicated by email to all affected constituents and posted on the University website on the appropriate web page(s). Depending on the subject matter, policies may also be included in:

- Employee Handbook
- Faculty Manual
- Student Handbook
- Undergraduate Catalogue
- Graduate Catalogue
- Online Catalogue
- Department/Division/Program Handbooks
- Risk Management Annual Report
- Faculty and Staff newsletter

In all cases where a specific policy is published in more than one location (e.g., the University website, the Employee Handbook, and the Faculty Manual), the wording of that policy must be identical in all such cases. Consistency of wording must be checked as part of the Annual Review of Policies.

## 2.0 Definition of Personnel

It is the policy of the University to be an equal opportunity employer and to hire individuals solely upon the basis of their qualifications for the job to be filled. Unless otherwise provided in writing, employment with the University is considered to be at-will, so that either party may terminate the relationship at any time and for any lawful reason or no reason.

Methodist University reserves the right to authenticate academic and professional credentials and to consult public records prior to extending offers of employment.

### 2.1 Employee Classifications

**Full-time:** A position that is scheduled for 35 hours or more per week for a minimum of nine months of the year. An employee in such a position is entitled to participate in all benefit programs as eligibility requirements are met.

**Part-time:** A position that is scheduled for less than 20 hours per week or less than 999 hours a year. An employee in a part-time position is not eligible for the full benefit program offered by the University but may participate in the Supplemental Retirement Annuity program.

**Temporary:** Employment that is for a limited time or on an as-needed basis. An estimate of the length of employment is usually determined in advance and the employment offer is made on this basis. The University may use a temporary employment agency to fill these positions. An employee in a temporary assignment is not eligible to participate in any of the benefit programs.

***Note:*** Under no circumstances will either a part-time or temporary employee work over **999 hours** during any year of service. Your initial eligibility measuring period will be the 12-month period beginning with your hire date. If you do not satisfy the eligibility requirements during that first measuring period, eligibility will be calculated based on the Plan Year, which is the calendar year.

**Adjunct Faculty:** Faculty members not under contractual agreement with the President of the University and those teaching on a per-class basis are considered adjunct and/or part-time employees. Adjunct/part-time faculty members will not be eligible for the University benefits program.

***Note:*** Under no circumstances will an adjunct faculty member give over 999 hours of service during any “year of service” with the University. Your initial eligibility measuring period will be the 12-month period beginning with your hire date. If you do not satisfy the eligibility requirements during that first measuring period, eligibility will be calculated based on the Plan Year, which is the calendar year.

## 3.0 Employment Policies

### 3.1 Review Process for New and Vacant Positions

The University has adopted a strategic hiring review process for the purpose of controlling personnel and operating costs while encouraging the University community to evaluate and discover ways of operating even more efficiently.

This position review process is intended to ensure that only those positions deemed critical to the University's mission, strategic plan, and operations are given consideration for hire. This process will be followed for all new or vacant positions and applies to both faculty and staff positions.

The objectives of the process are to:

- (1) improve the alignment of recurring revenues with ongoing costs, while continuing to meet the needs of increasing/decreasing enrollment and strategic goals;
- (2) alert existing employees about career change opportunities within the University and recognize the career training and development efforts of existing employees;
- (3) consider filling vacant positions from the pool of existing employees where appropriate; and
- (4) reduce the cost of staffing and delivering educational services throughout the University community

All requests to fill vacant or new positions must be submitted through the departments Vice President. If the Vice President approves, they must submit the request to Human Resources who will bring the request to the compensation committee for review and approval. Members of the compensation committee are all familiar with University operations, its financial situation, and priorities of the strategic plan. Each decision made by the compensation committee is to be based on fairness, financial resources and a long-term view of the needs of the University as a whole.

### 3.2 Hiring Procedures

#### 1) Need for posting and filling a position:

- All position requests to post a job will require approval by the Vice President (VP) and the Chief Financial Officer (CFO).
- Types of position requests:
  - Replacement of position, no changes
  - New unbudgeted position (*requires a job description to be submitted*)
  - Existing budgeted position change (*requires a job description to be submitted*)
- Position request must be made through SmartSheet Request Form, found on the myMU Portal.
  - Request will be forwarded to the VP for approval, if approved, will be forwarded to CFO, if approved, will go to Human Resources (HR) to post.
  - Supervisor will be notified by HR whether it is approved or denied. If approved, HR will post the job (see "Posting the position" below for additional information) and the Hiring Guide will be sent.
  - If a position is being revised or is new, HR will complete a market review of the job and make a recommendation for pay band placement to the VP and the CFO. When the pay band placement is approved, HR will inform the supervisor of the pay band.

#### 2) Posting the position:

- The job description that was uploaded to SmartSheet by the supervisor, when the position was requested, will be posted by HR. Positions will automatically be posted on the MU Human Resources page and on Indeed. The supervisor must inform HR if they only want the position posted on the MU Human Resources web page.

- Supervisor will need to inform HR if there is anyone besides themselves, they want to have access to the applications in Paycom for the position.
- If Supervisor wants specific job-related questions to be asked as a standard on the application for all applicants, they must inform HR prior to posting.
- If Supervisor wants the job posted on a website outside of the MU Human Resources web page, they can do so, but a link to the posting on the MU website must be included in the posting. Postings outside of the MU Human Resources web page and Indeed will be a departmental charge. All applicants must apply through the MU website, in Paycom.

### **3) Reviewing the applicants:**

- Supervisor should determine the stages of their interview process and who they want involved in the process.
- The supervisor will review and choose applicants for interview.
  - Please refer to the Hiring Guide for sample interview questions and a sample list of inappropriate or illegal questions that cannot be asked.
- For faculty positions, search committees are formed and must follow all posted guidelines from the Provost for the faculty hiring process. These guidelines can be found on the myMU Portal under section Hiring and Onboarding.

### **4) Recommending a hire:**

- The Supervisor is responsible for checking the applicant's references. A minimum of two references must be completed and Supervisor must send HR a copy of the completed reference checks (sample template is provided in the Hiring Guide).
- The Supervisor must send their recommendation to hire the applicant and request for a background check to Human Resources.
  - The background check performed by HR is strictly a criminal record check. Backgrounds checks typically take 3-5 business days.
  - HR will inform the Supervisor once the background check comes back.
  - If adverse information is received on the background, HR will reach out to the applicant to obtain additional information and will discuss the adverse information with the Supervisor for consideration. Backgrounds with adverse information may require additional review and approval by the Chief of Staff/VP of Planning Administration.
- HR will provide a salary recommendation to the Supervisor for the applicant based on the pay band and the applicants experience, consistent with the University compensation practices.
  - Once HR and the Supervisor agree on an appropriate salary offer, the offer can be made.
  - HR will make all staff offers; Dean's will make all faculty offers.
  - For faculty offers, if a negotiation from the HR recommended salary is needed, Dean must consult with HR and Provost prior to offering the applicant a higher salary.
  - \*It is preferable the background check is complete and cleared prior to making a verbal offer of employment; however, if an offer is being made prior to the background being back and cleared, it must be clear in the verbal offer to the applicant that the offer is contingent upon a successful background check.
- Supervisor must communicate with HR any other factors needed to be discussed or offered to applicant. For example, will a relocation bonus be offered, do they need sponsorship, etc. Other items to be offered must be discussed and approved by HR and VP prior to offering it to the applicant.

### **5) Hiring an employee:**

- Once the applicant has accepted a verbal offer, a start date will be set, and the employment letter will be created.
  - HR will create and send all staff employment letters.
  - Dean's will create and send all faculty appointment letters. Deans must send the appointment letter to HR for review and approval before being sent to the new faculty member. Once the new faculty member accepts the offer, by signing the appointment

letter, Deans will send faculty appointment letters to HR for onboarding to be initiated.

- The Supervisor is responsible for notifying other applicants once the offer has been accepted. There is a way to send batch email notifications to those candidates not hired for the position. Standardized templates are available in Paycom for supervisors to use and instructions are included in the Hiring Guide.

#### **6) Onboarding an employee:**

- HR will begin the new hire onboarding process. HR will assign the new employee a new hire checklist in Paycom that must be completed before their start date.
- HR will submit an IT work order for Methodist email and myMU Portal credentials to be created. Log in credentials for these will be sent directly to the new hire.
  - All other items a new hire may need must be requested by the Supervisor. For example: equipment, access to certain systems or share drives, office assignment, keys, etc.
- New hire must come to the HR office to finalize their onboarding by providing their ID's in person for the I-9. This can be done prior to or on the start date, but no later than the third business day of employment.
  - During this appointment, HR will send the new hire to public safety to obtain their MU ID card and parking pass.
- Orientation (*Projected to Start Spring 2024*):
  - All part-time and full-time regular new hires will be required to attend a new hire orientation with Human Resources. Adjunct and part time athletics new hires are on temporary employment agreements for the semester or academic year, and are not required to attend orientation; however, they will be required to complete the new hire onboarding process as normal. Orientation is conducted every Monday from 8:30am – 10:30am.
  - For faculty hires in August, orientation will be either conducted sometime during the Provost's faculty orientation, or the Monday preceding or following faculty orientation.
  - Orientation will cover important topics that all new hires need to know, to include, but not limited to, benefits enrollment, Paycom instructions like how to clock in/out, how to submit leave, etc.
  - New hires in a supervisory role will stay longer than the standard new hire orientation where HR will review supervisory items such as important policies, how to approve time and leave in Paycom, employee counseling, etc.
  - New Hire Mentor Guide – Deliver the Gold: Supervisor is responsible to complete this guide with the new hire within the first week of work or assign the new hire a mentor for completion.

### **3.3 Verification of Employment**

All inquiries pertaining to employee and student employment verification at Methodist University should be directed to the Human Resources or Payroll offices. Methodist University policy is to verify dates of employment and position held only.

In regard to reference requests, Methodist University policy prohibits discussion of employees (both current and previous) or students of the University. It is especially noted that current employees should not make negative and uncomplimentary comments about former or current employees or students.

### **3.4 Position Change Procedures**

To recruit and retain employees of the highest quality, Methodist University provides equal

opportunities for the recruitment, professional growth, and advancement of all employees. This commitment must be thoughtfully and carefully balanced in awarding promotions and transfers.

Methodist University encourages employees to develop their careers within the University.

Promotions or transfers from within the university will

- enhance the individual growth and satisfaction of employees,
- fully utilize employee training and skills, and/or
- reduce turnover and conserve valuable skills.

### **3.4.1 Definitions**

Transfer: movement within the University from one position to another. A transfer may involve moving from one department to another.

*Demotion*: transfers involving an individual moving to a position of a lower pay band

*Lateral Move*: transfers involving an individual moving to a position of an equal pay band

*Promotion*: transfers involving an individual moving to a position of a higher pay band

### **3.4.2 General**

While an open position may constitute a promotion opportunity for an internal candidate in the department, the opening also may serve as a promotion opportunity for others on campus, or an opportunity to create a more balanced work force by recruiting a new hire.

Should a position open for which an employee is qualified and interested, they should apply through the online application system ([www.methodist.edu/positions-available](http://www.methodist.edu/positions-available)). Internal candidates may be given additional consideration, but hiring managers must make hiring and recruitment decisions in the best interest of the University. An internal transfer is not guaranteed simply by applying.

### **3.4.3 Approvals**

All approvals must be received before any recommended changes to Pay Band, position title, official job duties, or salary are communicated to the employee in any form.

Requests for approvals must be submitted in writing and include an updated position description (if applicable).

Approvals must begin with the employee's direct manager and follow the direct line of reporting until it reaches the Vice President of the department. Once the Vice President has approved, the request will be sent to the Human Resources Office. The Human Resources Office will coordinate with the Chief Financial Officer, Compensation Committee (if required) and University President (if required) to complete the request.

Any position change must be reviewed by the following offices before any changes are communicated to the employee:

- Human Resources Office for policy, procedure, and HR regulations review
- Chief Financial Officer for budgetary review
- President's office for executive and final approval (for salary positions only)

Changes that result in (1) the creation of new positions with new position descriptions or (2) updated position descriptions for current positions will also need to be reviewed and approved by the Compensation Committee.

### **3.4.4 Demotions**

Demotions may be approved in three instances:

- When a pay band audit shows the position has been mis-banded (no loss of employee salary will occur as a result of this change).
- When a record of employee performance clearly shows that he or she is not suited for his or her current level of work, but there is a need or opening at a lower level of work for which the employee is qualified and for which he or she is more suited.
- When an employee voluntarily moves from one position to another at a lower pay band.

### **3.4.5 Lateral Moves**

Lateral moves occur when:

- A staff employee moves from one position to another in the same pay band
- A review of a staff employee's new position description shows no increase or decrease in pay band

### **3.4.6 Promotions**

Promotions are given to fulfill a University need. They can occur in four instances:

- When a pay band audit shows the position has been mis-banded (may result in a pay increase)
- When a staff employee's position duties have changed to the point that a new position description is necessary and a change in pay and pay band should be considered
- When a position at a higher level opens up for recruitment where a staff member is qualified
- When the need for the staff member's current level of work (as defined in their position description) no longer exists, but the staff member is qualified to fill a higher level of work for which there is a need.
- When annual faculty tenure and promotion reviews occur, refer to faculty manual for detail

Promotions are not granted solely based on merit if there is no University need for the position to which an employee would be promoted.

## **3.5 Reduced Work Schedules for Staff**

There are some employment positions within the University that lend themselves to less than a 40-hour work week, less than a 12 month schedule, or other reduced work schedules during certain periods of the year. Employees in such positions may spend some month(s) in the summers with their families or work less than 40 hours each week during the full year.

### **3.5.1 Options for Reduced Work Schedule**

A reduced work schedule can be:

- Reduced work day: the hours the employee works during the day are less than 8 hours
- Reduced work week: the days the employee works during the workweek (Sunday-Saturday) are less than 5 days
- Reduced annual schedule: the months the employee works during the year are less than 12 months (must be reduced by one pay period for salaried employees or two pay periods for hourly employees)

Current Options for reduced work schedules include:

- 11 month work schedule
- 35 hour workweek (7 hour days)

An employee must be scheduled 35 or more hours per week for a minimum of nine months of the year to meet eligibility requirements and participate in all benefit programs.



***Human Resources reserves the right to require that a reduced work schedule arrangement be modified to assure a non-exempt member of staff earns at least minimum wage for each work hour during the fiscal year, and an exempt staff member earns at least \$684 during any week in which any work is performed (\$35,568 annually).***

### 3.5.2 Pay

Hourly employees whose position has a reduction in working hours will be paid for the hours worked as recorded in the Paycom system. Overtime pay rates remain payable only after actual hours worked exceed 40 hours in a seven day pay period (see the Overtime Policy). Salaried employees who work more than their elected hours per week are not entitled to any additional compensation for time worked.

If hourly employees' positions are reduced by pay periods, they should note that their scheduled deductions must be paid directly by the employee to the University during those pay periods during which the hourly employee will be unpaid. This includes deductions for benefits. Unpaid voluntary deductions will be withheld from the next paycheck an employee receives if necessary.

### 3.5.3 Other Affected Areas

#### 3.5.3.1 Retirement Plan Contributions, Life Insurance, and Long Term Disability Insurance

Retirement plan contributions, Life Insurance, and Long Term Disability Insurance are based on actual earnings. Such contributions will be calculated in proportion to the reduced earnings.

#### 3.5.3.2 Paid Time Off Accruals (PTO)

11 Month Employees					35 Hour Employees				
Years of Service	Exempt (Salaried)				Years of Service	Non-exempt (Hourly)			
	Annual Days	Hours earned per pay period	Annual Hours	Maximum accrual in days/hours		Annual Days	Hours earned per pay period	Annual Hours	Maximum accrual in days/hours
Less than 5	18.33	12.21	146.58	40 days/320 hours	Less than 5	16.81	5.38	139.88	40 days/320 hours
5 or more, less than 15	22.00	14.63	175.89	48 days/384 hours	5 or more, less than 15	20.17	6.46	167.96	48 days/384 hours
15 or more	23.83	15.84	190.67	52 days/436 hours	15 or more	21.85	7.00	182.00	52 days/436 hours

### 3.5.4 Scheduling leave

No type of paid leave can be scheduled or used during the scheduled unworked period of an employee's reduced work schedule. For example, if an employee works an 11-month schedule, employee may not schedule any paid leave for the month during which they will not be working. If an employee elects a 7-hour workday, employee may only schedule 7 hours of paid leave per day.

### 3.5.5 Benefits Privileges

Full-time individuals who are eligible for and participating in the group insurance plans will remain eligible for benefits selected for that year. Annual insurance premiums for benefit-related costs will remain the same as they were prior to the election of a voluntary reduced work schedule.

Hourly and salaried staff on a reduced schedule are responsible for payment (to the University) of their insurance premiums associated with their benefits. When an unpaid leave is scheduled in advance premiums may be withheld from pay received prior to the unpaid leave period. If premium amounts are not taken prior to an employee's unpaid leave period then the employee will be required to pay their portion of premiums missed during their absence. Should an employee fail to pay their insurance premiums during their unworked pay period, the premium amount that is owed will be taken from their next paycheck or deducted from their PTO payout should the employee not return.

### **3.5.6 Holidays & Inclement Weather**

Employees on a reduced work schedule follow all policies and procedures as listed in the Holidays, Holiday Worked and Inclement Weather Reporting and Pay Policy.

### **3.5.7 Voluntary Reduction in Work Schedules**

The Voluntary Reduction in Work Schedule program will permit qualifying full-time staff members to request a documented, permanent reduction in working hours/working pay periods and corresponding pay, subject to the approval of their supervisors, Vice-Presidents, and the University President.

#### ***3.5.7.1 Procedures to Apply***

Employees interested in taking part in the Voluntary Reduction in Work Schedule program must complete the Voluntary Reduction in Work Schedule application form available on the MU Portal. This form must be signed by the employee and approved by the appropriate supervisor, managers, Vice President, and University President.

The Vice President will submit the form to Payroll and Human Resources, who will review the application for Department of Labor compliance and other considerations. Once Payroll and Human Resources has evaluated the application, it will be sent to the University President for final approval. Human Resources will notify the employees, supervisor, and Vice President when the application has been approved. Approval of participation in the program will be based on each area's workload and schedule throughout the year and is contingent upon the employee being able to perform his/her job duties in a thoroughly satisfactory manner. The needs of the department and "customers" (students, prospective students, parents, colleagues, alumni, prospective donors, etc.) must continue to be met. Additionally, a schedule rearrangement may not negatively impact the ability of the employee's colleagues to perform their job duties effectively. Not all areas will be able to participate in this program as some offices maintain full operations year-round. The decision regarding the availability of a reduced work schedule in a given area rests with the Supervisor, Manager, and Vice President of that area. Ultimately, approval will be in the University's sole and absolute discretion.

#### ***3.5.7.2 Supervisor Considerations***

This is not a flex-time policy where work hours are shifted. These permanent reductions will create permanent salary savings that will support a balanced budget for the University.

Consideration must be given to all requesting employees but determination of eligibility must be in conjunction with the needs of the office, other employees, and the University. Employee applications may be considered on a first come, first serve basis when considering office coverage. Other considerations include employee seniority, employee work performance, specific employee

responsibilities, and employee reliability.

Individuals should not be permitted to reduce time to the point where other employees are not permitted to participate, or where the use of PTO for others in the department is difficult to approve.

No stipends or reclassifications will be approved because of work reductions. Departments should not approve overtime pay for nonexempt staff to compensate for voluntary reduced work hours.

#### **3.5.7.3 Denials**

If the request to participate in the Voluntary Reduction Program is denied, an employee has the right to request a written statement of the reason for denial. Such written statement must be provided within five working days of the request by the supervisor or vice president/dean who disapproved the agreement application.

The University reserves the right to cancel or change the Voluntary Reduction of Work Schedule of any employee based on the University's need, or to alter the employment schedule for new or replacement positions.

#### **3.5.8 Employment on an At-Will Basis**

Any change or modification pursuant to this program shall not create any contract for employment or employment for term. Consequently, your employment has been and shall remain on an AT-WILL basis. This is a change in the expectations of employment for any approved position and is a voluntary addendum to the employee's current job description. The University, in its sole and absolute discretion, may cancel or change any approved agreement based on University needs.

#### **3.5.9 No Right to Unemployment Compensation/Benefits**

By participating in this program and voluntarily requesting and agreeing to any approved alternative employment options, the employee agrees and understands that he/she shall have no right to claim and shall not claim unemployment compensation for any voluntary reduction in work schedule during the tenure of said employee's AT-WILL employment. Furthermore, to the extent applicable, and subject to the continuing AT-WILL employment relationship and the University's absolute right, in its sole and absolute discretion, to cancel or modify any reduction in work schedule or otherwise terminate or modify employee's AT-WILL employment, applicable employees shall have reasonable assurance of the availability of a return position at the conclusion of any academic year recess.

NOTWITHSTANDING ANYTHING ELSE HEREIN TO THE CONTRARY, NOTHING HEREIN SHALL ABROGATE THE AT-WILL EMPLOYMENT RELATIONSHIP OR OTHERWISE AFFECT THE RIGHT OF EITHER THE UNIVERSITY OR ANY APPROVED EMPLOYEE TO TERMINATE SAID EMPLOYMENT RELATIONSHIP AT ANY TIME, UNLESS THESE RIGHTS HAVE ALREADY BEEN MODIFIED BY THE GRANT OF TENURE OR THE ENTERING INTO OF A WRITTEN CONTRACT FOR EMPLOYMENT.

### **3.6 Staff Teaching and Other Secondary Employment Policy and Procedures**

#### **3.6.1 Purpose**

The purpose of this policy is to outline the university's position regarding additional employment for University Staff teaching courses or engaging in additional employment unrelated to their primary position at Methodist University. Teaching classes refers to any paid employment within the university where the primary focus is teaching undergraduate or graduate day or evening classes outside the normal responsibilities of the employee's salaried University position.

Other employment refers to any other secondary employment for which an employee receives additional compensation from the University and can include but is not limited to: camps,

chaperoning, workshops or study abroad trips.

This policy provides guidelines for staff who do not teach classes as part of the normal responsibilities of his or her full-time job. Individuals teaching classes as part of the normal position, such as staff who are responsible for teaching laboratory classes as part of their full-time position, would not fall under these guidelines. In addition, the Staff Teaching portion of this policy only applies to staff who have full responsibility for teaching a class; occasional lectures or short presentations are not covered under this policy.

### **3.6.2 Policy**

#### **3.6.2.1 Staff Teaching**

In general, exempt Staff may teach at Methodist University under certain circumstances. When an exempt staff member is selected to teach, the department chair of the department responsible for the course must submit an Exempt Staff Adjunct Faculty Assignment Approval Form to the Provost and the exempt employee's direct supervisor and department Vice-President to request approval for the staff member to teach during his or her regularly scheduled work hours or any hours that may conflict with the staff member's primary duties. The department chair's request must include the circumstances that make it impossible to fill the position with another qualified individual or state why it is preferable to have a member of staff as an instructor. Approved assignments must be forwarded to the Office of Human Resources for final approval.

With an approved request, academic departments may employ full-time staff to teach. Staff members are limited to no more than one course load at a time. The employee must meet the criteria established for adjunct faculty as detailed in the Faculty Handbook. Should any academic department require the employment of a member of staff to teach more than one course per semester, the staff member's request will be evaluated based on the requirements of his or her primary position, the demands of the additional teaching requests, and his or her performance (particularly in timeliness and productiveness) in fulfilling the duties of his or her primary position. Should it be determined the primary duties of the staff member's position do not require a full-time work presence and that a staff member is able to assume the responsibilities of multiple class course loads at a time without having to flex his or her work schedule, the employee's status as a full-time employee may be reevaluated or his or her primary duties may be adjusted or increased without additional compensation to meet departmental needs.

Only exempt staff (salaried employees) may teach at Methodist University. Although the University recognizes that some non-exempt staff (hourly employees) may also qualify for adjunct faculty teaching, non-exempt staff (hourly employees) will not be appointed as adjunct or substitute faculty due to regulations of the Fair Labor Standards Act. Specifically, an employee who performs non-exempt work as his or her primary duties must be paid overtime for all hours worked over 40 in a given work week (Sunday through Saturday). Compensation for adjunct teaching for non-exempt employees is not in alignment with the University's adjunct faculty salary schedule, which represents equitable compensation. Therefore, the only teaching permitted by a non-exempt employee is teaching that is included as a part of his or her normal job responsibilities.

##### **3.6.2.1.1 Procedures**

The following procedures were developed to provide guidelines for staff teaching classes at the university:

1. The requesting academic department chair should initiate a request through completion of

the [Staff Teaching Form - Updated 7-2021.pdf \(methodist.edu\)](#) to the exempt employee's direct supervisor and department Vice-President to request approval for the staff member to teach during his or her regularly scheduled work hours or during any time which may impact the staff member's primary duties. The request should include the time the course will be taught and information regarding the qualifications required for adjunct faculty status and the circumstances that make it impossible to fill the position with another qualified individual or state why it is preferable to have a member of staff as an instructor. If the teaching assignment is approved, the employee and his or her supervisor should meet to arrange mutually acceptable work schedules.

2. Staff members who teach are limited to no more than one class course load at a time, unless an additional exception is approved. Courses and course-related activities (including, but not limited to all preparation, grading, advising, and other work associated with the course) must be conducted outside of the staff member's regular work hours and during time that does not conflict with the staff member's primary duties. If a staff member teaches or otherwise works on class requirements during normal work hours and does not take leave or flex his or her work schedule to accommodate the additional work, he or she will not receive additional compensation for teaching.
3. As a general rule, class meeting times should be outside the normal working hours of the primary position. If an exception to this standard has been approved and class meeting times occur during the normal work schedule of the primary position, staff employees must use applicable leave with supervisor approval or work extra hours to make up the time (if possible – See the Flex Scheduling Program). Staff members who teach a class course load are requested to submit a record of how they flexed their schedules to meet the requirements of their primary position to their primary supervisor and departmental vice-president. Supervisors must have this information available to submit to Payroll upon request.
4. The employee's department vice president must review and approve/disapprove the request. Approval to teach is at the discretion of the employee's supervisor and Department Vice President. It may not be practical or appropriate for some positions or departments to approve additional teaching duties. Once approval is granted, the employee is responsible for ensuring satisfactory performance in the primary position. The adjunct teaching job is not considered part of the primary position and, therefore, will not be considered part of the staff performance evaluation process.
5. Compensation for teaching classes will be negotiated between the department in which the employee is teaching and the employee teaching the class based on the rate paid by the department for other adjunct faculty with similar experience/qualifications for the same or similar course. If adjunct faculty rates have been established, the department should provide these rates to the employee. A signed employment agreement for this work must be received by the Payroll Department prior to any work being performed in this capacity. If a staff member teaches or otherwise works on class requirements during normal work hours and does not take leave or flex his or her work schedule to accommodate the additional work, he or she will not receive additional compensation for teaching.

#### *3.6.2.2 Other Non-Teaching Additional Employment with the University*

Additional employment outside of the employee's primary position for which an employee receives additional compensation from the University can include but is not limited to: camps, chaperoning, workshops, guest lectures and short presentations, or study abroad trips.

1. The employee's department vice president must review and approve/disapprove the request to work additional employment. Requests for non-exempt (hourly) employees who wish to engage in [non-teaching additional employment](#) with the University must have their request approved by the Human Resources Department to ensure compliance with the Fair Labor Standards Act (FLSA) prior to any additional work being started.
2. Once approval is granted, the employee is responsible for ensuring satisfactory performance in his or her primary position. The additional employment is not considered part of the primary position and, therefore, will not be considered part of the staff performance evaluation process.
3. As a general rule, any additional employment for which the employee is receiving additional compensation from the University should be outside the normal working hours of the employee's primary position and during times which do not conflict with the employee's primary position. If the additional employment occurs during the normal work schedule of the primary position:
  - a. Exempt staff (salaried employees) must use applicable leave with supervisor approval or work additional hours to make up the time (if possible – see the Flex Scheduling Program). Exempt staff members who engage in additional employment during their primary work hours are required to submit a record of how they flexed their schedules to meet the requirements of their primary position to their primary supervisor and departmental vice president. Supervisors must have this information available to submit to Payroll upon request.
  - b. Non-exempt staff (hourly employees) must use applicable leave with supervisor approval. Non-exempt staff (hourly employees) may not flex their work schedules to accommodate additional employment with the University due to Fair Labor Standards Act (FLSA) regulations and Methodist University's Overtime Policy. Essentially, non-exempt staff must be paid overtime for every hour worked over 40 hours in a given work week (Sunday through Saturday). Non-exempt staff may not earn overtime for additional employment due to flexing their work schedules to accommodate that additional employment.
  - c. If a staff member performs additional work during normal working hours without taking leave or flexing his or her work schedule to accommodate the additional employment, he or she will not receive any additional compensation for the work.
4. Compensation for additional employment will be negotiated on an individual basis.
  - a. Due to Fair Labor Standards Act (FLSA) regulations, non-exempt staff (hourly employees) may not be paid by stipend for any additional employment. An hourly rate must be established for the additional employment and work hours for the additional employment must be tracked in accordance with Fair Labor Standards Act (FLSA) regulations to ensure correct compensation is received. This hourly rate must take into account that any time worked over 40 hours in one work week (Sunday through Saturday) that is going to be worked for additional employment will be paid

at an overtime rate.

- b. Pay rates for additional employment must be submitted to Payroll and Human Resources for approval prior to entering into any kind of employment agreement, written or verbal.
- c. A signed employment agreement for additional work must be received by the Payroll Department prior to the employee beginning work on any additional employment.

### **3.7 Outside Employment**

The University recognizes that employees can increase their expertise by performing activities and services for other employers. Full-time employees can, therefore, accept outside employment (for faculty, this is generally the equivalent of a three-semester-hour course) provided that the work does not interfere with the performance of the employee's primary duties at Methodist University. Any outside employment must be communicated and discussed with employee's immediate supervisor.

Employment of a faculty member by other educational institutions will not be allowed during the contract period unless prior written approval has been received from the Provost. Employment during the non-contract period should be discussed in advance with the Provost.

### **3.8 Attendance and Punctuality**

It is the policy of the University to require good attendance and punctuality on the part of its employees. Unauthorized or excessive absences or tardiness will not be tolerated and may result in disciplinary action, up to and including termination.

#### **3.8.1 Inclement Weather - Canceling of Classes and/or Offices**

For the convenience of the entire campus community, a Weather Alert and Message Board telephone line has been installed. By dialing extension 7351 on campus, or (910)630-7351 off-campus, callers will receive a recorded message concerning inclement weather or other University announcements that are pertinent.

The decision about a delay or closing will be made by 6:00 a.m. for day classes. This line will be updated daily by 5 p.m.

Delays and closings are also posted on the home page of the University's website at [www.methodist.edu](http://www.methodist.edu).

Employees may check local radio/television stations for announcements, but to hear the official University announcement regarding inclement weather, call the Weather Alert Line at 630-7351.

When classes are being held, the decision about attending rests with the individual driver. No student should attend class if he/she believes that driving conditions are too dangerous. If a student misses classes because of dangerous weather, the faculty will impose no penalty, and the student will be allowed to make up any work missed. The student is, however, responsible for the material covered in all classes.

The offices of the University may operate at times when classes are canceled because of inclement weather. Employees who can safely travel to the campus should report for work, but no employee should report if he/she believes that travel is unsafe.

See “Inclement Weather and Reporting and Pay Policy” for additional information.

### **3.8.2 Job Abandonment**

#### *3.8.2.1 Overview*

Any employee who is absent from work and fails to obtain approval for his/her absence for three or more consecutive working days (based on his or her normal work schedule) may be terminated for job abandonment and may not be eligible for rehire.

#### *3.8.2.2 Procedures*

Methodist University requires an employee to provide notice of absences in accordance with our leave policies (See section [5.0 Leave Policy](#)).

Applying the Policy:

- When an employee is not able to give notice of absence until after the start of the workday when he or she will be out of work, he or she must provide notice of absence to his or her manager at the earliest moment possible, including an anticipated return to work date.
- In the event that the employee fails to contact his or her supervisor as required, the supervisor will attempt to contact the employee to obtain information about the absence on each day of an unapproved absence. However, failure of the supervisor to do so will not prevent termination of an employee who is determined to have abandoned his or her job.

#### *3.8.2.3 Processing a Job Abandonment Action*

After the third consecutive workday an employee is absent from work and fails to obtain approval for his/her absence, the supervisor must notify the Human Resources Department to send a notification of job abandonment.

The notification will be sent to the employee at his/her last known address and will include:

- A termination date (typically the employee’s third workday of unapproved absence at the close of business or the end of the employee’s work shift) and summary of absences.

A copy of the job abandonment notification will be placed in the employee’s personnel file.

## **3.9 Departure from University Employment**

It is the policy of the University to terminate employment because of an employee’s resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the work force. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and the University reserves the right to terminate employment for any reason or no reason.



**Comment:**

1. Employees are required to give written notice of their intent to resign. The following guidelines are suggested:
  - Supervisory and managerial employees are requested to give at least four weeks' notice;
  - Clerical and administrative employees are requested to give at least three weeks' notice; and
  - All other employees are requested to give at least two weeks' notice.
2. Supervisors should send notices of resignation or recommendations for termination to the Chief Human Resources Officer for review. Unfavorable termination recommendations should be accompanied by any needed supporting documents such as performance appraisals or disciplinary reports. All unfavorable terminations must be approved in advance by the Chief of Staff or the President.
3. The last day of an employee's employment is the last day the employee is physically working for the benefit of the University, unless some extenuating circumstance exists (such as the employee is on Family Medical Leave).
4. Separating employees will be given the opportunity to complete a separation survey.
5. Human Resources will conduct an exit interview not later than the employee's last working day. The individual conducting the interview should:
  - attempt, if the termination is voluntary, to determine the actual reason or reasons why the employee is leaving so that, where appropriate, action can be taken to correct any problems that come to light;
  - explain any conversion or continuation of benefits under the University's group insurance plans and any other vested benefits available to the employee under the University's benefit plans;
  - obtain the employee's correct address for mailing Internal Revenue Service Form W-2;
  - remind the employee to take away any personal belongings, leaving University property; and
  - discuss the employee's continuing duty not to discuss confidential information.

The immediate supervisor or department head will complete the Employee Separation checklist to be submitted to Human Resources prior to the employee's exit interview. The supervisor will be responsible for securing the return (by a terminating employee) of all University property in his/her possession, such as University identification card, credit cards, laptop, keys, tools, cars, and uniforms. If any University property in the employee's possession has been lost or damaged, the cost of replacing such property may be deducted from the employee's final paycheck, if not prohibited by law. This form must be submitted to Human Resources by the last day of the employee's employment.

Termination and discharge procedures are only guidelines and do not constitute a legal contract between the University and its employees. In addition, specified grounds for termination are not all-

inclusive since the University maintains the right to terminate employment for any reason or no reason.

### **3.10 Personnel Record Keeping**

It is the policy of the University to maintain personnel records and information for each employee and past employee. Employee records are retained for six years beyond the date of separation. The University tries to balance each individual's right to privacy with the University's need to obtain, use, and retain employment information.

1. Personnel records are to contain information that is needed by the University to conduct its business or which is required by federal, state, or local law. This information normally will include, but will not necessarily be limited to, the following:
  - application forms;
  - payroll information;
  - benefit information;
  - disciplinary records; and
  - attendance and tardiness records.
2. The information contained in each personnel record will be obtained directly from the employee whenever practical.
3. Employees have a responsibility to keep their personnel records up to date and are to notify the Personnel Department in writing of any changes in the following:
  - name;
  - address;
  - telephone number;
  - marital status (for benefits and tax withholding purposes only);
  - number of dependents;
  - address and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
  - beneficiary designations for any of the University's insurance, disability, and retirement plans; and
  - persons to be notified in case of emergency.
4. The Personnel Department should review the personnel records periodically to insure that they contain information that is relevant to each individual's employment with the University. When practical, material that is irrelevant, inaccurate, or obsolete may be revised or deleted from the file.
5. Employees or former employees requesting to inspect or receive copies of their own personnel records must complete a [Personnel File: Employee Review Request Form](#). This form with original signatures must be submitted to the Human Resources Office. Copies of personnel files will be signed for in person or received through certified mail only. No email or other electronic forms of delivery will be permitted. Requests regarding personnel files by former employees received six years or more beyond their date of separation from the University cannot be fulfilled.
6. Employees or former employees requesting third party access to their Personnel Files must complete a [Personnel File: Employee Review Request form](#) and have it appropriately

notarized.

7. An employee who, after inspecting his/her personnel file, feels that any material is inaccurate or irrelevant may submit a written request to the Chief Human Resources Officer to have the material revised or removed from the file.
8. If such a request is not granted, the employee will be permitted to place a written statement of disagreement in the file.
9. Employees are prohibited from inspecting any personnel files except their own, unless they have legitimate managerial need to know the information in the other files. Examples of individuals who may have a legitimate need to inspect personnel records include the President, University Attorney, the Chief Human Resources Officer or a designated assistant, and any department head who is considering an employee for promotion, transfer, or other personnel action. Any access to a personnel file should be verified and recorded and kept as a permanent part of the file.
10. Employees are to refer all requests from outside the University for Personnel Information concerning applicants, employees, and past employees to the Human Resources/Payroll Office. The Human Resources/Payroll personnel may verify and release the following information without first obtaining the consent of the individual:
  - employment dates;
  - position held; and
  - location of job site.

The Human Resources/Payroll Office and the President's Office are the only two offices authorized to verify and release wage, salary and employment performance information. This information will not be released without the signed consent of the employee or former employee except in those cases where federal, state, or local law mandates the release of this information. In these cases, the employee will be notified of the release and a copy of the documents placed in the employee's personnel record.

The Human Resources/Payroll Office is to make provisions to retain certain personnel records as required by various federal, state, and local laws.

### **3.11 Ownership of Intellectual Property**

#### **3.11.1 General Purpose**

Methodist University is dedicated to supporting effective teaching and innovative research and development in the pursuit of knowledge. While the majority of such research and development pertains solely to the traditional classroom activities, the University recognizes that some marketable forms of Intellectual Property may result from the efforts of its Faculty, Employees, and Students. At times, Faculty, Employees, or Students make substantial use of the University's facilities as well as contributions from the University and third parties during their production of Intellectual Property. Except as otherwise set forth in any validly executed work--- for---hire agreement, this Intellectual Property Policy controls as to the ownership of such materials, compensation, copyright issues, and uses of revenue derived from the creation and production of all Intellectual Property created or developed by Faculty, Employees, and Students of the University.

#### **3.11.2 Definitions**

Creator: The person who authors, creates, discovers, invents, or develops Intellectual Property subject to this policy.

Employee(s): Any administrator acting in an administrative capacity, staff hired to perform University duties, and Students who receive work study funds or hourly wages for performing University duties. As used herein, the term "Employee" does not include Faculty.

Faculty: Any person hired by the University to conduct instructional classroom activities.

Student(s): Any person taking courses at the University.

Intellectual Property: Any original creation, invention, innovation, technology, skill, scientific or technological development, or artistic work or expression that has commercial value and which derives its intrinsic value from creative ideas. As used in this policy, Intellectual Property may be generally categorized as follows:

- (i.) Scholarly Work: Material prepared for traditional academic publications, such as scholarly journals or other texts or treatises of a scholarly nature.
- (ii.) Creative Works: Artistic works, musical or dramatic compositions, literary works, and works of primarily aesthetic nature.
- (iii.) Traditional Course Materials. Material of a pedagogical intent of a type traditionally used by faculty members in the course of the University's educational mission. This includes the development of curriculum, syllabi, courses, the teaching of classes and development of related material generally intended for the immediate use of a student in a course.

### 3.11.3 Applicability

This policy shall apply to all intellectual property created or developed through the efforts of University Faculty, Employees, and Students except as otherwise set forth in any validly executed work---for---hire agreement.

### 3.11.4 Ownership of Intellectual Property

Ownership of Intellectual Property created in whole or in part by Faculty, Employees and Students shall be governed by the following guidelines:

**Faculty: The creating Faculty members' ownership rights in Intellectual Property are as follows:**

- to the extent any applicable written agreement exists between the University and the creating Faculty pertaining to the creation or development of Intellectual Property, the terms of such agreement shall control;
- Intellectual Property unrelated to the Faculty member's job or educational responsibilities at University and for which the Creator made no more than incidental use of University resources, shall belong to the creating Faculty member;
- Intellectual Property which is Scholarly Work or Creative Work as defined above, shall belong to the creating Faculty member unless more than nominal use of the University resources are expected to be used by the creating Faculty member in which event University and the Faculty member shall enter into a written agreement governing ownership, allocation of costs, and use of proceeds which may subsequently be derived from such Intellectual Property.

--- Intellectual Property which is Traditional Course Materials or Scholarly Work shall belong to the creating Faculty member but the University shall have a nonexclusive right to use such Intellectual Property provided that the University uses such materials in furtherance of its education mission and not for non-instructional revenue producing purposes; and

--- The University may record Faculty member's classroom lectures and may use, reproduce, prepare derivative works from, and display such materials provided that the University uses such materials in furtherance of its education mission and not for non-instructional revenue producing purposes.

**Employee:** Absent a signed written agreement to the contrary, a creating Employee, and any Student acting in an Employee capacity, shall have no ownership rights in or to any Intellectual Property created or developed in the course of their employment with the University. All such materials created or developed by an Employee in the course of their employment with the University shall be considered work---for---hire and shall be owned by the University.

**Student: A creating Student's ownership rights in Intellectual Property are as follows:**

--- Unless specifically funded or commissioned by the University, all Scholarly Works and Creative Works of a Student shall belong to the Student;

---Any Intellectual Property created or developed by a Student in their capacity as an Employee shall belong to the University.

--- Except as otherwise provided herein, all other Intellectual Property created by a Student with more than minimal use of University facilities and not in the performance of Scholarly or Creative Work shall belong to the University.

**Revenue and Commercialization:**

Any Intellectual Property not specifically owned by the creating Faculty, Employee, or Student as set forth above shall belong to the University and the University shall be authorized to proceed with the commercialization of such Intellectual Property and shall be entitled to all revenues derived therefrom.

Any Intellectual Property owned solely by the creating Faculty, Employee or Student, shall belong to the Creator who shall be authorized to proceed with the commercialization of such materials and who shall be entitled to all revenues derived therefrom; subject to any non---exclusive rights the University may have to use such materials for instructional--revenue producing educational purposes.

To the extent the University and the Creator jointly own any Intellectual Property under this policy, an express written agreement, or any applicable federal or state law, the commercialization of such materials shall be governed by a written agreement between the Creator and the University which shall establish the separate ownership rights, stipulate the percentage of ownership between the Creator and the University, describe the future uses of such materials, and the allocation of revenues derived therefrom. In the event percentage of ownership and payment and recovery of research and development costs are not addressed in such agreement, then the economic relationship is shared on a pro rata basis after the recovery of any research and development costs incurred by the University.

**Resolution of Disputes.**

The interpretation of this Policy and the application of this Policy to Intellectual Property rights which are governed herein shall at all times be in accordance with any applicable law. To the extent a dispute or apparent conflict arises which is not specifically governed by law, the Provost shall be responsible for the interpretation and application of this policy. To the extent the Creator is unsatisfied with the Provost's decision, the Creator may appeal such decision to the President of University, whose decision shall be final.

**Amendments.**

This policy may be periodically reviewed, revised, or amended by the University as it deems necessary in its sole discretion.

### **3.11.5 Online Course Materials**

It is the University's general policy that the intellectual property rights in any course materials produced by a member of its faculty, staff, or students remains the exclusive property of the author. However, the addition of online courses to the University's academic offerings requires that in some cases the intellectual property rights for course materials developed for an online course either be shared jointly between the author and the University or in some cases reside solely with the University. For example, the University may wish to develop a set of online course materials for an online degree program and will need to be able to continue using those materials even if the author leaves the University's employment.

The following terms govern the intellectual property rights of all online course materials developed by University faculty or staff.

#### **Categories**

Any course where the content and/or instruction are delivered more than 50% electronically is considered to be a distance education course. Any course materials created for a distance education course, hereinafter referred to as "online course materials," will be classified under one of three categories:

Category 1: Works for hire

Category 2: Jointly owned online course materials

Category 3: Faculty or Staff owned online course materials

The default category for online course materials is category 1, works for hire, unless the online course materials are re--- classified by subsequent mutual agreement between the faculty/staff, the director of online programs, the department chair or dean (if applicable), and the Provost.

#### **Rights and Obligations pertaining to the Categories**

##### **Rights and obligations pertaining to all 3 categories**

The author warrants that he/she is the sole author of the work and that the work is the author's original work and creation (except any parts that are taken from the public domain) and does not infringe the copyright of any other work, nor violate the property rights or personal rights of any other person or entity, nor contain any otherwise unlawful or libelous materials. In the event the work or the author's use of such work violates the rights of another person or entity, the author agrees to indemnify, defend, and hold University harmless from all resulting damage.

##### **Rights and obligations pertaining to Category 1: Works for hire**

Online course materials in this category typically result from the author's efforts under a formal contractual arrangement with the University to develop online course materials in exchange for adequate compensation, or they are developed by an individual whose job description includes the creation of online course materials.

All intellectual property rights in the online course materials are the sole property of the University and the University has the exclusive right to use, revise, market, and create derivative works from the online course materials.

The author hereby assigns all rights, interests, and claims in and to the course materials to the University.

If the author leaves the University's employment, he/she forfeits the right to use the online course materials unless otherwise specifically agreed to in writing.

**Rights and obligations pertaining to Category 2: Jointly owned online course materials**

Online course materials in this category are jointly owned by the University and the faculty or staff member and result from the efforts of the author with the assistance of, and adequate compensation from, the University. Assistance can involve technical support, instruction design support, and the use of facilities. Compensation can be a financial award, a grant, or an adjustment of other duties to allow time to develop the online course materials.

The intellectual property rights in the online course materials are jointly owned by the author and the University.

While employed by the University, the author agrees to revise the online course materials as often as reasonably required to ensure that they are current and meet the University's quality standards for online course materials as determined by the Office of the Provost. If the author fails to keep the online course materials in compliance, the University may contract with a third party to revise and update such materials. If a third party updates the materials for the University, the author forfeits their rights in any revisions or updates of the course materials and the author will be required to execute an assignment agreement transferring all rights in and to such updates and revisions to the University.

While employed by the University, the author agrees to teach the course as often as reasonably requested. The University may also have another faculty or staff member teach a course based on the online course materials.

While employed by the University, the author has the right to use, revise, market, and make derivative works from the online course materials in a manner that does not compete with the University's mission or market.

If the author leaves the University's employment, the University retains the non-exclusive right to use, revise, market, and make derivative works from the course materials.

If the author leaves the University's employment, the author retains the non-exclusive right to use, revise, market and make derivative works from the online course material.

**Rights and obligations pertaining to Category 3: Faculty or Staff owned online course materials**

All intellectual property rights remain with the author and the author has the exclusive right to teach a course based on the materials.

While employed by the University, the author agrees to revise the online course materials as often as reasonably required to ensure that they are current and meet the University's quality standards for online course materials.

While employed by the University, the author agrees not to market the online course materials elsewhere in a manner that competes with the University's mission or market.

The author has the right to make derivative works from the online course materials that do not compete with the University's mission or market.

If the author leaves his/her employment with the University, then the University forfeits all rights to the

online course materials except as agreed to in writing between the Author and the University. Upon termination of the author's employment with the University, the author has the exclusive right to use the course materials provided the University's name or logo is not used in association with them.

### **3.12 Policies and Protocols Regarding Death of a Student, Faculty, Staff or Guest on Campus**

Methodist University intends to provide a safe and positive environment for faculty, staff, students and guests. When a death occurs, it is incumbent upon the University to respond in a sensitive and caring manner, recognizing that individuals respond in different ways to different circumstances that may surround a death. The death of a student, faculty, staff or guest affects the entire University community, as well as the family and friends of the deceased. Considering the very sensitive and unpredictable nature of a death, no policy or protocol can describe in complete detail all the steps that must be taken. These guidelines are designed to assist the campus community, employees and students, in responding to an on- campus death in a cohesive manner.

The documents included in this guide are:

- I. Methodist University Policy Regarding Death of a Student, Faculty, Staff or Guest on Campus
- II. Communications Flowchart in Response to Death of a Student
- III. Protocol for Departmental Responsibilities and Duties in Response to Death of a Student  
*(Note: The protocol and communications flow chart are written for response to a student death on campus, however some portions of these documents may be applicable and useful in the event of the death of a faculty/staff or guest that occurs on campus. In the case of the death of a faculty or staff, Human Resources will manage the necessary administrative follow-up.)*

#### **I. Methodist University Policy Regarding Death of a Student, Faculty, Staff or Guest on Campus**

The Campus Police and Department of Public Safety should be advised of all University- related deaths. In the event of a death that occurs on campus (faculty, staff, student or guest) an initial call to the emergency call number will generate a response and call back from the Chief or designee to obtain more information to assist in the process. Persons may also contact the Chief of Police directly with the information. All deaths on university property will be investigated by Campus Police. When a death occurs on campus:

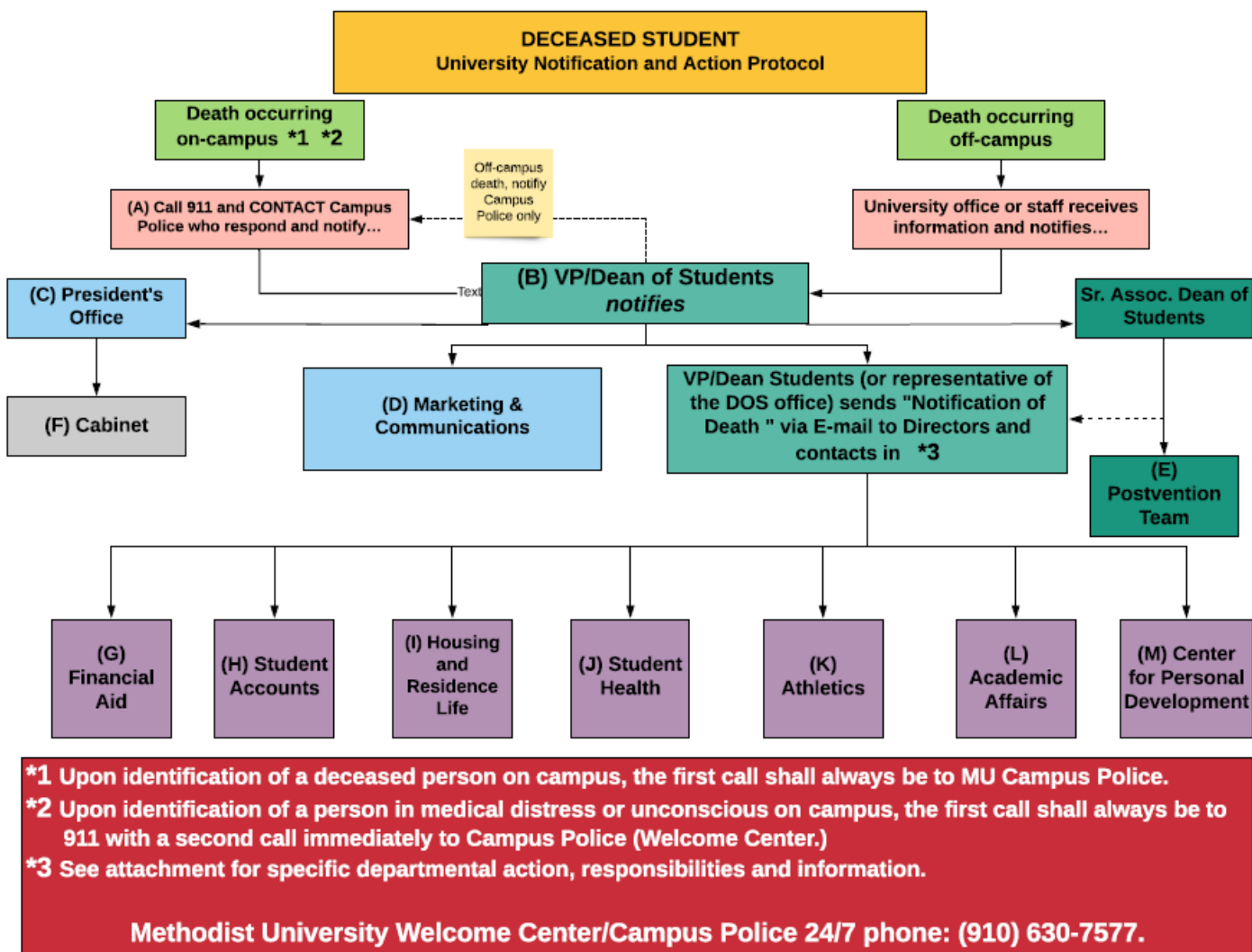
- 1. All campus deaths should be reported immediately to Campus Police (910) 630- 7577.**  
*To prevent miscommunication, when contacting Campus Police, the person reporting a suspected death may say instead that the person is unresponsive.*
- 2. Campus Police will respond immediately and begin the investigation.**
- 3. Faculty/Staff should secure the death scene and remain at the scene until Campus Police arrive, except in the case of an active MUPAWS alert due to a continuing threat.**



4. Do not disturb or move anything in the death scene with the exception of rendering aid or checking for vital signs.
5. Department of Public Safety will send an MUPAWS alert if there is a continued threat to the MU community.
6. The Department of Public Safety will contact the Dean of Students or their designee immediately which will start a **'Death: University Notification and Action Protocol'**
7. The death scene will be considered a potential crime scene until the death investigation is completed.
8. **No one will be permitted in the death scene until the death scene investigation has been completed.**
9. Next of kin will be notified as soon as possible by the appropriate party as approved by the University President.

Note: No University employee or student is allowed to comment on a death (including but not limited to statements such as: that a death occurred, nature or cause of death, or notification of next of kin) unless specifically engaged by the Campus Police to do so. This action is critical to protect the deceased/family, the University, and the investigation. Because University employees are not guardians nor next of kin (unless that employee is also parent of the student or employee), if questioned by next of kin, University employees should not give out information related to the unfolding death scene but can say: *"I have no other information, but if you can stay near a phone and provide the contact number, I will have someone with information to call."*

10. Name of decedent will not be released until next of kin has been notified.
11. Campus Police will brief the next of kin as to the death investigation.
12. All information provided to the media, public and campus community regarding a campus death will be communicated by Marketing and Communications or university designee.



#### Addendum A: Police and Public Safety

Contact: Chief of Police, Campus Police

The Campus Police and Department of Public Safety should be advised of all University- related deaths. An initial call to the emergency call number will generate a response and call back from the Chief or designee to obtain more information to assist in the process. You can also contact the Chief of Police directly with the information.

#### A. Campus Police duties and responsibilities (all scenarios, and specific to on campus)

1. All deaths on University property will be investigated by Campus Police  
*To prevent communication of false information, when contacting Campus Police, the person reporting a suspected death can say instead that the person is unresponsive.*
2. Report all on-campus deaths to Campus Police immediately (910) 630-7577
3. Department of Public Safety will send an MUPAWS alert if there is a continued threat to the MU community
4. Faculty/Staff should secure the death scene until Campus Police arrives
5. Campus Police will respond immediately and begin the investigation

6. The Department of Public Safety will contact the Dean of Students or their designee immediately which will start a 'death notification and protocol'
7. The death scene will be considered a crime scene until the death investigation is completed
8. No one will be permitted in the death scene until the death scene investigation has been completed
9. Under no circumstances should anyone (employee or student) make statements in reference to the death investigation
10. Notification of next of kin should be done as soon as possible by the appropriate party as approved by the Campus police

**Note: No University employee or student is allowed to comment on a death (that the death occurred, nature or cause of death, or notification of next of kin.) This action is critical to protect the deceased/family, the University, and the investigation.**

- University employees are not guardians
- University employees are not next of kin (unless that employee is also parent of the student or employee)
- If questioned by next of kin, University employees should not give out information related to the unfolding death scene but can say:
- "I have no other information, but if you can stay near a phone and give me that contact number, I will have someone with information to call."

**11. Name of decedent should not be released until next of kin has been notified by the Campus Police**

12. All information given to the media, public and campus community should be done by the Director of Marketing & Communications (MarCom) or designee only
13. Campus Police will brief the next of kin as to the death investigation
14. Campus Police will need to interview all persons that enter the death scene or had contact with anyone that has been in the death scene. Do not disturb or move anything in the death scene with the exception of rendering aid or checking for vital signs
15. Campus Police will notify Emergency Medical Services and the Medical Examiner's office
16. Campus Police will notify the North Carolina State Bureau of Investigation to assist with the investigation
17. Campus Police will conduct briefings and investigative updates with the university President, Dean of Students, and University Legal Advisor

**B. Specific to University-Sponsored Event Off Campus (Athletics, Study Aboard, Mission Trips, Recreational Outings)**

1. Faculty/Staff should contact the local law enforcement agency and local emergency medical services immediately
2. Faculty/Staff should notify the Dean of Students and the Program Director for the activity as soon as possible
3. Notify Methodist University Department of Public Safety
4. Campus Police will assist the local authorities during the death investigation and will be the liaison with the local law enforcement agency handling the death investigation

### **C. Specific to Student Residing Off Campus**

1. Campus Police will assist the local authorities during the death investigation and will be the liaison with the local law enforcement agency handling the death investigation

### **D. Specific to Faculty/Staff Off Campus**

1. Campus Police will assist the local authorities during the death investigation and will be the liaison with the local law enforcement agency handling the death investigation

### **Addendum B: Student Affairs**

*Contact: Dean of Students/Vice President for Student Affairs*

Upon the discovery of a student death, and after Campus Police have secured the crime scene, the Dean of Students (DOS) office will:

1. Assume responsibility for coordinating the University's response to a student's death and will serve as the central hub for communication
2. Provide student's name, the student's residence, hometown, emergency contact phone number, and name/s of roommates, to MarCom
3. Immediately notify the President
4. Notify the VP/Athletic Director if the student is an athlete
5. As soon as possible (by the following day,) the Sr. Associate Dean of Students convene the postvention team (CMT) to coordinate support and response
6. Assure that the following offices have been notified: Provost, Student Accounts, Registrar, Housing and Residence Life, Center for Personal Development, Student Health Services, MarCom, and Athletics
7. Confirm with the President's Office and Campus Police notification of the next of kin
8. Notify impacted individuals such as roommate/s, teammates, fraternity/sorority members, classmates, etc. ONLY AFTER the next of kin has been notified and MarCom has released a statement
9. Gather and make available pertinent information such as memorial arrangements and student involvement/connections on campus
10. Coordinate with CPD to provide counseling and crisis intervention support services to students and student groups from the time of initial notification of death through the ensuing academic year
11. (Or designee) Serve as the family's contact with the University to assist with returning the student's personal belongings to the family, returning University property, and concluding University business

### **Addendum C: President's Office**

*Contact: University President*

1. Communicates 'notification of death' to Cabinet via email, text or phone as soon as possible to initiate Cabinet duties and responsibilities
2. Communicates 'notification of death' to Trustees, as appropriate
3. Approves outgoing community and campus notification and messaging regarding the death (as prepared by MarCom)

4. Sends letter of condolence to parent(s) or guardian(s)
5. Authorizes lowering of University flag, as appropriate (Note: U.S. Flag may only be lowered by executive order of the Governor of North Carolina)
6. Initiates Memorial Scholarship, if appropriate
7. Coordinate with University Chaplain for university representation at visitation or funeral services

#### **Addendum D: Director of Marketing & Communications (MarCom)**

*Contact: Director of Marketing & Communications*

1. MarCom Director and/or designee should be notified immediately (by VP of Student Affairs, although if the VP cannot be contacted immediately, by the Campus Police) as to begin control of outward messaging and information requests
2. Initial notification and all communication into or out of the University shall be funneled through MarCom **EXCEPTION: Law enforcement will notify the family and no University employee should discuss cause of death or circumstances**
3. MarCom Director and/or designee joins the postvention team (CMT)
4. At appropriate time, depending on circumstance -- and in communication with family and potentially subgroups (friends, teammates, roommates, hall mates, professors...) -- and as agreed upon by Administration/Counsel/VP SA/VPUR, statements may be prepared for internal and external distribution

Information needed:

- Verification of student enrollment (status) and verification of death is immediately crucial
- Information on the deceased (name, age, hometown, year in school, major, sports team, campus affiliations... any other particular info: sibling is a student also as an example.)
- Status of investigation (including medical reports as available)
- Any immediate class, office, building closures
- If international, confirmation that proper authorities have been notified
- Resources immediately available
- Specific counseling resources
- For anything immediate, text or call; for anything less urgent, e-mail preferred.
- Though not necessarily for distribution, it is important that MarCom be kept up to date with information in order to carefully and intentionally construct any messaging

#### **Addendum E: Postvention Team (CMT)**

*Contact: Senior Associate Dean of Students*

The Case Management Team (functioning through Student Affairs) will serve as the Postvention Team. The Senior Associate Dean of Students will service as a primary contact for information or questions to be referred to the Postvention Team

#### **Addendum F: Cabinet**

*Contact: Chief of Staff*

1. VP of Business Affairs/Chief Financial Officer:
  - a. Oversee the Student Accounts response to a death; confirm closure of student's Campus PO Box

2. VP of Planning and Administration/Chief of Staff
  - a. legal aspects relating to a death; confirm removal of technology access (email/portal)
3. VP/Athletics
  - a. Oversee response of Athletics to death of a student-athlete
4. VP/Academic Affairs
  - a. see Addendum L: Provost
5. VP/Academic Affairs/Vice Provost
  - a. Oversee MU online, extended learning (MU at Ft. Bragg) response to a death
6. VP Advancement
  - a. Oversee MarCom response to a death
  - b. As appropriate, coordinate opportunities for donors to honor the student's life
  - c. Oversee subsequent 'celebration of life' story requests (MU Today or outside) with MarCom  
Provide Sr. Legal Counsel
7. VP for Mission Integration/Student Well Being & Chaplain
  - a. Be available to students, faculty and staff as a religious/spiritual/pastoral resource
  - b. Be available to the family of the deceased, as appropriate, through the primary contact
  - c. Identify the student's religious affiliation; gather and relay specific aspects of the student's religious tradition that may affect handling of the body/death, secondary to that which is required by law
  - d. At an appropriate time after the death, coordinate with the student affairs team and family, together with other relevant University departments, to mark the student's life and death with a memorial service or other acknowledgment
  - e. Serve on the postvention team (CMT) and Coordinate with the President for attendance at the funeral/memorial service
8. VP/Enrollment Services
  - Oversee Financial Aid response to a death
9. VP/Student Affairs
  - a. See Addendum B: Dean of Students

**Addendum G: Financial Aid**

*Contact: Director of Financial Aid*

- a. Deactivate deceased student's financial aid
- b. Coordinate with the Office of Student Accounts to resolve and close the deceased student's account

**Addendum H: Student Accounts**

*Contact: Director of Student Accounts*

1. Notify OneStop Student Employment leadership of student death in case where student is enrolled
2. Audit deceased student's account for refund or balance due
3. Issue a check, if refund is approved, to the estate of the deceased

**Addendum I: Housing and Residence Life**

*Contact: Director of Housing and Residence Life*

1. Remove deceased student name from the housing system
2. Cancel housing contract
3. Take room off-line, if necessary
4. Contact student accounts to cancel meal plan
5. Provide information, as needed, for full/pro-rated refund in coordination with all student accounts
6. Assist Campus Police to coordinate notification of roommates
7. Assist University Chaplain with information for memorial event

**Addendum J: Student Health**

*Contact: Director of Student Health*

1. Support the university's response to a student death by providing needed health documentation as permitted by law
2. Place in the deceased student's chart a copy of the Dean's Notification of Death email
3. If the student participates in a university sponsored student health plan, notify the representative to cancel coverage and benefits

**Addendum K: Athletics**

*Contact: Vice President and Director of Athletics*

If the death of any Methodist University student occurs, the Athletic Department requests to be notified for the purpose of verifying whether or not the student is a student-athlete. The athletic staff has personal relationships with the families of most student-athletes and may be in a position to assist with additional tasks on behalf of the University. If the death of a student occurs and the student is not a student-athlete, the athletic department stands ready to assist the University Community in any manner needed.

***Information needed:***

- Name of Student
- Sport of Student (if applies)
- Nature of the cause of death
- The athletic department prefers to receive critical information about a student's death by telephone. A follow up text message with the student's personal information would assist the athletic department with any established protocol or additional responsibilities assigned by Executive Management

**Addendum L: Provost/Vice Provost**

*Contact: Provost/Vice Provost*

1. After a statement has been released by MarCom, the Provost shall address all matters regarding appropriate care of

the student's academic record and shall notify the following University offices/staff/faculty:

- Faculty of student's current enrolled courses
  - Appropriate Undergraduate School Dean (if student has a declared major)
  - Dean of the School of Health Science (if a student is a graduate student)
  - Appropriate leadership for online program (if online student)
2. In addition to any campus-wide notification issued by MarCom, the Provost will notify faculty in whose courses the deceased student was enrolled in the current semester, giving resources, guidance, and support to faculty as they address the class in a sensitive manner. Some faculty will be aware and equipped for this task, while some will need additional guidance and/or suggestions of how to address it with the class, if it should be addressed in class, and what services they can recommend to students the death would impact
3. While e-mail communication is generally effective to forward the message. It may also be very beneficial to have a department meeting with a member of the counseling center, if the student was in that department, to help faculty understand how their communication about the death can influence students in their classes
4. Faculty are more significant in the aftermath of a student death as students begin talking about the death. After a message has been approved by MarCom regarding the death, faculty can
- Share that with students who were in the same class as the deceased individual to minimize speculation
  - Help identify students who may benefit from grief counseling
  - Provide class time to a counselor to ensure students have the chance to discuss and explore their feelings about it without going to counseling or other spaces they may not feel comfortable with
  - Share methods the University will make available (i.e. group counseling, celebration of life, etc...) so students hear about opportunities from persons not email

#### **Registrar**

- Withdraw deceased student from current courses

#### **Related Resources:**

- Posthumous Degree Policy
- Posthumous Degree Procedure

#### **Addendum M: Center for Personal Development**

*Contact: Director, Center for Personal Development*

The Center for Personal Development will be available to provide the necessary mental and emotional support to the university community: students, staff and faculty. Any crisis intervention needed at the time of the incident will be facilitated.

Information needed:

- Details of the death
- Circumstances/what occurred
- Timeline of events
- Additional individuals involved/witnesses
- Past mental health history of the deceased (if relevant)
- Written incident report as soon as available



## 4.0 Compensation Policies

### 4.1 Compensation Philosophy

Methodist University is an institution of higher education that has committed to engage in a culture of excellence to provide transformative educational experiences by integrating the University's liberal arts foundation and spiritual and moral heritage with innovative student-centered programs to produce successful graduates who are dedicated to achievement and committed to making positive contributions to a global society. In order to fulfill its vision, Methodist University's compensation program is intended to provide competitive, fair, and equitable salaries to attract, retain, and engage highly qualified administrators, staff, and faculty. While pay is not the sole factor in attracting and retaining employees, as other elements such as affiliation with the University's mission and benefits are also important, pay is at a level that is competitive in the areas in which the University competes for talent.

#### 4.1.1 Comparison Markets

Benchmarking to comparison markets will inform salary ranges and will be used as a reference for determining salaries for individuals. Methodist's pay structure will target the competitive range within market median. However, overall pay practice will be managed within financial constraints, thereby requiring that qualifications, experience, performance, and contribution above the norm are required for pay to exceed midpoint.

#### 4.1.2 Work/Position Valuation

The University's compensation program will balance external market competitiveness while providing for flexibility dependent on the value of jobs to the organizational model of the University. The University's compensation program will consider both external competitiveness and internal valuation of jobs. The program will use competitive market data as a reference for creating the salary structure and salary ranges. Jobs will be assigned to salary ranges based on the assessment of competitiveness and role within the University.

#### 4.1.3 Link to Performance

The University strives for a pay for performance culture. The link between job performance, goal achievement, and salary increases will be clearly communicated through the yearly performance review process. Performance will also continue to be an important factor in determining promotional and tenure opportunities, which are associated with salary increases, as determined by promotional guidelines and tenure criteria.

#### 4.1.4 Pay Systems and Delivery

Base salary will reflect the value of the job in the market, the value to the University, and the capabilities and contributions of the individual. The benefits package offered by the University is a key component to the employee value proposition. Other rewards such as the MUP tuition remission, health benefits, retirement benefits, and work environment will continue to be essential components of the total compensation philosophy at the University.

#### 4.1.5 Structure

The salary ranges will be competitive with the market and will be positioned to attract and retain key talent. It may be necessary at times to pay at a higher or lower position to the market based on institutional need. In addition, higher performers and highly skilled individuals may be rewarded with higher levels of salary. Methodist will consider role, value, and placement of internal equity in the salary survey evaluation process. Methodist will conduct in-depth assessments of the staff and faculty compensation markets every three years, with periodic updates to the salary structures occurring as indicated by market movement in the interim.

#### 4.1.6 Link to Career

The University aims to provide employees with meaningful career opportunities that include opportunities for growth in type and level of experience.

#### 4.1.7 Communication/Openness

The University is committed to openness and transparency and will communicate the philosophy and salary guidelines to all employees to ensure that employees understand the principles that guide salary decisions. Information about individual performance and pay decisions will remain confidential between Methodist and the individual.

#### 4.1.8 Governance

##### **Compensation Committee**

Communicate openly, regularly, and clearly with the University community on all compensation-related matters. Endorse program design and implementation processes. Evaluate and allocate resources required to maintain the program. Consistently apply standards for compensation decisions, model consistent application for all employees, and hold colleagues accountable to the same. Review and approve pay band assignments for new positions for necessary adjustments.

##### **Managers, Supervisors, and Administrative Faculty**

Collaborate with HR to establish and maintain appropriate salaries. Understand job responsibilities and requirements of jobs in their area of responsibility and the skills, knowledge, experience, and performance levels of employees in their areas. Maintain accurate and current job descriptions. Set performance expectations, provide clear and helpful feedback, and evaluate performance through the performance review process. Communicate openly with their employees about compensation topics. Consistently apply standards for compensation decisions in accordance with defined policies.

##### **Employees**

Understand the compensation strategy and policies. Ask questions to managers, supervisors, and administrative faculty when clarification is needed.

##### **Human Resources**

Design, develop, and maintain the compensation program, including salary guidelines, and ensure fairness in and consistency of application. Provide administrators, managers, supervisors, and administrative faculty with the tools and resources needed to make compensation decisions for employees (e.g., market data, hiring ranges, federal/state policies, etc.). Ensure consistency across the University. Regularly monitor the effectiveness of the compensation program and practices, its continued competitiveness, and on-going equity. Provide and maintain clear standards and policies that enable consistent application of compensation decisions within Human Resources and across the University.

### 4.2 Pay Policy

It is the policy of the University to pay employees by direct deposit on a regular basis and in a manner so that the amount, method, and timing of such payments comply with any applicable laws or regulations.

1. Exempt employees are normally to be paid on the twenty-fifth day of each month. If the regular payday occurs on a weekend, employees will be paid on Friday.
2. Hourly employees are paid on a bi-weekly schedule.
3. Employees on each payday will receive, in addition to their check or deposit voucher, an electronic statement through Paycom showing gross pay, deductions, and net pay. State, federal, Medicare and Social Security taxes will be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee's obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deduction in writing. **It is the responsibility of all employees to verify that the information on the pay statement is accurate.**

4. For policies and procedures governing pay upon termination, see [Termination of Employment](#).
5. Non-exempt employees (i.e., those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal work week.
6. In addition, employees in the Maintenance and Police and Public Safety Departments who must work on a scheduled holiday will also receive premium pay, in addition to the regular pay for the holiday. (See Holidays.)
7. For policies and procedures regarding call-back pay, see the [On-Call Policy](#)
8. For policies and procedures regarding overtime pay, see the [Overtime Policy](#).

### 4.3 Direct Deposit Policy

Methodist University administers payroll fund distribution through a direct deposit system that allows employees to deposit directly to a primary and up to four secondary bank accounts. This allows for immediate access to funds from a number of banking locations, is more secure for the employee, and reduces costs associated with processing paper checks. Direct deposit enrollment is maintained by the employee through Paycom or through the Payroll Department. Participation is required for all active employees.

Each employee is responsible for maintaining accurate, up to date, direct deposit information in Paycom. An employee may elect to have payroll monies deposited in up to five different accounts, with one account being regarded as the primary account where the remaining net of the employee paycheck is deposited after deposits to any secondary account(s). Any request for a change of direct deposit must be received a minimum of four business days prior to the pay date in order for the change to be effective for that pay date. Direct deposit information that is not updated by the employee in a timely manner may result in a delay of payment while the erroneously deposited funds are recovered from the financial institution. Additionally, it is the employee's responsibility to ensure that his or her paycheck has been credited to his or her bank account(s) before making purchases or payments from the account(s) on record. The University assumes no responsibility for overdrafts or overdraft fees incurred by employee on their bank account. The University will assume responsibility for overdraft or overdraft fees incurred by the employee when it is identified as an employer error.

By providing your direct deposit information through Paycom or to the Payroll Department, you authorize Methodist University to initiate automatic deposits to your account at the financial institution(s) you identify. You also authorize Methodist University to make withdrawals from this account in the event that a deposit entry is made in error (See the policy on [Recoupment of Overpayments](#)).

Further, Methodist University is not responsible for any delay or loss of funds due to incorrect or incomplete information supplied by employees or by employees' financial institutions or due to an error on the part of employees' financial institution in depositing funds to their accounts.

In the event that employees provide incorrect or invalid direct deposit information, resulting in returns from the financial institution, they may be charged a Returned Direct Deposit Fee of \$25.00.

Employees' direct deposit agreement will remain in effect until Methodist University receives a written notice of cancellation from the employee or their financial institution or until the employee submits a new direct deposit form through Paycom or to the Payroll Department.

## 4.4 Employees Receiving Additional Wage Payments

Employees receiving additional wage payments (to include course stipends, honorariums, overloads, overtime, etc.) will receive the additional wage payments with their regular wages and the withholding will be in accordance to the withholding information on the individual's W-4 and NC-4. Additional wages will not be paid as separate pay calculations. Any employee may make adjustments to their W-4 and/or NC-4 at any time throughout the year. Adjustments to taxes can be completed in the HR System or forms picked up in the HR/Payroll Office.

## 4.5 Policy on Recoupment of Overpayments

Overpayments occur when compensation that is not owed to the employee by the University is paid in error. This includes but is not limited to overpayment of wages, annual and/or PTO or applicable banked leave in error, as well as erroneous refunds of deductions.

### **Responsibilities on Reporting an Overpayment**

It is the responsibility of all employees to review their salary payments each pay period for accuracy and promptly report any discrepancies to the Payroll Department.

Any individual who knows or believes that an employee has been overpaid should contact Payroll immediately. The Payroll Office will research the possible overpayment. If the Payroll Department determines that an overpayment has occurred, the employee will be notified in writing of the amount and the actions that will be taken to recoup the overpayment.

In most cases, the total overpayment will be withheld from the next available payroll check. If this creates a hardship for the employee, a repayment agreement may be established. Repayment of all wage overpayments is required in full.

### **Files Maintained**

The Payroll Department will document each overpayment, providing information that supports and substantiates the overpayment and the calculation of the amount due in addition but not limited to any discrepancies that may occur. This document will be filed in the employee's personnel file. Copies of all correspondence between all applicable parties, including letters will also be maintained.

## 4.6 Employee Benefits Policy

It is the policy of the University to provide its employees with various welfare and pension benefits. Any information and summary communications intended to explain these benefit plans are furnished to all plan participants and beneficiaries on a timely and continuing basis. The University reserves the right to modify, amend, or terminate its welfare and pension benefits as they apply to all current, former, and retired employees. The Administrator of each pension and welfare benefit plan has the discretionary authority to determine eligibility for benefits and to construe the plans terms.

### **Comment:**

1. An employee that is scheduled for 30 or more hours per week for a minimum of nine months of the year is entitled to participate in all benefit programs as eligibility requirements are met.
2. All benefits provided by the University are described in official documents that are kept on file in the Human Resources Office. These documents are available for examination by any plan participant or beneficiary. In addition, they are the only official and binding documents concerning the University's welfare and pension

benefits. All summaries and communications, both written and verbal, must refer to them as binding in cases of question or disputes.

3. The Chief Financial Officer serves as “Administrator” of the University’s welfare and pension plans with the assistance of the Chief Human Resources Officer in day to day concerns. The Chief Human Resources Officer is responsible for all communications and disclosures concerning University benefits and for compliance with all applicable laws and regulations. In addition, the Chief Human Resources Officer is available to answer employee questions concerning benefits and to counsel new employees, employees as they achieve eligibility, retiring employees, and non-employee beneficiaries as to specific benefit coverage and required forms and designations.
4. Under the University’s life insurance and retirement plans, each employee must designate a beneficiary for the employee’s death benefits. Under certain retirement plans of the University, a married employee’s spouse may be automatically designated the employee’s beneficiary and may be entitled to survivor benefits. Employees may elect to waive such survivor benefits and change a beneficiary designation by contacting the retirement carrier. However, it will generally be necessary for a married employee to obtain their spouse’s consent to such waiver or change in beneficiary designation. It is the employee’s responsibility to maintain the proper beneficiary designation.
5. Employees, spouses, and dependent children covered by the University’s health benefits plan are to be notified, when appropriate, that they have the opportunity to acquire continuing health protection in certain specified situations including layoff, termination or reduction in hours of employment, and separation or divorce.

## **4.7 Base Salary Increases**

It is the position of the University that, in general, employee pay increases are tied to standard increases that are awarded through the Performance Management Program, and subject to funding availability. Under specific circumstances, increases outside of the Performance Management Program may be appropriate. Salary adjustments may be awarded to employees of the University based upon promotion to a higher level position, upon their positions being re-banded to a higher pay band (if appropriate), when an equity or administrative adjustment is deemed necessary, and on an annual basis if their performance warrants the adjustment. Any increase is based on university available resources.

All adjustments will be reviewed by the Human Resources Office to ensure fairness and equity across the campus as well as to ensure consistency in salary adjustment practices.

Letters of increases will come from the Human Resources Office for hourly, non-exempt staff, from the President’s Office for salary, exempt staff and from the Provost’s Office for faculty.

### **4.7.1 Standard Annual Increases**

Standard increases are awarded to all performing employees eligible for annual increases and are distributed on a percentage basis.

### **4.7.2 Promotional Increases/Re-Pay Banding**

When an employee is promoted to a higher position or their position is re-banded into a higher pay band due to the position requiring additional or different duties with an increased level of responsibility, knowledge requirements, complexity or specialization, the employee may be awarded a promotional/re-pay banding increase. A pay band change must be approved by the Compensation Committee prior to any increases being recommended.

Determinations of the actual increase, if any, should consider all the relevant factors including, but not limited to: (1) internal pay relationships, (2) the individual’s qualifications and experience for the new position, and (3) the level of

change in responsibility.

Promotions may be approved with no monetary increase if deemed appropriate.

All such pay increases may not be approved unless they have received approval from all of the following:

1. The department/school chain of command to include the University Provost/Departmental Vice President
2. The Human Resources Department to ensure consistency with pay practices and evaluation of the amount of the increase
3. The Chief Financial Officer for budgetary approval
4. The University President

All approvals must be received in-order and prior to any increase being communicated to employees.

#### **4.7.3 Special Pay Increases**

Salary increases that are not a result of a new hire, promotion, re-banding, or standard raise fall under the category of Special Pay Increases.

For all Special Pay Increases:

1. Written justification must be submitted by the requesting manager
2. Approvals must be received through the department/school chain of command to include the University Provost /departmental Vice President
3. The recommendation must be reviewed by Human Resources:
  - a. Ensure that the justification is complete
  - b. Approve that justification warrants a salary increase based on the information provided
  - c. Review consistency with current and past pay practices across the university
  - d. Evaluate of the amount of the increase to take into consideration internal pay relations and the employee's record and position in the pay band.
4. The recommendation will be reviewed by the Chief Financial Officer to ensure budgetary and fiscal approval
5. The recommendation will be reviewed by the President for final approval

##### **4.7.3.1 *Increase for additional duties/increase in workload where a change in pay band does not occur***

- An increase above 3% but below 5% is recommended for a Special Pay Increase for a significant increase in workload or additional duties outside the current scope of the employee's position, but not of a higher level pay band.
- In cases where additional duties are taken on that are not considered a permanent part of the position duties, this increase will be paid as a stipend and not as a base salary increase.
- The occurrence of these increases are rare because in cases where new duties justify a pay increase, the pay band is also usually raised
- A detailed updated position description must be submitted at the time of the request to change job duties.
- In those cases where the addition of new duties justifies an increase, the manager recommending the increase must consider the restrictions outlined in the Performance Management Policy. Such increases will result in the employee being ineligible for their annual standard increases for that year if the increase is received on or after 1 June.

##### **4.7.3.2 *Market adjustments***

- The recommended salary increase is subject to review on a case-by-case basis. The university's survey data and pay bands and the employee's personnel record, experience, and credentials will be evaluated.
- It is the position of the university that no employee's salary will be below the minimum of their assigned pay band
- Market adjustments are made based on budget availability

#### *4.7.3.3 Internal equity or compression adjustments*

- The recommended salary increase is subject to review on an individual case-by-case basis.
- These adjustments are made to maintain an appropriate internal pay relationship among employees within the same position or organizational unit or within a supervisor hierarchy. Examples of these adjustments include:
  - An equity increase provided to an employee who earns less than another but who has a similar or greater level of education, work experience, or duties and responsibilities in the same position or organizational unit
  - An internal compression adjustment may be provided to a supervisor for cases in which the salary of the direct report is close to or above the salary of the supervisor. The employee's personnel record, experience, and credentials will be considered.
    - Direct reports receiving a higher salary should not automatically be considered an inequity. For example, some positions may have a higher salary based on the market for their particular technical skills. If the supervisor's position does not require the same or similar technical skills, internal compression or inversion may not exist.

#### *4.7.3.4 Special Performance Increases*

- An increase above 3% but below 5% is recommended for Special Performance Increases.
- It is the position of the University that increases granted outside of the performance management program that are based on performance will be very unusual. In the majority of cases, rewards for performance should be reserved for the annual increases through the performance management program.

#### *4.7.3.5 Degree Attainment Increases*

- Such compensation considerations will be addressed in the performance review process
- Consideration for increased compensation for employees who attain one, or more, additional academic degrees while employed by the University may be made if the degree is directly related to the employee's current job description and responsibilities.
- Employees should consult with their supervisors, prior to enrollment in additional academic degree programs, in order to clarify the potential effect on compensation relative to seeking an additional academic degree.

#### **4.7.4 Administrative Adjustments/Corrections**

In order to correct an administrative oversight, the Chief Human Resources Officer or a designee may approve a corrective adjustment to an employee's rate of pay.

## **4.8 Overtime Policy**

Projects and priorities may occasionally require extra work beyond the normally scheduled work hours. Supervisors and departmental VPs/Deans determine when overtime is necessary and must authorize any overtime work in advance.

During the summer months, the Custodial and Maintenance Departments will be required to work over and above the forty hour workweek. Please see the Departments' policies for information.

### **4.8.1 Scope**

This policy applies only to hourly-paid employees (a.k.a. non-exempt employees). Salary-paid employees (a.k.a. exempt employees) are not covered by overtime provisions according to the Fair Labor Standards Act (FLSA). Exempt employees are paid on a salaried basis and do not receive additional pay for hours worked beyond 40 in a week.

### **4.8.2 General**

The Fair Labor Standards Act (FLSA) requires that nonexempt employees be paid overtime premium pay for all hours in excess of forty (40) hours in a workweek. Normally, supervisors arrange workloads and work schedules so that an employee can complete his or her duties and responsibilities in a forty (40) hour workweek. However, supervisors may

require employees to work overtime. When employees are hired, they should be told if overtime will be required, how often, and departmental procedures for determining the assignment of overtime.

#### **4.8.3 Authorization Required**

Employees must gain approval from their supervisor and the Vice-President of their department to work overtime prior to working that overtime. This includes requests to work on university scheduled holidays. In no instance may the employee(s) take it upon his/her self to work overtime hours without prior approval.

Please remember that clocking in as little as 7 minutes early or late will result in 15 minutes of overtime. This could result in 1.5 hours of overtime a week or 78 hours of overtime a year. Hourly employees should start and end their workdays on schedule unless they have prior approval from their supervisor and the Vice-President.

Approved overtime for employees must be communicated to the Payroll office for the purposes of verifying and paying approved overtime. Employees must log their hours as-worked for appropriate compensation.

Approvable reasons for working overtime include:

- Attending a work-required event after-hours in addition to regularly scheduled work where flexible scheduling is not an option
- A hard deadline requirement that necessitates extended hours of work to meet.

Overtime may not be approved for:

- The convenience of the employee for non-work related reasons.
- Projects without a hard deadline that can be worked on during regularly scheduled work hours.
- Checking email and taking phone calls that are not urgent in nature outside of business hours.

Employees who are eligible for overtime payments may not access University email outside of business hours. Phone calls and other communications to employees who are eligible for overtime outside of business hours must be limited to subjects that are considered an emergency or business necessity.

## **4.9 Flexible Scheduling Program**

Departments or offices may authorize flexible work arrangements for employees when such arrangements respond to the needs of employees, increase productivity, and/or enhance the service capabilities of the organization. A flexible work schedule (or flextime) permits an employee to work a predetermined and approved variation of the employee's standard work schedule. This schedule may be limited to the length of scheduled student breaks when classes are not in session.

### **4.9.1 Purpose**

Methodist University endorses the use of flexible scheduling of staff work hours (flextime) where appropriate:

- To promote employee morale
- To provide opportunities for employees to conduct personal business without taking either paid or unpaid time off
- To maximize employee productivity
- To allow greater employee participation in family and community activities

### **4.9.2 Definitions**

**Flextime:** A system of varying staff work time, in which each employee will work the same number of hours as usual, but the timing of hours worked will vary by mutual agreement between an employee and his/her supervisor within established Flextime guidelines. All requests for Flextime must be approved by the immediate supervisor. Long term scheduling of a flexible schedule must be approved by the departmental VP.

**Adjusted Work Week:** A change in schedule to allow the employee to work the same number of hours during the



regular week, but with altered start and stop times for work days. For example, working Monday through Friday from 9:00 am to 6:00 pm instead of 8:00 am to 5:00 pm. No change in salary or benefits.

**Compressed Work Week:** A change in schedule to allow the employee to work the same number of hours during the week, but over a shorter time period. For example, working ten hours over a four day period instead of eight hours over a five day period, during the regular work week. No change in salary or benefits.

**Core Hours:** Pre-specified times of day when all available employees must be in work status in their units; core hours may or may not be required in a specific department, depending upon the nature of work performed or the level of service to be maintained.

#### **4.9.3 Eligibility**

All employees of Methodist University are eligible to apply for flextime. This is with the understanding that flextime is not appropriate for all positions (for instance, those positions that are scheduled by shifts). All requests are subject to supervisor approval before flextime can be utilized. Employees and supervisors must maintain records of requests for flextime and the required approvals.

#### **4.9.4 Department Closures Using Flextime**

If the use of flextime during student breaks would result in a change to regular office hours, those alternative office hours must be communicated and posted prior to implementation of flextime. For example, if office participation during summer/spring/winter breaks results in closure on Friday, a sign must be posted indicating that this will occur with a beginning and end date and online schedules (where applicable) must be updated to reflect alternate hours during break.

#### **4.9.5 General Guidelines**

- This schedule may be limited to the length of scheduled student breaks when classes are not in session.
- Supervisors must coordinate employee schedules to meet staffing needs.
- It is management's right to change official employee work schedules to meet the needs of the university, in a manner consistent with applicable provisions of administrative rules and labor laws.
- Hours must be flexed within the same workweek to meet the Department of Labor requirement of a 40 hour workweek and avoid overtime
- Use of an approved flexible schedule is always superseded by University needs.
- Specific positions or work units may be excluded on a temporary or permanent basis to meet workload requirements. Permanent exclusions require the approval of the appropriate Departmental VP and be communicated to the Human Resources Office.
- Abuse or misuse of the Flexible Schedule Program will result in disciplinary action.

#### **4.9.6 Requesting Flextime**

- Requests for flextime are handled on a case-by-case basis.
- Requests for flextime may be denied. Some reasons for denial may include:
  - o Employee performance issues
  - o Lack of adequate office coverage to meet University needs
  - o Scheduling conflicts
  - o Other business reasons

#### **4.9.7 Employees Responsibilities**

- Must receive an approved schedule **in advance** of initiating the new work hours.
- Must notify other employees who will be affected by their presence or absence of their flextime schedules.
- Must not request a flex schedule which includes compensable overtime
- Must not propose a flex schedule to work when supervision is not available if their position or individual

circumstances requires supervision

- Must not propose a flex schedule that does not fulfill core hour requirements that have been determined by their department.

#### **4.9.8 Supervisors Responsibilities**

- Shall approve reasonable requests for flextime which conform to University policy and guidelines
- Shall determine staffing and workload requirements and, if necessary, designate a minimum number of persons to be available during regular shift hours
- Shall determine core hours, if necessary
- Shall request alternate office hours if office participation in Flex Scheduling will result in office closure for one day of the week
- Shall notify employees of potential schedule conflicts
- Will make a reasonable effort to avoid conflict in scheduling meetings and other group projects.
- May revoke an employee's eligibility to participate in flextime for abuse of the program
- Shall track the use of flextime, which will include (at a minimum):
  - o The name of the employee using flextime
  - o The date that the flextime was used (this will be the date that the employee's schedule was adjusted to avoid overtime)
  - o The amount of hours of flextime (this is the amount of hours that were adjusted on the flextime date to avoid overtime)
  - o For example, if Employee Jane Doe worked 8 hours on Sunday and so was taking Friday off to avoid overtime, the supervisor will record the following:

Name	Date of Flex Time	Hours of Flex Time
Jane Doe	Friday, 13 June	8

- o This report must be available for submission to Human Resources and the Business Affairs office.

#### **4.9.9 Using flextime**

- The standard basis of employment for full time employees using flextime work schedules will be 40 hours a week.
- All Full-Time employees must work a full 40 hours a week or use PTO or applicable banked leave to bring them up to a total of 40 hours for that week, regardless of their work schedule.
- The maximum number of hours which a supervisor may approve for an employee to work in a day in order to use flextime is 10.
- The maximum number of hours which may be claimed for a holiday falling within a flextime schedule is 8.
- In all cases where time sheets are filled out for payroll purposes, they should record accurately the exact hours worked.

### **4.10 Telecommuting Policy**

#### **4.10.1 Purpose:**

Telecommuting is a flexible work arrangement that allows an employee to work at home for part of their regular work schedule. It can benefit both the institution and the employee by promoting an effective work/life balance and increasing employee recruitment and retention.

This policy applies to exempt (salaried) full-time staff only. This policy does not apply to part-time staff, hourly full-time staff, faculty, adjunct faculty, student employees or temporary employees. However, only in extenuating circumstances where the department need is vast and necessary, an hourly employee can work remotely during an inclement weather day. In that circumstance, the hourly employee must be approved in advance by their supervisor to work remotely and submit a manual timesheet. No employee is entitled to or guaranteed the opportunity to telecommute.

#### 4.10.2 General Guidelines

1. It is the responsibility of department supervisors to determine which employee positions are eligible for telecommuting.
2. Telecommuting is not appropriate for all employees and jobs, nor all employees in the same or similar jobs, and should be considered on a case-by-case basis.
3. Supervisor(s) should identify eligible positions, considering position-specific tasks, requirements and job duties; impact on students, coworkers, and the public. Below are important factors that should be considered when determining whether a position should be considered for telecommuting.
  - The amount of in-person interaction with students; the more interaction with students on a daily basis, the less likely the position is suitable for telecommuting.
  - The amount of in-person interaction and coordination of work with other employees; positions that require considerable interaction with other employees, are less likely to be suitable for telecommuting.
  - The amount of in-person interaction with prospective students, outside colleagues, board members, vendors; positions that require face-to-face interaction with these constituents, are less likely to be suitable for telecommuting.
  - The degree to which the employee needs immediate access to documents or other information located only in the workplace.
  - The degree to which the telecommuting will impact service, quality or department operations, or increase workload for other employees.
  - The degree to which the position can be structured to be performed independently of others with minimal need for support and little in-person interaction.
  - The degree to which performance can be measured by quantitative or qualitative results-oriented standards.
4. Supervisors should consider information specific to individual employees when determining whether to approve a telecommuting request such as, are there current or recent performance concerns, have they recently been issued disciplinary action, has the employee demonstrated ability to work productively on their own, are they self-motivated, etc.
5. Supervisors should evaluate and determine their ability to supervise employees adequately while working from home.
6. Telecommuting may be used when appropriate to the specific needs of a department and employee, or under special circumstances.
7. All departments and offices must be open for business and supervisors should ensure there is appropriate on campus coverage for the department when considering telecommuting agreements.
8. Telecommuting is neither a universal employee right nor a universal employee benefit; telecommuting is a management option for an alternative work arrangement.

9. **Telecommuting will not be allowed on a full-time basis; only partial telecommuting will be an available option** for supervisors to consider for eligible positions or employees. Supervisors can consider full days, half days or a few hours in a day that are worked from home. It is recommended that telecommuting is limited to 60% of the employee's weekly work schedule.
10. Telecommuting may be approved on an on-going basis or a time- limited basis, as necessary to meet department needs.
11. Supervisors should work with employees to determine the optimal combination of telecommuting and on campus work that best fits the needs of the department, the University and the employee. The hybrid approach of remote and on campus work is important to create flexibility for the employee but also meet the needs of the department and the University.
12. Supervisors are responsible to develop a means of evaluating the employees' hours worked and work performance, and holding the employee accountable, as they would normally do while working on campus.
13. Supervisors should work with Human Resources when considering authorizing telecommuting.
14. Telecommuting arrangements must be mutually agreed to by the employee, direct supervisor and the Vice President, with the understanding that the arrangements may be discontinued by the University at any time, with a minimum of 15 business days' written notice to the employee. The Telecommuting Agreement Form must be completed: [Telecommuting Agreement 2022.pdf \(methodist.edu\)](#). Departments with multiple levels of leadership may require approval by management levels in between direct supervisor and Vice President.
15. All telecommuting arrangements must be formalized in a written agreement, signed by telecommuter, direct supervisor and Vice President (or other department supervisors for departments with multiple levels of leadership as deemed appropriate). A copy of the signed agreement must be provided to Human Resources.
16. Unless otherwise specified in the telecommuting agreement, the employees work status, job duties and responsibilities will remain unchanged because of telecommuting.
17. It is recommended that departments review telecommuting arrangements immediately if issues arise and at least annually, to determine if the arrangement should continue.
18. Employees who are telecommuting and when they are telecommuting are subject to the same University policies as if they were on campus and must follow all policies within the Employee Handbook and/ any departmental policies.
19. Employee's compensation and benefits will not change if the employee is approved for telecommuting.
20. Employees may be able to use telecommuting in certain temporary extraordinary circumstances such as a COVID quarantine with supervisor approval.
21. Telecommuting may also be considered on a case-by-case basis as a reasonable accommodation as provided under the Americans with Disabilities Act (ADA). Employees seeking telecommuting for an ADA related reason should contact Human Resources for appropriate direction and form for completion.

#### 4.10.3 Communication

1. The employee must remain accessible during work hours (e.g., phone, email, video, etc.) and should establish and maintain effective communication and workflow among coworkers, department supervisor and customers or other constituents (e.g., students, etc.).
2. The employee and the department supervisor should establish procedures for effective communication, including frequency of e- mails, other electronic communication and/or telephone contact.
3. Supervisors should hold virtual meetings as necessary to facilitate communication, teambuilding, and workflow.

#### **4.10.4 Work Space**

1. Employees must maintain a designated workspace that is safe, clean, professional, quiet, and free of distractions and interactions that would affect performance, and maintain professional workplace conduct.
2. Employees must have adequate internet connection, phone access or other means of electronic tools sufficient to perform the job.
3. The employee is responsible for establishing and maintaining an adequate and safe work environment. The employee is responsible for ensuring the telework space is free of safety hazards and other dangers.
4. Employees will be covered by the University Workers Compensation Insurance only for work-related injuries incurred during the normal course and scope of their employment and job duties, including only being covered during agreed upon work hours and at the agreed upon remote work location.
  - A Telecommuter must report any work-related injuries to their supervisor and file an accident report with the Public Safety Department immediately, but no later than 24 hours after such injury, using the University's standard injury reporting process.
5. The University assumes no responsibility for injuries occurring outside of the agreed upon hours and/or the agreed upon work location. The University also assumes no liability for damages to employees real or personal property resulting from telecommuting.
6. Telecommuting is not designed to be a substitute for active dependent or adult care. Employees are required to make arrangements for dependent or adult care during the agreed upon work hours in the telecommuting agreement. Exceptions may be granted for *temporary* exceptional circumstances, such as dependents being quarantined during the pandemic, etc. Work schedules may be negotiated as appropriate and for those specific circumstances to accommodate dependent care needs.

#### **4.10.5 Workday/Work Hours**

1. A consistent schedule of work hours and days must be established. The number of hours worked will not change due to approval of telecommuting.
2. The employee and their supervisor will agree on the number of days or hours of telecommuting to take place each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication.
3. Supervisors may require employees to report to campus on a telecommuting day as needed for work meetings or other work events. When possible or necessary, flexibility in work schedules may be accommodated.

4. Employees must be at their agreed upon telecommuting workstation and accessible by phone, email or other electronic means immediately or within a reasonable time period deemed appropriate by the supervisor during the agreed- upon work schedule.
5. Employees may not perform personal business or activities during agreed upon work hours.
6. Employees approved for telecommuting will be expected to perform at the same level of productivity as when they are working on site.
7. The employee is responsible for recording PTO or applicable banked leave as they would normally do for time not worked, in accordance with the leave policies in the Employee Handbook.
8. Employees are not to spend any period of time at home or elsewhere spent in activities other than work during the agreed upon work hours, other than regular brief breaks employees would likely take if they were on campus (generally less than 10 minutes, e.g., to use the restroom or stretch their legs, etc.).
9. Employees cannot use telecommuting in place of extended PTO or use of applicable banked leave, FMLA, workers compensation leave or other types of leave. However, the University may determine whether it is appropriate to consider telecommuting as a return to work in partial or full option if the employee cannot fully return to work on campus based on necessary or appropriate documentation regarding their return to work.
10. Departments must contact Human Resources when considering telecommuting arrangements for an employee currently on leave to confirm whether it would be appropriate. Employees on protected leave under state or federal law, such as FMLA, will be prohibited from telecommuting.

#### **4.10.6 Expenses**

1. The University is not obligated to assume responsibility for operating costs, home maintenance, property or liability insurance or other incidental expenses (utilities, cleaning service, etc.) or other costs incurred by employees in the use of their homes as a remote work alternate work location.
2. The employee should seek supervisor approval (and any other approvals as deemed necessary by University policy) before incurring any business expense just as they would while on campus following all purchasing policies and procedures.
3. Home office supplies will not be paid for or reimbursed by the University nor will home office furniture.
4. Local Internet Service Providers (ISP's) are necessary for email and internet functions and are paid for by the employee.
5. Work related long-distance telephone (voice) expenses incurred by the employee at home is the responsibility of and paid by the employee.

#### **4.10.7 Computer Equipment and Other Work Resources**

1. The telecommuter may be held liable for damage to University property caused by negligence. Preventable damage (as determined by appropriate University administrator) to any University equipment being used for telecommuting may be the responsibility of the employee. Normal wear and tear (as determined by appropriate University administrator) on University equipment being used for telecommuting is generally the responsibility of the employee's department.

- Employee must report to supervisor any incidents of loss, damage, or unauthorized access of University equipment and/or information at the earliest reasonable opportunity.
2. It is the employee's responsibility for transporting and installing any University provided equipment at the work from home site, as well as protecting it from theft, damage, and unauthorized use. The University will maintain, service, and repair university-owned equipment used in the normal course of employment, but not personal equipment.
  3. An employee who uses their own personal equipment for telecommuting acknowledges and releases the University of all responsibility or liability regarding such personal equipment. Damage to any personal equipment being used telecommuting is generally the responsibility of the employee. Normal wear and tear on personal equipment being used for the telecommuting is the responsibility of the employee.
  4. University equipment may not be used for personal/other purposes beyond the incidental personal use it might receive if used on campus.

#### **4.10.8 Information Technology, Information Security and Access to Information**

1. All computer and electronic equipment, whether belonging to the employee or the University, shall comply with appropriate firewall, antivirus, and antispyware protections.
2. The employee must follow all software licensing and copyright laws, as well as all precautions and requirements prescribed by the ITS department.
3. Employees must always maintain the protection of confidential information in accordance with the GBLA policy that is emphasized throughout the telecommuting policy (1) ensure the security and confidentiality of covered information; (2) protect against anticipated threats or hazards to the security and integrity of such information; and (3) protect against unauthorized access or use of such information that could result in substantial harm or inconvenience to customers.
4. The employee must ensure the physical security of the equipment used to access MU's information and resources. This includes protecting University information and remote-working equipment from being stolen or accessed by unauthorized persons. This also includes the security of information in paper format including ongoing storage, back-ups, and proper disposal. Hardware, software, and data destruction of confidential materials must be done securely and disposed of at the termination of business need. Remote working arrangements should be equipped to facilitate this activity (a cross-cut shredder) or include the employee bringing materials to MU to be disposed of through standard on-site processes.
5. The employee working remotely is responsible for protecting the University's data and systems that are both remote and those accessed remotely that are located at university facilities.
6. It is the employee's responsibility to follow the same best practices for protecting physical and electronic information and resources as is required at the University regardless of the location.
7. Users may not store any University confidential or personally identifiable information (PII) data on their personally owned laptop. Any storage or processing of confidential or personally identifiable information (PII) should be done only on a university supplied laptop.
8. Employees must not store sensitive or restricted data on personal devices. If personal devices are used for telecommuting, they must be fully compliant with policy and sensitive or restricted data must be stored on university-approved storage solutions.

9. University devices that store sensitive or restricted data must be encrypted in accordance with policy.
10. Employees must follow the same physical security habits that are followed in a work setting, such as keeping work equipment, documents and records in a secure environment and locking equipment when unattended.
11. Employees must protect University information from damage, destruction or unauthorized disclosure and ensure that sensitive or restricted information is not overheard (conversations) or seen (screens or documents) by others. Screens should face away from windows. Extra caution should be taken if working in shared telecommuting spaces.
12. Employees must comply with all laws and University policies regarding disclosure or destruction of information.
13. If employees access sensitive or restricted data, connecting to the University's VPN is recommended. Employees using remote access shall comply with policy.
14. When accessing University information systems, employees should stay on a private, secured Wi-Fi network and avoid using public Wi-Fi.
15. Employees must report any observed or suspected information security incident upon discovery and as quickly as possible to the help desk.

#### **4.10.9 FERPA**

1. Employees remain subject to all FERPA and University confidentiality requirements while telecommuting. Employees are reminded of their obligation to protect the University's proprietary information at all times regardless of where they are working, and to be mindful of confidentiality considerations when telecommuting in a public place away from their regular work space.
2. Employees are strongly discouraged from taking paperwork and documents bearing any FERPA or confidential information on them home or to a telecommuting location. If, however, the employee is required to take any such paperwork or documents for use when teleworking by a supervisor, the employee is required to keep all items secure and safe from inadvertent disclosure, including through loss or destruction.

#### **4.10.10 IT Support**

1. University staff cannot provide hands-on assistance for any equipment or connectivity issues to employees working remotely outside the university. The University's Information Technology Staff may be able to access university-owned computers remotely to resolve issues. If that is unsuccessful, the employee may need to bring the computer to campus for troubleshooting, repairs, or replacement.
2. IT support will be limited for non-MU owned devices or older platforms that may be unsupported by the vendor or by the software manufacturer. Support for a network connection to the University is strictly limited to establishing a connection through the University's virtual private network (VPN). Information Technology staff will not provide support for an individual's home network, Wi-Fi, or internet service. Operating system, software, or configuration issues that prevent the installation of the University's virtual private network (VPN) cannot be supported.

### **4.11 On-Call Policy**

An employee who is required to remain on call on university premises or so close to university premises that he or she cannot use the time effectively for his or her own purposes is working while "on call". An employee who is not required



to remain on university premises but is merely required to be reachable is not working while on call.

#### 4.11.1 Procedures

- A department must be able to demonstrate a business need to require employees to be on-call.
- Departments must consult with Human Resources when establishing an on-call practice to ensure compliance with applicable laws and regulations and compliance with university guidelines.
- The department must ensure that funds are available and must obtain the appropriate dean, vice president or designee's approval before implementing an on-call practice.
- The department must ensure that employees who are required to be on-call have adequate training and the requisite skills and knowledge.
- The department must provide employees with sufficient and reasonable notice of on-call assignments, i.e., published on-call schedule.
- A department must provide employees with the flexibility to request changes in on-call assignments or trade on-call assignments (substitutions or exchanges), assuming employee provides adequate notice and on-call coverage is not compromised.
- A department should provide on-call employee with a reasonable amount of time to respond when called. In determining a reasonable response time, a department must consider the general accessibility and distance of the job site and must allow on-call employee at least 20 minutes to return a call and one hour to arrive at the job site if the employee is responding to a call from off-campus, when it becomes necessary. On-campus employees responding to a call will respond within at least half an hour.
- A department must define its on-call response procedures and call-in requirements in writing and distribute them to on-call employees. On-call employees who fail to respond to a call may be required to provide written explanation for failure to respond and may be subject to disciplinary action.

#### 4.11.2 On-Call Pay

An employee's time on-call is not paid when:

- An employee is not required to remain on campus or in their home, but is merely required to leave word where he or she may be reached.

AND

- An employee is able to use the on-call time effectively to engage in personal activities. This is true even if the university establishes rules governing use of alcohol or participation in other specific activities while the employee is on-call.

If an employee's movement is restricted or they are unable to engage in personal activities while on-call, then they are working and will be compensated at their regular rate of pay.

When an employee is on-call, all time spent responding to calls is hours worked. This time must be recorded with accurate start and end times. (Holiday, Administrative and other pay guidelines apply)

Employees who are on-call, respond to a call on-campus, and live on campus will receive:

- Regular hours for each hour worked to respond to a call with a minimum of half an hour of pay (Holiday, Administrative and other pay guidelines apply)
- Employees may be eligible for Overtime if the time spent responding to calls puts them in excess of the 40 hour work week

Employees who are on-call, respond to a call by driving into campus, and live off-campus will receive:

- Automatic Overtime
- Minimum of 2 work-hours paid. If the time on callback exceeds two hours, the employee shall be compensated for all hours worked when responding to a call.

Employees who are on-call, respond to a call from their current location at that time, do not travel on-campus, and live off-campus will receive:

- Regular hours for each hour worked to respond to a call (Holiday, Administrative and other pay guidelines apply)
- Employees may be eligible for Overtime if the time spent responding to calls puts them in excess of the 40 hour work week

Employees who are on-call and their managers are expected to use discretion when determining if a call constitutes an emergency which requires an immediate, on-campus response. All calls for issues that are not emergencies should be addressed during regular work hours.

## **4.12 Holiday Worked**

The University reserves the right to schedule work on an observed holiday. Full-time or part-time hourly employees who work on a University holiday per the approved and posted University Holiday Schedule, will be paid at their regular rate of pay for any time worked on the observed holiday. Full-time employees will also receive holiday pay.

## **4.13 Inclement Weather Reporting and Pay Policy**

When the University makes a determination to close offices due to emergencies or inclement weather, full-time employees will receive administrative pay for the work hours missed when the University offices are closed. Full-time employees will only receive administrative pay for hours based on their standard scheduled work hours (i.e., 8-hour workday, 7-hour workday, etc.). If the University office closing occurs on a day on which the full-time employee wasn't scheduled to work, they already called out for a scheduled shift, are on previously scheduled PTO, or are on an approved leave, they are not owed administrative pay. Part-time employees are not eligible for administrative pay.

In the event of emergencies such as hurricanes, snowstorms, etc., it may be necessary to close offices but also require essential employees in certain positions to report to work. Essential employees are those whose job conducts a range of operations or a specific responsibility essential to ensure the continuity of critical functions on campus. Examples of departments most commonly required to report to work during emergencies or inclement weather are facilities/maintenance, custodial, and public safety. Only those employees approved by their supervisor to report to work during an office closing should report to work. Supervisors should limit the number of employees required to report to work on campus and are responsible to schedule for the smallest number of employees to complete the necessary work.

Hourly employees required to report to work on campus during emergency or inclement weather when the University has closed offices, will receive time and a half for the actual time worked on campus. Full-time employees who are working on campus during the time the University has offices closed and works less than their standard shift hours, will be eligible for administrative pay to make up the difference. For example, if an employee reports to campus for work during this time and normally works 8 hours a day, but works for only 4 hours on campus, they would receive time and half for the 4 hours worked on campus, and 4 hours of administrative pay.

Any employee who is required to report to work and is unable to come in due to road conditions should call their supervisor and the University will try to provide the means necessary to get them to the University. If an employee does not report for work as required, does not call in, or refuses help to come in, they may be subject to disciplinary action and are not entitled to administrative pay. Employees on a reduced work schedule may be required to return to work temporarily on a different schedule and/or with increased hours.

If an employee doesn't report to work when the University has re-opened offices, the employee will be charged with PTO leave for all hours missed and will receive administrative pay only for the hours that the University had offices closed during their normal working schedule.

Employees may be required to work remotely during a University office closure. If so, hourly employees working remotely on a day in which the University has closed offices due to inclement weather or other emergency are not eligible for time and a half for hours worked and will be paid for time worked at their regular rate. Supervisors may require employees to work remotely during a University office closure and employees can only work remotely if approved by their supervisor.

## **4.14 Travel Pay**

### **4.14.1 Travel Expenses**

It is the policy of the University that employee travel performed in the course of conducting University business must be approved in advance and that such travel should be engaged in and reimbursed according to the guidelines below.

1. All travel must be approved in advance by the employee's supervisor.
2. Employees holding jobs that are designated as requiring extensive travel will be expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position but may be required.
3. The University may issue periodic bulletins specifying or restricting travel booking requirements. Under normal circumstances, employees are to use the most expedient mode of transportation available, to book the least expensive fares, and to stay in and eat at moderately priced establishments.
4. Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.
5. Employees are expected to exercise discretion in incurring expenses while traveling on business. Any travel expenses deemed unreasonable relative to the circumstances will not be paid or reimbursed and are the employee's personal responsibility.
6. Employees whose jobs are designated as requiring extensive travel will be issued a University P-card for payment of business expenses. University corporate cards are available for check-out for employees who do not possess a university P-card. University p-cards and corporate cards are University property, and their use is not to be abused and must be properly documented and approved.
7. University payment for travel expenses relating to an employee's spouse is prohibited, unless the presence of the spouse is deemed by management to have a bona fide business purpose.
8. Employees who know they will have a special request for travel expenses should seek approval for the expense from their supervisor before the expense is incurred.
9. Any employee using their privately owned vehicle for University business must provide liability insurance information and policy number to the Department of Public Safety.
10. Current mileage rates, meal allowances (per diem), and other policies related to employee travel can be found on the University's website ([www.methodist.edu](http://www.methodist.edu)) under the Controllers section of the employee site. Other policies may be communicated directly to employees via email from time to time.

### **4.14.2 Time Worked While Traveling**

Specific federal laws and regulations apply to hourly (non-exempt) employees who are required to travel in connection with work. Supervisors and managers should seek guidance from the Human Resources or Payroll Office if they need assistance in applying travel time to non-exempt employees' time records.

#### 4.14.2.1 Recording Time Worked While Traveling

University Employees who are paid on an hourly basis must accurately record their time worked during travel on the manual Timesheet. This timesheet must be signed by the employee and by the employee's supervisor. Work hours must be submitted to the Payroll Office for entering into the Paycom system.

NOTE: Manual Timesheets should only be submitted when employees are unable to log in due to working off-campus. All other times, employees should clock in/out through Paycom.

#### 4.14.2.2 Time Worked During Travel

Determining whether or not time spent in travel is working time depends on the kind of travel involved.

- A. Working Hours during Travel: Hourly (non-exempt) employees will be paid for each hour working on University business during their travel. These hours must be recorded with accurate start and stop times.

The compensation for a non-exempt employee who is scheduled to travel on university business, or who accompanies students or others on an officially sanctioned university trip should be reviewed by the employee's supervisor and the employee prior to the scheduled travel so that the appropriate payment for hours can be determined in advance. That is, a schedule of work hours should be determined prior to the trip.

Determining compensation for all hours worked when an employee is at a meeting/conference also depends on what events a supervisor directs the non-exempt employee to attend. For example, many conferences offer evening speakers, city tours, and networking dinners which are usually considered extras and not part of the conference. If the employee wishes to attend these events, this will need to be pre-approved by the employee's supervisor.

Attendance at these type of events must fulfill a university need and the employee's attendance at these events needs to be considered in the university's best interest and therefore compensable.

Attendance at meetings, training programs, and similar activities are not considered worked time if all of the following criteria are met:

- It is outside of normal work hours
- It is voluntary
- It is not directly job related
- No other worked is concurrently performed

Time when the employee is able to engage in social or personal activities not required by the university is not time worked. For example, when the employee is in the hotel and not working, is eating, is sleeping, or is pursuing other interests. The overtime policy applies while on travel.

- B. Travel Time to Off Campus on a One Day Assignment: An hourly employee who regularly works at a fixed location on campus and is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, deducting that time the hourly employee would normally spend commuting to campus from his or her home.

For example, if a non-exempt employee is sent out of town to help with a one-day project. His normal work hours are 8:00 a.m. to 5:00 p.m. The employee commutes from home to the destination, which is an hour away. The employee's regular commute time from home to the university is half an hour. So, the compensable travel time to the one-day assignment would be half an hour. The same is also true for the return trip to the employee's home. Of the one hour commute from the off-site destination to the employee's home, half an hour is compensable when we deduct the employee's normal commute from home to the university.

If, however, the employee commutes from home to the university to pick up materials or co-workers and then leaves for his or her destination, the total time traveling to the off-site destination from the university would be compensable. The same is also true for the return trip. If the employee returns to campus from the off-site destination to drop off supplies/coworkers or work, the full commuting time from the off-site destination to the university is considered time worked.

- C. Travel Time in a Day's Work: Time spent by an hourly employee in travel as part of their regular job duties, such as travel from campus to another site during the workday, is work time and must be counted as hours worked.

For example, if a non-exempt employee is sent off-site to purchase supplies for the university. His normal work hours are 8:00 a.m. to 5:00 p.m. To purchase the supplies, he travels during his regular work hours. All time spent traveling is considered time-worked.

- D. Travel Time Away from the "Home Community": Travel that keeps an hourly employee away from home overnight is travel away from home.

Travel away from home is work time when:

- it cuts across the employee's regular working hours (even if it is not on a regular workday)
- Outside of the employee's regular working hours IF the employee is a driver OR a passenger working on route.

Time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered time worked when the employee is not working on University Business.

For example, if a non-exempt employee who typically works Monday-Friday from 8:00 a.m. to 5:00 p.m. has booked a flight to travel on Sunday. The flight leaves at 1:00 p.m. and arrives at its destination at 3:00 p.m. The 2 hours of travel time is considered compensable since it occurs during the employee's normal work hours (even though it is on a day the employee does not normally work).

If the employee traveled on Sunday between 7:00 p.m. and 11:00 p.m. or Monday morning between 5:30 a.m. and 7:30 p.m. and is a passenger on a plane, train, boat, bus, or car and is not performing work, this would not be counted as work as it occurs outside the employee's normal work schedule.

If the employee traveled on Sunday between 7:00 p.m. and 11:00 p.m. or Monday morning between 5:30 a.m. and 7:30 p.m. and drove himself, that time would be compensable. It would also be compensable if an employee was a passenger at this times, but was directed to work during travel.

- E. Requests to Use Private Automobile in Travel Away From Home Community: If an hourly (non-exempt) employee is offered public transportation but requests permission to use his or her private automobile instead, there are two options for counting work time: Either the compensable hours spent driving in the car would be counted or the compensable hours spent by public transportation.

For example, if a non-exempt employee request to drive his personal vehicle to a location that is six hours away by car but two hours away by plane, then two hours of travel would be considered compensable.

## 4.15 Workers Compensation

The Employment Security Commission regulations mandate that a Workers Compensation Claim Form 19 be filed no later than five (5) days after an employee is injured while working at his/her place of employment. This is true without regard to whether the employee sought medical attention at the time of his/her accident or injury.

Employees should be aware that they are covered by Workers Compensation Insurance at all times they are working for the University. This includes periods when they might be using their personal vehicle for University business.

The University has the right to direct an employee's medical treatment when an employee has an accident or injury. The University currently uses the services of US Healthworks, 1702 Owen Drive, Fayetteville, NC, 910/323- 3184 for accidents/injuries sustained within the Cumberland County area.

#### 4.15.1 How and When to File a Workers Compensation Claim

1. Notify your Supervisor or Department Head of the accident/injury immediately. If emergency medical attention is needed immediately, call 911. Then, have someone contact the University's Public Safety Department. They will direct the appropriate emergency vehicles.
2. Notify the Facilities & EHS Director or Human Resources immediately for instructions on where and when to get medical treatment. Follow instructions exactly as given. Not doing so could jeopardize your claim.
3. Seek emergency medical attention at Cape Fear Valley Medical Center if you are unable to contact your Supervisor, Department Head, or the Human Resources/Payroll Office staff after working hours. If you are out of the Cumberland County area, seek medical treatment as available and appropriate.
4. All medical treatment information should be sent to:
  - Facilities & EHS Director or Human Resources - Methodist University 5400 Ramsey Street, Fayetteville, North Carolina 28311
  - Contact Police & Public Safety and they will investigate and prepare a written statement of the accident/injury for the Facilities & EHS Director and Human Resources regardless of whether medical attention was provided at the time of injury or not. Do this as quickly as possible to aid in the filing of your claim. Not giving a written statement could jeopardize your claim.
5. If during the course of your work duties, you are involved in a minor or major mishap, you should immediately report it to the Public Safety Office. If you do not get a written report of your accident/injury and at a later date you become disabled or need medical attention, your claim could be difficult to validate.

**Please Note: Failure to follow these guidelines could result in the denial of a Workers Compensation Claim by the University's insurance carrier.**

## 5 Leave Policy

It is the responsibility of all employees to request and receive supervisory approval prior to taking time off from work. Supervisors should attempt to approve voluntary leave at the time requested by the employees but have the discretion to disapprove the leave if it will significantly impact University and/or department operations. In the case of unscheduled leave taken due to an emergency or illness/injury, the employee or a designee is responsible for notifying the employee's supervisor as soon as possible of any required unscheduled leave as well as an anticipated return to work date. An employee who fails to contact their supervisor as required may be considered to have abandoned their position and will be subject to termination in accordance with the University's Job Abandonment Policy (See section [3.8.2 Job Abandonment](#)).

Employees on a reduced work schedule will find their PTO accruals and allowances in this policy but must reference

the Reduced Work Schedule Policy for all policy details regarding reduced work schedules.

## **5.1 Paid Time Off (PTO) Policy**

Effective February 1, 2024, the University will transition from a traditional vacation and sick leave model to a Flexible Paid Time Off (PTO) model. Under the University's PTO program, eligible employees will be provided with paid time off from work that can be used at the employee's option for rest and relaxation, rejuvenation, illness, personal business, or to attend to personal commitments. The PTO program combines the former traditional vacation, sick, and personal leave time into a single "bank" of days or hours to be used by eligible employees at their discretion, subject to departmental procedures. University holidays are not included in PTO balances. Eligible employees receive holiday pay in accordance with the University's holiday policy.

See the section entitled "Transition from Traditional Leave to Flexible Paid Time Off (PTO) Program" for additional information and processes to be implemented with the conversion to the new PTO policy.

The University's PTO policy aims to promote a healthy work-life balance, enhance employee well-being, and foster a positive and productive work environment. By offering paid time off, we recognize and value the importance of taking breaks, reducing stress, and maintaining overall mental and physical health. The University's goal is to support employees in achieving a harmonious integration of work and personal life, ultimately leading to increased job satisfaction, engagement, and retention.

The PTO policy covers all departments within the university, ensuring that all eligible employees have the opportunity to avail themselves of paid time off benefits. The policy is designed to be inclusive and equitable, providing equal opportunities for all eligible employees to take time away from work for personal, recreational, or other non-work-related purposes.

### **5.1.1 Eligibility**

1. The PTO policy applies to all full-time staff employees working 35 hours per week or more, and to those faculty designated in their employment agreement as 12-month faculty.
2. Full-time exempt (salaried) staff employees with less than twelve-month work schedules or hourly employees with less than 40-hour work schedules are subject to reduced accruals (see designated chart below, or reference the Reduced Work Schedule Policy).
3. 9-month faculty members, students, temporary, and part-time employees are ineligible for PTO benefits. However, 9-month faculty will continue to be eligible for up to four weeks of non-cumulative annual sick leave.
4. PTO is available for use once accrued, subject to appropriate supervisory approval.

### **5.1.2 Earning & Accruing PTO**

1. PTO is earned bi-weekly for non-exempt (hourly) employees and monthly for exempt (salaried) employees and is accrued in accordance with the employees' pay cycle.
2. Accrual allowances for eligible employees are based on years of service. Years of service are determined from the employee's most recent benefit-eligible service date.
3. Eligible employees can accumulate a maximum of 2.0 times their annual PTO accrual. PTO accruals and maximums are summarized in the chart below. Once an employee reaches their maximum, new accruals cease and only resume

once the accrual balance drops below the maximum. PTO accrual balances on December 31<sup>st</sup> will carryover to the next calendar year, subject to the employees maximum accrual.

4. Upon separation from the University or an employment status change to a position not eligible for PTO, after the new PTO program begins in February 2024, employees will receive a payout of their unused PTO hours, not to exceed 80 hours. For employees working on a reduced work schedule, the 80-hour cap will be adjusted pro-rata, accordingly. See Reduced Work Schedule Policy.
5. Subject to maximum accruals, employees continue to accrue PTO while on approved leave. When there is no PTO or applicable banked leave remaining for use, PTO accruals will cease.
6. PTO accrual will be prorated based on the date of hire and on the date of termination for each eligible full-time employee.

**Paid Time Off (PTO) Accrual Chart:**

12 Month Employees								
Years of Service	Non-exempt (Hourly)				Exempt (Salaried)			
	Annual Days	Hours earned per pay period	Annual Hours	Maximum accrual in days/hours	Annual Days	Hours earned per pay period	Annual Hours	Maximum accrual in days/hours
Less than 5	20	6.15	160	40 days/320 hours	20	13.33	160	40 days/320 hours
5 or more, less than 15	24	7.38	192	48 days/384 hours	24	16	192	48 days/384 hours
15 or more	26	8	208	52 days/436 hours	26	17.33	208	52 days/436 hours

**Reduced Work Schedule PTO Accrual Charts:**

11 Month Employees					35 Hour Employees				
Years of Service	Exempt (Salaried)				Years of Service	Non-exempt (Hourly)			
	Annual Days	Hours earned per pay period	Annual Hours	Maximum accrual in days/hours		Annual Days	Hours earned per pay period	Annual Hours	Maximum accrual in days/hours
Less than 5	18.33	12.21	146.58	40 days/320 hours	Less than 5	16.81	5.38	139.88	40 days/320 hours
5 or more, less than 15	22.00	14.63	175.89	48 days/384 hours	5 or more, less than 15	20.17	6.46	167.96	48 days/384 hours
15 or more	23.83	15.84	190.67	52 days/436 hours	15 or more	21.85	7.00	182.00	52 days/436 hours



### 5.1.3 Using PTO

1. Supervisors have the responsibility of approving or denying requests for time off.
2. PTO is paid at the regular rate of pay.
3. PTO is not considered time worked for purposes of calculating overtime.
4. Hourly employees must use PTO in the same quarter hour increments that time worked is calculated.
5. PTO accruals must be earned before they can be used.
6. Employees are encouraged to take at least two weeks off annually, subject to supervisor approval.
7. Hourly full-time employees are accountable for a predetermined number of hours per week. For some full-time employees this may be 40 hours per week and for some it may be 35 hours per week, etc. PTO leave must be used and exhausted before an employee may voluntarily take leave without pay.

If an employee also has any banked vacation or sick leave (*banked sick leave hours can only be used as defined by policy*), those leave balances must also be exhausted before an employee may voluntarily take leave without pay.

8. Exempt (salaried) full-time employees may take PTO in full or half day increments. PTO for exempt employees does not have to be used for anything less than four hours per day. Employees are required to notify their direct supervisor of any time away from work during their normal schedule, whether working remotely or on campus.

*Note:* Methodist University, in good faith, complies with the salary basis requirements of the Fair Labor Standards Act. The University pays its exempt employees on a salary basis and will not make any deductions from their salaries that are prohibited under the FLSA. Exempt employees are those employed in a bona fide executive, administrative or professional capacity and who are exempt from the FLSA's overtime pay requirements. Being paid on a "salary basis" refers to an employee who regularly receives a predetermined amount of compensation each pay period on a weekly or less frequent basis which cannot be reduced because of variations in the quality or quantity of work. An exempt employee must receive their full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked, except in certain circumstances where deductions from the salary is permissible under the FLSA.

9. Official University holidays occurring during an approved PTO period are not charged to accumulated PTO.
10. PTO is managed in the University's timekeeping system and employees must request PTO through the system as part of the regular payroll processing cycle.
11. Employees are responsible for requesting PTO within the University's timekeeping system for supervisor approval prior to taking leave. In the case of unscheduled leave taken due to an emergency or illness/injury, the employee or a designee is responsible for notifying the employee's supervisor as soon as possible of any required unscheduled leave as well as an anticipated return to work date.

### 5.1.4 Changes in Employment Status

1. Employees transferring from one PTO-eligible position to another will carry forward their unused, accumulated PTO balance, subject to the employee's maximum accrual.

2. Employees transferring to a position that is not eligible for PTO will receive a lump sum payment of their unused accumulated PTO balance, up to a maximum of 80 hours, with the remaining balance unpaid and forfeited.
3. Employees separating from the University will be paid a lump sum payment of their unused, accumulated PTO balance, up to a maximum of 80 hours, with the remaining balance unpaid and forfeited.
4. Accumulated, unused PTO balances, up to the maximum of 80 hours, will be paid out separately, by direct deposit, on the pay date for the pay period on which the employee's last day of employment, or the employee's last day in a benefit eligible position falls.

#### **5.1.5 Reporting PTO Used:**

1. Each University employee subject to this policy shall have an official PTO record maintained in the University's timekeeping system, showing PTO time accrued and used.
2. The bi-weekly timesheets for hourly employees must be used to record PTO for all eligible hourly employees.
3. All employees, both hourly and salaried, are responsible for entering their PTO in the University's timekeeping system prior to taking that leave and are expected to report time used accurately. Deliberate falsification or misrepresentation of PTO reports to avoid compliance with University policy shall be considered cause for disciplinary action up to and including termination of employment, of all employees who knowingly contributed to the falsification.

#### **Additional Comments:**

1. The supervisor for each area is responsible for scheduling PTO for the employees in that area, consistent with University program needs and employee wishes.
2. It is University policy that the final determination of PTO timing is the prerogative of the supervisor.
3. It is the responsibility of the supervisor to keep abreast of PTO accruals and observe all clauses of this policy.
4. Because all employees need rest and relaxation, no employee will be permitted to work and receive payment of PTO in lieu of taking time off.

## **5.2 Transition from Traditional Leave to Flexible Paid Time Off (PTO) Program**

Effective February 1, 2024, the University transitioned its former traditional Vacation and Sick Leave program to a Flexible Paid Time Off (PTO) model. With this change:

1. Effective February 1, 2024, employees will stop accruing Vacation and Sick leave, and will begin accruing Paid Time Off (PTO).
2. Existing accumulated Sick Leave balances will be "banked" as of February 1, 2024.
  - a. There is no cash value for accumulated Sick Leave. "Banked" Sick Leave hours may only be used when the employee's annual PTO accruals have been exhausted and may only be used for leave related to sickness or injury (see Sick Leave Bank section below for further detail).
3. Existing accumulated Vacation Leave balances will be "banked" as of February 1, 2024, and will be converted to

PTO or paid out over a 5-year period.

- a. The first 10 days of available “banked” Vacation Leave will be converted and transferred to the employees’ annual PTO balance, creating up to 10 days of available PTO as of February 1, 2024.
- b. The remaining Vacation Leave will be held in the “vacation leave bank” and will be available for use, subject to supervisor approval, while awaiting payout per the Vacation Leave Transition chart. Employees will be paid out their vacation leave in 5-day increments through 2028, or until the employee separates from the University, or moves to a non-benefit eligible position. If the employee separates from the University or moves to a non-benefit eligible position prior to the banked vacation leave being paid out per the chart below, the employee will be paid out any remaining banked vacation hours.
- c. “Banked” Vacation Leave hours may only be used when the employee’s annual PTO accruals have been exhausted.

Methodist University provides Sick Leave to pay an employee for an absence from work due to illness or injury as outlined below in the Sick Leave Bank section.

### 5.2.1 Vacation Leave Bank & Transition

At transition in February 2024, employees with 10 days (80 hours) or less of accrued vacation time will have their balance converted to PTO in the new program. Employees with more than 10 days (80 hours) will have the first 10 days converted to PTO. Employees with over 10 days of banked vacation leave balance will receive a full payout over an extended period of time, as outlined below. Employees will be able to use available banked balances until they are fully paid out, subject to the use of the PTO policy.

Vacation payouts will be paid at the employee’s current regular rate of pay at the time of the payout with an off-cycle paycheck in March each year until the vacation transition is complete in 2028. The payout will be paid by direct deposit and will include deductions for withholding taxes but will not include any employee paid deductions for regular monthly benefits.

#### **Banked Vacation Leave Transition Chart:**

Vacation balance at transition	2024	2025	2026	2027	2028
0-80 hours (0-10 days)	> All days convert to PTO	> No action, entire balance converted in 2024	> No action, entire balance converted in 2024	> No action, entire balance converted in 2024	> No action, entire balance converted in 2024
81-120 hours (11-15 days)	>First 10 days convert to PTO >Remaining vacation banked and available for use	>Remaining vacation is paid out	> No action, entire balance converted in 2024-2025	> No action, entire balance converted in 2024-2025	> No action, entire balance converted in 2024-2025
121-160 hours (16-20 days)	>First 10 days convert to PTO >Remaining vacation banked and available for use	>Up to 5 days paid out >Remaining vacation banked and available for use	>Remaining vacation is paid out	> No action, entire balance converted in 2024-2026	> No action, entire balance converted in 2024-2026
161-200 hours (21-25 days)	>First 10 days convert to PTO >Remaining vacation banked and available for use	>Up to 5 days paid out >Remaining vacation banked and available for use	>Up to 5 days paid out >Remaining vacation banked and available for use	>Remaining vacation is paid out	> No action, entire balance converted in 2024-2027
201-240 hours (26-30 days)	>First 10 days convert to PTO >Remaining vacation banked and available for use	>Up to 5 days paid out >Remaining vacation banked and available for use	>Up to 5 days paid out >Remaining vacation banked and available for use	>Up to 5 days paid out >Remaining vacation banked and available for use	>Remaining vacation is paid out

### 5.2.2 Sick Leave Bank

Banked Sick Leave will hold the same definitional use as allowed per the previous sick leave policy. If an employee has exhausted their PTO and needs time off for reasons that qualify them to use sick leave, they may request to use hours from their sick leave bank.

1. An ill employee must report to the supervisor as early as possible to explain the absence from work and provide an opportunity to arrange for a replacement, when necessary. Failure to call in may result in a refusal by the University to pay for time missed.
2. Generally, an employee who claims more than three consecutive days of illness may be required to produce a physician's statement. However, we depend upon the integrity and willingness to cooperate on the part of those concerned to make this benefit a valid contribution to the general welfare of our employees. Where circumstances dictate, the University may request a physician's statement at any time.
3. An employee who is out three or more consecutive days for the same illness will be required to apply for Family Medical Leave (See the Family and Medical Leave Act Policy). Contact Human Resources to apply.
4. In the case of Occupation Injury:

Any employee who sustains a disabling injury in the line of duty shall be granted sick leave with pay subject to the following limitations:

- a. During the disability, the injured worker will be paid as though regularly working until accrued sick leave has been exhausted or,
  - b. Until the workers' compensation insurance company begins payments per the rate schedule determined by the North Carolina Industrial Commission.
5. Banked sick leave can be used in the following conditions:
- a. Illness or injury to employee;
  - b. Medical, optical and dental examinations and treatments;
  - c. Illness or injury to spouse, children, and parents (as defined below):
    - i. **Parent** means biological parent of an employee or an individual who stands or stood in the place of a parent to an employee when the employee was a child.
    - ii. **Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical condition.
  - d. When a member of the employee's immediate household contracts a contagious disease, exposure to which might jeopardize the health of other employees were the worker allowed to remain on duty, sick leave may be used.

## 5.3 Family and Medical Leave Act Policy

### 5.3.1 Eligibility

To be eligible for FMLA benefits, an employee must have been employed by the University for at least twelve (12) months and have worked for at least 1,250 hours during the 12- month period immediately preceding the start of the leave. Periods of approved military leave should be counted when calculating these hours of service requirements for FMLA leave. The employee must also be employed at a worksite of the University where 50 or more employees are employed by the University within 75 miles of that worksite.

### 5.3.2 Qualified Leave Reasons

The University will grant FMLA leave to eligible employees for the following reasons:

1. The employee's serious health condition;
2. The birth and care of the employee's child;
3. Placement with the employee of a child for adoption or foster care;
4. Care of the employee's spouse, child, or parent with a serious health condition;
5. Because of a "qualifying exigency" relating to the active-duty status or call to active- duty in the armed forces of a spouse, child, or parent of the employee, including those contingencies set forth in the applicable regulations, summarized as follows:
  - a. short-notice deployment;
  - b. military events and related activities;
  - c. to arrange for childcare, or provide childcare on an urgent basis, or for school activities;
  - d. to make financial or legal arrangements;
  - e. to attend counseling;
  - f. to spend time with the service member while on short-term leave;
  - g. for post-deployment activities; and
  - h. for other activities in accordance with the regulations.
6. Because care is required for a family member or next of kin who is a member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status on the temporary disability retired list, for a serious injury or illness.

Leave for the birth and care, or placement and care of a child must conclude within 12 months of the birth or placement of the child. FMLA applies equally to male and female employees.

### 5.3.3 Definitions

1. **Employee** means faculty or staff member employed by the University on a full time, part time or temporary basis.
2. **Serious Health Condition** means an illness, injury, impairment, or physical or mental condition that involves either:
  - a. inpatient care in a hospital, hospice or residential medical care facility, or
  - b. continuing treatment by a health care provider.
    - i. Continuing treatment means, in broad terms:
      - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery there from) of

more than three (3) consecutive calendar days (and any subsequent treatment or period of incapacity involving the same condition) involving treatment two or more times by a health care provider (within 30 days of the incapacity) or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the health care provider's supervision.

- Any period of incapacity due to pregnancy or prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing incapacity.
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, severe stroke, terminal stages of a disease).
- Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

3. **Parent** means the biological parent of an employee or an individual who stands or stood in the place of a parent to an employee when the employee was a child.
4. **Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.
5. **Health Care Provider** means a physician, dentist, podiatrist, clinical psychologist, or optometrist who is authorized to practice medicine or surgery in the state in which the individual practices his/her profession. In cases limited to treatment consisting of manual manipulation of the spine to correct a subluxation, medical certification may be provided by a chiropractor.
6. **Next of Kin** means nearest blood relative.
7. **Covered service member** means a member of the United States armed forces, National Guard, or Reserves.
8. **Serious Injury or Illness** means an injury or illness incurred by a covered service member in the line of duty on active duty that may render him or her unfit to perform the duties of his or her office, grade, rank, or rating.

#### 5.3.4 Notice and Scheduling Requirements

Employees seeking FMLA leave should provide their supervisors and the University's Chief Human Resources Officer at least 30 days prior written notice of the proposed leave. Where advance notice is not possible, such as in the event of a medical emergency, notice should be given as soon as practicable.

Employees using intermittent leave or leave on a reduced schedule must make a reasonable effort to avoid disrupting University operations, including scheduling doctor's appointments outside of work hours. An employee using intermittent leave due to medical necessity should notify his/her supervisor as soon as he/she knows that he/she will be unable to work, but no later than the starting time of the employee's work day. An employee must notify his/her supervisor on each day of absence unless other arrangements have been made.

Failure to follow this policy may delay or postpone the commencement of the leave and/or result in disciplinary action. Please contact the Human Resources Department for the applicable forms.

### **5.3.5 Notice to Employee**

When an employee has proposed a leave, Human Resources is expected to notify the employee, in writing, that the University is provisionally designating the leave as Family Medical Leave.

### **5.3.6 Certification by Health Care Provider**

If FMLA leave is based on a serious health condition, whether it involves the employee or a family member (parent, spouse or child), medical certification from a health care provider will be required. Failure to provide such certification may result in a delay of the employee's leave. Where the University requires an employee to provide a medical certification, that certification must be provided within twenty (20) calendar days of the University's request. Please contact your supervisor or the Human Resources Department for available medical certification forms. Employees should be aware that the University may, under certain circumstances, require recertification of a medical condition. In addition, employees may be required to report on their intent to return to work. Whenever an employee learns of a change in the anticipated length of a FMLA leave, the employee must notify the University within two (2) business days of learning of such a change.

If a leave request is based on a qualifying exigency due to active duty service or a call to active duty service, the employee may be required to provide a copy of the active duty order or other appropriate documentation, as well as certification and documentation from the employee containing information supporting the qualifying exigency. When leave is taken to care for a covered service member, the employee may be required to provide certification from an authorized health care provider.

Employees using PTO or applicable banked leave are prohibited from working either in the workplace or at any other location, including the employee's home, whether for the University or otherwise. When returning to work from a leave taken because of the employee's own serious health condition, the employee will be required to provide a return to work note from the treating physician prior to reporting back to the workplace.

### **5.3.7 Length of Leave**

Eligible employees may be entitled to up to twelve (12) weeks of unpaid leave during any rolling 12-month period (which period is measured backward from the date an employee uses any FMLA leave). Each time an employee takes FMLA leave, the remaining leave entitlement equals the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

Where both spouses are employed by the University, they are each entitled to 12 weeks of FMLA leave for the birth and care of their newborn child, or for the care and placement with them of a child for adoption or foster care.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of FMLA leave during a 12-month period to care for the service member. The leave in this paragraph shall only be available during a single 12-month period, though that leave entitlement shall be applied on a per-covered-service member, per-injury basis.

In certain circumstances, employees may take intermittent leave or leave on a reduced leave schedule. Intermittent leave or leave on a reduced schedule for the birth and care or placement and care of a child for adoption or foster care will be allowed only with the University's prior written approval. Intermittent leave or leave on a reduced schedule may be taken whenever medically necessary to care for a seriously ill family member or because of the employee's own serious health condition.

### **5.3.8 Substituting Paid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use PTO or applicable banked leave prior to being eligible for unpaid leave. PTO or applicable banked leave will run concurrently with FMLA leave. If the employee has banked sick leave, it can be

used if the reason for the FMLA leave is covered by the definitions within and if the family member is covered by the banked sick leave policy.

Leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee will then be required to substitute accrued leave, as appropriate, before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all PTO or applicable banked leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all PTO or applicable banked leave. PTO or applicable banked leave will run concurrently with FMLA leave. If the employee has banked sick leave, it can be used if the reason for the FMLA leave is covered by the definitions within and if the family member is covered by the banked sick leave policy. An employee using FMLA military caregiver leave must also use all PTO or applicable banked leave prior to being eligible for unpaid leave. PTO or applicable banked leave will run concurrently with FMLA leave. If the employee has banked sick leave, it can be used if the reason for the FMLA leave is covered by the definitions within and if the family member is covered by the banked sick leave policy.

#### **5.3.9 Benefits during Leave**

During any FMLA leave, the University will maintain the employee's medical, dental, vision, life and disability insurance coverage on the same conditions that coverage would have been provided if the employee had been continuously employed during the entire leave period.

The University and the employee will each continue to pay their portion of the benefit costs. In some instances, the University may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave on a prorated basis.

During a FMLA leave, PTO will continue to accrue only during that portion of the leave which is paid by using PTO or applicable banked leave.

During any unpaid FMLA leave, PTO will not accrue. For those persons returning from any unpaid FMLA leave, accrual of PTO will resume the first of the month which follows or coincides with the date the individual returns to active work. Where the FMLA leave is taken on an intermittent basis or as a reduced- schedule, PTO will continue to accrue during the leave on a pro rata basis.

#### **5.3.10 Return from Leave**

Normally employees returning from medical leave will be reinstated to the same or an equivalent position, with equivalent pay, benefits and other terms and conditions of employment. Failure to return to work once FMLA leave has been exhausted may result in termination of employment. However, at times, departments or schools may restructure due to changing business and operational needs and the need to continually enhance programs and services. These restructuring initiatives may result in position discontinuations, even positions held by employees out on FMLA or other types of leave. If an employee on FMLA has his/her position discontinued, he/she will be given at least 30 days written notice of the position discontinuation and will be informed of any applicable benefits that he/she may be eligible to receive.

Employees returning from leave for a serious health condition must provide supervisors with a certification from a health care provider documenting their fitness to return to work. Employees who are unable to return to work at the end of the leave should notify their supervisor in writing at least two weeks in advance and must have the physician re-certify that the leave is medically necessary. Supervisors should contact Human Resources to discuss alternatives prior to taking any action if an employee is unable to return to work, has exhausted the 12 weeks of FMLA leave and/or is out of PTO or applicable banked leave.



In addition, except as provided in this policy, an employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned before using FMLA leave.

### **5.3.11 Other Leave Arrangements**

The determination of whether an employee qualifies for FMLA leave will be made at the time leave is requested. If an employee is ineligible for leave under FMLA or has exhausted his/her 12 weeks, the employee may be entitled to a leave of absence under the University's established policies addressing leaves of absence. (See section [5.7 Leave of Absence](#)).

FMLA benefits run concurrently with benefits provided by the University's PTO or applicable banked leave.

## **5.4 Jury Duty**

It is the policy of the University to pay any full-time employee who is performing Jury Duty. A copy of the request from the court for the employee to appear should be submitted to the Human Resources Department to verify the employee's obligation.

## **5.5 Holidays**

It is the policy of the University to designate and observe certain days each year as holidays. Full-time employees will be given a day off with pay for each holiday observed.

1. A schedule of holidays to be observed during each calendar year will be published by the Human Resources department each year. At the discretion of the University, a holiday that occurs on a Saturday or Sunday may be observed on either the preceding Friday or following Monday. The holiday schedule can be found on the Methodist University website or in the Human Resources Office.
2. Full-time employees are eligible to receive a maximum of 8 hours of holiday pay at their regular rate of pay for each observed holiday. Employees will only receive holiday pay for hours based on their standard scheduled work hours (i.e., 8-hour workday, 7-hour workday, etc.).
3. The University reserves the right to schedule work on an observed holiday. Full-time or part-time hourly employees who work on a University holiday per the approved and posted University Holiday Schedule, will be paid at their regular rate of pay for any time worked on the observed holiday. Full-time hourly employees will also receive holiday pay.
4. Part-time employees are not eligible to receive holiday pay.
5. Full-time employees on a partially reduced work schedule when a holiday occurs must be normally scheduled to work the day the holiday occurs to get paid for the holiday.
6. Full-time employees will receive holiday pay during an approved leave period. To receive holiday pay, an eligible employee must be at work, or on an authorized absence, on the workdays immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both days because of an illness or injury, the University reserves the right to verify the reason for the absence or request documentation of the absence before approving holiday pay.
7. University offices are closed for scheduled holidays and all employees are required to take the holiday off as scheduled. The only exception would be certain essential employees as required and instructed by their supervisor to work. Essential employees are those whose job conducts a range of operations or a specific

responsibility essential to ensure the continuity of critical functions on campus. For example, public safety.

On occasion, an exempt employee may be required to work on a holiday; in this case, given the exemption status, the employee will be paid for the full holiday but is not subject to be paid for hours worked on the holiday. Supervisors can grant flexibility to an exempt employee who worked on a holiday to flex their time on another day within the week the holiday occurred.

8. If a holiday occurs during an employee's previously scheduled PTO leave period, the employee will not be charged with a PTO leave day for the holiday.
9. The University recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days which are not included in the University's holiday schedule. Accordingly, employees who would like to take a day off for such reasons may be permitted to do so if the employee's absence from work will not result in an undue hardship on the conduct of the University's business and if prior approval has been obtained from the employee's supervisor. Full time employees may use their PTO on such occasions, or they may take time off as an unpaid excused absence.

## **5.6 Bereavement Leave**

A two-day absence (three days if more than 200 miles away) with pay will be granted to those who desire to attend the funeral of a relative.

Relatives are defined as members of the immediate family; spouse, children, parents, grandparents, grandchildren, aunts, uncles, nieces, nephews, sisters and brothers. This includes the same relatives of an employee's spouse.

Employees may be excused for a funeral other than that of a relative, as defined herein, but only with the permission of the immediate supervisor of the employee. Paid time off (PTO) should be used for this absence.

If more time is required, in excess of the two days authorized (three days if applicable), the extra days taken will be chargeable to the accrued PTO of the employee. In the case of an employee having no accrued PTO or applicable banked leave, the employee will be in a non-pay status for the duration of the absence.

## **5.7 Leave of Absence**

It is the policy of the University to grant employees extended leaves of absence from the University under certain circumstances. Except as stated below, employees will not receive compensation during a leave of absence.

1. Employees are eligible for leaves of absence if they have completed at least one year of service (or a lesser amount if specified by law). The University shall determine the duration of each leave of absence and the compensation received by the employee during the leave of absence. The following types of leave will be considered:
2. Family and Medical Leave Act (see [FMLA section](#) for more details)
3. Personal Leave of Absence -- Employees may be granted a personal leave of absence to attend to personal matters in cases in which the University determines that an extended period of time away from the job will be in the best interest of the employee and the University.
4. Military Leave of Absence -- A military leave of absence will be granted if an employee enlists, is inducted, or is

recalled to active duty in the armed Forces of the United States. The duration of this leave will be for a period of not more than four years (plus any involuntary extension for not more than one year). Employees who perform and return from military service in the Armed Forces, the Military Reserves, or the National Guard shall have and retain such rights with respect to reinstatement, seniority, Paid Time Off (PTO), lay-off, and compensation as may be from time to time provided by applicable federal or state law. Employees with one year or more of service will be protected against loss of income as a result of participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard. In these circumstances, the University will pay the difference between what an employee earns from the government for military service and what the employee would have earned as normal straight-time earnings on the job. This difference will be paid for up to two weeks in a calendar year.

5. Educational Leave of Absence -- Employees who desire to continue their education in preparation for added responsibilities with the University may be granted an educational leave of absence.
6. When possible, requests for a leave of absence or any extension of a leave of absence should be submitted in writing to the employee's department head thirty days prior to commencement of the leave period or extension. The department head will forward the request to the Chief Human Resources Officer recommending approval or disapproval. The Vice President will make the decision concerning the request. Ultimate decision rests with the President who will be consulted, if needed.
7. Employees returning from a leave of absence will be reinstated to their same job or one of similar status and pay provided the University's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar status and pay is not available, reinstatement may be deferred until a position is available.
8. Employees who are unable to report to work because of arrest and incarceration will be placed on a special personal leave of absence. If the employee is unable to secure bail, the leave of absence will continue until final disposition of the charges. If the employee is freed on bail, a decision whether to allow the resumption of active employment pending disposition of the charges will be made by the employee's department head and the President. They shall determine whether reinstatement would be consistent with the University's needs and requirements.
9. If an employee fails to return to work at the conclusion of an approved leave of absence, the employee may be considered to have abandoned his or her position and will be subject to termination in accordance with the University's Job Abandonment Policy (See section [3.8.2 Job Abandonment](#))

## **6.0 Employment Expectations**

### **6.1 Probationary Policy**

Persons newly hired at Methodist University undergo a ninety (90) day probationary period. Current employees transferring or promoting to a new position do not undergo the probationary period. The purpose of the probationary period is to allow the new employee to learn his or her job, get to know his or her supervisors and fellow employees, and adjust to the University in general. Employees are expected to perform satisfactorily and performance will be reviewed closely. Unless the employment ends prior to the end of the probationary period, an evaluation will be given at the end of the probationary period.

Employees undergoing the probationary period accrue paid time off (PTO). Likewise, an employee undergoing the probationary period is eligible to receive the other benefits of his or her employment, subject to the normal terms and conditions of those benefits.

All employees subject to this policy may be terminated at or prior to the end of the probationary period. Completion of the probationary period of employment does not change an employee's status as an at-will employee, or in any way restrict Methodist University's right to terminate such an employee or change the terms of conditions of employment.

## **6.2 Behavior of Employees**

It is the policy of the University that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the University and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the University, or is offensive to students or fellow employees will not be tolerated.

All University employees are viewed by the University as educators. Employees are role models for students. Employees are expected both in their personal as well as their private time to set an appropriate example for students.

1. Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interest of the University. Such conduct includes:

- reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time;
- giving proper advance notice whenever unable to work or report on time;
- complying with all University safety and security regulations;
- using tobacco products only at times and places not prohibited by University rules or local ordinances;
- wearing clothing appropriate for the work being performed;
- eating meals only during meal periods and only in the designated eating areas;
- maintaining work place and work area cleanliness and orderliness;
- treating all students, visitors, and fellow employees in a courteous manner;
- refraining from behavior or conduct deemed offensive or undesirable, or which is contrary to the University's best interests;
- performing assigned tasks efficiently and in accord with established standards; and
- reporting to the administration suspicious, unethical, or illegal conduct by fellow employees, students, or visitors.

2. The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination:

- reporting to work under the influence of alcoholic beverages and/or illegal drugs and narcotics or the use, sale, dispensing, or possession of alcoholic beverages and/or illegal drugs and narcotics on University premises;
- use of profanity or abusive language;
- possession of firearms or other weapons on University property;
- insubordination or the refusal by an employee to follow management's instructions concerning a job-related matter;
- fighting or assault on a fellow employee, student, or visitor;
- theft, destruction, defacement, or misuse of University property or of another employee's property;
- gambling on University property;
- falsifying or altering any University record or report, such as an application for employment, a medical

- report, a time record, an expense report or an absentee report;
- threatening or intimidating the administration, supervisors, Public Safety Officers, fellow workers, or students;
- use of tobacco products if prohibited by local ordinance or University rules;
- horse-playing, pranks, or practical jokes;
- unauthorized sleeping on the job;
- failure to wear assigned safety equipment or failure to abide by safety rules and policies;
- improper attire or inappropriate personal appearance;
- engaging in any form of sexual harassment;
- violation of the University's policies on solicitation or distribution; and
- improper disclosure of business or student confidential information.

**\*\*Note:** The examples in item 2 are illustrative of the type of behavior that will not be permitted, but they are not intended to be an all-inclusive listing. Any questions in connection with this policy should be directed to the Human Resources office.

## 6.3 Campus Events and Political Campaign Activities Policy

Methodist University welcomes the free exchange of ideas, civil debate, and public dialog. All events held on campus must adhere to Campus Events, Political Activities, and Protest Policies. MU reserves the right to refuse access to campus facilities or suspend or cancel any event which does not meet these requirements or has the potential to interfere with the safety and order of the campus.

Methodist University encourages faculty, staff, and students to be informed and involved in the electoral process. The University encourages diverse views and free exchange of ideas among our community. Public dialogue and debate are welcome on campus through civil and mutually respectful interactions.

The University does not endorse political candidates or any political party and should take special care to avoid the appearance of institutional endorsement.

As a nonprofit, private institution of higher education whose activities are regulated by Section 501(c)(3) of the Internal Revenue Code, the University is prohibited from participating in political campaigns or ballot initiatives and is restricted from conducting lobbying activities. Violation of IRS regulations could have serious consequences for the University, including loss of tax-exempt status.

This policy outlines what political campaign activities are allowed on campus.

### 6.3.1 Permitted Activities

Activities that are held on campus for the entire campus community and the general public **must be nonpartisan**. All established campus groups must follow University event and facility policies and pay the usual and normal fees. They must declare when reserving campus facilities the purpose and nature of their event.

**Voter education and voter registration** activities that are designed to inform and involve citizens in the electoral process are welcome, as long as they are nonpartisan in the selection of instructors, participants, and curriculum and are without political skew or editorial opinion.

**Voter guides and candidate questionnaires** are welcome on campus, as long as they are nonpartisan and without political skew or editorial opinion. Any fliers or other printed material must be approved for distribution by the Campus Engagement Office, as required for all posters and fliers.

**Faculty, staff, and students are entitled to participate or not**, off-hours, as they see fit in the election process. Those who engage in partisan political activities must do so on their own time, at their own expenses and risk, and make it clear that they are not speaking or acting on behalf of Methodist University. Members of the MU community must assume responsibility for the consequences of their actions when participating in political activities and make it clear that they do not represent the University.

Providing **access to air time by candidates** on MU radio stations or coverage by the student newspaper is permitted if offered on an equal basis to all legally qualified candidates for a public office in a manner that is consistent with Federal Communications Commission standards.

Providing **opportunities to speak at University events** is allowed if offered on an equal basis to all legally qualified candidates for a public office and none are favored. An explicit statement should be made as part of the introduction and in communications concerning the speaker's attendance that the University does not support or oppose the candidate. Candidates may be invited to speak on campus for reasons other than their candidacy as long as a nonpartisan atmosphere is maintained by the event organizers and campaigning at the event is prohibited.

**Institution-sponsored public forums** are allowed to which all legally qualified candidates for a public office are invited and given equal access and are without political skew or editorial opinion. The University may agree to host or co-sponsor public forums that are nonpartisan.

**MU authorized student chapters of political parties** may invite candidates to their meetings to speak to their chapter members provided they follow established University policies regarding facility reservation and use.

**Faculty, staff, or students may choose to run for public office** while at MU. To ensure compliance with IRS regulations, University policies, and to avoid any conflicts of interest, the individual must notify his/her supervisor and the Chief Human Resources Officer as soon as possible, but no later than upon declaration of his/her candidacy. A plan must be established to avoid any potential conflict of interest and to ensure that no one is placed in a compromised educational or work environment.

### 6.3.2 Prohibited Events and Activities

**No individual or group may utilize Methodist University resources** (budget resources, email, copiers, printers, fax, phones, computers, office space, vehicles, letterhead, Monarch Press, website, social media) for creating, printing, and distributing partisan political materials. Employees may not wear or distribute political materials on campus or while working for the University.

**Campaign rallies/events and fundraising events** are not permitted on campus by any individual, campus group, political group or candidate.

**Political events by candidates or outside groups**, if allowed, would require approval by the President.

**Faculty, staff, and students** who engage in partisan political activities must do so on their own time, at their own expenses and risk, and make it clear that they are not speaking or acting on behalf of Methodist University. They must make it clear that the opinions that are expressed are their own and not the opinions of the University. Faculty, staff, and students may not use their University email for political purposes.

**Conducting voter education or publishing candidate ratings that are confined to a narrow range of issues** or skewed in favor of a certain party or candidate and could be viewed reflecting the views of the institution are prohibited.

**Placement of political signs** or other materials on campus is not allowed. Students may have political signs and other materials within their individual rooms but not in common areas on campus.

## 6.4 Methodist University Fundraising Policy

In order to maintain non-profit status, Methodist University must follow certain fundraising and gift recording guidelines as defined by the Internal Revenue Service. The University's Office of University Relations and Advancement serves as the clearing-house for all external solicitations which include direct solicitations of individuals, corporations, and foundations for both in-kind and cash gifts including sponsorships. Solicitations of faculty, staff, students, and the community are **not** permitted without **prior** permission from the Vice President for Advancement and University Relations.

Currently, there are only two solicitations of Faculty/Staff permitted each year. The first is the Annual Fund (Loyalty Campaign) drive. Those funds are used to support student scholarships. The University community is also encouraged to participate in the United Way of Cumberland County's fall campaign to help support local non-profit programs. Other on-campus solicitations of faculty or staff must go before the Vice President for Advancement and University Relations and are subject to approval.

Special fundraising projects such as car washes, bake sales, barbecues, or other functions in which donors receive a good or service in return for their support may or may not include a charitable contribution. When the gift exceeds the value of the good or service the difference can be considered a contribution. Organization and individuals must request permission from the Vice President for Advancement and University Relations at least one month prior to the desired event. Raffles are not permitted at Methodist University.

All gifts must be recorded through the Advancement Office. If there are questions concerning acceptance or receipt of a gift, please contact a member of the Advancement Office before taking action. **Not following** such guidelines can result in IRS penalties and/or the loss of non-profit status.

### 6.4.1 Student Fundraisers

The purpose of this policy is to avoid any confusion or frustration among donors and ensure that student groups follow university accounting policy and IRS guidelines. It is important to clarify who is benefiting from the fundraiser, how the money is being used, and if their gift is eligible for a tax deduction.

Student groups are allowed to solicit for donations to benefit their group or project **only with prior permission** from the Advancement Office. Groups will need to submit the student fundraiser form and receive approval 30 days prior to starting any solicitation.

Permission must be received before any announcements or solicitations are made. Use of the Methodist University name and/or logo must be approved in advance by the Advancement Office.

Monies received to benefit a particular student are not charitable and will not be eligible for a tax deduction. This is viewed by the IRS as a gift to the student or a payment on their individual account.

Officers of student groups and their faculty/staff advisors must attend annual training to utilize their university agency account.

There are two options for student fundraisers.

1. Donations are processed through the Advancement Office. Funds will be deposited into the appropriate university department account. Donors will receive receipts for their gift minus the value of goods and

services received. This value must be established and approved in advance and advertised on all promotional materials. All materials must be approved prior to printing and distribution.

2. Donations are received by the student group and deposited directly into their university agency account. The donor will not receive a receipt from the university and their gift will not be eligible for a tax deduction. They will not be listed in the annual report of donors. A disclaimer must be listed on the promotional materials and communicated to all potential donors. "Thank you for your support of ABC Program/Club. Your purchase or gift will benefit ABC Program/Club and is not a charitable contribution to Methodist University." Groups utilizing this option may not use the university logo on their materials.

## **6.5 Confidential Nature of University Affairs**

It is the policy of the University that the general internal business affairs of the institution should not be discussed with anyone outside the institution except as may be required in the normal course of business. Information designated as confidential is to be discussed with no one outside the institution and only discussed within the institution on a "need to know" basis.

1. Employees should refer to University Relations all media inquiries and other inquiries of a general nature, including those concerning press releases, publications, speeches and official declarations.
2. Employees should refer inquiries seeking information concerning applicants for employment, current employees, or former employees to the Human Resources/Payroll Department. The Human Resources/Payroll employees and the President are the only persons authorized to release employment information. Unauthorized release of employment information by any other employee is subject to disciplinary action, up to and including termination.
3. Supervisors are responsible for identifying information that should be classified as confidential and should develop procedures to control and secure the information.
4. Employees authorized to have access to confidential information are responsible for its security and may be required to sign special nondisclosure agreements. Employees are prohibited from attempting to obtain confidential information for which they have not received access authorization. Employees violating this policy will be subject to discipline, up to and including termination and may be subject to legal action.
5. All employees have a responsibility to avoid unnecessary disclosure of internal information not of a confidential nature about the University and its students. This responsibility is not intended to impede normal business communications and relationships, but is intended to alert employees to their obligation to use discretion to safeguard internal University affairs.
6. Specific regulations the University must be in compliance with in regards to customer information include, but are not limited to, the Family Educational Rights and Privacy Act (FERPA), the Gramm-Leach-Bliley Act (GLBA), and the Health Insurance Portability and Accountability Act (HIPAA).

### **6.5.1 Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

As required by FERPA, all eligible students (current and former) of Methodist University are afforded the following rights:



1. The right to inspect and review their education records within a reasonable time after Methodist University receives a request for access.
2. The right to request an amendment of their education records if they believe any are inaccurate or misleading.
3. The right to consent to disclosure of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

Accordingly, Methodist University will not release student records or information without the expressed, written consent of the student unless there is a legal exception for release of the information.

The following information is categorized as “directory information” and it will be released, in accordance with FERPA, in the best interest of the student as determined by the University: name, address, telephone number, date and place of birth, parents’ names, major field of study, participation in officially recognized activities and sports, most recent previous educational institution attended, weight and height of members of athletic teams, dates of attendance at Methodist University, and degrees and awards received. Under FERPA, students have the right to withhold disclosure of any or all directory information by filing a “Request for Non-Disclosure of Directory Information” form annually with the Registrar. Methodist University assumes that the absence of such a request indicates student approval of the disclosure of “directory information”.

The institutional policy statement concerning these and other privacy rights is the “Methodist University Student Educational Records Privacy Policy (MUSERPP)” and it can be found in the Office of the Registrar located in the Horner Administration Building and in the Student Handbook. The University catalog constitutes annual notification to students currently in attendance, as well as to the parents of those students, of their rights under FERPA and MUSERPP.

A copy of the Act, more details about eligible student rights, and any University policies related to the Act are available from the Office of the Registrar (<https://www.methodist.edu/registrar/>). All questions concerning FERPA should be referred to the Office of the Registrar.

## **6.5.2 Gramm-Leach-Bliley Act (GLBA)**

The Gramm Leach Bliley Act (GLBA) (15 U.S.C. §§ 6801-6809; 16 CFR Parts 313-314) is a law that applies to financial institutions and includes privacy and information security provisions that are designed to protect consumer financial data. This law applies to how higher education institutions collect, store, and use student financial records (e.g., records regarding tuition payments and/or financial aid) containing personally identifiable information. GLBA regulations include both a Privacy Rule (16 CFR 313) and a Safeguards Rule (16 CFR 314), both of which are enforced by the Federal Trade Commission (FTC) for higher education institutions. Colleges and universities are deemed to be in compliance with the GLBA Privacy Rule if they are in compliance with the Family Educational Rights and Privacy Act (FERPA).

The Privacy Rule protects a consumer's "nonpublic personal information" (NPI). NPI is any "personally identifiable financial information" that a financial institution collects about an individual in connection with providing a financial product or service, unless that information is otherwise "publicly available." NPI is to be secured whether the information is maintained by Methodist University or on the University's behalf.

Per the FTC, NPI is:

- any information an individual gives you to get a financial product or service (for example, name, address, income, Social Security number, or other information on an application);

- any information you get about an individual from a transaction involving your financial product(s) or service(s) (for example, the fact that an individual is your consumer or customer, account numbers, payment history, loan or deposit balances, and credit or debit card purchases); or
- any information you get about an individual in connection with providing a financial product or service (for example, information from court records or from a consumer report).

NPI also includes credit and income histories, credit and bank card account numbers, phone numbers, and any other personal customer information received by a financial institution that is not public. Personal information is nonpublic if an individual can opt out of its disclosure. For example, while telephone numbers are listed in a public telephone directory, an individual can elect to have an unlisted number, which makes the telephone number “not publicly available.”

The GLBA [Safeguards Rule](#) states that financial institutions must create a written [information security plan](#) (ISP) describing the program to protect their customers’ information. The objectives of the ISP are to (1) ensure the security and confidentiality of covered information; (2) protect against anticipated threats or hazards to the security and integrity of such information; and (3) protect against unauthorized access or use of such information that could result in substantial harm or inconvenience to customers.

As required by the GLBA, Methodist University has developed an ISP (compliance program) and designated the institution’s Chief Information Officer to oversee the program. In accordance with the Act and the ISP, Methodist has conducted a Risk Assessment that addresses three required areas; (1) employee training and management, (2) information systems and information processing and disposal, and (3) detecting, preventing and responding to attacks. Current internal controls and processes are documented on the Risk Assessment along with recommended additional safeguards to be implemented to mitigate additional risk where identified. The University will continue to regularly test and monitor the effectiveness of its data security safeguards and maintain best practices. Employees will complete Data Security Training on an annual basis as part of the University’s GLBA compliance program.

All questions concerning GLBA should be directed to the Chief Information Officer and the Chief Financial Officer.

### **6.5.3 Health Insurance Portability and Accountability Act (HIPAA)**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law designed to provide privacy standards to protect patients’ medical records and other health information provided to health plans, doctors, hospitals and other health care providers. Developed by the Department of Health and Human Services, these standards provide patients with access to their medical records and requires protection and confidential handling of protected health information.

HIPAA regulations require covered entities, as well as their business associates, to develop and follow procedures that ensure the confidentiality and security of protected health information (PHI) when it is transferred, received, handled, or shared. Furthermore, only the minimum health information necessary to conduct business is to be used or shared and covered entities should rely on professional ethics and best judgment when considering requests for permissive uses and disclosures.

The HIPAA Privacy Rule requires covered entities to protect individuals’ health records and other identifiable health information by requiring appropriate safeguards to protect privacy, and setting limits and conditions on the uses and disclosures that may be made of such information without patient authorization. The rule also gives patients rights over their health information, including rights to examine and obtain a copy of their health records, and to request corrections.

The HIPAA privacy rule does not apply to health records maintained by an educational institution if those health records meet the definition of “education records” or “treatment records” under the Family Educational Rights and Privacy Act. The U.S. Department of Health and Human Services and the U.S. Department of Education issued *Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records* which provides a detailed review of the relationship between FERPA and HIPAA.

In addition, HIPAA does not regulate the ability of institutions to request medical information from their employees and students for legitimate business reasons (i.e., requesting a doctor’s note to substantiate an absence; providing medical documentation with a request for accommodations under the Americans with Disabilities Act.)

To comply with HIPAA, Methodist University will; (1) ensure the confidentiality, integrity, and availability of all protected health information, (2) detect and safeguard against anticipated threats to the security of the information, (3) protect against anticipated impermissible uses or disclosures, and (4) certify compliance by our workforce.

All Methodist University employees will handle sensitive health information with the utmost care, ensuring protection from unauthorized disclosure, whether the information is protected under HIPAA or FERPA.

The US Department of Health and Human Services Office for Civil Rights is responsible for enforcing HIPAA rules. HIPAA violations may result in civil monetary or criminal penalties. All questions concerning HIPAA should be directed to the Director of Health Services.

## **6.6 Performance Management Policy**

*Revised Performance Management Policy coming soon.*

## **6.7 Title IX Policies and Procedures**

### **1.1 Nondiscrimination and Title IX Statement**

Title IX of the Educational Amendments of 1972 (“Title IX”) prohibits sexual discrimination in educational programs receiving federal funds. At Methodist University, some of those programs and activities include: admissions, recruitment, financial aid, academic programs, athletics, housing, and employment. Title IX also protects students, faculty, and staff from unlawful sexual harassment in school programs or activities. Title IX protects both male and female students, faculty, and staff from sexual harassment, regardless of who is the harasser.

Methodist University does not discriminate on the basis of sex and is prohibited from doing so by Title IX.

Questions regarding nondiscrimination policies at Methodist or the application thereof may be addressed to:

Matthew Dempster, Director of Institutional Compliance and Title IX Coordinator  
Horner Administration Building  
5400 Ramsey Street  
Fayetteville, NC 28311  
Telephone: 910-630-7558  
[mdempster@methodist.edu](mailto:mdempster@methodist.edu)

The Department of Education’s Office of Civil Rights (OCR) ensures institutions receiving federal funding comply with Title IX regulations. Additional inquiries regarding Methodist University’s application of Title IX may be referred to:

The Office of Civil Rights  
District of Columbia Office  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202-1475  
Telephone: 202-453-6020  
Fax: 202-453-6021  
OCR.DC@ed.gov.

Methodist University does not discriminate on the basis of age, race, gender, national or ethnic origin, religion, sexual orientation or disabilities in its programs and activities.

The procedures of this policy apply to complaints made against a Methodist University student, faculty, or staff member for engaging in some form of sexual harassment, as defined herein and the applicable federal regulations. As further defined herein and the applicable federal regulations, the person filing a formal complaint of sexual harassment is known as the “complainant.” The person whose conduct is complained about is known as the “respondent.”

Cases will be concluded within a reasonable period of time as provided for by the applicable federal regulations. Timelines apply equally to both the complainant and the respondent. Both parties will be given regular updates in writing until the process is complete.

Nothing herein shall operate to create an expectation of continued employment or enrollment with Methodist University. In most cases, employment with Methodist University is at-will, and employees may be terminated for any lawful reason or for no reason.

## **1.2 Title IX Responsibilities**

### **1.2.1 *Title IX Coordinator***

The Title IX Coordinator plays an essential role in helping to ensure that every person affected by the operations of Methodist University is aware of the legal rights Title IX affords and that Methodist University and its officials comply with their legal obligations under Title IX and applicable regulations.

The Title IX Coordinator’s responsibilities include, but are not limited to:

- Ensuring thorough training is completed by the Deputy Title IX Coordinators, the Title IX Investigators, the Title IX Decision-makers, and the Title IX Mediators in the handling of Title IX notices and formal complaints
- Ensuring training and technical assistance on University policies related to sex discrimination is available to all University members as well as other parties as required by applicable federal regulations
- Developing programs and informational guides on issues related to Title IX to make sure that all members of the school community, including students, faculty, and staff, are aware of their rights and obligations under Title IX
- Overseeing all Title IX related matters
- Coordinating responses to Title IX notices and formal complaints, including, without limitation, the effective implementation of supportive measures

- Coordinating efforts for the investigation, resolution, and implementation of corrective measures
- Reviewing and analyzing information from annual climate surveys
- Updating and revising the Title IX Policy and Procedures as necessary [to this end, the University reserves the right to amend or modify these policies and procedures at any time]
- Monitoring of the educational and working environment to stop, remediate, and prevent discrimination based on sex
- Identifying and addressing any patterns or systemic problems that arise during the review of notices and formal complaints
- The Title IX Coordinator also serves as chair of the Title IX committee which consists of the Coordinator and multiple Deputy Coordinators and any others who may need to be added from time to time by the University, as it deems necessary in its sole and absolute discretion.
- Signing a formal complaint in certain circumstances.

Any Title IX notices/complaints or inquiries regarding the University's non-discrimination policies should be immediately directed to the Title IX Coordinator:

Matthew Dempster, Director of Institutional Compliance and Title IX Coordinator  
 Horner Administration Building  
 5400 Ramsey Street  
 Fayetteville, NC 28311  
 Telephone: 910-630-7558  
 Fax: 910-630-7306  
[mdempster@methodist.edu](mailto:mdempster@methodist.edu)

Should the Title IX Coordinator or any Deputy Title IX Coordinator be named as the respondent, the functions of the Title IX Coordinator/Deputy Title IX Coordinator will transfer to another available Coordinator. At no point will the Title IX Coordinator or any Deputy Title IX Coordinator be involved in the coordination of a response to a notification and/or formal complaint against him or her except for his or her role as a respondent to a formal complaint. Likewise, no other Title IX official will participate in their official capacity in any Title IX matter if there is a conflict of interest. The University reserves the right to resolve all conflicts of interest, perceived or otherwise. All Title IX officials must make any conflict known to the Title IX Coordinator/Deputy Title IX Coordinator.

### ***1.2.2 Deputy Title IX Coordinators***

Deputy Title IX Coordinators have the responsibility of assisting the Title IX Coordinator in coordinating the University's general response to Title IX notifications and formal complaints as directed by the Title IX Coordinator. Deputy Title IX Coordinators must receive thorough training in the handling of Title IX Complaints and other matters as provided by current regulations relating to Title IX. In addition, the Deputy Title IX Coordinators serve on the Title IX Committee.

The Title IX Coordinator is responsible for assigning cases to the Deputy Title IX Coordinator(s). If a potential conflict exists in performing the necessary duties, the Deputy Title IX Coordinator(s) must make the Title IX Coordinator aware of the conflict prior to participating in the Title IX matter. At any point, the Title IX Coordinator may reassign matters to alternate Deputy Coordinators if necessary for cause.

Deputy Coordinators will include, at a minimum:

- The Deputy Chief Human Resources Officer
- A delegate of the Dean of Students

- A representative from the Athletics Department
- A representative from the Faculty

### **1.2.3 Title IX Investigators**

Title IX Investigators have the responsibility of investigating formal complaints of sexual harassment and completing an investigative report regarding such formal complaints in accordance with these procedures and the applicable regulations. If a potential conflict exists in performing the investigation, the assigned Title IX Investigator must make the Title IX Coordinator aware of the conflict prior to investigating the formal complaint or, if later in time, as soon as the Title IX Investigator becomes aware of any potential conflict. At any point in the investigation, the Title IX Coordinator may reassign investigations to alternate Title Investigators if necessary for cause. The complainant and respondent and their advisors, if applicable, will be notified of the Title IX Investigator and their contact information prior to the investigation proceeding and updated if any of that information changes in the course of the investigation. All parties are urged to cooperate with the assigned Title IX Investigator so that he/she may timely complete a thorough investigation and the resulting investigative report.

### **1.2.4 Title IX Decision-makers**

Title IX Decision-makers have the responsibility of adjudicating formal complaints of sexual harassment in accordance with these procedures and the applicable regulations. If a potential conflict exists in performing the adjudication, the same should be reported before adjudicating the particular matter. The University reserves the right to resolve any conflicts by re-assignment or otherwise. In matters where both the respondent and the complainant are students of the University, the initial Title IX Decision-maker shall be the Administrative Hearing Board. In matters where the respondent is an employee of the University, the initial Title IX Decision-maker shall be the Conflict Management Team. The appellate Title IX Decision-maker shall be the University's Appeal Board. Title IX Decision-makers may have access to counsel and legal representation.

### **1.2.5 Title IX Mediators**

Title IX Mediators have the responsibility for assisting in the informal resolution of eligible Title IX matters, as further provided in the applicable federal regulations. As with other Title IX officials, all conflicts should be reported as soon as the official is aware of the same, and the University reserves the right to resolve any conflicts by re-assignment or otherwise.

## **1.3 Sexual Harassment and Discrimination**

Sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act of 1964, by Title IX of the Education Amendments of 1972, and in the Methodist University Equal Opportunity Policy.

Sexual harassment is an abuse of persons: it is a violation of the principle that all members of the Methodist community should be treated fairly and equally, with dignity and respect. Sexual harassment is thus a violation of the freedom of others: it cannot and will not be tolerated at Methodist University. It is the responsibility of all members of the Methodist University community to work toward understanding, preventing, and combating sexual harassment. The purpose of the University's policy regarding sexual harassment is to help the entire community fulfill this obligation. Any person found to have violated this policy will be subject to disciplinary measures.

In addition to its policy regarding sexual harassment, Methodist University provides contacts and resources

trained to deal with this issue. The Title IX Coordinator is available to assist with contacting any of these resources and making appointments if desired.

Methodist University's Center for Personal Development  
Counseling and Psychological Services  
(910)630-7150  
Monday-Friday; 8:00 am- 5:00 pm

Campus Police and Public Safety  
(910)630-7577

Cape Fear Valley Employee Assistance Program  
(910)829-1733

CONTACT Crisis Hotline of Fayetteville  
(910)483-4134

Rape Crisis Volunteers of Cumberland County  
(910)485-7273

Fort Bragg Victim Advocacy Hotline  
(910)322-3418

Fayetteville VA Medical Center / Sexual Trauma Counseling:  
910-488-2120, ext. 5482

Pope Field Victim Advocacy Hotline  
(910)394-7272

Safe-Link Domestic Violence Assistance Program  
(910)475-3029

NC Victim Compensation Services  
800-826-6200

Domestic Violence Women's Shelter:  
910-677-2532

Fayetteville Police Department  
(910)433-1529

Cumberland County Sheriff Department  
(910)323-1500

## **1.4 Definitions**

Methodist University has a legal obligation to ensure a working and learning environment that is reasonably free from discrimination or harassment. Methodist University has procedures to receive, investigate, respond to and resolve complaints of discrimination, including harassment based on sex. Title IX violations include discrimination on the basis of sex or gender and include sexual harassment, sexual exploitation,

nonconsensual sexual acts, sexual violence, and sexual misconduct.

**Actual Notice:** *Actual knowledge* means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator/Deputy Title IX Coordinator. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University.

**Complainant:** *Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Dating violence:** Violence, sexual abuse, physical abuse, or threats of or attempts at such abuse between partners who are or have been in a personal, romantic, or intimate relationship.

**Domestic violence:** Attempting to cause bodily injury; intentionally causing bodily injury; or inflicting substantial emotional distress by causing fear of imminent serious bodily injury or harassment by someone with whom the aggrieved party has or has had a personal relationship. A personal relationship means one between current or former spouses, persons who live or have lived together, persons who have a child in common, or persons who are or have been in a dating relationship.

**Formal Complaint:** *Formal complaint* means a document filed by a complainant or signed by the Title IX Coordinator or Deputy Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator/Deputy Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided by the University and by any additional method designated by the University. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator/Deputy Title IX Coordinator signs a formal complaint, the Title IX Coordinator/Deputy Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements of this Policy AND all applicable regulations.

**Gender Discrimination or Gender Harassment:** Prohibited sex discrimination includes discrimination based on the person's gender but which is not sexual in nature. Methodist University's policies prohibit gender-based harassment, which means unwelcome conduct based on an individual's actual or perceived sex, including discrimination or harassment on the basis of sexual orientation, gender expression, or nonconformity with sex stereotyping.

**Notice:** A report of sexual harassment to the Title IX Coordinator/Deputy Title IX Coordinator that provides actual notice but that does not meet the standard of formal complaint, as defined herein. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator/Deputy Title IX Coordinator, or by any other means that results in the Title IX Coordinator/Deputy Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail



address, or by mail to the office address, listed for the Title IX Coordinator/Deputy Title IX Coordinator.

Respondent: *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Retaliation: Retaliation is taking action against someone for that person's participation in a protected activity. Protected activity under this policy includes (i) a good faith reporting of a complaint under the policy, (ii) participation in an investigation or hearing under the policy, and (iii) opposition to practices that an individual reasonably believes are in violation of this policy.

Sex Discrimination: Conduct that denies or limits a person's ability to benefit from or fully participate in educational programs or activities or employment opportunities because of a person's sex. Examples of the types of discrimination that are covered under Title IX include, but are not limited to, sexual harassment, sexual misconduct, sexual violence, failure to provide equal opportunity in educational programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination. While this Policy does not apply to conduct that does not meet the regulatory definition of Sexual Harassment, Sex Discrimination in all forms is prohibited and may be addressed via other University conduct/grievance policies.

Sexual coercion or intimidation: Words or actions used to pressure, manipulate, isolate, trick or intimidate a person into engaging in unwanted sexual activity.

Sexual Harassment: *Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) 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 recipient's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30) [see relevant definitions herein].

The conduct meeting these requirements must occur against a person in the United States, as more particularly set forth in the regulations.

Sexual Misconduct: Sexual misconduct is any attempted or actual sexual contact directed against another person in the direct absence of effective, mutually understandable consent. Prohibited sexual misconduct includes:

- Indecent Exposure: Deliberate exposure of one's intimate body parts; the display of sexual behavior in a public or open setting.
- Non-Consensual Sexual Contact: Any attempted or actual sexual touching directed against another person in the direct absence of effective, mutually understandable consent. Examples of sexual contact include but are not limited to the intentional touching, groping, or fondling of a person's breasts, buttocks, groin, genitals, or mouth or the clothing covering any of those areas, or using force to cause the person to touch, grope, or fondle his/her own breasts, buttocks, groin, genitals, or mouth or clothing covering any of those areas.
- Non-Consensual Sexual Intercourse: Any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by any person upon any other person without consent.

Sexual Exploitation: Taking sexual advantage of another person without effective consent. Examples include

but are not limited to causing incapacitation of another person for a sexual purpose; causing the prostitution of another person; recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person; allowing third parties to observe sexual activity; engaging in voyeurism, trespassing, spying, or eavesdropping for sexual arousal; distributing intimate or sexual information/images of another person; and/or knowingly exposing another person to a sexually transmitted infection.

**Sexual violence:** A form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or when the person is incapable of giving consent because of a disability, drug or alcohol use, or other reason. Examples of sexual violence include rape, "date rape," sexual assault, and forcefully coercing someone to have sex or perform a sexual act.

**Stalking:** Any course of conduct directed against another person that violates reasonable expectations of personal privacy and that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment to a reasonable person. This includes actions or contact through a third party. Examples include but are not limited to: repeatedly contacting or following a person; use of electronic devices or software to obtain or attempt to obtain private data; entering or opening a student's private property without express consent; use of another person's password or ID to attempt to gain access to personal information.

**Supportive Measures:** *Supportive measures* means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator/Deputy Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

## **1.5 Privacy and Confidentiality**

Complainants should not assume that reports of sex discrimination, including sexual violence, will be kept confidential. Formal complaints of sexual harassment must, in most circumstances, be investigated in accordance with these procedures. The respondent will have mandatory notice of the allegations and an opportunity to participate in the investigation and adjudication phases.

## **1.6 Title IX Procedures**

### **1.6.1 Receipt of Notification of Alleged Sexual Harassment.**

Notices/notifications of sexual harassment will be directed to the University's Title IX Coordinator or Deputy Title IX Coordinators, who will immediately notify the Title IX Coordinator of the notice or notices. As required by applicable federal regulations, upon receipt of actual knowledge, as defined by these same regulations, of sexual harassment in a program or activity of the University's against a person in the United States, the University must respond in a manner that is not deliberately indifferent. The University's response must treat complainants and respondents equitably and without bias as required and further defined by the applicable federal regulations. Upon receipt of any such notice, the Title IX

Coordinator/Deputy Title IX Coordinator must promptly contact the complainant to discuss the availability and appropriateness of supportive measures, must consider the complainant's wishes with respect to supportive measures, must inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and must explain to the complainant the process for filing a formal complaint and the resulting investigatory and adjudicative procedures.

### *1.6.2 Emergency Removal*

Emergency removal of the respondent may be a valid supportive measure; however, prior to taking such a drastic action, the University must undertake a comprehensive and individualized safety and risk analysis, determine by a preponderance of evidence that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provided the respondent with notice and an opportunity to challenge the decision immediately FOLLOWING the emergency removal. Any appeal of such an emergency removal shall be to the Appeal Board. Any such appeal may be taken after the emergency removal has been effected and up to the time that the initial adjudicative process is complete. If the respondent is absolved of any alleged wrongdoing by this Title IX process, the emergency removal order will immediately dissolve. In the case of an employee respondent, the University reserves the right to place the same on administrative leave during the Title IX process.

### *1.6.3 Formal Complaint Grievance Process*

#### *1.6.3.1 General Provisions:*

The following shall apply throughout the grievance process:

The University shall treat complainants and respondents equitably.

The University shall require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

The University shall require that any individual designated as a Title IX Coordinator/Deputy Title IX Coordinator, Title IX Investigator, Title IX Decision-maker, or Title IX Mediator, not have a conflict of interest or bias for or against complainants or respondents generally or toward an individual complainant or respondent. Accordingly, the University must ensure that these Title IX officials receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Likewise, the University must ensure that the Title IX Decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The University must also ensure that Title IX Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train these Title IX officials must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

This grievance process shall be completed in a reasonable prompt time frame [usually within sixty days]. The

University may grant a temporary delay of the grievance process or grant prior to expiration a limited extension of time as to relevant deadlines for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the actions. Good cause may include, without limitation, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The University shall apply the preponderance of evidence standard to all Title IX formal complaints. A preponderance of evidence exists when a reasonable person, after evaluating all information available at the time of the hearing, would conclude that it is more likely than not a violation has occurred.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties provided that the University cannot access, consider, disclose, or otherwise use a party's 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, unless the University obtains that party's voluntary, written consent to do so for a grievance process.

The University shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The University shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The University shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the University and its designees may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

Moreover, the University is only required to provide an advisor, as set forth herein, of its choice for either party at an adjudication hearing. The University may not compel either party to participate in the grievance process; however, failure to fully participate may negatively impact the ability of the University to investigate and adjudicate the Title IX matter, may impact what evidence the Title IX Decision-maker can consider and may even lead to dismissal of the formal complaint or certain allegations contained therein. Finally, and for the avoidance of doubt, the complainant and respondent are each limited to the participation of no more than one (1) advisor per side at the adjudication hearing and the Title IX Decision-maker/chairperson of the Title IX Decision-maker retains broad authority to control the process and procedure of the adjudication hearing and the parties' participation therein. This authority shall include, without limitation, the ability to govern and control the examination and cross-examination of witnesses as well as the general conduct of the participants, including, again without limitation, the complainant, the respondent, and their respective advisors, again with each side being limited to no more than one such advisor in the adjudication hearing.

The University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

The University shall provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including

the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. As required by federal regulations, prior to completion of the investigative report to be created as part of the investigation, the University shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the Title IX Investigator will consider prior to completion of the investigative report. The University must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The University, as part of its investigation, shall create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the adjudication hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Throughout the grievance process, the parties will be offered the option of mediation (if appropriate). Incidents of sexual violence will never be eligible for mediation. Moreover, allegations involving an employee of the University as a respondent are not eligible for mediation. The University may 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 of sexual harassment. Likewise, the University may not require that parties participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the University may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the University –

- (i) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- (ii) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

During the grievance process, the parties may request any interim supplemental measures (such as University enforced mutual restrictions on contact between the parties (such as no contact orders), change in class schedules, the ability to retake or withdraw from class without penalty, etc.) The decision to impose interim measures is made by the Title IX Coordinator/Deputy Title IX Coordinator, the Vice President for Planning and Administration (for Staff), the University Provost (for Faculty), the Dean of Students (for Students), or by the University's President. The University will also enforce any court order. The Complainant and Respondent will be notified in writing of any imposed interim measures. Nevertheless, the applicable federal regulations require that innocence is to be presumed and that neither party can be unreasonably burdened prior to the completion of the grievance process. The complainant will be advised of any additional resources available to him or her for counseling, other mental health services, academic assistance, or other support

For the avoidance of doubt, police investigations are entirely separate from this process. A complainant may make a report of sexual discrimination, including sexual violence, to the campus police or another law enforcement agency, to the Title IX Coordinator, to a Deputy Title IX Coordinator, or all. The fact that a police

investigation is ongoing does not relieve the University of its obligation to investigate formal complaints of sexual harassment as provided herein. If campus police receives a report of sexual discrimination, campus police shall promptly notify the Title IX Coordinator.

Retaliation against anyone who brings forward a complaint of sexual discrimination is strictly prohibited. Anyone responsible for retaliation or threats of retaliation, whether that person is the accused party, someone affiliated with the accused (i.e. a friend or family member), or any other party, will be subject to disciplinary action by the University. Retaliation includes (but is not limited to):

- adverse employment actions (such as unjustified termination, suspension, denial of a promotion, or refusal to hire)
- Harassment (such as threats, increased surveillance, altering work conditions so an employee cannot perform the duties of his or her job, unjustified grading, excluding student from class participation, or unjustified write-ups or performance reviews)
- Criminal acts (violence such as assault, vandalism, and theft)
- Post-employment retaliation (such as refusing to provide a reference, interfering with attempts to find other employment, or providing false and negative information in a job reference)

Retaliation should be reported promptly to the Title IX Coordinator or the any Deputy Title IX Coordinator(s), who will report the retaliation to the Title IX Coordinator. Retaliation by a person not affiliated with the University may be addressed by the police.

The University shall maintain for a period of seven years records of (1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript created, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity; (2) Any appeal and the result therefrom; and (3) Any informal resolution and the result therefrom. Additionally, the University must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a complainant with supportive measures, then the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

#### ***1.6.3.2 Receiving a Formal Complaint***

Signed formal complaints of sexual harassment will be filed, in the manner indicated in the definition herein, to the University's Title IX Coordinator or Deputy Title IX Coordinators, who will immediately notify the Title IX Coordinator of the formal complaint. Allegations of sexual violence will be forwarded to campus police. If the formal complaint is also a first notice of alleged sexual harassment, the Title IX Coordinator/Deputy Title IX Coordinator shall comply with all notification procedures. For the avoidance of doubt, all formal complaints can also be a first notice of alleged sexual harassment; however, not all notices can be formal complaints. The particular regulatory requirements for a formal complaint must also be met.

Upon receipt of a validly filed formal complaint, the Title IX Coordinator/Deputy Title IX Coordinator must review the same and determine if the allegations do not meet the definition of sexual harassment or did not occur in the University's education program or activity against a person in the United States. If the

allegations, while resolving all ambiguities in favor of the complainant, even if proved do not state a claim under this policy as further informed by the applicable regulations, then the University must dismiss the same and give notice and appeal rights as set forth herein. Nevertheless, such a dismissal shall only be regarding procedures under this Title IX policy, and the formal complaint may be referred to the appropriate University official to be investigated and acted upon as an employee and/or student conduct matter. Additionally, the University must dismiss any formal complaint if the grievance investigation process uncovers that there is no claim under these Title IX policies and procedures. Additionally, the University may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator/Deputy Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If a formal complaint or allegations within the same are so dismissed, the University will give prompt written notice of the dismissal and all relevant reasons simultaneously to all parties with instructions for appealing the same to the Appeal Board, as otherwise provided herein.

Without limitation, the University may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Upon receipt, the Title IX Coordinator or Deputy Title IX Coordinator(s) will initiate the required investigation and assign the Title IX Investigator(s) and/or the Title IX Mediator(s) for any pending matters.

Additionally, upon receipt of a formal complaint that is not initially dismissed for failure to state a claim, in part or whole, of sexual harassment under this policy, the Title IX Coordinator/Deputy Title IX Coordinator shall issue a written notice of allegations to all known parties. The notice of allegations must give notice of this grievance process, along with any informal resolution or mediation process. Additionally, this notice of allegations must give notice of allegations of sexual harassment potentially constituting sexual harassment as defined herein and the applicable federal regulations, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence collected as part of the grievance process. The written notice must inform the parties of any provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. Moreover, if, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the initial or a subsequent notice allegations, the University must provide written notice of the additional allegations to the parties whose identities are known in the manner specified above.

The complainant and the respondent, and their advisors if any, shall be informed of who will be performing the investigation into the complaint. Evidence of past consensual sexual relationships or previous Title IX complaints by the Complainant will not be considered when making a determination regarding a current complaint.

The assigned Title IX Investigator(s) shall fully investigate the facts alleged in the formal complaint with the support of the University. This investigative process shall include, at a minimum:

- an interview with the complainant
- an interview with the respondent
- an interview with any witnesses to the accused conduct
- examination of all documentary evidence relevant to the matter being investigated

The Title IX Investigator will collect and preserve evidence pertaining to the allegations set forth in the initiating formal complaint. Party and/or witness interviews may be recorded. If not, the Title IX investigator shall take and preserve notes of the interviews. As part of this investigation, the Title IX Investigator shall create a preliminary and final investigative report and shall provide access and opportunity for review and response to all parties and their advisors, if any, as provided above.

If an investigation and adjudication is going to take longer than 1 month, the complainant and respondent will be notified in writing of an approximate completion date. If the completion date cannot be met due to the significant size or complexity of the investigation, the complainant and respondent will be notified in writing of any updated completion timeline.

Upon completion of his or her investigation, the assigned Title IX Investigator(s) shall finalize the investigative report and transmit it to the Title IX Coordinator/Deputy Title IX Coordinator and the relevant Title IX Decision-maker in preparation for the adjudicative hearing.

The Title IX Decision-maker shall schedule the hearing and provide the required notice of the same to all known parties. As required by applicable federal regulations, this hearing must be live and “in real time.” At the live hearing, the relevant Title IX Decision-maker must permit each party’s advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party’s advisor of choice and never by a party personally, notwithstanding the discretion of the Title IX Decision-maker to otherwise restrict the extent to which advisors may participate in the proceedings. At the request of either party, the recipient must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the relevant Title IX Decision-maker and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the relevant Title IX Decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. 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 are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. If a party or witness does not submit to cross-examination at the live hearing, the relevant Title IX Decision-maker **must not** rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the relevant Title IX Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Recipients must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Finally, and without limitation, the relevant Title IX Decision-maker has broad



authority to conduct and control the live adjudicative hearing. To that end, and again without limitation, the same may rule on evidence, control the conduct of participants, exclude unruly participant and exercise a broad reservoir of equitable, jurisdictional and procedural powers and authority to conduct the hearing and render a determination.

Within five days of completion of the adjudicative hearing, the relevant Title IX Decision-maker shall issue a written determination regarding responsibility applying the preponderance of evidence standard. The written determination must include the following:

- Identification of the allegations potentially constituting sexual harassment
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the University's applicable code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes [subject to additional requirements] on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and
- The University's procedures and permissible bases for the complainant and respondent to appeal.

The University must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the University 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. The Title IX Coordinator is responsible for effective implementation of any remedies.

## 1.7 Sanctions

If the appropriate authority determines that the respondent committed a Title IX violation as defined herein, he, she or they shall order an appropriate sanction, and shall consider a range of sanctions, which may include (but it not limited to) any of the following and depends on the nature and severity of the incident:

- No punishment
- Termination (complying with applicable rules for terminating a faculty member . . . to that end, an adjudication of responsibility as to a faculty member shall be deemed an event of moral turpitude and criminal or disreputable conduct entitling the University to revoke the tenure and immediately terminate same and/or immediately terminate the same in the case of a non-tenured faculty member) or expulsion
- Additional required training
- Loss of supervisory/management duties
- Expulsion
- Suspension
- Transfer of the respondent to another residence hall
- Transfer of the respondent out of classes shared with the complainant
- Verbal or written warnings
- Other appropriate sanctions as deemed necessary for the University to comply with all local, state, and federal laws and regulations and fulfill the University's obligation to ensure a working and learning environment that is reasonably free from discrimination or harassment.

If sanctions are imposed based on published university guidelines, additional measures beyond those published guidelines may also be imposed on the Respondent and/or granted to the Complainant to meet the University's Title IX obligations.

## **1.8 Appeals**

All parties have a right to appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:

- (i) Procedural irregularity that affected the outcome of the matter;
- (ii) 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; and
- (iii) The involved Title IX Coordinator/Deputy Title IX Coordinator, Title IX Investigator(s), or title IX Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

All appeals shall be presented to the University Appeal Board, which shall serve as the appellate Title IX Decision-maker under these procedures. A complainant or respondent who wishes to appeal the written determination must notify the assigned Title IX Coordinator/Deputy Title IX Coordinator in writing within five days of the rendering of the written determination. The written appeal must identify the specific basis for the appeal and any information the appealing party would like reviewed and/or considered. The other party will be given a copy of the written appeal and given five days to provide a written response. Parties may cross-appeal and cross respond so long as the deadlines are complied with. Thereafter, the Appeal Board will meet, consider the appeal(s) and promptly render a written decision describing the result of the appeal and the rationale for the same. It is contemplated that the Appeal Board will, in the absence of extenuating circumstances, meet within ten days of receiving any written response to an appeal/expiration of the time to submit a written response and render a final decision within five days of meeting to consider the same. The written decision of the Appeal Board will be provided to the parties simultaneously and will be final; however, as the initial determination, certain sanctions, such as suspensions and exculpations/terminations are subject to compliance with relevant University procedures and subject to administration approval.

## **1.9 Regulations and Other University Policies**

It is the intent of the University that these policies and procedures fully comply with all relevant federal regulations regarding the same. These policies and procedures are promulgated in accordance with the same. Accordingly and for the complete avoidance of doubt, these policies and procedures are subject to the applicable federal regulations, and, in the event of any conflict between them, the applicable federal regulations shall control. Moreover, any discrepancy between the two shall be immediately and without need for notice resolved by implied modification or amendment to these policies and procedures to be compliant.

While certain undesirable or injurious conduct may not fall within the scope or purview of these Title IX policies and procedures, they may still violate various University codes of conduct, for students and/or employees. Accordingly, the Title IX Coordinator/Deputy Title IX Coordinator(s) are fully empowered to give notice of any conduct violations and/or grievances and initiate University proceedings regarding the same.

## **6.8 Smoking Policy**

Methodist University prohibits smoking, including the use of electronic smoking devices, inside all of its structures (buildings, facilities, and vehicles) because Methodist University is dedicated to maintaining and promoting a

healthy work and learning environment. The “NO SMOKING POLICY” is intended to eliminate the potential for exposure to secondhand smoke; therefore, the policy further extends to prohibiting smoking 50 feet from the entrances of all its structures and facilities (some may have designated areas). Employees are also to refrain from the use of any type of tobacco or vapor product during their working hours.

## **6.9 Alcohol and Drug-Free Workplace Policy**

In compliance with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8101 et seq.) and the relevant provision of the Higher Education Act of 1965 (20 U.S.C. § 1011i), the following policy shall govern the conduct of all University employees (including but not limited to faculty, exempt and hourly employees, and student-hourly employees) on all properties and workplaces controlled by Methodist University and during University sponsored events off-campus. Employees found to have violated the below conditions of employment are subject to disciplinary action, up to and including termination.

The vitality of the academic community relies on each member taking personal responsibility for their actions regarding alcohol use and safeguarding the well-being of others. Alcohol misuse inhibits development and is negatively correlated with academic success and personal safety, thus maturity, care for self and community, and responsibility are essential.

Methodist University also welcomes and supports the decision of employees not to drink alcohol. MU continues to emphasize education about risks, choices, and personal responsibility regarding the use of alcohol. Employees are expected to make conscious choices that do not diminish the academic or social success, or personal safety, of themselves or others.

### **6.9.1 Conduct**

All employees at Methodist University are viewed as role models for students and, in their personal and professional lives, are expected to be examples of responsible, moral, and legal behavior.

All employees are required to follow federal and state alcohol and non-prescribed drugs and narcotics laws. Employees will be subject to disciplinary action, up to and including dismissal, for violations of any federal and state law related to narcotics and alcohol.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance (usually referred to as illegal drugs listed under the federal Controlled Substances Act), drug paraphernalia, or alcohol is prohibited on University property, in the course of a University activity, or when acting on behalf of the University in any official capacity, except in the case of alcohol as specifically allowed in the following policy [6.10 Alcohol Policy for University Events](#).

### **6.9.2 Responsibilities**

#### **6.9.2.1 Employees**

Employees are expected and required to report for work on time and in appropriate mental and physical condition to carry out the requirements of their position. Any impairment due to alcohol or drug use, however slight, is unacceptable and a violation of University policy and standards of conduct.

Employees should report any medically prescribed treatment involving prescription drugs that may affect their ability to perform on the job to their supervisors in order to receive consideration for reasonable accommodation.

Employees must notify the Chief Human Resources Officer (for staff), University Provost (for faculty), or the Senior Associate Dean of Students (for students) of any event in which they are convicted under any criminal drug statute for a violation within five days after such a conviction.

#### 6.9.2.2 Supervisors

Supervisors and employees should report immediately to the Public Safety Department any action by an employee or student who demonstrates a threat to the safety and security of faculty, students, and staff.

Public Safety Officers will recommend whether the employee must seek medical attention or counseling services.

For the protection of faculty, students, and staff, employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises and prohibited from working while behavior, job performance, or health is adversely affected. The Public Safety Department should be notified to arrange safe transit.

### 6.9.3 Discipline and Sanctions

Methodist University, consistent with local, state and federal law, and with applicable Methodist University policies and procedures, will discipline employees who violate this Alcohol and Drug-Free Campus Policy. Also, any University employee convicted of a criminal alcohol violation or of a violation of the criminal drug statutes for activity occurring on University property, in the course of a University activity, or when acting on behalf of the University in any official capacity is subject to discipline. Disciplinary actions and sanctions include but are not limited to the below.

- Suspension, termination of employment, the requirement to complete an appropriate rehabilitation program, and/or referral for prosecution.

### 6.9.4 Identification and Rehabilitation

Early recognition of substance abuse is important for successful rehabilitation. Methodist University encourages any employee with a substance abuse problem to voluntarily seek assistance. This employee's employment will not be jeopardized solely because he or she voluntarily seeks assistance in the treatment and recovery from a substance abuse problem *if* the employee seeks treatment prior to any violation taking place or disciplinary action being imposed.

#### 6.9.4.1 Testing and Treatment

The University reserves the right to ask an employee whose job performance, behavior, or health reasonably suggests substance abuse to undergo a drug or breathalyzer test when such a test is necessary for the safety and security of the faculty, students, and staff. Employees refusing to submit to such tests are subject to disciplinary action, including termination.

All information concerning medical examinations, drug or alcohol testing results, or rehabilitation and treatment of an employee must be treated as confidential information subject to disclosure on a need-to-know basis.

Any employee whose use of alcohol or of controlled substances away from the University can reasonably be established as the cause of poor attendance or performance problems may be *required* to seek rehabilitation from available University or community resources as a condition of continued employment.

- University-sponsored or required counseling is to be kept confidential and is to have no influence on performance appraisals. Job performance alone, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.
- Employees may obtain information regarding drug or alcohol counseling, treatment, or rehabilitation programs from Methodist University's Counseling and Psychological Services, Health Center, or from the University's Employee Assistance Program (see Counseling Services).

#### 6.9.4.2 Leaves of Absence

At the discretion of the University, an employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment. He or she may also be required to take a leave of absence to undertake such treatment as a condition of continued employment. In such cases, the employee will not be permitted to return to work until he or she:

- Satisfactorily participates in a substance abuse assistance or rehabilitation program
- Provides certification that the he or she is capable of performing his or her job

Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other University policies.

## 6.10 Alcohol Policy for University Events

This Policy is intended to be consistent with all applicable local, state, and federal laws. The standards of conduct and the means of enforcement outlined in this Policy are adopted to further the University's interests and supplement, rather than substitute for, the enforcement of applicable civil and criminal law. It is not double jeopardy for the University to address conduct that has previously been or may be sanctioned under local, state, or federal law.

As required by Article 3 of Chapter 18B of the North Carolina General Statutes-individuals must be 21 years of age or older to possess, consume or purchase alcoholic beverages. It is also illegal, in North Carolina, for a person of legal alcohol-drinking age to purchase or provide alcohol to anyone who is underage. Methodist University observes federal, state, and local laws regarding alcohol use, particularly those that address underage drinking, and holds employees accountable for their choices. At all times, high standards of professionalism and conduct are expected from University employees on any occasion in which alcohol is involved, most especially when alcohol is consumed in the presence of students. Employees whose drinking presents a risk to the health and safety of themselves, or others, are subject to disciplinary action in keeping with the Methodist University Employee Handbook.

The Student Affairs Division and Health & Counseling Services will annually review the alcohol and other drug education programs and will report their assessment to the Administrative Cabinet.

### 6.10.1 Definitions

When used in the Alcohol Policy of Methodist University or any of its appendices, terms have the following definitions:

- **Alcoholic Beverages:** Any beverage or other ingestible substance defined as alcohol by the North Carolina Alcohol Beverage Control Commission. For specific definitions, please visit the ABC Commission website. Please note: Any Alcoholic Beverage that is not classified as Beer/Wine (as defined by the North Carolina Alcohol Beverage Control (ABC) Commission.) is prohibited at all times on the Methodist University campus.
- **Common Source Container:** This includes, but not is limited to Kegs, pitchers, punch bowls, bath tubs, trash cans, common shared refrigerators, or similar common source containers of Alcoholic Beverages intended to serve as a source of open access to Alcoholic Beverages at a party or other gathering.
- **Open Container:** Any container of alcohol that is open or has at any point had the manufacturer's seal broken and the lid replaced. Examples include, but are not limited to, a solo cup, water bottle, open bottle or can containing any amount of Alcoholic Beverage.
- **Person:** Considered to be used in this Policy as any Student, Student Organization, or Administrative Unit, and can be used interchangeably except regarding medical amnesty.
- **Policy:** Except as otherwise noted, the term 'Policy' or 'this Policy' refers to the Alcohol Policy of Methodist University.

- **Employee:** The term "Employee" means any of the following:
  - a person working for and compensated by the University, either at the University's main campus or at any remote location.
- **Student Club/Organization:** Any recognized group affiliated with or supported by the University or a University administrative unit (e.g., societies, clubs, student organizations including fraternities and sororities, athletic teams, or similarly organized groups in or recognized by the University.) A Student Organization also includes any group of students, whether or not officially recognized, that is affiliated with the University through the use of University Premises or University-sponsored programs.
- **University Premises:** Buildings, property, or grounds owned, leased, operated, controlled, or supervised by the University.
- **Visitor:** Any person on university premises/property or attending a university-sponsored event who is not an employee, student, or affiliate.

### 6.10.2 General Policy

- The possession and/or consumption of alcoholic beverages by employees on the Methodist University property is limited to employees 21 years of age or over and subject to the following additional requirements:
  - At Official university-sponsored events with the President's prior written approval
  - Only Alcoholic Beverage classified as beer/unfortified wine (*as defined by the North Carolina Alcohol Beverage Control (ABC) Commission*) are permitted in the designated spaces listed above.
    - Any alcoholic beverage that is not classified as beer/wine (*as defined by the North Carolina Alcohol Beverage Control (ABC) Commission*) is always prohibited on the Methodist University premises.
- Employees participating in any Methodist University or Methodist University-affiliated study abroad programs are expected to follow the laws of the host country and host institution regarding the possession and/or consumption during any study abroad program.
- This policy will be reviewed at least annually by the President's Cabinet or as is otherwise deemed necessary by the University and is subject to immediate change or modification as the University deems appropriate in its sole discretion.
- The consumption of alcoholic beverages is prohibited in public or outdoor areas including, but not limited to outdoor hallways, stairwells, elevators, balconies, patios, courtyards, and at events on campus. It is unlawful for any person to consume or have in their possession any alcoholic beverage in an open container on any campus street, sidewalk, or undesignated area.
- The selling of alcoholic beverages on campus is prohibited.
- Providing alcohol to anyone under the age of 21 is illegal and subject to applicable laws.
- **Complicity:** Employees are responsible for reporting violations of the Methodist University Code of Conduct and Employee Handbook. Furthermore, the University expects Methodist University employees to speak out against university violations. This code prohibits condoning, supporting or encouraging in any manner or form a violation of university policy.

- Identification: Without limiting any other prohibition contained in this policy, no person younger than 21 years of age may possess or use false identification (ID) for purchasing or possessing alcoholic beverages. This provision includes, but is not limited to, the following: possession or use of an altered ID; possession or use of a forged ID; possession or use of an ID belonging to another person; or possession or use of any form of identification which misrepresents the bearer's true identity or date of birth.

### **6.10.3 Alcohol and Disruptive/Destructive Acts of Behavior**

- Methodist University employees are always expected to represent the University with dignity. No employee of any age may engage in behavior (whether or not due to alcohol consumption) that is disorderly, disruptive, or jeopardizes the health or safety of self or others.
- Employees must remain respectful and display professional and appropriate conduct at all times.
- Per [North Carolina General Statute § 14-444](#) being intoxicated and disruptive in public is unlawful. Inappropriate or illegal behavior related to alcohol use will result in disciplinary action per the [Methodist University Employee Handbook](#).
- Employees are responsible for their conduct and that of their visitors invited to university events. Only those employees of legal age may possess or consume alcoholic beverages.

### **6.10.4 Alcohol Containers and Paraphernalia**

- Common containers (empty or filled) designed for rapid consumption are always prohibited on campus. Devices and games designed for the rapid consumption of alcohol are strictly prohibited and a violation of the Methodist University Alcohol Policy. Alcohol paraphernalia is not permitted on Methodist University premises at anytime.

### **6.10.5 Student Clubs and Organizations**

No Alcoholic Beverages, for use on- or off-campus, may be purchased with student activity fees, University-collected fees, or with any other Student Club/Organization funds or dues. Additionally, no Alcoholic Beverages may be purchased for a Student Club/Organization or its members or guests in the name of or on behalf of the Student Organization (e.g., no passing the hat).

No Student Club/Organization may host an event or meeting on campus where Alcoholic Beverages are served. Likewise, employees may not bring alcohol for their consumption to any University club/organization event on or off campus.

### **6.10.6 Regulations on Event Use**

Official university-sponsored functions may serve Beer/Wine only with prior presidential approval in writing. Examples of some official University-sponsored functions include, but are not limited to:

1. Board of Trustees' receptions hosted on or off campus.
2. Faculty/staff receptions hosted on or off campus.

3. Art exhibit openings hosted on campus.
4. Off-campus groups hosting events on campus, with prior Presidential written permission such as Symphony/Orchestra intermission.
5. Off-campus events hosted by the University such as sporting events, movies, plays, etc.

At official University-sponsored functions, alcoholic beverages must be provided by a university pre-approved and fully insured professional vendor or caterer and the Common Source Container remains under the exclusive control of the vendor or caterer at all times (i.e. no self-service) subject to the following restrictions and requirements:

- Alcoholic beverages are limited to Beer/Wine only *as defined by the state of North Carolina* <https://abc.nc.gov/Product/Index>.
- The pre-approved professional and fully insured vendor or caterer will obtain and appropriately display the appropriate licenses and/or permits to serve alcohol on campus.
- The use of alcoholic beverages must remain in compliance with all applicable laws and regulations.
- Non-profit organizations cannot promote the serving of alcohol in the publicity associated with the event being held on campus.
- All appropriate insurance policies will be obtained in accordance with University requirements

Alcoholic beverages are never permissible in sacred spaces: Matthews Ministry Center Chapel, Hensdale Chapel, and Stillpoint.

**Note-Official University sponsored functions:** With the President's prior written approval, students (age 21 and over only) may possess or consume alcoholic beverages at official University-sponsored functions. In situations like this, underage students may be present where alcohol is consumed by of-age students or guests but may not possess or consume alcohol themselves.

### 6.10.7 Regulations on Event Use

#### External Regulations and Consequences

- Education Department General Administrative Regulations (EDGAR) Subpart A, Sec. 86.1
  - Drug and Alcohol Abuse Prevention
- 20 U.S.C. 1145(g) - Drug and Alcohol Abuse Prevention
- NCGS § 18B-300. Purchase, possession and consumption of malt beverages and unfortified wine
- NCGS § 14-444. Intoxicated and disruptive in public
- NCGS § 18B-401. Manner of transportation
- NCGS § 20-30. (Effective until July 1, 2023) Violations of license, learner's permit, or special identification card provisions
- NCGS § 74G-6. Oaths, powers, and authority of campus police officers

### 6.11 Employee and Student Social Relations

Social relationships (romantic, dating, other special relationships, etc.) between employees and currently enrolled students are strongly discouraged by Methodist University. History has shown that such relationships are more often than not painful for all parties, especially for students. They are frequently detrimental to the University's mission. The following practices are strictly prohibited:

1. Any romantic or physical relationship between any employee and an enrolled student. \*Only exceptions to this are made for spouses and domestic partners in relationships established before the student enrolled.



2. Any romantic relationship between a supervisor and the person supervised, to include students, faculty, and staff members.
3. Any staff member, full-time or part-time, who lives in a residence hall at Methodist University, may not be involved romantically with a resident student at Methodist University. Dating or visiting in the residence halls between such persons is prohibited.
4. Employees should also be careful not to develop inappropriately close relationships with students or other employees whom they supervise. Inappropriately close relationships are considered those in which the employee has a special relationship with a particular student or employee whom he/she supervises that would lead to a perception of favoritism.

Disciplinary action will be taken against employees who violate the terms of this policy. Such action may include written disciplinary action up to and including termination of employment.

## **6.12 Personal Appearance**

The work place at Methodist University should be reflective of the University's values, purposes, and mission. Additionally, Methodist University employees are frequently met by off-campus visitors, who form impressions of the University based on their interaction with University employees. Therefore, it is important that all University employees dress in a manner appropriate to their position as University representatives as determined by the University.

All employees are expected to present a professional and appropriate appearance during their work day and anytime they are representing the University. If an employee's appearance (dress, body art, facial/body ornamentation, etc.) is deemed inappropriate by a supervisor, a counseling session will take place between the employee and that supervisor. If the situation is not resolved at this session, the supervisor may recommend further action, including sanctions.

## **6.13 Bringing Children and Young Adolescents to Work**

Methodist University understands that with its employees the unexpected can occur. In an emergency situation, child/children may be brought into the workplace with prior supervisor approval. Requests made by employees to bring their child/children to the workplace must be approved by the supervisor on a daily basis. An emergency situation might include unexpected day care problems or sickness.

For those employees requesting to bring a sick child to work, the employee will be allowed to bring the child to the work site for a limited time. It is the responsibility of the employee to make alternative care arrangements, as soon as possible, to avoid the possibility of contagious illnesses.

## **6.14 Condolences and Campus Notification of Deaths/Births/Illness**

Methodist University values every member of our community. The death of any member of our community is a time for reflection and recognition of that individual's contributions in a way that is consistent with our institutional values. Likewise, the University also celebrates and recognizes joyful occasions, such as the birth or adoption of a child. To ensure consistency in the procedure for distribution of condolence announcements and flowers, the following guidelines have been developed.

### **FLOWERS**

- Flowers will be sent to employees who are hospitalized or who are convalescing at home following surgery, injury, or illness.
- Flowers will be sent to employees upon the birth or adoption of a child.

- Flowers will be sent in the event of the death of an employee, and in the event of the death of an employee's spouse, child or parent. If information is not received by the Executive Assistant to the President in time for delivery of an arrangement to the funeral home, or if the family requests "no flowers," the flower or plant will be delivered to the employee upon his/her return to work (in case of death of a family member) or to the family of the employee (in case of employee death.)
- At the discretion of the President, flowers will be sent to Trustees, Donors and Friends of the University, in the event of illness or death.
- Flowers will be sent in the event of the death of a current student.
- Cards from the Methodist University community will be sent for all other circumstances.

#### CAMPUS NOTIFICATIONS

- All communication regarding deaths and births/adoptions will be sent to the campus via the Office of University Relations.
- The party responsible for notification (see attached chart) should send complete information regarding the deceased, including time of service (if known), to the Office of University Relations for distribution.

**NOTE:** Even with permission of the employee, no medical information can be shared through email or other means, therefore no written or electronic notification may be made to the campus community or individual departments regarding the illness, injury or hospitalization of an employee or an employee's family member. If you have questions regarding the privacy of medical information, please contact Human Resources.

Relationship of Deceased to the University:	Notified by:	Notification to:	Condolence:
<b>TRUSTEE</b>			
Trustee (current and Emeritus)	President	Campus Community/Trustees	per President
Trustee (former)	President	Trustees	per President
<b>FACULTY</b>			
Faculty (current, FT, PT adjunct)	Provost	Campus Community	Flowers
Faculty (Retired)	Provost	Faculty/Staff	Flowers
<b>STAFF</b>			
Staff (current, FT/PT)	VP of Area (Department)	Faculty/Staff	Flowers
Staff (retired)	President	Faculty/Staff	Flowers
<b>STUDENT</b>			
Student (current)*	Dean of Students/VP	Campus Community*	Flowers
Alumni	Director of Alumni	MU Today	Card/MU Today
<b>OTHER</b>			
University Donor**	President	Cabinet/Trustees	per President
Employee Spouse or child	Department Supervisor	Department	Flowers
Employee Parent	Department Supervisor	Department	Flowers
Student Sibling/Parent	Dean of Students/VP	CMT	Flowers

\*due to privacy issues, and circumstances surrounding death, the campus-wide notification of death of a current student will be made only by the President and the VP for Student Affairs

\*\*as deemed appropriate by the President

## 6.15 Animals on University Property Policy

The presence of animals on university property can have an effect on the normal operations of the University, including disruption and bodily harm. The purpose of this policy is to outline the appropriate control of animals on campus.

This policy does not apply to service animals or approved emotional support animals. For more information about service animal or emotional support animal policies and procedures, please contact the Office of Disability Services (910.630.7151/7402).

For the purposes of this policy, a pet is an animal that is sufficiently tame enough to live with a family and be kept as a companion as well as interact with the public.

- No person owning or handling any pet will bring that animal onto University property without being leashed or otherwise suitably controlled (e.g. kenneled, crated, or held).
- A person owning or handling any pet must be in control of that animal for the entirety of its time on campus and may not tether it or leave it unsupervised
- A person owning or handling any pet on campus must clean up after the animal, including disposing of any excrement into available University trash cans on campus
- No person will bring any animal into any University building or permit any animal on any University vehicle
  - Exceptions will be made for:
    - Service animals as defined by the Americans with Disabilities Act
    - Approved emotional support animals in the residence halls only
    - Fish in small aquariums in the residence halls only
    - Approved pets in private and/or professional residences owned by the University
- Events that may include animals must be registered with the Department of Public Safety (910.630.7098)
  - Animals may not be used in ceremonies or pranks by events, organizations, or anyone associated with the University or on University property
  - Animals are not permitted in the seating areas or within close proximity to the playing surfaces of outdoor athletic fields and other athletics areas. Animals are not permitted in Monarch Stadium during Home Varsity Football games.

The owner of any animal or pet on Methodist University property is solely responsible and liable for any damages or injuries to a person(s) or property. Unattended animals may be seized by animal control or law enforcement. Owners may be fined for unattended and/or unleashed animals. Methodist University reserves the right to request that an animal be removed from campus immediately for the health and safety of its residents and community.

## 6.16 Behavior Counseling and Reprimand

Employees of Methodist University are expected to follow University policies and procedures. They are also expected to be cooperative and productive. If an employee does not meet the above expectation, the following disciplinary action may take place.

### 6.16.1 Official Counseling

Written notation of the incident should be prepared by the supervisor and discussed in detail with the employee. The document should be dated and signed by both the supervisor and employee.

### **6.16.2 Formal Written Reprimand**

A written reprimand should recite the incident and detail the corrective action that should be taken. Both the supervisor and employee should sign the document. A Performance Improvement Plan form is available from Human Resources to assist with developing a written reprimand.

### **6.16.3 Suspension or Termination**

For more serious violations of the University policies and procedures, an employee may be suspended or terminated. After an appropriate investigation of the incident by the Administration, a written document should be presented to the employee regarding the decision of the Administration.

## **7.0 Grievance Procedures and Conflict Management**

The purpose of this procedure is to assure fairness and consistency in intra-employee relations and to help resolve misunderstandings as quickly as possible. No employee will be discriminated or retaliated against because s/he uses this procedure. Furthermore, the President of the University is the chief administrative officer of the University and nothing herein shall be construed as restricting the authority of the President and/or the President's agents and designees to exercise the full authority of the office of the President as provided by the University's charter, by-laws, policies, procedures, and regulations. For the avoidance of doubt, the full authority of this office shall include, without limitation, the full and final decision-making authority in regards to all employment matters relating to faculty, staff, and other employees.

For the purposes of this procedure, the individual filing the grievance shall be known as the "complainant" and the individual against whom the grievance is filed shall be known as the "respondent".

### **7.1 Employee General Information**

The purpose of a grievance is to formally make the University and Human Resources aware of situations in which an employee has allegedly experienced or observed adverse effects as a result of another party's behavior which may be in violation of University Policy and/or standards and to assist in their resolution.

Notwithstanding the foregoing, a grievance will not be available to dispute:

- Promotion and tenure decisions
- Performance evaluations
- Hiring decisions
- Classification of employees
- Challenges to salary decisions
- Challenges to transfers or reassignments
- Termination of employment
- Being adversely affected by a reorganization, program modification, or financial necessity
- No complaints of sexual misconduct, sexual harassment, gender based discrimination, or sexual violence will be handled at this level. Any complaints involving sexual misconduct, sexual harassment, gender based discrimination, or sexual violence will be directed immediately to the Title IX Coordinator or University Police Department as appropriate. See the Title IX Policy and Procedures for more information.
- Termination or layoff or furlough
- Investigations or decisions reached as a result of a complaint against the employee to the University and
- Supervisory counseling and/or other disciplinary matters

Except as otherwise allowed or required by law, all information will be kept confidential.

The time limits established for each step in the process allow expeditious resolution of grievances. These time limits are firm unless the parties involved in the grievance mutually agree in writing to extend the time limit or unless the University deems, in its sole and absolute discretion, to be appropriate. Such extensions of the time limits may be justified by the complexity of the case or by the availability of individuals involved.

The University will not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure shall not be construed, however, as preventing, limiting, or delaying the University from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of overall performance, conduct, attitude, or demeanor) where the University deems disciplinary action appropriate. Furthermore, the procedure shall not be construed as preventing, limiting, or delaying the President of the University, as the chief administrative officer, or his/her administration, as his/her agents and designees, from exercising the full authority of their offices in regards to human/employee relations. Lastly, this procedure shall not be in lieu of the University's absolute right to enforce its policies and procedures. If any employee of the University believes that a violation or violations of said policies has or have occurred, including, without limitation discrimination [other than that addressed by the Title IX Policy referenced above] and if said concerns are not appropriate to be addressed by this grievance policy, then said employee shall report the same to their immediate supervisor in accordance with the established "chain-of-command", or, if necessary depending on the identity of the alleged violators or perpetrators, to a representative of the University's Human Resource Office.

To that end, if an employee initiates a grievance under this procedure and if the University determines that the allegations should be addressed via a different mechanism and/or in a different forum, then the University reserves the right to give notice of the same to the complainant and to address the complaint/allegations accordingly. For the avoidance of doubt, this grievance policy is meant to address intra-personal conflicts and is not meant as a forum to contest official administrative actions.

## **7.2 Grievance Procedures**

### **7.2.1 Step 1: Informal Discussion with Immediate Supervisor/Department Chair or Vice President/Dean**

Informal discussion with the complainant's supervisor/Department Chair should always take place first in an attempt to resolve any problem. The majority of disputes, grievances, or misunderstandings can be resolved at this level. In order for a grievance to be timely, it should be presented within 14 calendar days of occurrence.

In the event that the complainant's supervisor/Department Chair is involved in the grievance or the employee feels the situation cannot be discussed with his or her supervisor/Department Chair, the employee should have this informal discussion with their Department Vice-President/Dean or with a representative from the Human Resources Office.

In an effort to resolve the problem, the supervisor/Department Chair will consider the facts, conduct an investigation, and also may review the matter with higher authorities or a member of the Office of Human Resources.

Supervisors/Department Chairs should endeavor to respond to any complaint as soon as possible, taking no longer than 14 days to address employee complaints.

### **7.2.2 Step 2: Written Statement to the Vice President/Dean**

If the complainant is not satisfied with the disposition of the grievance at step one, he or she may formalize the grievance procedures by submitting a written statement (e.g. an email to the supervisor/Department Chair or Vice President/Dean, or internal memorandum to the supervisor/Department Chair or Vice President/Dean) within 30 calendar days after the event giving rise to the grievance.

The Vice President/Dean or designee will investigate and attempt to resolve the grievance. This investigation may include a meeting between the supervisor/Department Chair, the complainant, and any other appropriate employee.

The Vice President/Dean or designee will provide a written response to the complainant within 14 calendar days after receipt of the submitted grievance unless the complainant agrees to an extension of this time period or unless the University determines, in its sole and absolute discretion, that a reasonable extension is necessary. A copy of this written response will be sent to the supervisor/Department Chair and the Human Resources Office as appropriate. Moreover, if, as result of this process, the Vice President/Dean or designee determine that University policies or regulations may have been violated, then the University reserves the right to initiate a disciplinary investigation and to discipline all offending employees in accordance with applicable rules and regulations.

### **7.2.3 Step 3: Filing a Formal Grievance with the Human Resources Office**

If the complainant is not satisfied with the disposition of the grievance at step two, he or she may continue with the grievance procedures by completing the grievance form within 5 calendar days after receipt of the written response from the Vice President/Dean or designee pursuant to step two. Employees must reach out to Human Resources for the grievance form.

The written grievance will:

- Identify the behavior(s) that is/are being grieved, including, without limitation, identification of any applicable policies, regulations, or standards allegedly violated by the behavior.
- Identify the individual(s) against whom the grievance is being directed
- List what efforts have been made to date to resolve the grievance, including uploading related documentation
- Contain the remedy sought
- Be signed and dated by the complainant

Upon submission of the grievance at this stage, information will be sent directly to the Human Resources Office for investigation.

The Human Resources Office will investigate and attempt to resolve the grievance. This investigation may include a meeting between the supervisor/Department Chair, appropriate Dean or Vice President, the complainant, and any other appropriate employee.

The Human Resources Office will provide a written response to the complainant within 14 calendar days after receipt of the submitted grievance unless the complainant agrees to an extension of this time period or unless the University determines, in its sole and absolute discretion, that a reasonable extension is necessary. A copy of this written response will be sent to the Dean, Supervisor, and Vice President of the Department as appropriate. Moreover, if, as result of this process, the Human Resources Office determines that University policies or regulations may have been violated, then the University reserves the right to initiate a disciplinary investigation and to discipline all offending employees in accordance with applicable rules and regulations.

## **8.0 Employee Services**

### **8.1 Counseling Services**

It is the policy of the University to assist employees with counseling and referral services which will help in solving personal problems, both on and off the job, and in career planning.

1. Employees experiencing personal problems are encouraged to seek assistance from their supervisor or from the Director of Counseling and Psychological Services (630-7150) or from the University's Employee Assistance Program

- (829-1733). Personal difficulties such as marital, family, emotional, stress, interpersonal, medical, financial, and legal problems, plus alcohol and drug abuse, can adversely affect job performance.
2. Supervisors should be alert to detect the existence of personal problems affecting their employees. Indications of personal problems include excessive absenteeism, changes in both behavior patterns and employee attitudes, and substandard job performance.
  3. Supervisors, where appropriate, should try to communicate with employees who seem to be experiencing problems. Depending on the circumstances, the supervisor should proceed as follows:
    - If an employee's problem seems to require professional counseling or does not lend itself to an easy solution, the supervisor should refer the employee to the Director of Counseling and Psychological Services or to the University's Employee Assistance Program.
    - If the employee's problem is an unresolved complaint or grievance, the supervisor should advise the employee of the appropriate steps to be taken in compliance with the Grievance Procedure ([See Grievance Procedure](#)).
    - Employees needing extended treatment should request a leave of absence in accordance with the University's leave policy.
  4. The University has a working contract with Cape Fear Valley Medical Systems. Any employee or family member of an employee has access to all confidential personal, mental health, and/or substance abuse counseling. The first three sessions are free of cost, if more sessions are necessary, an affordable referral will be made to another provider.
  5. Confidential personal, mental health, and/or substance abuse counseling is available to employees and their families at no charge at Methodist University Counseling and Psychological Services, to the degree resources permit. When resources are not sufficient, Counseling and Psychological Services will make referrals to various agencies, counselors, therapists, and clergy.
  6. Employees are responsible for their job performance. Performance appraisals are to be based on factors related to job performance, regardless of whether an employee seeks counseling.
  7. Communications, as described in this policy, between employees, supervisors, the Director of Counseling and Psychological Services, the employee assistance contractors, and other professional counselors and agencies are to be strictly confidential, except when professional judgment dictates that a danger to the employee, to other people, or to the security of the University property exists.

## **8.2 Methodist University Personnel Scholarship Policy**

The University waives tuition for full-time faculty, staff, spouses and sons/daughters (must be defined as a dependent by the U.S. Department of Education Free Application for Student Aid, a step-son/daughter must be residing in home of employee and meet the FAFSA dependent definition). Admissions requirements must be met. MUP forms are available in the Human Resources Office. The following is a breakdown of what tuition costs are covered by the MUP:

- Generally, MUP covers normal undergraduate tuition costs. MUP does not cover fees or additional tuition (ex: independent study, directed study, etc.). MUP does not cover any graduate level tuition. MUP does not cover Methodist University Online courses as part of our fully online degree programs.
- Full-time non-faculty employees (without a Baccalaureate degree): 100 % remission, after

completing one year of full-time employment and after all applicable Financial Aid has been applied

- Full-time employees that meet their one year wait period after the start of a semester (day classes) or term (evening/summer classes) will be eligible the following semester (day classes) or term (evening/summer classes).
- Full-time faculty: eligible for one course per semester, with supervisor and vice-president approval and after completing two full semesters of teaching.
- Full-time employees may take one day class per semester, with supervisor and vice-president approval. Time away from work must be made up that day.
- Part-time employees and adjunct faculty, their spouses and dependents are not eligible for the MUP Scholarship benefit.
- Spouses and sons/daughters (must be defined as a dependent by the U.S. Department of Education Free Application for Student Aid, a step-son/daughter must be residing in home of employee and meet the FAFSA dependent definition) of full-time non-faculty employees: 100% of tuition, after employee has completed one year of full-time employment\* and after all applicable Financial Aid has been applied.
- Spouses and sons/daughters (must be defined as a dependent by the U.S. Department of Education Free Application for Student Aid, a step-son/daughter must be residing in home of employee and meet the FAFSA dependent definition) of full-time faculty: 100% of tuition for all courses after employee has completed two full semesters of teaching and after all applicable Financial Aid has been applied.
- For full-time Faculty and Staff and their spouses who have already obtained a Baccalaureate degree – the Scholarship will cover one (1) undergraduate level course per semester with the Chief Financial Officer approval. The Scholarship does not provide benefits for dependents that have already obtained a Baccalaureate degree.
- There is no tuition remission for graduate level programs.
- A son/daughter is defined as either biological or legally adopted and must meet the definition of dependent as defined by the U.S. Department of Education by completing the Free Application for Federal Student Aid (FAFSA). A step-son/daughter must be residing in the home of the employee and be a dependent as defined by the U.S. Department of Education by completing the FAFSA.
- Other relatives are not eligible for the MUP Scholarship, only spouses and sons/daughters (must be defined as a dependent by the U.S. Department of Education Free Application for Student Aid, a step-son/daughter must be residing in home of employee and meet the FAFSA dependent definition) are eligible.
- Temporary employees and their spouses/dependents are not eligible for the MUP Scholarship.

### **8.2.1 Classifications of Employees**

- An employee eligible for the University benefit program is considered full-time for the MUP Scholarship.
- An employee who regularly works 20 hours or less per week is considered a part- time employee.



## 8.2.2 Guidelines for Application

- If the MUP applicant does NOT already have a 4 year Bachelor's Degree, the Free Application for Federal Student Aid (FAFSA) and the NC Needs Based Scholarship (if applicable) must be completed and on file with the Financial Aid Office. The FAFSA and NC Needs Based Scholarship (if applicable) must be completed each academic year. All financial aid received (need based financial aid and outside Scholarships) applies towards the tuition and WILL reduce the amount of the MUP Scholarship.
- If the MUP Scholarship applicant is the employee or spouse and is selected for verification by the Federal Government, all verification documentation must be completed by the MUP applicant and verified by the office of Financial Aid before the MUP Scholarship application will be signed by a representative of the Financial Aid office.
- All dependent MUP Scholarship applicants will be selected for verification (all verification documentation must be completed by the MUP applicant and verified by the office of Financial Aid) and MUST meet dependent requirements before the MUP Scholarship application will be signed by a representative of the Financial Aid office.
- Satisfactory Academic Progress (SAP) must be maintained in order to qualify for the MUP Scholarship.
- The MUP Scholarship application must be completed, signed by the Financial Aid office and returned (all copies) to the Human Resources office. MUP forms ***must*** be submitted to Human Resources office by ***August 1st for fall classes/December 1st for spring classes/May 1st for summer classes***.
- A separate MUP Scholarship application must be completed for the fall, spring and summer terms. MUP Scholarship approvals are made on a semester by semester basis and the individual must meet all requirements.

## 8.2.3 How the MUP is Processed and Awarded

- During the first week of class for the semester/term, the Human Resources office will complete the Personnel section of the applications and forward them to the Chief Financial Officer for approval. The approved applications will then be sent to Financial Aid.
- After the semester/term has ended and the final grades have been turned in, Financial Aid will begin to process awards for the MUP Scholarship. (see Grades Policy, below)
- Financial Aid will then send the award information to the Office of Student Accounts so that the student account may be credited. If the student has applied for student loans, and as a result, the MUP award creates a credit balance on the student's account, the Office of Student Accounts will process refund checks in accordance with the University Refund Policy.

## 8.2.4 Grades / Withdrawal Policy:

- All individuals who have applied for the MUP must complete the course with a grade "D-" or better in order to receive the MUP Scholarship for the course(s).
- To avoid incurring tuition charges, any student attempting to withdraw from an MUP covered course, must receive permission from his or her supervisor (if applicable) **and** the University Provost (applies to all MUP recipients.) This permission must be granted **prior** to the withdrawal of the course. The *"Permission to Withdraw from an MUP-Covered Course"* form must be used to document permission to withdraw and is

available in the Registrar's Office and the Human Resources Office. The employee/dependent is responsible for any tuition charges that are assessed due to the withdrawal of a course unless permission to withdraw from the course has been granted by the supervisor and the University Provost prior to withdrawal.

- If a course is completed with a failing grade, a grade WF, or an incomplete, the employee/dependent will be responsible for the tuition charge for the course. The employee/dependent is responsible for any tuition charges that are assessed due to the withdrawal of a course unless permission to withdraw from the course has been granted by the supervisor and the University Provost.
- Failure to reimburse the University could result in the individual not being permitted to further enroll in courses until the amount owed has been collected. The University will take action to collect any unpaid accounts per current Office of Student Accounts policies.

For questions please contact the Human Resources Office in the Horner Administration Building.

### **8.2.5 CLEP Fees for Students on MUP**

If the student paid to take the CLEP examination, that student should pay the transcription fee. If Methodist University gave the CLEP examination at no charge, that student should pay no transcription fee.

## **8.3 Breastfeeding and Lactation Support Policy**

Methodist University adopted this policy to support the health and well-being of employees and their infant children by providing a workplace that supports the decision of an employee to breastfeed.

In accordance with the Patient Protection and Affordable Care Act (P.L. 111-148, known as the "Affordable Care Act") amended section 7 of the Fair Labor Standards Act ("FLSA"), Methodist University supports and encourages the practice of breastfeeding, accommodates the breastfeeding needs of employees, and provides adequate facilities for breastfeeding or the expression of milk for the employee's child for up to one year after the birth of the nursing child.

Additionally, it is the policy of the University to prohibit discrimination and harassment of breastfeeding employees or to refuse to hire or employ or to discharge an employee who exercises their rights under this policy.

Procedure:

- Supervisors shall provide information about the breastfeeding/lactation support policies and accommodations when an employee first discusses her Family Medical Leave for maternity leave and her plans for returning to work.
- Any employee who wishes to breastfeed or express milk in the workplace shall make a request to her supervisor in a timely manner to allow for accommodations to be arranged.
- The supervisor shall be responsible for identifying a clean, secure, and private space suitable for such use in close proximity to the employee's workplace, including providing privacy, lighting, and electricity needs. Restrooms and utility closets are not suitable for this purpose. Restrooms with a separate area for breastfeeding are allowable.
- Employees must provide their own pumps, adapters, and other accessories.
- The supervisor shall ensure that there is a facility available for milk storage in close proximity to the employee's workplace. This can include any cold food storage area.

- Methodist University shall provide reasonable paid break time each day to employees who need to breastfeed or express milk for their children. Supervisor and employees are responsible for arranging mutually agreed upon, reasonable and flexible lactation break times. The length of the break should be dependent on the amount of travel time to/from the room to be used, but are generally 20-30 minute breaks every 3-4 hours.

## 8.4 Breaks and Eating Facilities

Breaks and meal periods are intended to give an employee a chance to renew attention and energy after working for an extensive period so that he or she can remain productive and efficient in performing assigned tasks.

### Meal Breaks

Employees are encouraged to take at least a 30 minute meal break every day when they are working six or more hours. The actual time and length of meal period will be scheduled with the supervisor in order to ensure adequate office coverage and adherence to the [Overtime Policy](#) (where applicable).

Although not encouraged, employees may take their meals at their desk. It is the responsibility of all employees to keep their offices and eating areas neat and clean. Employees must be mindful and considerate of the effect of their meals on their coworkers when eating in a work area (such as if a meal is potentially aromatic).

Time spent during the meal period is not considered work time for pay purposes unless specifically designated as a work period and an employee may use that time to flex their schedule. However, prior approval is required (see the Flexible Schedule Policy for more information).

Hourly employees:

- Must clock in and out when they take their meal period.
- Are not required to clock out for any break that is 20 minutes or less.
- May not do any work for the university while they are clocked out on a meal break, even if they are taking their meals at their desk.

### Other Breaks

Other breaks (not meal breaks) are considered time worked. Break time, whether scheduled or flexible, should not exceed 15 minutes in any four-hour work period. Breaks cannot be accumulated or saved. The intended purpose would not be fulfilled if they were not taken at the appropriate intervals; therefore, breaks may not be used to compensate for absences such as arriving late or leaving work early, or to extend meal periods.

Occasionally, due to University needs, supervisors may need to temporarily modify break and meal periods. Managers and supervisors are responsible for scheduling and monitoring lunch and break periods.

### Eating Facilities

The University provides a cafeteria or eating facility for the benefit and convenience of the University and its students and employees.

1. The Cafeteria will provide food service during the times posted at the entrance and is open to all students, employees, and University guests.
2. Food and beverage vending machines are located in various buildings on the campus and are available when the buildings are open.
3. Employees are entitled to receive a discount when purchasing a meal plan at the dining hall. Employees

must display their MU identification when purchasing a meal plan.

## **8.5 Parking**

It is the policy of the University to provide free parking facilities for the benefit and convenience of its employees and visitors.

1. Employees who wish to operate and park a motor vehicle on University property must obtain a parking permit from the Public Safety Office.
2. Employees must obtain a Vehicle/Identification Card authorization from the Human Resources Department. This form along with a valid automobile registration and valid driver's license must be presented to the Public Safety Department.
3. Employees are expected to observe the parking rules established by the Public Safety Department. Violation of parking rules may result in monetary fines and/or loss of parking privileges. Flagrant or repeated violations will subject the employee to the regular disciplinary procedures for violation of University rules.
4. All parking lots are part of the University premises. Therefore, all University policies and rules apply to employees and their vehicles while on the parking lots.
5. Employees who use the University parking lots do so at their own risk and should keep their vehicles locked. The University assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in a vehicle while on a parking lot.

## **9.0 Employee Safety**

### **9.1 Safety Policy**

It is the policy of the University to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free from recognized hazards as is feasible. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state, or local law.

Comments:

1. The University has appointed a Safety Officer to assist the administration with:
  - monitoring compliance with University safety rules and regulations and the applicable safety and health standards established as a result of the Occupational Safety and Health Act of 1970 and any other applicable federal, state, or local employee safety laws or regulations;
  - investigating, correcting, and eliminating recognized unsafe working conditions or potential hazards;
  - conducting periodic informal safety inspections of all work areas, machinery, equipment, warehouses, grounds, and any other recognized potentially hazardous University facility;
  - organizing the training and retraining of employees as required by law;
  - monitoring compliance with the various requirements established by any law or the institution's insurance carrier relating to record keeping and the retention of records;
  - posting notices and keeping records as may be required by law or the institution's insurance carrier;
  - establishing fire prevention and firefighting programs, conducting fire drills, testing equipment, and enforcing no smoking policies where appropriate;
  - developing contingency disaster preparedness plans; and
  - investigating all accidents, hazardous incidents, and fires involving University employees, or which occur on

University premises, and preparing required reports.

2. Supervisor's safety responsibilities include:

- familiarizing his/her self with all safety and health procedures relevant to the operations under their supervision;
- inspecting his/her work areas periodically;
- training his/her employees in safety matters or arranging for such training where appropriate; and
- reporting accidents and injuries to the Safety Officer immediately.

3. Employees should report to the Safety Officer or their supervisor all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or students.

4. Employees are encouraged to submit suggestions to the Safety Officer concerning safety and health matters.

5. The University will provide special clothing or equipment, or reimburse for it, when such clothing or equipment is required by regulation or by University policy. Employees are responsible for the proper use of such clothing and equipment and will be subject to discipline for failure to exercise this obligation.

6. Supervisors should not discharge or discriminate in any manner against an employee because the employee has instituted a safety-related proceeding, has testified in such a proceeding, or has otherwise exercised any right afforded by law. Employees accompanying government safety compliance officers during so-called "walk around inspections" will not be compensated for such time unless the employee is assigned the task by management.

## 9.2 Security Policy

It is the policy of the University to make reasonable efforts to provide security for its property, its employees, students, and authorized visitors to its premises.

**Comment:**

1. Employees are expected to know and comply with the University's security procedures and are expected to report any violations or potential problems to the Public Safety Department. Employees violating security procedures will be subject to discipline, and, in addition, illegal acts committed by employees may be reported to campus police.

2. The University has appointed a Director of Public Safety whose responsibilities include:

- recommendation, implementation, and enforcement of all Public Safety procedures, plus periodic audits of existing procedures;
- evaluation, specification, installation, maintenance, and operations of all security devices and systems;
- employing and overseeing Public Safety Officers as appropriate;
- communications and relationships with law enforcement agencies;
- developing systems to issue and control employee identification devices and keys;
- investigations of theft and vandalism, including employee theft;
- monitoring and control of all non-employees and visitors on University premises; and
- communicating security procedures to employees and training and retraining of employees with respect to their security responsibilities.

3. Employees will be issued identification cards which should be in their possession at all times while on the premises.

4. Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the University premises and while away from the premises on business. The University assumes no responsibility for employee losses resulting from robbery or theft while away from the premises on business.

### **9.3 Child Protection Policy**

Methodist University ("the University") is committed to maintaining a supportive and safe environment, one which seeks to enhance the well-being of all members and visitors within its community. Within that commitment, the University places importance on creating a secure environment for children. To that end, the University has adopted the following child protection policy and procedures.

In order to ensure the safety and well-being of children, individuals, including University faculty, staff, students, volunteers, others in positions of trust and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of University facilities, with responsibilities that involve interaction with children (collectively "University personnel"), must carefully review and abide by the following policy regarding abuse.

#### **9.3.1 Obligations under This Policy**

A "child" is a person who has not reached the person's eighteenth birthday and is not married, emancipated, or a member of the Armed Forces of the United States.

This Policy applies to child abuse, molestation or neglect that allegedly occurs on the University's campus, on property owned or leased by the University, or while University personnel are participating in a University connected activity off campus.

It is the University's position that all University personnel should immediately report known or suspected child abuse or neglect as provided in this policy.

#### **9.3.2 Definitions of Child Abuse and Neglect**

No form of child abuse, whether physical, emotional or sexual, will be permitted or tolerated under any circumstances whatsoever. Child abuse is morally and legally wrong. It can come in many forms.

Harm or threatened harm to a child's health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation.

"Sexual abuse" may be perpetrated by an adult or another child and includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. Sexual abuse also includes any activity that is meant to arouse or gratify the sexual desires of the perpetrating adult or child. Sexual abuse may or may not involve touching.

"Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

Negligent treatment or maltreatment of a child includes the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.

### 9.3.3 Prevention Procedures

The University is committed to doing everything possible to prevent any form of child abuse from occurring at the University by University personnel. To that means all University personnel that will have interaction with children will be trained in this policy. Every University personnel that will interact with children, will be subject to a background check.

As a preventative measure the University will do the following –

- Appoint a Designated Leader who will be responsible for the implementation of this policy.
- Inform all University personnel of this policy and train them of their responsibilities
- Provide refresher training to all University personnel on this policy annually
- Complete a background check on all University personnel interacting with children prior to having that interaction
- Maintain a three person rule (except in instructional situations such as music lessons) that discourages “one- on-one” situations between children and University personnel.
- Apply this policy to all situations including but not limited to:
  - Transporting children
  - Overnight activities involving children
  - Off premise activities involving children and University personnel
- Encourage parental visits and program involvement with all our activities involving children.
- Establish a buddy system, where 2 or more children are partnered.
- Require anyone who witnesses or suspects abuse of any form to report that complaint as outlined below immediately
- Take swift and immediate action on all reported complaints

### 9.3.4 Reporting Procedures

If you know or suspect that a child is a victim of child abuse or neglect, you must act.

In deciding whether or not to report an incident or situation of suspected abuse or neglect, it is not required that you have proof that abuse or neglect has occurred. Any uncertainty in deciding to report suspected abuse or neglect should be resolved in favor of making a good faith report.

In making a report, your actions should be as follows:

**First**, immediately report the information to:

The University Police Department at **910-630-7149**.

Your oral report should include all available information regarding the known or suspected abuse or neglect, including, but not limited to, the name of the child, his whereabouts, the names and addresses of the parents, guardian, or caretaker and the character and extent of the injuries. The report should also contain, if known, any evidence of previous injuries to said child and any other pertinent information that might establish the cause of such injury or injuries, and the identity of the person or persons responsible for the same.

**Second**, do not directly question or solicit information from the child or from the person suspected of improper behavior. That is not your role; the role of investigation lies with city, county, and state officials.

**Third**, in addition to making an oral report, you must also complete a Child Abuse or Neglect Report Form and deliver the same to the MU Police Department.

**Fourth**, As required by North Carolina law, any person who believes a child has been abused or neglected, must

report that situation to the Department of Social Services in the county where the child is found. The Cumberland County Department of Social Services Child Protective Services division may be reached at (910) 677-2450.

### **9.3.5 Prohibition on Retaliation and Immunity from Liability**

Any person who makes a good faith report of child abuse or neglect shall not be subjected to retaliation by Methodist University. Further, good faith reports of child abuse made to county Divisions of Social Services are generally immune from civil liability. Methodist University will hold all reports of child abuse made to it in the strictest confidence and will only disclose the identity of the reporter if required by competent legal authority."

### **9.3.6 CPP Requirements**

Those that interact with children on any MU facility or at any MU sponsored event must submit their information for a background check and submit that they have read and understood the Child Protection Policy.

No one may participate in any such event without a cleared background check completed within the last year from the date of the event where the participants will interact with children.

- **All participants** (employees, students, or volunteers) must submit a request for a background check every year they participate in an event with a child present.

For the purposes of planning, volunteers and event leaders should understand that a background check can take up to two weeks from the date of submission to be completed. No background checks with missing information can be submitted. Required information will include a full date of birth, a social security number, address, and the Event contact, including the event contact's email address.

To submit for a background check and/or complete the Child Protection Policy form, students or outside volunteers must use the link below:

[Volunteer - Child Protection Policy \(paycomonline.net\)](https://paycomonline.net)

- requires participants to review the policy and to sign that they have read and understood it
- requires participants to review the training presentation and to sign that they have read and understood it
- requires participants to enter their information for a background check (where necessary)

It is the responsibility of the event leader to submit a complete list of the volunteers' and participants' to Human Resources for their event and track the successful completion of their volunteers' and participants' requirements. Human Resources will track submissions and will update the event leader indicating who has completed the requirements under CPP. It is the responsibility of the event leader to ensure anyone who is participating in an event with children has completed the necessary requirements to participate before allowing them to participate.

### **9.3.7 Training**

Employees will be required to acknowledge the Child Protection Policy in Paycom. All Camp Leaders and Event Leaders of events that will involve children must complete the Child Protection Policy training through Canvas in addition to acknowledging the policy through Paycom.

Additionally, the Leader is required to review the Policy with any and all volunteers or employees.

## **9.4 Key Control**

Key control is an important part of our overall Community Security Plan. A log will be maintained at the Public Safety Office for all issued and returned keys. In order for a key to be made for a particular building, office or room, the request has to be approved by the person designated to handle key control in that area. The following steps outline procedures for issuing and returning of employee keys.



1. The designee will fill out and sign the appropriate form requesting the Public Safety Department to issue the listed key(s).
2. The Public Safety Department will coordinate the making of the key(s) with the Maintenance Department.
3. The Public Safety Department will then record the transaction and issue the keys to the persons indicated on the key request.
4. Before termination of employment or during a leave of absence all keys are to be turned in to the Public Safety Department.

**Note: Supervisors are reminded not to receive or re-issue keys. Keys are issued only at the Public Safety Office.**

## **9.5 Preparing for an Active Shooter Incident on Campus**

It is an unfortunate fact that shooting incidents occur on college and university campuses of all types and sizes. In an effort to help the Methodist University community more effectively prepare for and, if necessary, respond to an active shooter incident, the following information has been prepared.

Awareness and preparation are absolutely essential. An active shooter incident would be unlike anything most of us have ever experienced. While police would respond as quickly as possible, your life and the lives of others could be immediately at risk.

### **9.5.1 What must all of us be prepared to do if gunshots are heard on campus?**

1. Understand what is happening and quickly decide how you are going to respond. Trust your instincts. Based on what you see and hear, determine if it makes sense to:
  - Stay where you are and try to hide? **or**
  - Try to escape to a safer location?
2. If you decide it is best to stay where you are:
  - Act quickly – don't wait for others to validate your decision
  - If possible, lock the door from the inside
  - Use furniture or other available objects to barricade the door(s)
  - Turn off the room lights and stay as quiet as possible
  - If multiple people are inside the room, spread out – don't huddle in groups
    - If possible, use any available phone to call **University Police at 630-7577 or dial 9-1-1**. Tell the police as much as you can about the shooter's location and description, and keep trying to call if you get a busy signal
  - Help keep others calm and focused on survival
3. If you decide it is best to try to escape to a safer location:
  - Move quickly – don't wait for others to validate your decision

- Leave your belongings behind
- Get as far away from the shooter/sounds of gunfire as you can
- If caught outside, take cover behind something like a thick wall or a large tree
- After reaching shelter, call University Police at 630-7577 or dial 9-1-1. Tell the police as much as you can about the shooter's location and description, and keep trying to call if you get a busy signal

4. If you are directly confronted by the shooter:

- Assume his or her intentions are lethal to you and others
- Be mentally prepared to do whatever you can to fight back and survive

An emergency notification will be sent out via **Alertus** as quickly as practical. **Remember, though, that your survival of an active shooting situation will likely depend on the immediate actions you take to help protect yourself.**

An excellent training video is available on how to respond in the event of an active shooter on campus. All members of the Methodist University community are encouraged to view this video. Check with your supervisor for more information about when it will be shown.

## 9.6 Trespassing on University Property

Persons who violate University policies, regulations, or rules or pose a threat or risk to the safety and security of the University community or University property may be advised to leave by a University official. In addition, persons present on University property without justification or legitimate reason may be advised to leave.

# 10.0 Technology Policies

## 10.1 Computer Use Policy

1. All users shall respect the privacy of other users. This means that no users will attempt to access, copy, or disrupt the use of information that belongs to others. This includes E-mail files. Proscribed behavior includes any attempt to "hack" or any "hacking" behavior. Any unauthorized attempt to access campus resources or any disruptive behavior on campus networks or systems will be dealt with immediately and severely.
2. All users shall abide by copyright laws. This means that copying or use of programs or files that are not licensed to the user is forbidden. If you don't own a copy of a program, you cannot load it on your computer. You cannot load multiple copies of programs for which you don't own multiple licenses. If a piece of computer software is loaded on a Methodist University computer and no license can be produced for the software, the computer staff will remove the software from the computer.
3. All users shall follow appropriate standards of civility and conduct and respect the feelings of others when engaged in communication. This means that all users will identify themselves and restrain from any behavior or communication that might be considered harassing, discriminatory, or in any way calculated to cause discomfort or embarrassment to readers or users of the communication.

4. All users shall use Methodist University computing resources for University related work consistent with the stated mission of the University. This means that no one shall use University resources for personal financial gain or any activity that would jeopardize the tax-exempt status of the University. The University will not be responsible for unauthorized debts or obligations incurred by users.
5. All users shall abide by all applicable state and federal law pertaining to communications. For example, sending chain letters on the Internet is a violation of federal law.
6. University authorities and/ or Campus Security will investigate all violations of the above policies. At such time as a violation is discovered, the Computer Services staff will take the appropriate action to immediately curtail the activity. This includes, but is not limited to, immediate revocation of all rights on computer systems at Methodist University. In carrying out an investigation pertaining to a violation of any of the above policies or of any University policy, it may become necessary for University authorities to examine files, accounting information, printouts, tapes, or any other materials. For reasons of potential liability, the University reserves the right to monitor all communication on the University systems. Users should be aware of this fact and the fact that any computer correspondence can be used against them in disciplinary actions within the University disciplinary system, as well as used as evidence in a court of law.
7. Penalties for the violations of the above provisions may include, but are not limited to, expulsion, suspension, and discharge from employment, and possible prosecution by state and federal authorities.
8. Use of the Methodist University computer system(s) signifies acceptance of the Methodist University Computer Use Policy.

## **10.2 Non-exempt Employees and Electronic Devices**

Hourly (non-exempt) staff may perform job duties using a variety of electronic communications depending on the nature of the work and responsibilities involved. Some communication media may include cellular/mobile telephones, text message devices, computers, and handheld computers such as Smart Phones or tablets. Although Methodist University appreciates the dedication of hourly-paid employees, there are wage and hour laws and regulations to consider when non-exempt employees perform work outside of their regularly schedule work days.

Off-duty electronic device use for work purposes is considered time worked and counts towards overtime eligibility if an employee is non-exempt (hourly). Non-exempt employees need to be properly compensated for their time worked. To avoid incurring unnecessary overtime expenses and to minimize the risk of unintentional violations of wage and hours laws:

- The use of phones and mobile devices for business reasons is restricted to standard business hours
- Employees must record all time worked when using phones and mobile devices to perform work tasks so that time can be submitted into Paycom and compensated.
- Written permission must be received from supervisors before using phones and mobile devices for university business during off-hours. The overtime policy applies to work time on electronic devices during off-hours.

## **10.3 Cellular Phones**

### **10.3.1 Personal Cellular Phones**

While at work, employees are expected to exercise discretion in using personal cellular phones. Personal calls during the work hours can interfere with employee productivity, safety and may be distracting to others. Employees are encouraged to make personal calls during breaks and lunch and to ensure that friends and family members are aware of the University's policy.

The University will not be liable for the loss of personal cellular phones brought into the workplace. Cellular telephones may not be used to defame, harass, intimidate, or threaten any other person. Employees are prohibited from using their cell phones in any illegal, illicit or offensive manner.

Cell phones may not be used while operating University-owned equipment or vehicles. The use of personal cell phones for University business while driving is prohibited.

### 10.3.2 Cell Phone Allowance Policy

Methodist University recognizes that the performance of certain job responsibilities may be enhanced by or require the use of a cellular (cell) phone or Smartphone.

#### 10.3.2.1 Policy

Employees who hold positions that include the need for a cell phone (see eligibility criteria below) may receive a cell phone allowance to compensate for business-related costs incurred when using their individually-owned cell phones. The University will not own cell phones for the use of individual employees, nor will the University pay invoices for services provided by vendors classified as cell phone providers. Payment to cell phone providers via a University corporate or procurement card is prohibited.

#### 10.3.2.2 Eligibility

If a supervisor determines that a university employee's job duties include the frequent need for a cell phone, the employee is eligible for an allowance to cover business-related cell phone expenses. Such an allowance may be requested using the *Cell Phone Allowance Request Form*. The request may be made any time during the year, but must be reviewed and renewed at the beginning of each academic year (September 1). The allowance will be paid monthly via payroll from the employee's departmental budget. The monthly stipend is a non-taxable benefit, subject to IRS reporting on the employee's annual Form W2.

*This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, bonuses, or benefits based on a percentage of salary, etc.*

Direct Supervisors and appropriate department Vice Presidents must approve the cell phone allowance. **In all cases for approval, the employee is required to be on-call (24/7).** The following guidelines should also be considered when identifying the need for a cell phone allowance:

- Safety requirements indicate having cellular phone is an integral part of performing duties of job description.
- More than 50% of work is conducted in the field.
- Required to be contacted on a regular basis.
- The job function requires the employee to have wireless data and internet access
- Critical decision maker

#### 10.3.2.3 Allowance Provisions

The amount of the allowance is limited to \$45 per month. The University will pay only the agreed upon cell phone allowance, with a maximum amount of \$45 per month, even if monthly costs exceed the allowance.

The cell phone contract will be in the name of the employee and said employee will be solely responsible for all payments to the service provider. Only one cell phone allowance will be provided per employee. The University does not accept any liability for claims, charges or disputes between the service provider and the employee. Recipients of a cell phone allowance must notify the University of the cell phone Number and must continue to maintain the cell phone while receiving an allowance. The University reserves the right to remove a participant from this plan if there are insufficient funds in the designated departmental budget to meet the cost of the monthly allowances.

If, prior to the end of the cell phone contract, a personal decision by the employee, or employee misconduct, or misuse of the phone, results in the need to end or change the cell phone contract, the cost of any fees associated with that change or cancellation will be the responsibility of the employee.

If, prior to end of the cell phone contract period, a departmental decision (unrelated to employee misconduct) results in the need to end or change the cell phone contract, the department will be responsible for the cost of any fees associated with that change or cancellation. For example, the employee's supervisor has changed the employee's duties such that a cell phone is no longer needed for business purposes. If the employee does not want to retain the current contract, any fees associated with the change or cancellation will be reimbursed by the department.

#### 10.3.2.4 *Oversight, Approval, and Funding*

Departmental supervisors are responsible for overseeing employee cell phone needs and assessing the continual need for allowances and extent of business related expenses. The need for cell phone allowances should be reviewed on an annual basis.

#### 10.3.2.5 *Employee Rights and Responsibilities*

The employee is responsible for purchasing a cell phone and service contract with a service provider of their choice. The contract with the provider is between the employee and service provider – not the University. The employee is solely responsible for payment to the provider.

The employee's job duties must meet the eligibility requirements consistent with the requirements to receive a cell phone allowance, and the employee must notify the payroll office immediately upon termination of service.

The employee must be able to provide, if requested by his/her supervisor, records to substantiate the existence of a cell phone plan, as well as business-related usage, to determine the need for continued reimbursement.

Cell phones covered by this policy are used in part to conduct University business and/or to create, receive, send, or store University data or educational records regarding student information. As such, information contained on these devices is subject to Federal, State and University policies regarding the protection of such data, including FERPA.

## 10.4 Social Media Policy

Social media is a powerful communications tool that has significant impact on organizational, professional, and personal reputations. It is expected that all employees and students will conduct themselves with civility and courtesy that is respectful to others in keeping with the University's mission and policies. Although the University does not actively monitor the personal social media activity of employees or students, any information brought to the attention of University administration may be subject to discipline if it is in violation of the University Student Code of Conduct or employee policies regarding Computer Use and Behavior of Employees.

The University reserves the right to discuss with current and accepted students, faculty, and staff any behavior or language (including through social media) that may be offensive or inflammatory to other individuals or groups. Action by the University may include, but is not limited to verbal warning, counseling, suspension, and expulsion for students or termination for employees.

### 10.4.1 Guidelines for all Social Media Sites, Including Personal Sites

- **Protect confidential and proprietary information:** Do not post confidential or proprietary information about Methodist University students, employees, or alumni. Employees must still follow the applicable federal requirements such as FERPA and HIPAA, as well as NCAA regulations. Adhere to all applicable university privacy

and confidentiality policies. Employees who share confidential information do so at the risk of disciplinary action or termination.

- **Respect copyright and fair use:** When posting, be mindful of the copyright and intellectual property rights of others and of the university. Remember that content posted to social media sites in some cases become the property of the platform operator. For this reason, a social media site should never replace a university unit's Web site as its official online presence. For guidance, consult the Guidelines for Copyright Compliance and the Ownership. Direct questions about fair use or copyrighted material to the Instructional Services Librarian in Davis Memorial Library at (910) 630-7541.
- **Don't use Methodist University logos for endorsements:** Do not use the Methodist University logo or any other university images or iconography on personal social media sites. Do not use Methodist University's name to promote a product, cause, or political party or candidate without the approval of the Director of Marketing and Communications.
- **Terms of service:** Obey the Terms of Service of any social media platform employed. In the case of campus units or organizations on Facebook, this includes creating "public profiles" of which users can become "fans", not personal profiles which users can "friend." If you have questions about this distinction, contact the Director of Marketing and Communications or the Webmaster.

#### 10.4.2 Best Practices

This section applies to those posting on behalf of an official university unit, though the guidelines may be helpful for anyone posting on social media in any capacity.

- **Think twice before posting:** Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known and how that may reflect both on the poster and the university. Search engines can turn up posts years after they are created, and comments can be forwarded or copied. If you wouldn't say it at a conference or to a member of the media, consider whether you should post it online. If you are unsure about posting something or responding to a comment, ask your supervisor for input or contact the Director of Marketing and Communications at (910) 480-8408.
- **Strive for accuracy:** Get the facts straight before posting them on social media. Review content for grammatical and spelling errors. This is especially important if posting on behalf of the university in any capacity. (See "Institutional Social Media" below.)
- **Be respectful:** Understand that content contributed to a social media site could encourage comments or discussion of opposing ideas. Responses should be considered carefully in light of how they would reflect on the poster and/or the university and its institutional voice.
- **Remember your audience:** Be aware that a presence in the social media world is or easily can be made available to the public at large. This includes prospective students, current students, current and prospective employers and colleagues, and peers. Consider this before publishing to ensure the post will not alienate, harm, or provoke any of these groups.
- **On personal sites, identify your views as your own.** If you identify yourself as a Methodist University employee online, except for biographical information (e.g., work history), it should be clear that the views expressed are not necessarily those of the institution.
- **Photography:** Photographs posted on social media sites can easily be appropriated by visitors. Consider

adding a watermark and/or posting images at 72 dpi and approximately 800x600 resolution to protect your intellectual property. Images at that size are sufficient for viewing on the Web, but not suitable for printing.

### **10.4.3 Institutional Social Media**

Official Methodist University social media sites/pages are managed by the Office of University Relations and Advancement and for athletics, the Sports Information Director. MU departments, programs, or athletic teams may operate social media pages under the guidance of and with permission from Office of University Relations and Advancement or the Sports Information Director. Any use of University logos, symbols, names, or images must be approved by Office of University Relations and Advancement or the Sports Information Director, for athletics. For more information, contact the Director of Marketing or the Sports Information Director.

## **10.5 Employee Mass Email Policy**

Methodist University has established a group (mass) e-mail policy that outlines appropriate uses for group email through the central mail system.

The University recognizes the importance of electronic communication while protecting faculty, staff, and students from unwanted and unsolicited emails and reducing mailbox clutter.

The Webmaster and the Office of Institutional Computing (OIC) are responsible for overseeing the mass email system and are authorized to send out messages to the MU community.

The Webmaster is responsible for sending mass emails to employees. The Webmaster or the Office of University Relations must approve requests for mass emails to employees.

OIC is responsible for sending mass emails to students and serves as backup to the Webmaster for sending mass emails to employees. The Academic Dean or Office of Student Affairs must approve requests for mass emails to students.

In case of emergency and weather preparedness, both OIC and the Webmaster have the authority to send emails to all faculty, staff, and students. The Webmaster also posts emergency notices through other communication channels (text, website, and social media).

To be approved for broad distribution, a mass email request must meet the following criteria:

- Communication from the President, Academic Dean, or a member of the Administrative Cabinet or their designee
- Address an issue of campus safety, health, business, or news
- Be critical and time sensitive
- Be of interest to the vast number of recipients

The email system may not be used to promote or communicate the following:

- Events, activities or items promoted for personal gain
- Solicitations for contributions to non-university sponsored entities
- Promotions for outside businesses
- Supporting political causes
- Personal requests or communications
- Lost and found messages. All lost and found items should be brought to Public Safety, who, if the situation merits may send a message.

You may submit information that may not meet the above criteria to the following alternate e-communication channels. These are also subject to approval. Requests will be acted upon within one week whenever possible.

**The Green and Gold Chronicle** - Published bi-monthly on Fridays.

This e-newsletter includes faculty and staff news, events, professional accomplishments, awards, human resources information, and personal news including births/birthdays/condolences. Sent to all employees.

Send to Michael Molter at [news@methodist.edu](mailto:news@methodist.edu)

**Community News** - Published monthly. Community News is an e-newsletter with information about events and activities on and off campus that may be of interest to the community including festivals, performances, openings, area wellness initiatives, special offers for MU employees, and approved fundraisers by campus clubs. Sent to all employees.

Send to Michael Molter at [mucommunity@methodist.edu](mailto:mucommunity@methodist.edu)

**Alumni Newsletter** – Published monthly. This e-newsletter is sent to all MU alumni around the world and includes MU news and information on regional alumni events.

Send to Kirbie Dockery at [kdockery@methodist.edu](mailto:kdockery@methodist.edu)

#### **Parent Newsletter**

Parents sign up to receive this monthly e-newsletter during the academic year. Information includes campus news and events, important deadlines for students and parents, and information on student wellness and career opportunities.

Send to Kirbie Dockery at [kdockery@methodist.edu](mailto:kdockery@methodist.edu)

## **10.6 Unmanned Aircraft Systems Policy**

Methodist University encourages the use of innovative forms of technology such as Unmanned Aircraft Systems (UAS) to achieve the University's goals of effectively communicating, researching, and educating. Laws, regulations, and best practices around UAS are evolving with this emerging technology. This policy seeks to ensure that any person using UAS on University property, or for University business purposes, complies with those legal obligations. User of UAS on campus must exercise extreme caution due to the University's proximity to Grannis Field (Fayetteville Regional Airport), Simmons Army Airfield and the Life Flight System at Cape Fear Valley Regional Hospital.

This policy establishes a mechanism for the use of UAS on campus or as used for University purposes.

This policy applies to any use of UAS

- For University operations, whether controlled by a University employee, hired contractor, or other person on behalf of the University
- On University property, including use by third-parties not affiliated with the University and new media representatives

### **10.6.1 Definitions**

**Aircraft:** Any device used or designed for navigation of or flight in the air.

**Model Aircraft:** Aircraft that is mechanically driven or launched into flight and is flown solely for hobby or recreation purposes and is not used for payment or benefit, directly or indirectly, by any person for the use of the aircraft or any media produced by the aircraft.

**Unmanned Aircraft Systems (UAS):** Commonly known as drones, aircraft and accompanying systems that are operated without the possibility of human intervention from within or on the aircraft. For purposes of this policy, UAS also include



aircraft that meet the definition of model aircraft. The term UAS, as opposed to drone, is used throughout this policy as that is the term used in state and federal laws and regulations.

### **10.6.2 Compliance**

The University's Police Department enforces this policy and is responsible for compliance and enforcement.

Improper use of UAS may result in the violation of federal or state criminal laws.

Users of UAS who violated this policy may be issued a notice of trespass by Methodist University Police.

Improper UAS use may also be a violation of University policy, subject to student or employee discipline.

Related Regulations include:

The North Carolina Department of Transportation's UAS Program with links to the North Carolina laws and regulations.

<http://www.ncdot.gov/aviation/uas/>

The Federal Aviation Administration's UAS Program with links to the federal laws and regulations.

<http://www.faa.gov/uas/>

### **10.6.3 Procedures**

#### **UAS on University Property**

The University requires all users of UAS to comply with the permitting requirements set forth by the North Carolina Department of Transportation (NCDOT) and the Federal Aviation Administration (FAA). Both of these agencies require operators of UAS to obtain certain permits prior to operating a UAS. No UAS may be flown on University property unless the user has these permits. (Note: Recreational use of UAS on campus, even if legal "hobby" use under state and federal rules, is not permitted on University property.)

Persons wishing to operate on University must contact the University's Department of Public Safety at least three days in advance of the desired flight time and provide the following: proof of any required FAA permit, proof of any required NCDOT permit, and a detailed flight plan to include specific time and specific location. All approved request for UAS flights will be for a specific time and a specific location to ensure that multiple UAS are not sharing airspace. For all approved flights, the University's Department of Public Safety will issue a UAS Flight Approval Permit that the operator is required to maintain for inspection at all times during the approved flight.

Flights approved on University property are restricted to uses that 1) meet the University's educational mission, 2) serve the University's business needs, as determined by University officials, including the University's Department of Public Safety. Media outlets wishing to use UAS on campus may contact the University's Department of Public Relations for assistance in obtaining approval.

Users of UAS may be asked to stop the UAS flight or leave University property if they do not comply with this policy or are otherwise engaging in conduct that is considered harmful or dangerous to the University or persons on University property. Such conduct may include but is not limited to violations of the regulations established by the NCDOT and the FAA and provided in this policy.

UAS used on campus is limited to a total weight of 10 pounds, including any cameras or equipment mounted to the UAS.

## UAS off University Property

University Departments or employees wishing to fly UAS for University – related purposes off University property must have appropriate permits and property owner permission for the location of the flight. They must also comply with any federal, state, and local laws and regulations of the jurisdiction where the UAS flight is conducted.

### 10.6.4 Standards

All University users of UAS are expected to comply with all laws and regulations promulgated by the NCDOT and the FAA. These laws and regulations include, but are not limited to:

- No flying over people (Note: this severely limits UAS flights on campus)
- No flying above 100 ft.
- No flying outside daytime hours, defined as 30 minutes before official sunrise to 30 minutes after official sunset
- No flying in an unsafe manner
- No flying beyond the operator's ability to see the aircraft
- No flying while under the influence of alcohol or drugs
- No flying in a manner that interferes with air traffic
- No flying close to another aircraft as to create a collision hazard
- No photography of spaces where an individual has a reasonable expectation of privacy

To schedule a UAS flight on campus or make an inquiry concerning this policy call the Department of Public Safety to reach the Chief of Police at (910) 630-7149.

## 11.0 Automobile Policies

### 11.1 Personal Automobile Use

Whenever a member of the University community acting on University business elects to utilize a personal automobile for such purpose, the University will not provide liability insurance coverage for such use. Each member of the University community using a privately owned vehicle for University business must provide private insurance information and a policy number to the University Public Safety Office. Any person who embarks on any such venture needs to be adequately insured without reliance on University insurance.

### 11.2 MU Vehicle Operator's Policy

All employees and students who wish to apply for authorization to operate a vehicle owned, leased, or controlled by Methodist University **must have at least 5 years of driving experience and be at least 21 years of age**. The application process includes filling out the below listed forms and submitting them to the Public Safety Office:

- Driver's Obligation Form
- Driver's History Form
- A copy of your driver's license
- Medical Certification Exam Card (when applicable)

Request for the use of University vehicles must be approved by the appropriate Cabinet Member and sent to the Maintenance Department, Attn: Vehicle Operations. You should contact the Maintenance Department to sign for the vehicle and receive your keys. If your pick up time is after 3:30pm, (Monday-Friday) or on weekends/holidays, you should contact the Public Safety Office at 910-630-7098. Vehicles will be returned in the same manner.

\*All employees and/or students who desire to operate a Methodist University vehicle must first be placed on the University Vehicle Operators' list. In order to be placed on the list, you must complete this packet in its entirety and

return it to the Public Safety Department for processing.

### 11.2.1 Definition of Terms

- **Driver-** A community member or a non-community member, either a volunteer or an employee who is authorized to operate a Methodist University vehicle.
- **Vehicle-** Any vehicle that is owned, rented, leased or borrowed by Methodist University or used for any Methodist University business or function, including but not limited to cars, vans, trucks, buses, and construction/landscape vehicles.

**NOTE:** Methodist University reserves the right to deny any requests to drive a university-owned or controlled vehicle.

### 11.2.2 Driver's Qualifications

#### A. UNIVERSITY -OWNED PRIVATE PASSENGER VEHICLES

1. Must have a **valid** driver's license, be at least **21 years of age**, and have a **minimum of five (5) years driving experience**.
2. Must complete a driver history questionnaire form.
3. Must complete a Driver Obligation form.
4. Must agree to a yearly review of your driving history from the Department of Motor Vehicles.
5. Must not have any at-fault accident/violations, no excessive traffic violations, or a combination thereof within the last 24 months.
6. Must not have any violations of driving while under the influence of drugs or alcohol; reckless driving, excessive speed violations, or have a reinstated license in effect less than one (1) year after the revocation.
7. Must agree to report any motor vehicle violations or citations to the Campus Safety Officer within 48 hours of its occurrence; regardless of whether you are operating a university owned or leased vehicle or **your privately owned vehicle**.

#### B. VANS/MINI-BUSES (9-15 passengers)

1. Must satisfy all qualifications under Section A.
2. Student drivers must have a Methodist University employee in the van when operating the van. (Only exception is that an employee must be in the **lead** vehicle when in a caravan arrangement.)
3. Must attend the Methodist University Van Driver Certification Course if the driver has no experience driving 9- 15 passenger type vehicles.
4. Persons who have experience driving vans are required to provide documentation (reference letters, certifications etc).
5. Submit to a physical examination. Receive a medical certification card.
6. Submit to drug and alcohol screening test.
7. If involved in an accident, you must submit to an alcohol test within 8 hours of the accident and a drug test must be conducted within 32 hours of the accident. (If in a university vehicle and the accident results in fatal injury.)

#### C. ACTIVITY BUSES (capable of carrying 16 or more passengers)

1. Must satisfy all operator conditions listed in Section A.
2. Have a valid Class C-Commercial Driver's License with a P-endorsement for vehicles carrying passengers.
3. Submit to pre-employment Alcohol/Drug testing and random re-testing.

#### D. CONSTRUCTION/LANDSCAPING VEHICLES

1. Must satisfy all conditions in Section A.
2. Must satisfy conditions of Section B, if applicable.

3. Must use the vehicle only for assigned tasks.

### **11.2.3 Transportation of Pollutants and Hazardous Waste**

It must be understood that whether the university chooses to transport hazardous waste in its own vehicles or through an outside contractor, as the owner/generator of the hazardous material, the university would be liable for any such waste released during an accident.

No faculty, staff, student, or volunteer is authorized to transport hazardous waste to or from Methodist University under any circumstances.

Should the University choose to hire an outside contractor to deliver and/or remove hazardous materials from Methodist University, a University representative or department head should request that Methodist University be added as an additional insured to the transportation company's liability policy.

It should also be realized that the transportation company is licensed and insured to provide said services, and their personnel should be properly trained in all of their responsibilities.

**A copy of the company's liability insurance policy must be on file with the office of the Business Affairs/Chief Financial Officer.**

### **11.2.4 Reserving a Vehicle**

1. Go to MUNET. Forms and Documentation, Maintenance, Vehicle Request Information
2. Request a Sedan, Van, or Bus as far in advance as possible of your trip. Send the Vehicle Request Form to Vehicle Maintenance by fax @ 7501, by email @ [vehmaint@methodist.edu](mailto:vehmaint@methodist.edu), or hand deliver to the Vehicle Operations office located in the Maintenance Building. (As soon possible, vehicles will be assigned on a first come first served basis.)
  - a. You will be notified of the availability of the vehicle you requested by email. The email will be sent to the person listed in the point of contact and the approving administrative committee member.
  - b. In the case there is no available vehicles, there is the option of renting a vehicle. For questions concerning rentals, please contact your Department Chair or call 7011.
  - c. If the need arises to cancel your reservation, please call 7267 immediately.

### **11.2.5 Signing Out a Vehicle**

1. Between the hours of 6:30a-3:30p Monday-Friday, you will sign out the vehicle from the Vehicle Operations office, located in the Maintenance building.
2. If after/before the above hours or on weekends, you should contact Security at 7098 to meet you at the Vehicle Operations office.

### **11.2.6 Returning a Vehicle**

1. Please return keys and paperwork to the drop box located outside of the Vehicle Operations office.
2. Be on time returning the vehicle. Vehicles should be returned as soon as you return to campus.
3. Refuel before returning (vehicle should be full)
4. Clean out vehicle to the best of your ability. Remove large trash items.
5. Record your mileage on the envelope provided. Insert keys and any additional paperwork into the drop box.

### **11.2.7 Breakdown/Mechanical Issues**

1. Look above the sun visor for emergency numbers/information or contact:
  - a. Public Safety: 910-630-7098
  - b. Donna Douglas: 910-988-2554 (910-630-7267) ([vehmaintenance@methodist.edu](mailto:vehmaintenance@methodist.edu))
  - c. Richard Croom Sr: 910-759-9181

### **11.2.8 Methodist University Driver's Obligations**

The driver agrees that he/she will:

- Have a valid driver's license of the type required and with all proper endorsements for the vehicle being driven.
- Be advised and acknowledge that Methodist University will at least annually conduct a review of the driver license records of all approved drivers. This review will check for license validity and enforcement actions (suspensions, revocations, citations, or arrest and involvement in collisions).
- Use school vehicles for authorized business only.
- Not permit any unauthorized person to drive the vehicle.
- Use seatbelts or other available occupant restraints and require all occupants to do likewise in accordance with state law.
- Number of passengers will not exceed the number of seat belts.
- Operate the University vehicle in accordance with University regulations, know and observe all applicable traffic laws, ordinances and regulations and use safe driving practices at all times.
- Assume all responsibility for any and all fines and traffic violations associated with his/her use of a University vehicle or privately owned vehicle on University business.
- Not drive under the influence of drug or alcohol.
- Not transport unauthorized passengers such as hitch-hikers, family members or friends.
- File a travel plan if taking an out of town trip.
- Turn off the vehicle, remove keys, and lock the vehicle when unattended.
- Drive the vehicle at speeds appropriate for road conditions.
- A driver will not drive more than 7 consecutive hours or more than 10 hours in a 24 hour period. Any trip that will require more than 10 hours will require two (2) drivers.
- Not drive the vehicle "off-road" unless it is made for that use.
- Before leaving the parking area, inspect the vehicle for safety concerns, checking tires, wipers, lights, and other safety equipment for observable defects. Report any defects immediately to the prescribed authority to determine if the vehicle is safe to operate.
- Immediately report all accidents or violations to the prescribed authority.
- Be subject to applicable University disciplinary procedures for violations of University policy or rules.
- Submit to random Alcohol/Drug testing at the direction of the faculty or staff member in charge.

## **12.0 General Accounting and Purchasing Policies and Procedures**

At Methodist University, purchasing actions are generally conducted by academic and administrative departmental personnel rather than a central purchasing department. Purchasing activities include obligations for ethical behavior, compliance with government regulations, proper transaction documentation and fiscal responsibility.

Once a purchasing need has been determined and approved by an appropriate vice-president or designated individual with signature approval, the requestor has several options for securing a purchase, including University issued procurement cards, corporate credit cards, purchase orders, and check requests.

All general accounting and purchasing policies and procedures, as well as related forms, are maintained on the University's website (<http://www.methodist.edu/controller>). Other policies may be communicated directly to employees via email from time to time. Examples of policies maintained on the website include purchasing policies and procedures, grant funds management, budgeting, record retention, et al. Current mileage rates, meal allowances (per diem), and other policies related to employee travel are also maintained on the Methodist University website.

Questions regarding accounting policies should be directed to the Controller or the Chief Financial Officer.

## **12.1 Fraud Policy**

### **12.1.1 Policy Statement**

This policy establishes the overall roles and responsibilities of Methodist University employees for reporting and investigating potential fraud at the University. All Methodist University employees have a responsibility to ensure that the University's resources are used for valid and appropriate business needs. Administrators and all levels of management have added responsibility for establishing and maintaining proper internal controls to protect the University's resources from misuse. Administrators and managers should be familiar with the risks and exposures in their areas of responsibility and be alert to any indications of improper activities, misappropriation, or dishonest activity.

### **12.1.2 Reason for Policy**

This policy has been developed to:

- Raise awareness of fraud within the University.
- Define roles and responsibilities for detecting and preventing fraud.
- Reinforce personal responsibility and accountability.
- Detail the procedures for reporting and investigating suspected fraud.
- Better understand the limitations in existing control procedures that allow fraud to occur.

### **12.1.3 Who Must Comply**

All units of the University and all members of the University community, including:

- All employees (faculty, adjunct faculty, hourly and salaried staff)
- Students
- Contractors, including independent contractors, external consultants, workers hired through an outside employment agency, and workers employed on campus through service vendors
- Official visitors
- Volunteers

### **12.1.4 Actions Constituting Fraud**

- Impropriety in the handling or reporting of money
- Forgery or alteration of any Methodist University document (checks, timesheets, invoices, purchase orders, financial documents)
- Financial report misrepresentation
- Authorizing or receiving payments for hours not worked
- Intentional misrepresentation of PTO or applicable banked leave
- Misappropriation of funds, supplies, inventory or any other asset
- Disclosing confidential and proprietary information to outside parties
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to Methodist University that may be construed to be an attempt to influence the performance of an employee's official duty in the scope of employment.
- Unauthorized purchases (P-card, Corporate Card, Purchase Order, Check Request, Advances/Reimbursements, Travel, etc.). Employees are expected to exercise discretion in incurring expenses while traveling on business. Any travel expenses deemed unreasonable relative to the circumstances will not be paid or reimbursed and are the employee's personal responsibility.

- Misuse of University Assets - No University property or asset (i.e. Tools, Movies, Laptop Computers, DVD Players, Projectors, Cameras, etc.) should be used for personal purposes or removed from campus without prior approval from the employee's VP/Admin Committee Member. The following, while not all inclusive, is a list of University assets that are subject to fraudulent activity. These assets are provided to employees for the primary purpose of conducting official University business. The University recognizes, however, that personal usage of these items may be unavoidable, and, therefore, incidental personal usage is permitted. Excessive personal usage (as determined by the employee's supervisor) is not permitted.
  - Office Phones
  - Printers
  - Long Distance Calling Codes<sup>1</sup>
  - Computers, Email, Internet<sup>2</sup>
  - Copy Machines<sup>3</sup>

<sup>1</sup> Long distance calling codes are to be kept confidential and not shared with anyone. Employees who make personal long distance phone calls that amount to a charge of \$1.00 or more during a given month are expected to reimburse the University for the amount charged by the phone company. Reimbursements should be made to the Office of Student Accounts.

<sup>2</sup> Use of Methodist University computers and software for the purpose of conducting a business unaffiliated with the University is strictly prohibited unless given specific authorization by the supervisor. Most University employees are granted access to the internet and an individual email account to aid in the performance of their University duties. Personal use should be limited and will be monitored by the appropriate supervisor.

<sup>3</sup> Excessive personal usages of copy machines will result in a charge of \$0.02 per page. Reimbursements should be made to the Office of Student Accounts.

### 12.1.5 Procedures

1. **Be aware of potential fraud.** All employees, particularly administrators and managers, should be familiar with the risks and exposures in their areas of responsibility and be alert to any indications of improper activities, misappropriation, or dishonest activity.
2. **Do not accuse or investigate independently.** An employee who suspects fraudulent activity **should not** accuse any individual directly, investigate the matter personally, or discuss the matter with anyone other than his or her supervisor or the Anonymous Fraud Reporting Hotline employee.
3. **Report the concern via the proper channels.**
  1. An employee who suspects fraudulent activity is encouraged to report the concern promptly to his or her supervisor.
  2. Alternately, any member of the Methodist University community who is uncomfortable reporting suspected fraudulent activity to a supervisor can report the concern via the Anonymous Fraud Reporting Hotline. The employee reporting the activity is not required to identify themselves when making the report. To report suspected fraudulent activity, you may do so anonymously by mail or phone to the Chief Diversity Officer.

### 12.1.6 Consequences

In the event an individual is determined to be or have been involved in fraudulent acts, or knowingly failed to report fraudulent acts, they will be subject to disciplinary action. Disciplinary action could include termination of employment. Based on the seriousness of the offense, the results may be referred to the appropriate law enforcement and/or regulatory agencies.

## 12.2 Conflict of Interest Policy and Disclosure

A conflict of interest is a conflict between a person's self-interests and their professional duties. A conflict of interest exists when a University representative's direct or indirect personal interests are inconsistent or interfere in any way with the best interests of the University. A few examples where conflict of interest may occur include:

1. Owning stock or holding debt or other proprietary interests in any third party dealing with the University
2. A director, officer, or trustee voting on a contract between the University and a business that is owned by the director, officer, or trustee
3. Receiving payment or compensation for services with respect to individual transactions involving the University
4. Using University time, personnel, equipment, supplies, or good will for other than University-approved activities, programs, and purposes.
5. Receiving personal gifts or loans from third parties dealing with or competing with the University. Receipt of any gift is disapproved except of gifts of a value less than \$50, which could not be refused without discourtesy. No personal gift of money should ever be accepted.

The examples above are not exhaustive. Conflict might arise in other areas or through other relations. It is assumed that directors, officers, trustees, and management employees will recognize such areas and relations by analogy.

### Policy

Methodist University is a nonprofit, tax-exempt organization. Maintenance of its tax-exempt status is important for both its continued financial stability and for public support. Tax-exempt organizations are frequently subject to intense public scrutiny, especially where they appear to have inappropriately benefited their directors, officers, trustees, or key members of management. Serving private interest more than insubstantially is inconsistent with accomplishing tax-exempt purposes and can cause a university to lose its tax-exempt status.

A conflict of interest policy is intended to help ensure that when actual or potential conflicts of interest arise, the University has a process in place under which the affected individual will advise the governing body about all the relevant facts concerning the situation. A conflict of interest policy is also intended to establish procedures under which individuals who have a conflict of interest will be excused from voting on such matters.

### Procedures

On an annual basis, the University will distribute conflict of interest forms to all directors, officers, trustees, and management employees, which requires the disclosure of any business or financial relationship they or members of their immediate families have or propose to have with the University, either directly or through another entity in which they have a significant interest. If a director, officer, trustee, or management employee is uncertain whether to disclose a particular business or financial relationship, the Chief Financial Officer should be consulted. A University committee of at least three will review the forms for possible conflicts of interest. Any findings will be submitted to the Audit Committee for review.

In general, it is the policy of the University that it will not engage in business or financial relationships with directors, officers, trustees, or members of management. Transactions with parties with whom a conflicting interest exists may be undertaken only if all of the following are observed:

1. The Audit Committee has determined that the transaction would be in the best interest of the organization and approves the transaction prior to its execution.
2. The conflicting interest is fully disclosed.
3. The person with the conflict of interest is excluded from the discussion and approval of such a transaction.