

**ADMINISTRATIVE POLICIES of HOWARD PAYNE UNIVERSITY**

Updated August 29, 2023

These policies supersede all other previous Administrative Policies

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### **ADMINISTRATIVE POLICY APPROVAL PROTOCOL**

The policies included in this manual are subject to change at any time. All administrative policies are approved by the President, who has the authority to amend this manual or to waive application of a policy. Moreover, any amendments or waivers must be in writing. Interpretations or clarifications of the policies in this manual will be made by the President.

The protocol by which these policies are approved is as follows.

Proposed policies originate from the University administrative council, dean's council, faculty assembly, staff council, or human resources as necessitated by common practice in the workplace.

Once drafted, the proposed policy is discussed within the administrative council and recommended to the President. If approved, the President has the discretion to edit the policy as necessary. At the President's sole discretion, proposed policy may be approved without discussion by the administrative council.

Once approved by the President, the President directs the Associate Vice President for Business and Human Resources to add the policy to the Administrative Policy Manual, attaching sequential pagination and noting the policy approval date.

As an approved policy is added or revised, University personnel will be notified of the change and the updated Administrative Policy Manual will be available on the University network. This notification originates from the Associate Vice President for Business and Human Resources.

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### INTRODUCTION FROM THE PRESIDENT

The objective of these *Administrative Policies of Howard Payne University* is to help all University personnel understand the goals and responsibilities of this institution and to provide policies by which individuals can make the greatest contributions with respect to their specifically assigned duties. It is also designed to help employees fulfill the requirements of the *Howard Payne University Policies Adopted by the Board of Trustees*, included as an addendum to these *Administrative Policies of Howard Payne University*.

All employees of Howard Payne University are required to read and abide by the policies included in this manual. Compliance with these policies will ensure that similar situations are handled in a consistent fashion. This manual supersedes all previously adopted manuals.

This manual is not a contract. Texas law states that employment is *employment at will*, which applies to all phases of the employment relationship. It means that absent a statute or an express agreement (such as an employment contract) to the contrary, either party in an employment relationship may modify any of the terms or conditions of employment, or terminate the relationship altogether, for any reason, or no particular reason at all, with or without advance notice.

The policies in this manual are subject to change at any time. No person, other than the President, has authority to amend this manual or to waive application of a policy. Moreover, any amendments or waivers must be in writing. Interpretations or clarifications of the policies in this manual will be made by the President.

Statements in this manual regarding compensation and benefits are not contractual in nature and are subject to change without notice.

The gender of the pronouns in this manual is of no significance.

Dr. Cory Hines, President  
Howard Payne University  
February 29, 2019

## SECTION 1.0 HISTORY AND GENERAL INFORMATION

### 1.1 Name of the University

Howard Payne University was named for Edward Howard Payne, a Baptist deacon of Fulton, Missouri, and brother-in-law of Dr. John D. Robnett, founder and second President of the school.

### 1.2 History of the University

Howard Payne College was founded by the Pecan Valley Baptist Association at Indian Creek, Texas, on June 30, 1889. J.D. Robnett, pastor of the First Baptist Church of Brownwood, was a leader in the movement and became President of the first Board of Trustees. Robnett busied himself in raising funds for the school during the summer of 1889. Visiting Missouri in August, he succeeded in securing a sizeable pledge from his brother-in-law, Edward Howard Payne, and before November 1, 1889, the Board of Trustees resolved to name the school Howard Payne College.

The first session opened on September 16, 1890, with A. J. Emerson as President and a faculty of twelve. A separate preparatory department furnished instruction below the freshman level.

The school granted its first academic degree in 1895 and continued as a degree-conferring institution until 1900. It operated as a member of the Baptist-correlated system of schools with junior college status from 1900 to 1914, when it again became a senior college.

The school was built on seven acres of land near the business district of Brownwood. Endowment funds before 1934 amounted to less than \$100,000.00. In 1934, John G. Hardin included the college in a bequest of \$305,000 which became available upon Hardin's death in 1939. The endowment was increased by an additional one million dollars upon the death of J. A. Walker in 1942.

In 1953, Daniel Baker College, which originally had been a Presbyterian College and in 1950 had become the Episcopal College of the Southwest, became a part of Howard Payne. The Douglas MacArthur Academy of Freedom and the Girling Center for Social Justice stand on the original campus of Daniel Baker.

In 1974, Howard Payne College became Howard Payne University upon approval of the Baptist General Convention of Texas. Presidents of Howard Payne University and their terms of office are listed below:

1890 – 1893	Andrew Jackson Emerson
1893 – 1896	John D. Robnett
1896 – 1908	James Harvey Grove
1908 – 1910	John Strother Humphreys (Acting President)
1910 – 1911	Robert H. Hamilton
1911 – 1913	John Strother Humphreys
1913 – 1914	James Milton Carroll
1915 – 1917	Anderson E. Baten (Vice President and Acting President)
1917 – 1919	Judson Allen Tolman
1919 – 1922	Lee Johnston Mims

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1922 – 1923	William R. Hornburg (Vice President and Acting President)
1923 – 1929	Edgar Godbold
1929 – 1955	Thomas H. Taylor
1955 – 1973	Guy D. Newman
1973 – 1979	Roger L. Brooks
1979 – 1980	Charles A. Stewart (Chief Executive Officer)
1980 – 1985	Ralph A. Phelps, Jr.
1985 – 1997	Don Newbury
1997 – 2002	Rick Gregory
2002 – 2003	Russell Dilday (Interim President)
2003 – 2009	Edwin (Lanny) Hall
2009 – 2018	William N. Ellis
2018 – 2019	Paul W. Armes (Interim President)
2019 – Present	Cory D. Hines

### 1.3 Purpose, Vision, Mission, Core Values and Curriculum

The charter of Howard Payne University contains the following statement: “The purpose of said corporation is the encouragement, support, maintenance, and promotion of education under Christian influence and auspices, with the view to the development of the best type of character, and to the advancement of the gospel of our Lord and Savior, Jesus Christ, and the extension of the Kingdom of God among men.”

All University employees play a vital role in fulfilling the University’s mission of advancing the Kingdom of God by embracing the Gospel and consistently living it out as they serve and minister to students and one another.

#### Mission Statement

Howard Payne University is a Christ-centered academic community dedicated to excellence by developing and equipping the whole person for intellectual inquiry, personal and professional integrity, and service to God and humanity. (Adopted by the Howard Payne University Board of Trustees, July 27, 2010).

#### Vision Statement

Howard Payne University aspires to be a premier Christian University, intentionally engaging the life of the mind and the life of the Spirit. (Adopted by the Howard Payne University Board of Trustees 10/28/2016).

#### Core Values

Through Scripture, the inspired Word of God, followers of Christ receive instruction in how He has called us to live for His glory. The expectation is that each Believer’s worldview is shaped by Scripture, influencing the manner in which Christians perceive and understand the world around them. In addition, the call to put into practice the Biblical teachings is not limited only to the lives of individuals; rather, Scripture should also be the foundation upon which the mission, vision, and practices of Howard Payne University are built.

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The five core values presented below are based on God's Word. Therefore, the hope is that each one should reflect how every Howard Payne University employee views their vocational calling and performs the duties and responsibilities entailed by their role, but also in the daily activities of each University department, division, and the University as an institution.

We believe and affirm that the University as an institution and each individual called to serve the Lord at Howard Payne should strive to demonstrate a commitment to these five Core Values:

- 1) **Centered on Christ**  
*cf. Col. 3:17, Matt. 7:24*
- 2) **Focused on community**  
*cf. Eph. 4:4-6, 1 Pet. 3:8*
- 3) **Called to service**  
*cf. Mark 10:45, Phil. 2:3-5*
- 4) **Committed to excellence**  
*cf. Gen. 1:31, 1 Cor. 9:24)*
- 5) **Dedicated to stewardship**  
*cf. Gen. 2:15, 1 Peter 4:10*

### Curriculum

The educational program of the University is presented to residential and commuting students at its main campus in Brownwood, Texas, and to commuting students in New Braunfels and El Paso, Texas. The instructional programs are presented through a variety of media, including traditional face to face lectures, laboratory experiences, and through electronic delivery. The University operates distance learning programs, including the Master of Education and Master of Criminal Justice degrees. Various academic programs engage in service learning that includes a public outreach component. These are addressed in the learning outcomes of individual programs. Howard Payne University is not a research institution and does not include research in its Mission Statement.

### Student Body

Howard Payne University strives to have a diverse student body. While the University recruits primarily in Texas and the Southwest, the student body is comprised of men and women from many states and from other countries. Seeking to be an advocate of human equality, the University welcomes students from a wide range of socioeconomic, cultural, and ethnic backgrounds, including both traditional and nontraditional students with varying academic interests and abilities.

### Faculty

In its pursuit of excellence in academic endeavors, Howard Payne University employs as its faculty individuals who exemplify a commitment to Christian ideals and who are dedicated to the search for and dissemination of truth. Howard Payne University seeks gifted teachers from throughout the United States and the world who are dedicated to teaching, advising students in a

professional context, serving the communities of the University and its locale, and continuing to grow in their profession as scholars and teachers

#### **1.4 Institutional Identity**

Founded in 1889 for the purpose of preparing students for Christian ministry, Howard Payne University remains dedicated to honoring Christ and serving His Church by providing an educational experience that integrates faith and learning. While remaining true to its historic vision, the University has expanded its original scope to include a full array of undergraduate and graduate programs. Students, faculty, staff, and administration work together under the shared values of academic excellence, service to others, and Christian integrity. The University also offers selected graduate and undergraduate course work by electronic means and at extended learning centers responsive to the academic needs of the communities served.

At Howard Payne University, specialized, professional or vocational education is built on a liberal arts foundation. The general education portion of the curriculum is designed to give the student a comprehensive understanding of himself and the universe in which he lives.

Howard Payne University is affiliated with Texas Baptists. Howard Payne University strives to follow the teachings of the Bible and the religious tenets of the Baptist General Convention of Texas. Beyond organic relations to a church body, Howard Payne strives to be a Christian University in the fullest sense of that term. Its employees, philosophy, programs, objectives and general atmosphere should be genuinely Christian. There is no conflict between education at its best and true Christianity, for truth in its fullness will free man from the shackles that bind and restrict him.

The University welcomes all students into a safe and supportive environment in which to discuss and learn about a variety of issues, including those of sexuality and gender at birth. The University affirms the biblical understanding of sexuality and gender as gifts from God and not subject to change at an individual's discretion.

Using the Bible and Baptist General Convention of Texas affirmed documents as the foundation for institutional policies and practices, the University affirms fidelity in marriage, purity/celebrity in singleness, marriage as a union between a man and a woman, and God's creation of male and female through biological gender assignments at birth. University students and employees are expected to conduct themselves in accordance with these standards of Christian morality.

#### **1.5 Administrative Organization of the University**

Howard Payne University (hereafter, University except for titles) is governed by a Board of Trustees lawfully formed by Articles of Incorporation. The Board functions according to duly established Bylaws. The Baptist General Convention of Texas elects a majority of Trustees, and the Howard Payne University Board of Trustees elects the remaining Trustees. The Board of Trustees employ, evaluate and discharge a President. The Board is responsible for establishing broad policies by which the President will administer the University.

In his or her capacity as Chief Executive Officer, the President employs personnel as necessary to discharge the duties of the administrative functions of the University. These administrators

have decision-making authority within their functional areas, but coordinate their efforts with each other. All personnel of the University are responsible to the President.

While the administrative structure of the University is modified from time to time, the current organization of the administration is represented in the Howard Payne University Organizational Chart. This document is available on the University's campus network (see Computer Information and Telephone Systems) and is placed as APPENDIX B of these Administrative Policies.

### **1.5.1 Administrative Officers of the University**

#### **1.5.1.a. President**

The Trustees elect the President of the University and charge him with the responsibility of operating the school in accordance with policies adopted by the Board. He is answerable to them regarding all issues affecting the University—academics, students, business, religion, fund raising, and athletics. He recommends an annual budget and is responsible for the business affairs of the school. He appoints faculty members and is the spokesman to the Board for the faculty and to the faculty for the Board. Areas of direct responsibility include:

Board of Trustees: Cultivating and coordinating the University's normal activities with the Board of Trustees.

Administrative Council: The President leads the Administrative Council, comprised of the officers of the University and any other employee asked to serve by the President. The President delegates various responsibilities to such officers and staff members as he sees fit for the orderly operation of the University.

University Master Plan: Organizing, developing, evaluating, implementing and revision of the University master plan.

University Strategic Plan: Organizing, developing, evaluating, implementing and revision of the University strategic plan.

Marketing and Communications: General administrative direction for developing and maintaining a positive and identifiable University image through the effective use of all types of media.

Enrollment Management: General administrative direction for these academic support services.

Admissions and Recruitment: General administrative direction for these academic support services.

Retention and Advising: General administrative direction for these academic support services.

The following administrative officers are responsible for the operation of the office or offices under their direction as specified and for the execution of duties assigned:

#### **1.5.1.b. Vice President for Academic Affairs**

The Vice President for Academic Affairs reports directly to the President and areas of direct responsibility include:

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**Academic Affairs:** Overall supervision for the academic program of the University. All academic deans report to the Vice President for Academic Affairs, as do members of the academic faculty.

**Faculty:** Recommending personnel to the President for election to the faculty, as well as faculty promotions and salary increases. Responsible for assigning teaching responsibilities and classrooms, and to arrange the schedule of classes and examinations. Serves as chairman of the Curriculum Committee and as an *ex officio* member of all academic-related committees.

**Accreditation:** Ensuring the University maintains its accreditation with the Southern Association of Colleges and Schools.

**Library, Registrar and University Records:** General administrative direction for these academic support services.

**Information Technology Services:** General administrative direction for information technology services support for the entire University.

**Institutional Effectiveness:** General administrative direction for the University's institutional effectiveness program.

**Institutional Research, Extended Education, and Academic Testing:** General administrative direction for these supporting academic functions supporting the entire University.

**Educational Purchases:** Shared responsibility with the Vice President for Finance and Administration for acquiring instructional equipment and supplies.

**Budget Responsibility:** Submitting an annual budget recommendation for all accounts assigned to the Vice President for Academic Affairs by the President. Responsible for the authorization and monitoring of all expenditures from the University budget accounts assigned by the President.

### **1.5.1.c. Vice President for Finance and Administration**

The Vice President for Finance and Administration reports directly to the President and areas of direct responsibility include:

**General Business, Human Resources, and Financial Matters:** General administrative direction for all business matters including general accounting, the annual audit, human resources, payroll, purchasing, and inventory.

**Financial Aid:** General administrative direction of the Office of Student Financial Aid.

**Budget Responsibility:** General administrative direction for the authorization and monitoring of all expenditures from the University budget in collaboration with the Administrative Council, subject to Presidential approval.

**Equipment:** General administrative direction for the purchase of all equipment, the annual fixed asset inventory, and approves any sale, transfer, or disposition of University equipment.

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**Property Management:** The acquisition, sale, rent and/or leasing of properties supporting all University operations.

**Facilities and Planning:** General administrative direction for all facilities and planning departments and services, including maintenance, central plant, housekeeping, custodial, motor pool and warehousing.

**University Services:** General administrative direction for scheduling, usage of and audio/visual support for selected facilities, as well as summer camp administration.

**Major University Events:** General administrative direction supporting all major University events.

**Bookstore and Food Service:** General administrative direction for all contracted services including the bookstore and food service.

### **1.5.1.d. Vice President for Advancement**

The Vice President for Advancement reports directly to the President and areas of direct responsibility include general administrative direction for:

**Development:** Directing the staff and daily operations for all fund-raising activities supporting the University, including but not limited to the Annual Fund, Planned Giving, Endowments and Capital Campaigns.

**Alumni Relations:** Cultivating and maintaining relations with all alumni of the University.

**Church Relations:** Ensuring the University maintains good relations with churches and other Christian organizations that support the University.

### **1.5.1.e. Vice President for Student Experience**

The Vice President for Student Experience reports directly to the President and areas of direct responsibility include:

**Student Experience:** Directing, planning and supervising the various divisions of all student services including student activities and organizations, counseling services, chapel, intramurals, the wellness center, cheerleading, health services, student housing, and student conduct.

**Athletics:** General administrative direction for the functions and personnel of the athletic department.

**Department of Public Safety:** General administrative direction for the Department of Public Safety.

**Support Services:** General administrative direction for all mail, printing and duplicating services.

## **1.5.2 Administrative Council**

The President chairs the Administrative Council and chooses its members. The Administrative Council collaborates on University-wide issues and helps coordinate efforts between the main administrative areas.

## **1.6 Academic Organization of the University**

### **1.6.1 Vice President for Academic Affairs**

Reports to the President; responsible for the University's program of instruction.

### **1.6.2 Deans Council**

The Deans Council includes Deans of the Schools of Business, Christian Studies, Education, Humanities, Music and Fine Arts, Nursing, Science and Mathematics, General Education and Advising, Associate and Assistant Vice Presidents in the Academic Affairs division, and the Director of Libraries.

School Deans are responsible for:

- 1) Instructional Management: Provides leadership for the school in maintaining instructional practices of the highest quality.
- 2) Student Academic Advising: Assigns students majoring in disciplines within the school to faculty members for academic advising, monitors the effectiveness of the advising process, and oversees student referrals to University support services available to assist academic and personal growth.
- 3) Academic Monitoring and Budget Control: Monitors budget expenditures for respective schools and is responsible for ensuring departmental expenditures do not exceed the authorized budget.
- 4) Student/Faculty Relations: Provides counseling and conflict resolution guidance when disagreements occur between students and faculty members.
- 5) Faculty Relations: Provides counseling and conflict resolution guidance when disagreements occur between faculty members (other than issues addressed in the Policy Against Discrimination and Harassment).
- 6) Monitoring of Instructional Facilities: Each dean monitors the location and facilities for classes within the school to ensure that conditions and facilities serve to enhance and maximize the proper instruction of students.
- 7) Faculty Recruitment: Deans may recommend, advise and assist in the selection and employing of faculty for the schools.

### **1.6.3 Department Chairs**

These persons serve as immediate supervisors of faculty, they monitor assigned budget accounts for their respective departments, contribute to the annual institutional effectiveness planning and

assessment activities, give leadership to curriculum development and revision, and work with the school dean in scheduling classes.

#### **1.6.4 Academic Program Coordinators**

Academic Program Coordinators are full-time faculty who have at least a master's degree and eighteen hours of graduate courses in their discipline, and are thereby academically qualified to teach in their respective disciplines. In consultation with their School Deans, they are responsible for program coordination as well as for curriculum development and review. In addition to teaching in their disciplines, these faculty assist their respective Department Chairs and School Deans in representing the discipline to students and to other members of the University community. They serve the academic structure of the University in decision making, in annual planning, in course scheduling, and in faculty recruitment. Academic Program Coordinators are appointed by the School Deans in consultation with the Vice President for Academic Affairs.

#### **1.6.5 Graduate Curriculum Committee**

The Deans' Council, serving as the Graduate Curriculum Committee (GCC), will review the actions taken by the graduate faculty to assure appropriate consistency throughout the schools regarding the application of the curriculum. If the GCC recognizes that a proposed action will create an undue hardship on other areas of the University curriculum or if the graduate faculty is proposing a change that is not generally consistent with the application of the curriculum throughout the University, the GCC will refer the action back to the graduate faculty for further consideration. After its review, the GCC will report to the Faculty the actions taken by the graduate faculty by posting approved school actions on the Faculty and Academic Affairs Black Board site. In addition to this review and comment function related to actions proposed by school faculty, the GCC will consider changes that impact the entire University curriculum in proposals from the graduate faculty. If approved, proposals of this nature will be recommended by the GCC to the Faculty. *(Revised by the President March 27, 2023)*

#### **1.6.6 Directors of Particular Graduate Programs**

A director will be appointed for each program of graduate study at the University. These persons will work closely with the deans of each school in which graduate programs reside. The director will function in many ways as the department head's function in the undergraduate programs. Directors of the particular graduate programs will give leadership in annual program review, curriculum design, faculty enlistment and training, student recruitment and advisement, and general administrative oversight.

#### **1.7 Accreditation**

It is the policy of Howard Payne University to keep posted in all locations the official SACSCOC approved statement of accreditation. The Institutional Accreditation Liaison is responsible for updating this statement annually, if not more frequently.

Howard Payne University is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award degrees at the associate, baccalaureate, and master's levels. Howard Payne University also may offer credentials such as certificates and

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diplomas at approved degree levels. Questions about the accreditation of Howard Payne University may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website ([www.sacscoc.org](http://www.sacscoc.org)).

The University is an accredited institutional member of the National Association of Schools of Music. The Commission on Accreditation of the Council on Social Work Education has granted the University accreditation for the baccalaureate Social Work Program. The baccalaureate degree program in nursing at the University is accredited by the Commission on Collegiate Nursing Education.

Although individual publications may highlight specific aspects of the University, it is important that such emphasis be accomplished in a manner in which the overall character and nature of the University not be misrepresented. This is especially the case in the professional accreditations held by the University, in which the University must describe itself in identical terms to each recognized accrediting body with regard to purpose, governance, programs, degrees, diplomas, certificates, personnel, finances, and constituencies, and must keep each institutional accrediting body apprised of any change in its status with one or another accrediting body.

### **1.8 University-Related Entities**

Any entity proposed to be organized separately from the University, and formed primarily for the purpose of supporting the University or its programs, must be approved and monitored by the University's Board of Trustees. Such approval and subsequent monitoring shall be based upon the following: (1) the legal authority and operating control of the University is clearly defined with respect to that entity; (2) the relationship of that entity to the University and the extent of any liability arising out of that relationship is clearly described in a formal, written manner; and (3) the University demonstrates that (a) the President of the University controls any fund-raising activities of that entity, or (b) the fund-raising activities of that entity are defined in a formal, written manner which assures that those fund-raising activities further the mission of the University. (Adopted 7/30/2013 by the Howard Payne University Board of Trustees).

## **SECTION 2.0 HUMAN RESOURCES, COMPENSATION, and BENEFITS**

### **2.1 Title IX Policy**

#### **2.1.1 Policy Statement**

##### **a. Statement of Nondiscrimination**

Howard Payne University (the “University”) is committed to providing an educational and employment environment free of unlawful sex discrimination. Consistent with Howard Payne University’s Non-Discrimination Notice and the U.S. Department of Education’s implementing regulations for Title IX of the Education Amendments of 1972 (“Title IX”), the University prohibits Sexual Harassment that occurs within its Education Programs and Activities.

As further defined below, for purposes of this Policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

The University will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the University’s Education Programs and Activities. Administrators, faculty members, staff, students, contractors, guests, and other members of the University community who commit Sexual Harassment are subject to the full range of University discipline.

##### **b. Statement of Values and Religious Exemption**

The University affirms that all members of the University’s community are created in the image of God and therefore should be treated with dignity and respect. The University does not unlawfully discriminate on the basis of any status or condition protected by applicable federal or state law. Further, the University respects the inherent worth of each member of the University Community and does not tolerate conduct that fosters any form of harassment.

With a Biblical foundation of human dignity and worth, the University approaches issues of sex-based misconduct not only as acts that may be potential violations of the law, but also as conduct that is contrary to Christian scripture. Thus, Sexual Harassment is harmful not only to the individuals involved, but undermines the Mission Statement and Core Values of the University.

In accordance with the University’s Mission Statement and Core Values, the U.S. Department of Education has granted the University exemptions from certain provisions of Title IX based on the religious tenets of the Baptist General Convention of Texas. The University may act in accordance with these tenets in resolving complaints of Sexual Harassment under this Policy.

#### **2.1.2 Scope**

This Policy applies to Sexual Harassment, as defined below, that occurs within the University’s Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the University Community.

This Policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the University’s Education Programs and Activities; such Sexual Harassment

may be prohibited by other University policies and standards, including the University's Non-discrimination Policy.

### 2.1.3 Definitions

- a. "Sexual Harassment" for purposes of this Policy is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.
- b. "Quid Pro Quo Sexual Harassment" occurs when an employee of the University conditions the provision of aid, benefit, or service of the University on an individual's participation in unwelcome sexual contact.
- c. "Hostile Environment Sexual Harassment" is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's education programs and activities.
- d. "Sexual Assault" includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.<sup>1</sup>
  1. "Rape" is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
  2. "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
  3. "Sexual Assault with an Object" is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
  4. "Fondling" is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
  5. "Incest" is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Texas law.

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<sup>1</sup> The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

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6. "Statutory Rape" is sexual intercourse with a person who is under the statutory age of consent as defined by Texas law.
- e. "Domestic Violence" is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Texas.
- f. "Dating Violence" is violence committed by a person –
  1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of relationship; and
    - The frequency of interaction between the persons involved in the relationship.
- g. "Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for their safety or the safety of others; or
  - Suffer substantial emotional distress.
- h. "Consent" refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is incapacitated is not capable of giving Consent.
- i. "Incapacitated" refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.
- j. "Coercion" is conduct, including intimidation and express or implied threats of emotional, educational, reputational, financial, or other harm that would place a reasonable person in fear of immediate or future harm and that is employed to persuade or compel someone to engage in unwelcome sexual contact.
- k. "Retaliation" is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

- i. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.<sup>2</sup>
- m. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- n. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment in accordance with this Policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University’s education programs and activities. A “document filed by a Complainant” means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.
- o. “Supportive Measures” are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the University’s Education Programs and Activities without unreasonably burdening another Party, including measures designed to protect the safety of all parties implicated by a report or the University’s education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.
- p. “Education Programs and Activities” refers to all the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the University.

#### **2.1.4 Understanding Hostile Environment Sexual Harassment**

In determining whether a Hostile Environment exists, the University will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The University will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant’s position. A

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<sup>2</sup> A Complainant and Respondent are each individually a “Party” and collectively the “Parties” with respect to a Formal Complaint filed under this Policy.

person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The University encourages members of the University Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

Sexual Harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender or gender stereotyping, even if those acts do not involve conduct of a sexual nature. This definition will be interpreted and applied in a manner consistent with the accepted standards of mature behavior and the Christian Mission Statement and Core Values of the University.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact;

- Unwelcome kissing, hugging, or massaging;
- Sexual innuendos, jokes, or humor;
- Displaying sexual graffiti, pictures, videos, or posters;
- Using sexually explicit profanity;
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- E-mail and Internet use that violates this policy;
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
- Sending sexually explicit emails, text messages, or social media posts;
- Commenting on a person's dress in a sexual manner;
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; or
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes.

## **2.1.5 Understanding Consent and Incapacitation**

### **a. Consent**

Consent exists when someone knowingly, voluntarily, and by word or action agrees to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence may not be interpreted as consent.

- Consent to one act does not constitute consent to another act.
- Consent on a previous occasion does not constitute consent on a later occasion.
- Consent to an act with one person does not constitute consent to an act with any other person
- The existence of a prior or current relationship does not constitute consent. Even in the context of a relationship, there must be mutual consent.
- Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
- Consent cannot be inferred from silence, passivity, or lack of resistance.

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- Relying on nonverbal communication alone may result in a violation of this Policy.

In evaluating Consent, the University will consider the presence of any force, threat of force, or Coercion, whether the Complainant had the capacity to give Consent, and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

An individual is unable to provide Consent to engage in sexual activity when the individual:

1. Is under age 17 and (1) is not a spouse of the Respondent or (2) is more than three years younger than the alleged perpetrator at the time of the offense;
2. Has a mental disorder or developmental or physical disability that renders her or him incapable of giving knowing Consent;
3. Is unconscious or physically unable to resist; or
4. Is Incapacitated from alcohol or other drugs, and this condition was known, or reasonably should have been known, by the Respondent.

### b. Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to Consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (*e.g.*, to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered Incapacitated, and therefore unable to give Consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s Incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol of other drugs, inebriation, or intoxication alone are insufficient to establish Incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating Incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of Incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

## 2.1.6 Reporting Sexual Harassment

### a. Title IX Coordinator

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours, to the following University employee:

Mrs. Tammy Arreola  
Dean of Students and  
Title IX Coordinator  
Howard Payne University  
1000 Fisk Street, Mabee University Center, Room 207 C  
Brownwood, Texas 76801  
325-649-8630  
[tarreola@hputx.edu](mailto:tarreola@hputx.edu)

### b. Mandatory Reporting Requirement for University Employees

Under Texas law, all University employees, with the exception of Confidential Employees, who:

1. in the course and scope of their employment<sup>3</sup>
2. witnesses or receives information regarding an incident that the employee reasonably believes constitutes Sexual Harassment,<sup>4</sup> Sexual Assault, Dating Violence, or Stalking, which
3. is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident must promptly report the incident to the University's Title IX Coordinator or a Deputy Title IX Coordinator.

Writing required. Reporting by email to the Title IX Coordinator is the preferred method of communicating incidents promptly, so that a record is made of the time and all factual details disclosed in the initial report. The University's online reporting form may be used to submit a report (including an anonymous report) to the Title IX Coordinator and Deputy Title IX Coordinator. A written memo is also acceptable if it can be delivered to a Coordinator promptly after the employee's duty to report arises.

Exigent Circumstances. If the urgency of the situation or other circumstances necessitate an initial oral report (whether in person or by phone), at the conclusion of the oral report the employee must immediately send the Coordinator to whom the oral report was made an email

<sup>3</sup> "Course and Scope of Employment" means an employee performing duties in the furtherance of the institution's interests.

<sup>4</sup> For the purposes of Texas's mandatory reporting requirement only, "Sexual Harassment" means: means unwelcome, sex-based verbal or physical conduct that (a) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or (b) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from the University's educational programs or activities. SB 212 requires the Title IX Coordinator to provide written quarterly reports to the University President of all Title IX incidents reported that quarter. The President is required to report to the governing Board and post on the University website all Title IX incidents each semester, if there have been at least five reported incidents that semester.

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detailing all relevant information known to the reporting person, receipt confirmation requested. The Coordinator will also confirm receipt by return email. If the employee does not promptly receive a written confirmation from a Coordinator, the employee should continue to follow up with emails or phone calls to the Coordinator until a confirmation is received.

**Anonymous reports.** Employees are discouraged from reporting anonymously pursuant to this policy, except in circumstances where the employee would not otherwise report at all.

Anonymous reports present difficulties in proving the identity of the reporter and to shield that person from the potential legal consequence of a criminal prosecution and/or mandatory termination of employment.

**Report Contents.** The employee's report must include all information concerning the incident known to the employee which is relevant to an investigation under this Policy, including whether the subject of the report has expressed a desire for an institutional response to the incident or made a request for confidentiality in reporting the incident. Employees are requested to include information about the approximate location of the alleged incident so the University can determine its Clery Act and other reporting obligations. For instance, state that the incident occurred in "a residence hall," "a building on-campus," "outdoors but on-campus," or "not on or near any University-owned property," etc.

The Clery Act requires colleges and universities that receive federal funding to disseminate a public annual security report (ASR) to employees and students every October 1st. This ASR must include statistics of campus crime for the preceding three calendar years, plus details about efforts taken to improve campus safety. ASRs must also include policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of/response to sexual assault, domestic or dating violence, and stalking.

**Confidentiality.** Unless waived in writing by the affected individual, the identity of an alleged victim of an incident reported pursuant to this mandatory reporting requirement may be disclosed only to (a) employees of the University who are necessary to conduct an investigation of the report or any related hearings and (b) a law enforcement officer.

**Exceptions.** The mandatory reporting requirement does not apply to:

1. Individuals who are themselves the victims of the Sexual Harassment, Sexual Assault, Dating Violence, or Stalking;
2. Instances when an employee receives information about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking at a public awareness event sponsored by the University; or
3. Employees designated as Confidential Employees.

**Consequences of Non-Compliance.** An employee who fails to make a required report will be terminated following an investigation and any required process under the applicable personnel policy.<sup>5</sup>

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<sup>5</sup> Employees who fail to make a mandatory report under this provision may also be subject to criminal prosecution pursuant to Texas Education Code section 51.255(a).

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Immunity. An employee who, in good faith reports or assists in the investigation of a report under this Policy, or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident, will not be subject to disciplinary action for violations of the *Administrative Policies of Howard Payne University* that are reasonably related to the incident. This immunity does not apply to a person who perpetrates or assists in the perpetration of the incident reported under this policy or who commits a criminal offense pursuant to Texas Education Code § 51.255(a).

### c. Confidential Employees

The University believes it is critical to provide community members who may be experiencing Sexual Harassment information about available institutional resources to empower those individuals to make informed decisions about their rights and options. Members of the University community may speak to officially designated Confidential Employees<sup>6</sup> about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking without the conversation triggering a mandatory report of incident details.

The University has designated the following Confidential Employees:

- The University Counselors (located in Jennings Hall, 325-649-8195) and via telecounseling; and
- The University Nurse (located in Jennings Hall, 325-649-8601)

**A Confidential Employee is not required to report any information that would violate an individual's expectation of privacy, such as the name or other identifying information of an individual who has experienced or allegedly engaged in Sexual Harassment.**

This provision does not affect any employee's duty to report incidents of sexual misconduct as required by other law.

### d. Reports to Law Enforcement

Victims of a crime have the right to choose whether to report the crime to law enforcement, to be assisted by the University in reporting the crime to law enforcement, or to decline to report the crime to law enforcement. The University encourages anyone who believes they experienced or witnessed a crime to make a report to the University's Department of Public Safety, if the assault occurred on campus, or to local law enforcement, for crimes occurring off campus.

Department of Public Safety  
Howard Payne University  
1000 Fisk Street  
Brownwood, TX 76801  
Phone: (325) 649-8609  
Emergencies: 911  
<https://www.hputx.edu/University-services/departments-of-public-safety/>

Brownwood Police Department  
1050 W Commerce  
Brownwood, TX 76801  
Phone: [325-646-2525](tel:325-646-2525)  
Emergencies: 911  
<https://www.brownwoodtexas.gov/243/Police-Department>

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<sup>6</sup> Under Texas law, a "Confidential Employee" is an employee (1) designated by the University as a person with whom students may speak confidentially concerning Sexual Harassment, Sexual Assault, Dating Violence, or Stalking or (2) receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law.

f. Medical Treatment and Preservation of Evidence

In cases of sexual assault, and for one's safety and well-being, immediate medical attention is encouraged to evaluate for physical injury, sexually transmitted diseases, and pregnancy. Being examined as soon as possible, ideally within 72 hours, is important for evidence collection, which may be used to support prosecution should the Complainant decide to pursue criminal charges.

g. Anonymous Reports

Anyone can make an anonymous report by submitting information through the Online Reporting Form at <https://www.hputx.edu/sexual-assault-policy-reporting/online-reporting-form/>.

### 2.1.7 Preliminary Assessment

Upon receipt of a report, the Title IX Coordinator will conduct a preliminary assessment to determine whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of this Policy, and/or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to other University offices, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of this Policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

### 2.1.8 Contacting the Complainant

If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the following:

- the availability of Supportive Measures with or without filing a Formal Complaint;
- the Complainant's wishes with respect to such Supportive Measures;
- the process for filing and pursuing a Formal Complaint;
- the importance of going to a hospital for treatment and preservation of evidence as soon as practicable after the incident, if applicable;
- the right to report the incident to the institution and to receive a prompt and equitable resolution of the report;
- the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement; and
- information about resources that are available on campus and in the community.

### **2.1.9 Supportive Measures**

Generally. Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through the University. The University encourages any individual who has questions or concerns to seek support of University-identified resources. The Title IX Coordinator is available to provide information about the University's policy and procedure and to provide assistance. A list of University identified resources is located at the following link: <https://www.hputx.edu/sexual-assault-policy-reporting/>

**Complainant.** The Title IX Coordinator or their designee will offer and make available Supportive Measures to the Complainant upon receipt of a report of Sexual Harassment regardless of whether the Complainant elects to file a Formal Complaint.

**Respondent.** The Title IX Coordinator will notify the Respondent of the availability of Supportive Measures contemporaneously with the Respondent being notified of a Formal Complaint. Once a Formal Complaint has been initiated, the University will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The University will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

**All Parties.** The University will, to the greatest extent practicable, ensure that each Party or other person who reports an incident of Sexual Harassment is offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident. In addition, all Parties are allowed to drop a course in which both Parties are enrolled without any academic penalty.

**Confidentiality.** The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question.

#### **2.1.10 Interim Removal**

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from the University's education programs and activities on an temporary basis if an individualized safety and risk analysis determines 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. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

## **2.1.11 Formal Complaint**

### **a. Filing a Formal Complaint**

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the University investigate and adjudicate a report of Sexual Harassment in accordance with this Policy. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the University's Education Programs or Activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Section VI above. No person may submit a Formal Complaint on the Complainant's behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. Factors the Title IX Coordinator may consider include (but are not limited to):

1. the seriousness of the alleged incident, including (a) whether a weapon was involved in the incident, (b) whether multiple assailants were involved in the incident, and (c) whether the incident poses a risk of recurrence;
2. whether the institution has received other reports of Sexual Harassment committed by the Respondent;
3. whether the alleged incident poses a risk of harm to others; and
4. any other factors the University determines relevant.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation and proceed to adjudicate the matter. If the University elects to proceed as a Complainant, the University will inform the alleged victim of the incident of that decision. In all cases where a Formal Complaint is filed, the Complainant will be treated as a Party, irrespective of the Party's level of participation.

### **b. Consolidation of Formal Complaints**

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. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

c. Dismissal Prior to Commencement of Investigation

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of this Policy (*i.e.*, because the alleged conduct did not occur in the University's Education Programs and Activities).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

d. Notice of Formal Complaint

Within five days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of or hyperlink to this Policy;
- Sufficient details known at the time so that the Parties may prepare for an initial interview with the investigator, to 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);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;
- Notifying the Complainant and Respondent of their right to inspect and review evidence;
- Notifying the Complainant and Respondent of the University's prohibitions on retaliation and false statements; and
- Information about resources that are available on campus and in the community.

Should the University elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the University will provide a supplemental written notice describing the additional allegations to be investigated.

f. Presumption of Non-Responsibility

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

## **2.1.12 Investigation**

### **a. Commencement and Timing**

After the written notice of Formal Complaint is transmitted to the Parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The Title IX Coordinator will appoint an investigator with experience investigating allegations of discrimination and harassment. The investigator must be a professional with an advanced degree in law, criminal justice, or psychology and have experience investigating allegations of discrimination, harassment or sexual misconduct. The investigator(s) may be an employee of the University or an external investigator engaged to assist the University in its fact gathering.

The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the Parties. The investigation will culminate in a written investigation report that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within 45 days of the transmittal of the written notice of Formal Complaint.

### **b. Equal Opportunity**

During the investigation, the investigator will provide an equal opportunity for the Parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a Party's opportunity to present testimonial and other evidence that the Party believes is relevant to resolution of the allegations in the Formal Complaint. A Party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

### **c. Documentation of Investigation**

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

### **d. Access to the Evidence**

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each Party and their advisor, in either

electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the University may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a Party or some other source. The parties will have ten days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

e. Investigation Report

After the period for the parties to provide any written response has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each Party and their advisor, in either electronic or hard copy form.

**2.1.13 Adjudication Process Selection**

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each Party a notice advising the Party of the two different adjudication processes specified below. The notice will explain that the hearing process is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each Party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this Policy, consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each Party will have three days from transmittal of the notice specified below to return the signed written consent form to the Title IX Coordinator. If either Party does not timely return the signed written consent, that Party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

**2.1.14 Adjudication**

a. Formal Hearing Process

The process for adjudicating Formal Complaints is the hearing process specified in this Section. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to Informal Resolution.

1. Hearing Officer

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and

render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process.

The hearing officer must be a professional with an advanced degree in law, criminal justice, or psychology and experience adjudicating allegations of discrimination and harassment. The hearing officer may not be an employee of the University.

The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.

## 2. Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten days from the date of transmittal of the written notice.

A Party's written response to the investigation report must include:

- To the extent the Party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any witnesses that the Party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the Party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the Party has to the University's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the Party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the Party at the pre-hearing conference and hearing;
- If the Party does not have an advisor who will accompany the Party at the hearing, a request that the University provide an advisor for purposes of conducting questioning.

A Party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

### 3. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary University personnel, if any, together in the same physical location. However, upon request of either Party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

### 4. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any University employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The University will not issue a notice of attendance to any witness who is not an employee or a student.

### 5. Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the University's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary University personnel together in the same physical location. However, upon request of either Party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and

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contemporaneously by video and audio. The hearing may, in the hearing officer's discretion, be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each Party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each Party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other Party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each Party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each Party to submit evidence that the Party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each Party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary University personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them.

While a Party has the right to attend and participate in the hearing with an advisor, a Party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified above are met.

### 6. Subjection to Questioning

In the event that any Party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the Parties' advisors, the statements of that Party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any Party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither Party requested attendance of the witness at the hearing.

In applying this Section, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a Party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

## 7. Deliberation and Determination

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or otherwise. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

## 8. Discipline and Remedies

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate University official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

Sanctions for a student found responsible for any type of Sexual Harassment may include but are not limited to, loss of housing privileges, restitution, changes in living assignment, assigned work, behavioral contract, being ineligible to participate in any extracurricular activity representing the University (including athletics), disciplinary probation, loss of institutional financial aid, suspension or expulsion.

If a student is found responsible for Sexual Harassment and the sanction imposed makes the student ineligible to reenroll in the University (i.e., suspension or expulsion), the University will include a notation on the student's transcript. The student may request the removal of a transcript notation imposed under this Policy if:

- the student becomes eligible to reenroll at the University; or
- the University determines that good cause exists to remove the notation.

If the University receives an appropriate request by another postsecondary educational institution, the University will provide to the requesting institution information relating to the University's determination that the student violated this Policy.

Sanctions for an employee found responsible for any type of Sexual Harassment may include discipline, up to and including termination of employment.

#### 9. Written Decision

After reaching a determination and consulting with the appropriate University official and Title IX Coordinator as required above, the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate University official;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the University's process and grounds for appeal.

The hearing officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the hearing officer's written determination within 15 days of the conclusion of the hearing.

#### b. Administrative Adjudication

In lieu of the hearing process, the Parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator. At any time prior to the issuance of the administrative officer's determination, a Party has the right to withdraw from administrative adjudication and request a live hearing.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer who does not need to be an employee of the University. The administrative officer must be a professional with an advanced degree in counseling, law, criminal justice, or psychology and experience adjudicating allegations of discrimination and harassment. The administrative officer may not be an employee of the University.

The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator.

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The administrative officer will promptly send written notice to the Parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A Party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement,
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence,
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the Parties' written responses, the administrative officer will meet separately with each party to provide the Party with an opportunity make any oral argument or commentary the Party wishes to make and for the administrative officer to ask questions concerning the Party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each Party, the administrative officer will objectively reevaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the Parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (*i.e.*, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any University official and the Title IX Coordinator and will prepare and transmit a written decision which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the University strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice.

### **2.1.15 Dismissal During Investigation or Adjudication**

The University may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

### **2.1.16 Appeal**

#### **a. Grounds for Appeal**

Either Party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

1. A procedural irregularity affected the outcome;
2. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
3. The Title IX Coordinator, investigator, hearing officer, or administrative officer had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

#### **b. Deadline to File Appeal**

A Party must file an appeal within seven days of the date they receive notice of dismissal or determination appealed from or, if the other Party appeals, within three days of the other Party appealing, whichever is later. The appeal must be submitted in writing to the Vice President for Academic affairs, who serves as the appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing Party believes the appeal should be granted, and articulate what specific relief the appealing Party seeks.

#### **c. Resolution of Appeal**

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other Party that an appeal has been filed and that the other Party may submit a written opposition to the appeal within seven days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale. The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no Party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision. No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within 21 days of an appeal being filed.

### **2.1.17 Informal Resolution**

The University may, in the Title IX Coordinator's discretion, facilitate an Informal Resolution in accordance with the protocol outlined below.

#### **a. Guiding Principles**

Generally, informal resolution involves a structured, supervised interaction between the Parties and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent and/or other affected community members to accept responsibility and repair harm (to the extent possible). Informal resolution may not include an investigation, hearing, or disciplinary action against a Respondent (including transcript notations), but may include imposing appropriate and reasonable remedies as agreed to by the Parties. All informal resolutions are facilitated by a trained administrator or outside expert.

#### **b. Availability of Informal Resolution**

Informal resolution is available in matters in which the Title IX Coordinator, in the Title IX Coordinator's discretion, determines it is appropriate. Factors the University will consider when determining whether a report of Prohibited Conduct is suitable for Alternative Resolution include, but are not limited to:

- the nature and severity of the conduct, including whether the use of force or a weapon was involved;

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- the Respondent's prior known disciplinary or criminal conduct, including whether the University has received other reports of Prohibited Conduct committed by the Respondent;
- whether the alleged incident poses a risk of harm to other individuals or the community;
- the dynamics of power or control commonly associated with the alleged conduct or the nature of the parties' relationship;
- whether multiple parties are affected or involved;
- any admissions of responsibility by the Respondent; and
- any other factor deemed relevant by the Title IX Coordinator or their designee in the interest of overall campus safety or safety of the parties involved.

Informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

### c. Informal Resolution Process

At any time after the parties are provided written notice of the Formal Complaint, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the Parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the Parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-Party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a Party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each Party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence. The University will not pressure or compel any individual to engage in mediation, to directly confront the other, or to participate in any particular form of informal resolution. Individuals may be accompanied by an adviser or support person at any meetings related to the informal resolution process.

If the Parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and

will not be subject to further investigation, adjudication, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a Party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either Party or to the University. Notwithstanding the forgoing if the form of informal resolution is Administrative Adjudication, there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process, all other forms of informal resolution pursuant to this Section are not subject to appeal.

c. Termination of Informal Resolution

A Party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

d. Deadlines for Informal Resolution

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within 21 days. If an informal resolution process does not result in a resolution within 21 days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

**2.1.18 Other Investigation and Adjudication Considerations**

a. Advisor of Choice

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing, the advisor will play a passive role and is not permitted to communicate on behalf of a Party, insist that communication flow through the advisor, or communicate with the University about the matter without the Party being included in the communication. In the event a Party's advisor of choice engages in material violation of the parameters specified in this section or the section on Hearings, the University may preclude the advisor from further participation, in which case the Party may select a new advisor of their choice.

In the event a Party is not able to secure an advisor to attend the hearing specified in the section on Hearings, and requests the University to provide an advisor, the University will provide the Party an advisor, without fee or charge, who will conduct questioning on behalf of the Party at the hearing. The University will have sole discretion to select the advisor it provides. The advisor the University provides may be, but is not required to be, an attorney.

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The University will provide an advisor to any Party upon receipt of a request to the Title IX Coordinator or their designee. The University will provide an advisor for any Party at a hearing specified in the section on Hearings for the purpose of cross-examining a Party or witness.

### b. Conflicts of Interest, Bias, and Procedural Complaints

The Title IX Coordinator, investigator, hearing officer, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any Party who believes one or more of these University officials has a material conflict of interest or material bias must raise the concern promptly so that the University may evaluate the concern and find a substitute, if appropriate. The failure of a Party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal.

### c. Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the University may evaluate the matter and address it, if appropriate.

### d. Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the investigator and adjudicator are not permitted to access, consider, disclose, permit questioning concerning, 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 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; or
- information or records protected from disclosure by any other legally-recognized privilege, such as the attorney-client privilege unless the University has obtained the Party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, may consider any such records or information otherwise covered by this section if the Party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

### e. Sexual History

During the investigation and adjudication processes, questioning regarding a 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, 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. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section.

f. Student Withdrawal or Graduation Pending Disciplinary Charges

If a student withdraws or graduates from the University pending an investigation of a complaint of Sexual Misconduct under this Policy, the University will expedite the disciplinary process as necessary to accommodate both the Complainant and the Respondent's interest in a speedy resolution and continue the investigation with or without the participation of the Respondent.

**2.1.19 Other Policy Violations**

a. Bad Faith Complaints and False Information

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Code of Student Conduct in the case of students and other University policies and standards, as applicable, for other persons.

b. Other Sex-Based Misconduct

This policy applies only to Sexual Harassment as defined in this Policy. Complaints of other forms of sex discrimination are governed by the University's Non-Discrimination Policy.

**2.1.20 Discretion in Application**

a. Interpretation

The University retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the University's interpretation or application differs from the interpretation of the Parties.

The provisions of this Policy and the Hearing Procedures are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the University retains discretion to revise this Policy and the Hearing Procedures at any time, and for any reason. The University may apply Policy revisions to an active case provided that doing so is not clearly unreasonable.

b. Outside Appointments, Dual Appointments, and Delegations

The University retains discretion to retain and appoint suitably qualified persons who are not University employees to fulfill any function of the University under this policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer. The University also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given University official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in the University's discretion, be

delegated by such University official to any suitably qualified individual and such delegation may be recalled by the University at any time.

c. Vendors, Contractors and Third Parties

The University does business with various vendors, contractors, and other third-parties who are not students or employees of the University. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the University retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And the University retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

d. Recordings

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by the University and is considered property of the University, subject to any right of access that a Party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only the University is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any Party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

e. Relationship with Criminal Process

This policy sets forth the University's processes for responding to reports and Formal Complaints of Sexual Harassment. The University's processes are separate, distinct, and independent of any criminal processes. While the University may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, the University will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

## **2.2 Policy Against Discrimination and Harassment**

Howard Payne University is committed to providing a work and educational environment free of Discrimination and Harassment. Howard Payne University is equally committed to the principle of equal opportunity in education and employment. The University does not illegally discriminate or tolerate Discrimination or Harassment against individuals on the basis race, creed, color, sex/gender (except where gender is a bona fide occupational qualification), ethnic or national origin, age, disability, genetic information, veteran status or (collectively, "Protected Status") in its employment, admissions, and/or education programs and activities.

It is the policy of the University to grant equal employment opportunity to all qualified persons without regard to disability, or handicap, if such handicap or disability may be accommodated without undue hardship. The recruitment and selection process will be based on job-related, objective qualifications, in accordance with the job requirements of the position being filled. All employees must be able to perform the essential functions of their jobs as set forth in the employee's individual position description. Reasonable accommodations will be made, in accordance with applicable state and federal law, to assist employees with disabilities in performing the essential functions of their jobs.

The University is organized for religious purposes and is substantially controlled and supported by a religious body, the Baptist General Convention of Texas (church denomination). Consequently, the University enjoys an exemption from the prohibitions contained in Title VII of the Civil Rights Act of 1964 concerning religious discrimination in employment. The University further reserves the right to discriminate or designate certain positions based on religion or sex/gender when a bona fide occupational qualification exists. Employees who believe they have been unlawfully discriminated against should report it immediately to their supervisor or Human Resources.

In all reported cases, the University will take reasonable steps to protect the reporting employee from retaliatory, harassing, or abusive behavior in relation to such reporting.

### **2.2.1 Statement of Values**

The University affirms that all members of the University's Community are created in the image of God and therefore should be treated with dignity and respect. The University does not unlawfully discriminate on the basis of any status or condition protected by applicable federal or state law. Further, the University respects the inherent worth of each member of the University Community and does not tolerate conduct that fosters any form of harassment.

With a Biblical foundation of human dignity and worth, the University approaches issues of Discrimination not only as acts that may be potential violations of the law and policy, but also as conduct that is contrary to Christian scripture. Thus, Discrimination is harmful not only to the individuals involved, but undermines the Mission Statement and Core Values of the University. In accordance with the University's Mission Statement and Core Values, the U.S. Department of Education has granted the University exemptions from certain provisions of Title IX based on the religious tenets of the Baptist General Convention of Texas, and the University may act in accordance with these tenets in resolving complaints under this Policy. In addition, the University may discriminate on the basis of religion in employment in order to fulfill its mission, and preference may be given to Baptists.

### **2.2.2 Scope**

#### **a. Generally**

This Policy applies to Prohibited Conduct in all University education programs and activities and to all participants in such education programs and activities, including administrators, faculty, staff, students, volunteers, contractors, and guests. This Policy covers Prohibited Conduct that occurs on campus, in connection with an official University program or activity (regardless of location), and to off-campus conduct when the conduct could deny or limit a person's ability to participate in or benefit from the University's programs and activities or when the University, in its sole discretion, has an identifiable interest in the off-campus conduct.

#### **b. Interaction with University Title IX Policy**

All allegations of sex discrimination which rise to the level of Sexual Harassment occurring within the University's Education Programs and Activities as defined by the University's Title IX Policy<sup>7</sup> are handled exclusively pursuant to the procedures outlined in that Policy. All other acts of

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<sup>7</sup> Available at <https://www.hputx.edu/sexual-assault-policy-reporting/>

Discrimination—including acts of sex discrimination which do not rise to the level of Sexual Harassment occurring within the University’s Education Programs and Activities as defined by the University’s Title IX Policy—are handled pursuant to this Policy.

### 2.2.3 Definitions of Prohibited Conduct

The following are categories of conduct that are prohibited by this Policy (“Prohibited Conduct”) and may result in disciplinary action when committed by University employees or students.

- a. “Discrimination” is conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their education or employment because of their Protected Status.
- b. “Harassment” as used in this Policy is verbal and/or physical conduct (i) that is severe or pervasive, (ii) that is based on an individual’s Protected Status, and (iii) that unreasonably interferes with the individual’s work or academic activities, or that creates an intimidating, hostile, or offensive University environment.
- c. “Other Sexual Harassment” as used in this Policy means unwelcome, sex-based verbal or physical conduct that:
  1. in the employment context, unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment; or,
  2. in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student’s ability to participate in or benefit from the University’s educational programs or activities.

Other Sexual Harassment does not include allegations of sex discrimination which rise to the level of Sexual Harassment occurring within the University’s Education Programs and Activities as defined by the University’s Title IX Policy.

- d. “Sexual Exploitation” occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own benefit, or to benefit anyone other than the affected individual, and that behavior does not otherwise constitute other Prohibited Conduct.

Examples of Sexual Exploitation include, but are not limited to:

1. causing or attempting to cause the Incapacitation<sup>8</sup> of another individual for sexual purposes;
2. electronically recording, videoing, photographing, or transmitting sexual sounds or images of another individual without their Consent;
3. allowing a third-party to observe sexual acts without all parties’ Consent;

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<sup>8</sup> This Policy adopts by reference the definitions of Incapacitation, Consent, and Coercion provided in the University’s Title IX Policy.

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4. engaging in voyeurism (e.g., watching private sexual activity without the Consent of the participants or viewing another person's intimate parts (including genitalia, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy); or
  5. knowingly exposing another individual to a sexually transmitted disease/infection or HIV.
- e. "Other Unprofessional/Inappropriate Conduct" is behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for the educational and/or working environment, but does not rise to the level of Sexual Harassment or other form of Prohibited Conduct outlined above.
- f. "Retaliation" is any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this Policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this Policy. Retaliation can take many forms, including abuse or violence, threats, and intimidation. Actions in response to a good faith report or response under this Policy are considered retaliatory if they have a materially adverse effect on the working, academic or University-controlled living environment of an individual; or if they hinder or prevent the individual from effectively carrying out their University responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this Policy.
- g. "Complainant" means an individual who is alleged to be the victim of Prohibited Conduct.<sup>9</sup>
- h. "Respondent" means an individual who has been reported to be the perpetrator of Prohibited Conduct.

### 2.2.4 Reporting Complaints of Prohibited Conduct

Community members who experience or witness Prohibited Conduct should submit a complaint to the appropriate University administrator. The following offices have been designated to handle complaints of a violation of this Policy:

#### Student Complaints

Mrs. Tammy Arreola  
Dean of Students and  
Title IX Coordinator  
Howard Payne University  
1000 Fisk Street,  
Mabee University Center, Room 207 C  
Brownwood, Texas 76801  
325-649-8630  
tarreola@hputx.edu

#### Employee Complaints

Mrs. Katrina Lynn  
Director of Human Resources  
Howard Payne University  
1000 Fisk Street, Room 210  
Brownwood, Texas 76801  
325-649-8012  
klynn@hputx.edu

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<sup>9</sup> A Complainant and Respondent are each individually a "party" and collectively the "parties" with respect to a complaint under this Policy.

While verbal reports of Prohibited Conduct will be received and responded to as appropriate considering the wishes of the reporting individual(s) and the circumstances of each case, the University strongly recommends reports of violations of this Policy be submitted in writing. The written complaint should identify the parties involved; describe the Policy violation, including when and where it occurred; and identify by name or description any witnesses and/or evidence. Written complaints will be treated as confidentially as practical and shared only on a need-to-know basis.

### **2.2.5 Supportive Measures**

Regardless of the complaint resolution process utilized in response to a complaint of Prohibited Conduct, the University will, to the extent practicable based on the University's resources, provide the Complainant with support and resources to restore or preserve equal access to the University's education programs and activities and/or employment. Such measures are designed to protect the safety of all parties implicated by a report or to deter Prohibited Conduct. Supportive measures may include, but are not limited to: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

### **2.2.6 Complaint-Resolution Process**

#### **a. Receipt of a Complaint and Preliminary Assessment**

Upon receipt of a complaint, either the Vice President for Student Life and Dean of Students or the Associate Vice President for Business and Human Resources (or their designee) (hereinafter the "Administrator") will conduct a preliminary inquiry designed to assess:

1. the institutional policy or policies potentially invoked by the alleged conduct,
2. the appropriate University official to respond to the complaint, and
3. the best path of resolution for the complaint.

In the event the Administrator determines there are no reasonable grounds for believing the conduct at issue constitutes a violation of this Policy, the Administrator will close the complaint.

#### **b. Informal Resolution**

The Administrator will determine whether informal resolution is an appropriate mechanism of resolution based on the information provided about the incident. Options for informal resolution include, but are not limited to, mediation, restorative justice, or other form of alternative resolution. If informal resolution is determined to be appropriate, the Administrator or their designee will meet separately with both parties to discuss an informal resolution based on the information available. If the proposed resolution satisfies the University's obligation to provide a safe and non-discriminatory environment for the University Community, the resolution will be implemented, and the matter will be closed. The Human Resources and/or Student Life offices will maintain records of all reports and conduct referred for informal resolution.

c. Formal Resolution Procedures

If the Administrator determines that a formal investigation is warranted to resolve a complaint, the University will determine whether an employee or student is responsible for a violation of this Policy and what, if any, corrective action is appropriate, in accordance with the procedures described below.

1. Assignment of Investigator

The Administrator will appoint an investigator or investigative team with experience investigating allegations of discrimination and harassment. The investigator(s) may be an employee of the University or an external investigator engaged to assist the University in its fact gathering.

2. The Investigation

The investigation will be conducted in a manner appropriate in light of the circumstances of the case. The investigation may include, but is not limited to, conducting interviews of the complainant(s), the respondent(s), and any witnesses (witnesses must have observed the acts in question or have information relevant to the incident); reviewing law enforcement investigation documents, if applicable; reviewing personnel files; and gathering, examining, and preserving other relevant documents and physical, written, and electronic evidence (including text messages and other phone records, social media posts, security camera footage, etc.). The parties will be afforded an opportunity to identify and present relevant witnesses and evidence to the investigator, as well as identify witnesses who may have relevant information.

3. The Investigator's Report and Conclusions

The investigator will make conclusions as to whether the respondent violated any provision of this Policy. The standard of proof shall be by a preponderance of the evidence. The investigator's findings and conclusions may be shared with the Administrator in a written report.

- i. **Determination of No Policy Violation.** If the investigator determines that the respondent did not violate any provision of this policy, the Administrator will determine and document the appropriate resolution of the complaint and notify the parties of that determination. Appropriate resolutions may include, but are not limited to, dismissal of the complaint, conferences with one or more of the parties, and the introduction of remedial and community-based efforts such as educational initiatives and/or trainings.
- ii. **Determination of a Policy Violation.** If the investigator determines there is sufficient information to find, by a preponderance of the evidence, that the respondent violated this Policy, the matter will be referred for corrective action.

d. Corrective Action

If the Respondent is found responsible, corrective action will be addressed as follows:

1. For Policy violations by employees (including staff, faculty, and students acting in their capacity as student employees), the Associate Vice President for Business

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and Human Resources will consult with the individual supervisor and department head to determine appropriate corrective action including, but not limited to:

- I. **Warning:** Written notice to the employee that the employee is violating or has violated Administrative Policies of Howard Payne University and that continuation or repetition of misconduct may result in a more severe sanction.
- II. **Mandatory Sanctions:** Mandatory counseling arranged by the University, drug or alcohol assessment/treatment, seminar attendance, or other discretionary sanctions as deemed appropriate (all at the employee's expense).
- III. **Termination:** Employees who engage in serious misconduct or persistent misconduct will have their employment terminated. At will employees may be terminated at any time, with or without reason. Faculty employees may be terminated as described in Section III, Faculty Matters, in the Administrative Policies of Howard Payne University.

All actions taken above will be documented and placed in the employee's personnel file.

2. For Policy violations by contractors, vendors, and others doing business with the University, the Associate Vice President for Business and Human Resources will consult with the contracting department to determine the appropriate resolution, up to and including termination of a contractual relationship.
3. For Policy violations by students, the Vice President for Student Life and Dean of Students will take corrective action including, but not limited to, the following sanctions:
  - i. **Warning:** Oral or written notice to the student that the student is violating or has violated the Code of Conduct and that continuation or repetition of misconduct may result in a more severe sanction.
  - ii. **Disciplinary Probation:** A status that indicates that a student's relationship with the University is tenuous. Probation is for a designated period and includes the probability of more severe disciplinary sanctions if the student is found in violation of any University regulations. Probation may also result in the loss of privileges, depending on the policies of various University departments and organizations. For example, a student becomes ineligible to hold some leadership positions when placed on probation.
  - iii. **Loss of Privileges:** Such loss may include, but is not limited to, financial assistance, eligibility to represent the University officially on athletic teams or performing groups, or use of specific University facilities, computer systems, equipment, or services.
  - iv. **Educational Sanctions:** Mandatory work hours, reading/writing assignment, drug or alcohol assessment/treatment (at the expense of the student), seminar attendance, or other discretionary sanctions as deemed appropriate.
  - v. **Dismissal from University Housing:** Loss of privilege to live in University housing. Students in a contract or required to live on-campus who are dismissed from

University housing will be responsible for any remaining monetary charges for the term of their contract.

- vi. **Suspension:** Removal from the University environment for a designated period of time, usually one or two semesters, although the period may be longer depending on the circumstances. A student who is suspended from the University may not attend classes, University events or organizational meetings, may not visit the campus, and may not reside in University housing. A student who has successfully served his/her suspension period may apply for readmission through the regular University re-admission procedures.
- vii. **Expulsion:** Students who engage in serious misconduct or persistent misconduct may be expelled. A student who is expelled is not eligible for re-admission to the University.

**Mandatory Transcript Notations.** Texas law requires a notation on the transcript of any student who is ineligible to reenroll in the University for a reason other than an academic or financial reason. Therefore, this requirement applies to violations this Policy that result in ineligibility to enroll in the University for any period of time, such as suspension and expulsion. In addition, if a student withdraws while there are pending disciplinary charges that may result in the student becoming ineligible to reenroll in the University for a reason other than an academic or financial reason, the University will not end the disciplinary process until a final determination of responsibility has been made. A disciplinary charge becomes a pending matter upon the initial receipt of the complaint, whether oral or written.

#### e. Appeals

Appeals of findings of responsibility against Student-Respondents will be handled pursuant to the Student Conduct Appeals process contained in the University's Student Handbook.<sup>10</sup>

Appeals of findings of responsibility against Employee-Respondents will be handled pursuant to the University's applicable administrative policies.

#### f. Knowingly Filing a False Complaint

Knowingly filing a false complaint is a violation of this Policy. Such conduct may result in corrective action up to and including separation from the University.

### **2.2.7 Academic Freedom**

This Policy is not intended to inhibit or restrict academic freedom and this Policy shall be interpreted in a manner that is consistent with the University's academic freedom policies.

## **2.3 Disabilities and Workplace Accommodations**

### **2.3.1 Americans with Disabilities Act (ADA)**

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<sup>10</sup> Available at <https://ww2.hputx.edu/wp-content/uploads/2018/08/2018-Student-Handbook.pdf>.

The University complies with the Americans with Disabilities Act (ADA). The University provides reasonable accommodation to otherwise qualified employees who are disabled or become disabled, and need assistance to perform the essential functions of their position. The interactive process shall be used to determine what, if any, reasonable accommodation will be made.

### **2.3.2 The Interactive Process**

The interactive process is an ongoing dialogue between the employee and appropriate representatives of the University about possible options for reasonably accommodating the employee's disability. Options may include, but are not limited to, a modified work schedule, a leave of absence, reassignment, modified equipment, assistive devices, modification of existing facilities, and restructuring the job. Both the University and the employee are expected to participate in the interactive process.

During the interactive process the University considers information related to the essential functions of the job, functional limitations, possible accommodations, the reasonableness of possible accommodations, and implementation of a reasonable accommodation. This information will be used by the University to determine what, if any, reasonable accommodation will be made.

### **2.3.3 Medical Documentation and Medical Inquiries**

The employee is responsible for providing medical documentation to assist the University in understanding the nature of the employee's functional limitations. If the employee provides documentation that is insufficient to substantiate the existence of a disability and the need for reasonable accommodation, then the University may require the employee, at University expense, to visit a health care professional selected by the University. Documentation may be insufficient if (1) it fails to specify the existence of an ADA-protected disability; (2) it fails to explain the need for a reasonable accommodation; (3) the documentation was written by someone who does not have the expertise to give an opinion about the employee's condition or the limitations imposed by it; (4) the information fails to specify the functional limitations due to the disability; or (5) other factors indicate that the information is not credible or fraudulent. In the event of insufficient documentation, the University will request that the employee provide proper documentation. If the employee does not provide proper documentation within the time allowed, then the University may require that the employee be examined by a University-appointed provider.

## **2.4 Drug, Alcohol and Tobacco Policy**

### **2.4.1 Prohibited Conduct – Drugs and Alcohol**

The University strives to maintain a drug and alcohol-free environment. Criminal convictions are not required for sanctions to be imposed on employees of the University. This policy applies to all employees of the University regardless of rank or position and includes temporary and part-time employees. The human resources office is responsible for administration of this policy as it relates to employees.

The University expects its employees to obey the law. Therefore, a violation of alcohol or drug laws while admitted to or working for the University, wherever that violation occurs, is a violation of this policy. Employees are required to report a violation of this policy by another employee to an officer of the University or to the Director of Human Resources.

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Violation of this policy may result in any sanction deemed appropriate by the University, including, but not limited to, required participation in a drug or alcohol treatment or rehabilitation program, suspension, expulsion from school or termination of employment. The University may refer any violation of the law to the proper law enforcement authorities.

The possession, use, sale, offer to sell, distribution, manufacture, or being under the influence of any alcoholic beverage, inhalant, or controlled substance on any University property, at any University activity, or by members of a University-approved student organization is prohibited. The unauthorized use or possession of prescription drugs or over-the-counter drugs on any University property is also prohibited. This policy also prohibits the possession, use, sale, offer to sell, distribution, or manufacture of drug-related paraphernalia. Without limiting the foregoing, this prohibition specifically includes any University-sponsored trip.

An employee who uses or possesses a drug authorized by and in the manner prescribed by a licensed physician through a prescription specifically for that employee's use will not be considered to have violated this policy.

Violation of this policy may result in disciplinary sanctions up to and including termination. At the University's discretion, an employee may be asked to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

"Drug" or "drugs" means a controlled substance as defined by the Texas Controlled Substances Act and a dangerous drug as defined by the Dangerous Drug Act, including but not limited to: marijuana, narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate; alcohol or alcoholic beverage; abusable glue, aerosol paint, or other chemical substance for inhalation; and any other intoxicant or illegal, controlled, or unauthorized substance that may cause addiction, alter moods, behavior, or brain function, and/or affect coordination or memory.

As a practical matter of enforcement and in order to prevent disagreements regarding violations of the alcohol policy and health hazards, empty alcoholic beverage containers are not permitted on campus. Such containers, if observed by staff, will result in students and employees being charged with an alcohol violation.

Information about a drug and alcohol counseling and rehabilitation program is available through the Office of Student Life.

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), the University supports the reports prepared by the Surgeon General and asserts that drugs and alcohol have proven to be hazardous to the health and well-being of students and employees.

### **2.4.2 Testing Policy**

The University may require an employee, as a condition of employment, to undergo drug and/or alcohol testing if the University has a reasonable belief that the employee has violated the Drug and Alcohol policy. Such reasonable belief may be based on, but not limited to, the presence of some or all of the following: alcohol or marijuana odor; red/glassy eyes; unusual drowsiness; slurred and/or incoherent speech; unusually aggressive behavior; disorientation or inability to

concentrate; lack of coordination in walking or performing other tasks. Indicators of unlawful drug or alcohol use also may include erratic or continuing poor attendance and/or involvement in a work-related accident that results in actual damage to University property or physical injury to another person; such occurrences may, in conjunction with other evidence, give rise to a reasonable suspicion warranting drug or alcohol testing. A reasonable suspicion to test also may arise when the University receives reliable information from a credible person indicating that the employee has violated or is violating this policy; such information will be carefully evaluated in conjunction with other available evidence before being used as a basis for drug or alcohol testing.

The University may require an employee, as a condition of continued employment, to undergo drug and/or alcohol testing following any work-related injury sustained by the employee during the course of the employee's work on University property, while driving any vehicle on behalf of the University, or at a University sponsored event held off University property. Further, the University will require an employee, as a condition of continued employment, to undergo drug and/or alcohol testing following any work-related accident or injury in which an employee's action or inaction results in an injury to another individual or to University property.

Drug and/or alcohol testing may be required by urinalysis, hair testing, blood test, breathalyzer, or any other screening device as required or permitted by law and designated and paid for by the University. All information from drug or alcohol testing will be treated confidentially except to the extent required by law.

The testing process will involve preparation of two specimens. If an employee tests positive for use of illegal drugs on one specimen, a confirming test will be automatically conducted on the second specimen. If any testing procedure indicates that an employee has used illegal drugs or alcohol in violation of this policy, the applicant or employee may elect to provide, in writing, information to rebut and/or explain the results of the test. This information will be evaluated by a physician or other qualified medical personnel at the facility or laboratory that performed the testing.

Employees who are asked to undergo testing must do so promptly, under the supervision of the University. An employee is subject to termination if he or she (i) refuses to submit to a drug and/or alcohol test in accordance with this policy, (ii) unduly delays reporting to the testing site during working hours, or (iii) refuses to fill out and sign the written consent form agreeing to permit the University to receive the testing results. An employee who switches or alters any sample submitted for testing will be subject to termination.

### **2.4.3 Medical Examinations and Medical Inquiries**

The University may seek information about a current employee's medical condition when it is *job related and consistent with business necessity*. This means that the University must have a reasonable belief based on objective evidence that: (i) an employee will be unable to perform the essential functions of his or her job because of a medical condition; or (ii) the employee will pose a direct threat because of a medical condition. In these situations, the inquiries or examinations must not exceed the scope of the specific medical condition and its effect on the employee's ability, with or without reasonable accommodation, to perform essential job functions or to work without posing a direct threat.

The determination that an employee poses a direct threat must be based on an individualized assessment of the employee's present ability to perform safely the essential functions of the job. This assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or best objective evidence. Any medical examination, however, must be limited to determining whether the employee can perform his/her job without posing a direct threat, with or without reasonable accommodation. The University must pay all costs associated with the employee's visit(s) to its health care professional.

#### **2.4.4 Health Risks Associated with Drug or Alcohol Use**

Narcotics such as opium, morphine, and heroin can cause euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. The symptoms of an overdose of narcotics are slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Persons experiencing withdrawal from addiction to narcotics can experience watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

Depressants such as barbiturates and Quaaludes can cause slurred speech, disorientation, and drunken behavior. An overdose of a depressant can result in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

Stimulants such as cocaine and crack can cause increased alertness or euphoria, an increased pulse rate and blood pressure, insomnia, and loss of appetite. An overdose of stimulants results in agitation, an increase in body temperature, hallucinations, convulsions, and possible death. Withdrawal symptoms include apathy, long periods of sleep, irritability, depression, and disorientation.

Hallucinogens such as LSD and amphetamines cause illusions and hallucinations, and poor perception of time and distance. The effects of an overdose include psychosis and possible death.

Marijuana and hashish can cause euphoria, increased appetite, relaxed inhibitions, and disoriented behavior. The effects of an overdose include fatigue, paranoia, and possible psychosis. Withdrawal symptoms include insomnia, hyperactivity, and decreased appetite.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

#### **2.4.5 Criminal Sanctions**

##### ***City, County, and State Law –***

*Texas Penal Code Sec. 49.02 (As added by Acts 1993, 73rd Legislature):* Being intoxicated in public such that one is a danger to oneself or others is punishable by a fine of up to \$500.

*Texas Alcoholic Beverage Code Sec. 1.05, 101.31:* It is illegal to possess or distribute alcoholic beverages in a dry area. Violation of this law carries a penalty of up to \$1,000 and/or up to one year in prison.

*Texas Alcoholic Beverage Code Sec. 106.02, 106.04-106.05:* The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age subjects that person to a fine of up to \$500 for the first offense and up to \$2,000 for the second offense.

*Texas Alcoholic Beverage Code Sec. 106.06:* Furnishing alcoholic beverages to a minor is punishable by a fine of up to \$2,000 and potential imprisonment of up to 180 days in jail. (Amended by Acts 1997, 75th Legislature).

*Texas Penal Code Sec. 49.04 (Added by Acts 1993, 73rd Legislature):* Driving under the influence of alcohol is punishable by a fine of up to \$2,000 and/or three days to two years in prison for the first offense and up to a \$4,000 fine and 60 days to five years in prison for subsequent offenses.

*Texas Alcoholic Beverage Code Sec. 106.07:* A person under 21 years of age who misrepresents his or her age for the purpose of purchasing alcoholic beverages may be punished by a fine of up to \$500.

*Texas Health and Safety Code Sec. 481.106- 107:* The illegal distribution, possession, or use of controlled substances may be punished by five years to life in prison and up to a \$20,000 fine.

*Texas Health and Safety Code Sec. 481.112-120 and 481.121 (c) and (d):* The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of ten years to life and up to a \$100,000 fine.

*Texas Health and Safety Code Sec. 481.121(a) and (b):* The possession of marijuana may be punished by six months to 20 years in prison and/or up to a \$10,000 fine depending on the amount of marijuana involved.

*Texas Health and Safety Code Sec. 481.122:* The distribution of marijuana to a minor is punishable by two to 20 years in prison and/or up to a \$10,000 fine.

##### ***Federal Law –***

*21 United States Code 844(a):* 1st conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After one prior drug conviction: At least 15 days in prison, not to exceed two years, and fined at least \$2,500 but not more than \$250,000, or both.

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After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fined at least \$5,000 but not more than \$250,000, or both. Special sentencing provisions for possession of crack cocaine: Mandatory at least five years in prison, not to exceed 20 years, and fined up to \$250,000, or both, if:

(a) 1<sup>st</sup> conviction and the amount of crack possessed exceeds five grams

(b) 2<sup>nd</sup> crack conviction and the amount of crack possessed exceeds three grains

(c) 3<sup>rd</sup> or subsequent crack conviction and the amount of crack possessed exceeds one gram.

*21 United States Code 853(a) (2) and 881 (a) (7):* Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.)

*21 United States Code 881 (a) (4):* Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

*21 United States Code 884a:* Civil fine of up to \$10,000 (pending adoption of final regulations).

*21 United States Code 853a:* Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

*18 United States Code 922(g):* Ineligible to receive or purchase a firearm.

*Miscellaneous:* Revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy, etc.) are vested within the authorities of individual federal agencies.

### **2.4.6 Prohibition of Smoking and Use of Tobacco and Tobacco Products**

Smoking and use of smokeless tobacco have been documented to be injurious to one's health and to violate the health and rights of non-smokers.

The use of electronic smoking devices, tobacco and tobacco products on campus is prohibited. Because of the desire to protect the health and lives of everyone in the University community, smoking is banned in all University facilities and vehicles (including rented or leased vehicles).

### **2.5 Prohibition of Weapons and Fireworks**

The policy described in this section does not apply to peace officers licensed by the federal government, the State of Texas or University Department of Public Safety officers whose job description requires them to carry a firearm.

In accordance with provisions of SB11 signed into law by the governor of Texas, the University prohibits all employees, students, and visitors from carrying any handgun in or on University property or at a University sponsored activity or event.

A University employee who possesses a concealed handgun license (CHL) in accordance with Chapter 411 of the Texas Government Code may possess or store a handgun and ammunition only in a locked, privately owned motor vehicle in a parking lot, garage, or other parking area provided by the University, but may not possess a handgun inside a building, portion of a building or athletic facility owned by the University or used for a University sponsored event. A University employee who possesses a CHL may possess or store a handgun in a University owned, rented or leased vehicle or in their personal vehicle while conducting University business. Under no circumstance is a University student permitted to possess a firearm on University property or at a University sponsored activity or event.

The University prohibits all employees, students, and visitors from possessing any illegal firearm or knife, pellet guns, BB guns, air rifles (unless required for use in an official University course in which a student is enrolled and taught by an employee of the University), electroshock weapons, guns that fire plastic projectiles of any type, and fireworks in or on University property or at a University sponsored activity or event.

## **2.6 Employee Standards of Conduct**

### **2.6.1 Compliance with University Policies and Supervisory Directives**

Employees of the University should conduct themselves in a manner that is Christian and that will not embarrass themselves or the University.

In matters of employee standards of conduct, employees shall comply with all University policies, departmental procedures, and supervisory directives, whether written or oral. A violation of policies, procedures, or supervisory directives may result in discipline, up to and including termination.

Discipline decisions, including termination decisions, will depend upon the totality of circumstances and gravity of the situation in question.

#### **2.6.1.a. Code of Employee Ethics and Conduct**

The University is strongly committed to maintaining the highest level of standards and Christian values in conducting all aspects of its academic programs and business operations, while providing a quality education for its students. As such, the University values the contributions of all employees and expects each to adhere to the highest level of integrity by not participating in dishonest, unethical or illegal activities while conducting University business or representing the University either on-campus or off-campus. This policy applies to all University employees, including all full-time or part-time faculty, support and administrative staff, officers and adjunct faculty members.

While employees will no doubt routinely face ethical dilemmas and decisions in the scope of their employment, each employee is personally responsible for his or her actions. Below, are examples of several areas of unethical conduct that should be strictly avoided. While this is not an all-inclusive list, the University has a no-tolerance philosophy for dishonest, unethical or illegal acts and will enforce this policy. It is mandatory that all employees assume responsibility to understand these policies completely and be able to recognize a proposal or personal act that would constitute a violation. Employees are encouraged to seek guidance in making ethical

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decisions and choices and are free to direct questions regarding interpretation of this policy to an officer of the University. Violations can result in disciplinary action, including termination of employment and criminal prosecution.

In an effort to deter and prevent dishonest, unethical or illegal activities, the University encourages employees to immediately report any suspected activity to any one of the following offices: President, Vice Presidents, or human resources.

Examples of acts that violate this policy include, but are not limited to:

1. Consuming, storing, possessing or being under the influence of alcoholic beverages or illicit drugs while on duty or while on any University property or at any University event,
2. Illegally storing, possessing or using firearms or weapons on any University property or at a University-sponsored event,
3. Conducting or participating in any illegal activities, including gambling or betting,
4. Utilizing the University's computer network or computers for obtaining or sharing pornographic or inappropriate materials or conducting inappropriate activities,
5. Violating the University's Computer Use Policy or misusing the campus email system or other computer resources,
6. Removing and/or not returning University assets, supplies, property or resources from the campus premises without express administrative permission,
7. Selling or disposing of University assets, supplies, property or resources without following University policy,
8. Consuming University supplies, services or resources for personal usage or non-University activities,
9. Misusing the campus post office by regularly processing personal incoming and outgoing mail at University expense,
10. Charging personal items to a University credit card or vendor account,
11. Receiving personal gain by charging University purchases to a personal credit card to earn vendor award points, rebates or discounts,
12. Failing to remit revenues, fees, reimbursements, gifts, contributions or funds belonging to the University or student organizations in the employee's possession to the Business Office for timely deposit,
13. Failing to secure revenues, fees, gifts, contributions or funds belonging to the University or student organization that are temporarily in the employee's custody,

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14. Soliciting funds or contributions on behalf of the University without obtaining prior approval from the University's Advancement Office,
15. Accepting bribes, kickbacks or gratuities,
16. Falsifying an employee timesheet or other payroll documents,
17. Misusing the University's paid leave benefits,
18. Failing to be productive during the workday,
19. Failing to report suspicious or illegal activity to his/her supervisor or the University's Department of Public Safety,
20. Falsifying University records, documents, purchases or expense reports,
21. Knowingly submitting inaccurate invoices for payment,
22. Purchasing goods or services or committing funds from the University's budget without prior written approval,
23. Failing to follow University policies and procedures,
24. Violating Board adopted policies,
25. Engaging in destructive or disruptive behavior that intentionally undermines achievement of the University's Mission Statement or Core Values,
26. Releasing, sharing or selling confidential or proprietary information,
27. Displaying inappropriate, unprofessional, or dishonest behavior,
28. Misrepresenting or falsifying credentials,
29. Misrepresenting progress toward academic or professional requirements,
30. Misrepresenting communication between the University and other organizations,
31. Violating the University's Conflict of Interest Policy,
32. Purchasing items from or for related parties, including family and friends, with University funds,
33. Utilizing the campus computer systems or network for personal gain or business endeavors unrelated to the University,
34. Soliciting political contributions on campus or publicly endorsing a candidate during working hours or in a manner that makes it appear the endorsement is on behalf of the University,

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35. Reporting fraudulent workers compensation claims,
36. Hiring friends, relatives or acquaintances without regard to qualifications,
37. Violating copyright laws, pertaining to printed materials, software and music,
38. Trespassing or breaking into controlled areas without permission,
39. Accessing restricted computer files without permission,
40. Failing to properly secure University assets that are under the employee's care and control,
41. Failing to properly protect covered data and information described in the Information Security Plan policy,
42. Duplicating, trading, and/or not returning keys that access University facilities or vehicles,
43. Posting, sharing or liking content on personal social media accounts that reflects negatively on the University, its Mission Statement or Core Values,
44. Copying or storing in whole or in part, by electronic or any other means:
  - a. any check payable to the University,
  - b. credit card information given to any office of the University,
  - c. Social Security and identification numbers of any individual unless required to process University payroll or enroll students in the University,
  - d. Other personal information belonging to any employee, student, constituent or contractor, including date of birth, address, telephone numbers, maiden name, names (including family members).

### **2.6.2 Relationships in the Workplace**

The University strives to be a family-friendly workplace based on its mission as a Christian University and is committed to maintaining an environment in which members of the University community can work together to further education and service. This policy provides guidelines for employees working at Howard Payne and their personal relationships at work.

This policy is not intended to discourage the interaction of employees with students or employees with co-workers where it is appropriate and ethical; however, it is intended to clarify that romantic or sexual relationships often create situations that lead to a hostile work environment, sexual harassment, sexual misconduct, conflicts of interest, favoritism, and low morale. Complaints from third parties concerning consensual relationships will be treated as sexual harassment complaints or sexual misconduct complaints and investigated accordingly.

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Employees are encouraged to socialize and develop professional relationships with other employees in the workplace, provided these relationships do not interfere with the work performance of either individual or with the effective functioning of other employees in the workplace. Employees who engage in personal relationships (including consensual romantic relationships) should be aware of their professional responsibilities and will be responsible for assuring that the relationship does not raise concerns about favoritism, bias, ethics and conflict of interest.

Employees who are aware of inappropriate relationships addressed in this policy should take immediate action to resolve the problem or report the matter to the appropriate Vice President. Failure to resolve or report inappropriate relationships immediately may lead to disciplinary action for the employee who knows about the relationship, but fails to report it. Supervisors have a leadership responsibility to ensure that employees do not violate their positions of trust or responsibility and to enforce these policies when violations occur.

It is the policy of the University that the following romantic or sexual relationships, even if they are consensual, are prohibited between an employee and:

- a. A student who may be enrolled in the employee's course
- b. A student under the employee's supervision
- c. An employee and a person under his/her supervision.

If employees believe they have been, or are being, adversely affected by inappropriate relationships, they are encouraged to contact the director of human resources. When relationships develop into situations that may be viewed as harassment or discrimination, employees should refer to the Policy Against Discrimination and Harassment.

In cases of doubt about a relationship, the employee should consult the appropriate Vice President. A violation of these policies by an employee is grounds for disciplinary action as described below.

### 2.6.3 Relationships with Students

**General:** Howard Payne is a student-centered institution, and all employees should always serve the best interest of students in a Christ-like manner.

**Student Privacy:** All employees shall respect the privacy rights of students. Employees shall not publicly disparage students. Employees shall comply with the Student Records – Confidentiality, Access, and Retention Policy regarding the confidentiality of student records.

**Communication with Students:** Oral, written, and electronic communications with students shall be professional at all times. *(Revised by the President May 14, 2018)*

**Personal Relationships:** Employees shall exercise extreme care in all interactions with students. Sexual advances and flirtation, even if not rising to the level of unlawful sexual harassment, are prohibited. Such relationships and conduct may have the effect of undermining the Christian atmosphere of trust on which the educational process depends. Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students there is always an element of power. It is incumbent upon those with authority not

to abuse, nor appear to abuse, the power with which they are entrusted. All employees shall comply with the Title IX Policy and the Policy Against Discrimination and Harassment. In cases of doubt about a relationship, the employee should consult the appropriate Vice President. A violation of these policies by an employee is grounds for disciplinary action as described below.

#### **2.6.4 Personal Postings on the Internet**

Each employee represents the University, both on and off campus when they use the Internet for public postings, including things posted on their own time. Employees should use good judgment at all times regarding their public Internet postings and realize they are creating impressions for themselves and the University (see Computer Information and Telephone Systems). Employees should ensure their public Internet postings are appropriate for an employee of a Christian University and consistent with the University Mission Statement. Violation of this policy may result in disciplinary sanctions up to and including termination.

#### **2.6.5 Disciplinary Action**

The University seeks to be redemptive in disciplinary actions affecting the lives of the individuals involved and to uphold the high moral standards of the Christian faith while requiring accountability from those involved.

As mentioned above, if a relationship is deemed inappropriate under these policies, the appropriate Vice President, after consultation with the director of human resources, will take appropriate action to address the situation. Actions taken may include, but are not limited to a written reprimand, mandatory counseling approved by the University at the employee's expense, or immediate termination from employment.

#### **2.6.6 Working with Minors**

All employees and volunteers working in University-sponsored programs that involve minors (under age 18), including University students involved in student teaching, must complete the University's Child Molestation Prevention Training prior to working with any minor and every two years, thereafter.

#### **2.7 Employee Disclosure of Arrests and Convictions**

An employee who is arrested for any type of felony offense or any misdemeanor crime involving moral turpitude must provide a signed, written notification to the human resources office within five business days of the arrest. Failure to report an arrest as required by this policy may result in disciplinary sanctions, up to and including immediate termination.

An employee who is convicted of or receives deferred adjudication for any type of criminal offense, other than a minor traffic offense, must provide a signed written report to the human resources office within five working days of the conviction or deferred adjudication. The employee shall provide a copy of the court's final judgment. Failure to report a conviction as required by this policy may result in disciplinary sanctions, up to and including immediate termination.

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Employees whose job description requires them to drive vehicles on behalf of the University, must report all traffic violations to the human resources office within ten days of the offense. Failure to report these violations may result in disciplinary action, including termination.

"Moral turpitude" as used in this policy includes, but is not limited to criminal and/or non-criminal acts involving: fraud; deceit; the use of profanity with other employees or students; theft; misappropriation of University property; misrepresentation of credentials; violence or assault; inappropriate relationships; sexual activity not consistent with the University's Christian nature and heritage, including but not limited to adultery or homosexuality; illegal use, possession, transfer, sale, or distribution of a controlled substance as defined in the Texas Health & Safety Code; public intoxication; driving while intoxicated; disorderly conduct; and abuse as defined in the Texas Family Code.

Being convicted of a crime or receiving deferred adjudication is not an automatic basis for termination. The University shall consider the following factors in determining what action, if any, is appropriate under the circumstances: nature and gravity of the offense, date of the offense, and relationship between the offense and the position to which the employee is assigned.

In the event that an at will employee is charged with a felony crime or a misdemeanor offense involving moral turpitude, the University may suspend the individual without pay pending a final determination on the charge. The University shall consider the available evidence regarding the charge and the relationship, if any, between the charge and the employee's position.

### **2.8 Outside Employment, Personal Gifts and Conflicts of Interest**

#### **2.8.1 Outside Employment**

Full-time employment at the University involves the commitment of the individual's time, energy and primary loyalty to the University. Employees shall not have a personal financial interest, a business interest, or other obligation (including outside employment) that in any way creates a conflict with the proper discharge of assigned duties and responsibilities or that creates a conflict with the best interests of the University.

All full-time and part-time employees with outside employment must disclose the outside employment to their supervisor. Faculty desiring to teach as an adjunct at another institution while employed at the University must secure prior written permission from the school dean and University Vice President for Academic Affairs.

Employees may not engage in outside activities during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.). The University will not reschedule classes or other assignments for the convenience of personnel with outside obligations.

#### **2.8.2 Personal Gifts**

To avoid conflicts of interests or unethical behavior, no employee or family member of an employee may solicit or receive personal gifts, favors, or services from vendors, potential vendors, or students of the University that might reasonably appear to influence the employee in the discharge of their official duties.

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Gifts may only be accepted if they have a nominal value less than \$75.00 and only on appropriate occasions (i.e., a birthday or holiday gift). Employees are cautioned not to accept any form of payment for, and may not sell to third parties, any information or property acquired from the University.

Employees are encouraged to seek assistance from a University officer or the director of human resources with any legal or ethical concerns regarding acceptance of a personal gift.

### **2.8.3 Conflicts of Interest**

Use of University resources for personal gain is a violation of University policy and may result in discipline, up to and including termination. Refer to the *Code of Employee Ethics and Conduct Policy* section 2.6.1.a..

Employees will use University resources to support the educational objectives of the University. An employee will not use facilities, property, work time of other University employees, the University's campus network (other than the electronic Bulletin Board), office supplies, equipment, and other college resources for personal gain, except as allowed by the Financial/Support Services policy in the *Howard Payne University Policies Adopted by the Board of Trustees*.

All employees involved with camps (see Camp policy) or providing services on behalf of outside organizations using University facilities, property or equipment must obtain prior written approval from the Vice President for Finance and Administration before any promotional activities can begin.

No faculty member, whether full-time or adjunct, shall accept a student as a client during a semester in which the student is enrolled in his/her class. Employees shall not advertise their services while instructing students or while performing other duties as an employee.

### **2.9 Dress Code**

Employee dress should be professional and characterized by modesty, conservatism, appropriateness, and good taste.

#### **2.9.1 General Dress Policy**

The University expects employees to reflect the mission of the University, a desire for professionalism and the appearance expected by University guests when determining what to wear to work. Based on these expectations, employees should consult their supervisor with any questions about what is appropriate to wear to work.

Business professional dress may be worn on casual dress days. In many instances, it may be necessary to wear professional dress during casual days (meeting with off-campus guests, receptions, etc.).

#### **2.9.2 Business Professional Dress**

Men shall wear suits/sport coats with slacks and neckties and appropriate shirts on days when special events (Preview days for prospective students, Board of trustee meetings, etc.) bring

guests to campus. Men in jobs where ties could be a hazard or a definite hindrance (e.g. installing computers) may wear open-collar shirts. Women should wear presentable dresses and skirts of modest length, pantsuits, or professional skirt suits.

### **2.9.3 Business Casual**

Business casual is the acceptable form of casual dress at the University. Emphasis should be on the business aspect of one's attire, not on the casual. Men may wear presentable slacks and open-collar shirts (including polo-type shirts). Jeans, t-shirts, shorts, cutoffs, sportswear (tank tops, sports jerseys, ball caps, jogging-type pants and shirts/jackets), sandals, flip-flops, and sports shoes are not appropriate business casual attire (an exception to this policy is for coaches involved in coaching their sport). Socks should be always be worn with shoes.

Flagrant violations of this policy may be cause for disciplinary action.

### **2.10 Normal Working Hours and Inclement Weather**

All full-time employees other than faculty must work a minimum of 40 hours per week (for faculty, see Faculty Matters section). Normal University hours are 8:00 a.m. to 5:00 p.m. Certain departments or positions may have other designated hours. Lunch time for non-exempt employees is 60 minutes in length and shall normally be taken from noon to 1:00 p.m. If an office must remain open during the normal lunch time, the department supervisor may designate a different lunch time for certain non-exempt employees.

Any long-term departure from this normal work and lunch schedule for non-exempt employees must have the prior written approval of the employee's supervisor and Vice President, and a copy of that approval on file in the human resources office.

#### **2.10.1 Reporting Absences and Job Abandonment**

All employees shall inform their supervisors with a telephone call (leaving a voicemail message if their supervisor does not answer) or text message when they will be absent from or late to work due to illness or other unforeseeable circumstance. Failure to give timely notification and obtain a reply from the supervisor approving the employee's absence may result in discipline, up to and including termination. Supervisors are required to attempt to contact employees who do not report to work in an attempt to determine and document the reason for their absence. If an employee is unable to call their supervisor regarding their absence from work, a relative of the employee can call on behalf of the employee.

An employee who fails to report for duty for two consecutive work days without notifying or contacting their supervisor will be deemed to have abandoned and voluntarily resigned their position at the end of the second day. The supervisor must provide written details to the human resources office documenting the supervisor's efforts to contact the employee who failed to report to work as described above. The human resources office will attempt to contact the employee to determine if there are any circumstances of which the supervisor was not aware, such as a medical issue or some other form of crisis that prevented the employee from contacting their supervisor, prior to formally terminating the employee.

Employees terminated for abandoning their job or call their supervisor to explain their absence may seek reinstatement by providing a written explanation to the Human Resources office describing why they were unable to contact their supervisor to report an unplanned absence. The Human Resources office will make a recommendation to the University President regarding reinstatement of a terminated employee. The President's decision on reinstatement is final.

### **2.10.2 Inclement Weather/School Closures**

As a matter of safety, should it be determined that weather conditions necessitate classes be canceled or offices closed, the President or his designee will make that determination by 6:00 a.m. on the day in question.

Students and employees will be informed of changes to class or work schedules by:

- a. University e-mail sent to all students and employees,
- b. University voice-mail sent to the campus voice-mail box and cell phone numbers of all students and employees. Text messages will also be sent to the cell phone numbers on file for all students and employees,
- c. A notice on the University website,
- d. Notifying all local radio and television stations of any changes.

Decisions on closing offices and canceling classes will be based on conditions in Brownwood around the main campus. Conditions near the campus could be acceptable, and yet be unsafe elsewhere. If students cannot travel to Brownwood under these conditions, they will be given the opportunity to make up any work missed. Likewise, if employees commuting to work determine driving conditions are not safe in their areas, they should notify their supervisor immediately. All employees should presume that all offices are open for normal business unless they are specifically instructed not to report to duty.

Decisions on closing offices and cancelling classes at the El Paso or New Braunfels centers will be made by the director of those centers in conjunction with the President.

In the event of a school closing, employees who are absent from work assignments shall receive their regular pay if one of the following conditions is met:

- a. The employee reports for duty and is subsequently sent home during the workday because of an inclement weather closing or other emergency; or
- b. The employee does not report to duty because of an announcement, prior to commencement of the workday, that the campus will be closed.

Employees whose positions require them to work when the University is closed for inclement weather do not receive additional compensation for working on those days. If a non-exempt employee does not report to work and no inclement weather closing has been announced, the absence shall be charged against the employee's accumulated vacation or emergency leave

unless there is no such leave or vacation time remaining, in which case the absence will not be compensated.

## **2.11 Attendance at Chapel and Local Church Activities**

All University offices will close for scheduled Chapel services. The dual purpose of this policy is:

- a. to emphasize the University's commitment to helping students engage the life of the mind and the life of the Spirit and,
- b. to support institution-wide spiritual development by giving all employees and students the opportunity to worship together.

To be supportive of University employees and students involved in local churches and Chapel, no University meetings, events or activities of any type may be scheduled on Sundays from 8:00 a.m. through 12:30 p.m. and 5:00 p.m. through 7:30 p.m. and during scheduled Chapel services as published in each semester's Chapel schedule. Exceptions may be approved by the President.

## **2.12 Employee Evaluations**

### **2.12.1 Evaluation of Staff Employees**

All staff employees, whether full-time or part-time, shall receive a written evaluation at least once a year. Upon receipt of a written evaluation, employees shall have the opportunity to prepare a written response to the evaluation. The employee's response shall be included in the employee's personnel file along with the evaluation. Responses shall be submitted to the employee's supervisor within seven business days of receipt.

### **2.12.2 Evaluation of Faculty**

The faculty evaluation policy is located in the Evaluation of Graduate and Undergraduate Faculty policy.

## **2.13 Eligibility to Work and Applications for Employment**

### **2.13.1 Employment Eligibility Verification**

In compliance with the Department of Homeland Security and Federal law, the University requires all new employees, including student employees, to complete an I-9 Employment Eligibility Verification Form. All employees, including student employees, are required to complete Forms I-9 before they begin working. The I-9:

- a. Establishes identity and eligibility to work in the U.S.,
- b. Must be completed before new employees start working,
- c. Must be accompanied by original documentation (as described on Form I-9) that establishes identity and employment eligibility when it is submitted to the human resources office.

The Form I-9 is not complete until acceptable, required, original documentation is presented and accepted by the University. The Department of Homeland Security prohibits the acceptance of copies, faxes or reproductions of any documents. International students must qualify for eligibility to work each semester.

### **2.13.2 Applications for Employment**

To be considered for employment by the University (excluding student workers employed through the Office of Student Financial Aid), an official University Employment Application must be completed and submitted to the human resources office. Individuals may not be interviewed for a job at the University unless their University Employment Application has been reviewed and approved by the director of human resources. The director of human resources is charged with ensuring applicants met all of the minimum requirements included in the Job Description and Position Announcement for any vacant position.

Employees of the University who want to be considered for other jobs at the University must submit an official University Employment Application to the human resources office, prior to interviewing for the job.

Applications are available on the University web site.

### **2.14 Employee Recruitment and Selection**

The human resources office serves as the facilitator for the employment of all personnel, including faculty. The human resources office should ensure that federal and state laws and University policies are followed and that all decision-makers are familiar with the non-discrimination laws included in this manual. The goal is to ensure consistency and equal treatment for all applicants regardless of the nature of the job for which they are applying. In essence, the human resources office should facilitate or assist with the process, while the hiring supervisors are responsible for recommending individuals for employment.

A Position Announcement shall be posted for at least two work days before a position is filled, unless the President makes an exception to this requirement. All original applications for employment must be received by the human resources office prior to any individual being interviewed for employment. Employment applications may not be accepted by any office other than human resources.

#### **2.14.1 All Employees**

All employees are required to abide by the *Howard Payne University Administrative Policies* and sign an acknowledgement confirming they understand that requirement. Only adults, 18 years of age or older may be full-time employees of the University. Only adults, 21 years of age or older may be employed in a job that requires them to drive any vehicle on behalf of the University. The procedures for recruiting and employing individuals will be posted at all times on the University's campus network. Pertinent excerpts from the Employment Policy for All Employees section of the *Howard Payne University Policies Adopted by the Board of Trustees* appear below:

### **Employment Policy for All Employees**

*The University shall seek to employ qualified persons for faculty and staff positions consistent with its published recruitment and selection procedures. The University shall attempt to screen applicants for suitability for employment by conducting a combination of reference and/or background checks on prospective employees. Only adults will be employed as full-time employees.*

*The University may discriminate on the basis of religion in employment in order to fulfill its mission. To that end, the University shall seek to employ professing Christians and may give preference to members of Baptist churches. The University may discriminate in employment on the basis of sex in those positions where the employee's gender is a bona fide occupational qualification necessary to the operation of the University.*

#### **2.14.2 Employment of Students**

No employee has authority to employ a student or to promise a specific rate of pay. All assignments of students to work on campus will be made through the Career Services office. The hiring of all student workers is coordinated by the Career Services Coordinator and Human Resources. No student may begin working for the University without authorization from Human Resources. To ensure a student's financial aid package is not adversely affected by working too many hours, student employees may not work for more than one department at a time.

All student work assignments are "at will" and may be terminated at any time for any reason, including unsatisfactory performance or misconduct.

Employees seeking to hire students who are not making satisfactory academic progress must obtain approval from the Vice President for Academic Affairs before the student can begin work. A student's failure to maintain satisfactory academic progress may result in cancellation of their work assignment.

Prior to starting any type of work for the University, each student must apply for a posted position through the Career Services Coordinator (see Student Employee section that follows for details).

Students employed by the University are subject to the same policies and rules applicable to regular employees of the University. Students must be made fully aware of their responsibility in maintaining the security of data and information, including information protected by the Family Educational Rights and Privacy Act and the Student Records – Confidentiality, Access, and Retention policy. Students who work in areas where confidential information is available must sign a form acknowledging their duty not to disclose confidential information to others. This form is available in the Career Services Coordinator's office. Supervisors must be vigilant in supervising student workers so office integrity and the confidential nature of information are protected.

At the end of each semester or term, the Career Services Coordinator will ask each supervisor of a student employee to evaluate the work done by the student(s) in their department. Supervisors are encouraged to discuss with the student the results of the evaluation.

Student employees must keep accurate time sheets showing the time they report to work and the time they leave. Time sheets must be turned in to the Office of Student Financial Aid by the dates specified in the published student payroll calendar.

Federal law requires all non-exempt student employees to accurately report all hours worked each pay period. Employees may not accumulate time sheets for hours worked in prior periods, for any reason. The employee's and their supervisor's signature on the employee's time sheet certify that all hours worked during the current pay period have been reported. The employee and their supervisor are subject to discipline, up to and including termination for failing to report all hours worked.

Student employees may not volunteer to work overtime without receiving compensation.

### **2.14.3 Nepotism Policy**

No employee may supervise or be supervised by (either directly or indirectly) another person related to them by blood or marriage.

Relatives may work in the same department if no direct or indirect supervisory relationship exists (includes reporting through subordinate supervisors). Where relatives are employed in the same department, the promotion of one employee to a supervisory role (either directly or indirectly) over their relative would require that relative to transfer to another department if a vacant position exists for which the relative is qualified to work, or resign from the University. Other persons living in the employee's place of residence are also prohibited from working in the same department where the employee works if one of the individuals directly or indirectly supervises the other.

No exceptions will be made to this policy without the prior written approval of the President.

### **2.14.4 Employees and Volunteers Working with A Child**

A child is defined by the Texas Administrative Code, Title 25, Part 1, Chapter 1, Subchapter Q, Rule 1.203 as a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

All employees and volunteers who work with a child as part of any program sponsored by the University, including any summer camp, regardless of its location, is required to complete the Child Protection Training Course provided by the University and pass the test following the course prior to being allowed to work with any child. All employees and volunteers who work with a child, must also agree to a background check every two years. The human resources office is administratively responsible for providing the training course.

### **2.14.5 Updating Personal Information**

In order to properly communicate employment information and administer employee benefits, the University must maintain current and accurate records on all employees. Consequently, it is important that employees notify the Human Resources office whenever changes occur to any of the following personal information:

- Name
- Address
- Telephone number
- Marital status
- Change in dependent status
- Person to notify in case of accident or illness
- Insurance beneficiary
- Military status
- Death of a family member
- Jury duty assignments
- Planned resignation
- Planned retirement
- Personal injury or illness sustained while on the job
- Accommodations for temporary or permanent disability
- Leaves of absence (including planned or actual absence for a medical condition that may last more than three consecutive days or involve medical treatment)

## **2.15 Employee Background Checks and Investigations**

### **2.15.1 Applicants**

All applicants are subject to a background check before being offered unconditional employment. In most cases, the background check will be completed before the candidate begins employment. Adverse information in a background check may result in the withdrawal of the conditional job offer. If it is critical that a candidate begin employment prior to the completion of the background check, continued employment is contingent upon successful completion of the background check.

### **2.15.2 Current Employees**

Current employees are subject to a background check during investigations of alleged wrongdoing. The University also reserves the right to conduct new or updated background checks on internal applicants for promotion, transfer or reclassification.

Current employees who drive any vehicle on behalf of the University, including their personal vehicle, must authorize the University to conduct a Motor Vehicle Records check on an annual basis in order for the employee to continue to be eligible to drive on behalf of the University. (See also section 4.12 Travel on University Business.)

### **2.15.3 Written Notice and Authorization**

The University complies with current federal law when conducting background checks. Before conducting a background check for employment purposes, the human resources office must receive a written authorization from the applicant or employee using a federally approved form.

As required by law, the human resources office shall notify the applicant or employee if the University intends to make an adverse decision based on information obtained through a background check. The human resources office shall maintain forms for this purpose that complies with current federal law.

The University cannot anticipate all the types of information that may be revealed during a background check or investigation. When evaluating adverse information revealed during an investigation, the human resources office shall ensure that consistent standards are applied when making decisions based upon that information.

## **2.16 Employee Classification and Benefits Eligibility**

### **2.16.1 President**

The President is employed by the Board of Trustees and serves according to the terms of the contract issued by the Board of Trustees.

### **2.16.2 Full-time Faculty**

Full-time faculty has a normal teaching load of 24-27 semester hours or its equivalent during the nine-month academic year (see the Normal Teaching Load policy). Employment contracts are issued to all full-time faculty as determined by the President. Full-Time Faculty are paid in accordance with the Fair Labor Standards Act (FLSA). All benefits, other than paid vacation leave, approved by the Board of Trustees are available to full-time faculty. All full-time faculty are subject to assignment or reassignment by the President or his designee at any time, unless the faculty member's contract specifically requires employment in a particular position and specifically precludes reassignment. The contract types are as follows:

- a. Nine-Month Contract: issued to full-time faculty only. No paid vacations are provided, but the employee is eligible to be paid for official holidays occurring during the contract period.
- b. Ten and One-Half-Month Contract: issued to deans and certain other employees as approved by the President. Such employees are paid for official holidays occurring during the contract period.
- c. Twelve-Month Contract: issued to full-time faculty serving in unique assignments as approved by the President. Such employees also shall receive pay for all official holidays occurring during the contract period.

### **2.16.3 Full-Time Staff and Coaches**

#### **2.16.3.a. Full-Time Staff**

Full-time staff, including both exempt and non-exempt staff, is employed in a non-teaching job for a minimum of 40 hours per week. All benefits approved by the Board of Trustees are available to full-time staff. All full-time staff is subject to assignment or reassignment by the President or his designee at any time. Full-Time Staff are paid in accordance with the Fair Labor Standards Act (FLSA).

#### **2.16.3.b. Full-Time Coaches**

Full-time coaches are employed in a full-time position, for a minimum of 40 hours per week. Full-Time Coaches are paid in accordance with the Fair Labor Standards Act (FLSA). All benefits approved by the Board of Trustees are available to full-time coaches. All full-time coaches are

subject to assignment or reassignment by the President or his designee at any time. Due to the unique nature of the schedules of intercollegiate athletics, most duties performed by full-time coaches occur during the fall and spring semesters at the University. Each coach's actual work schedule during the fall and spring semesters and during the summer will be coordinated by the Director of Athletics.

#### **2.16.4 Adjunct Faculty**

Adjunct faculty is exempt, part-time faculty employees who teach as needed by the University. Adjunct faculty may not teach more than 8.7 credit hours per term. This includes both undergraduate and graduate classes taught during the same term. Adjunct Faculty are paid in accordance with the Fair Labor Standards Act (FLSA). Due to federal law dealing with benefits, adjunct faculty may not work more than twenty-nine (29) hours per week (includes class time, preparation, required office hours or committee assignments) or 999 hours in any calendar year. No employee benefits other than those required by federal or state law are earned by these employees.

To protect University property and student's personally identifiable information, adjunct faculty will have their network systems access turned off and they must follow the University's Check-Out procedure to turn in their keys as they turn in their semester/term grades when they are not teaching or not expected to teach in the semester/term immediately following the one that just ended.

#### **2.16.5 Part-Time Employees**

##### **2.16.5.a. Permanent Part-Time Employees**

Permanent part-time employees may serve in exempt or non-exempt jobs, normally working at least 20, but not no more than 30 hours per week on a continuous basis, with no set completion date. Permanent part-time employees may participate in the University's optional retirement plan, but they do not receive any employee benefits other than those required by federal or state law. Permanent part-time employees may not work in more than one department at a time without prior written approval from the President. They are paid in accordance with the Fair Labor Standards Act (FLSA). While permanent part-time employees may occasionally work 40 or more hours in a particular workweek, or in a series of workweeks, that by itself will not change their regular schedule. In such a case, the University will give affected employees as much advance notice as possible of their new regular schedules and will advise employees of the effect of such changes on their eligibility for University benefits. All permanent part-time employees are subject to assignment or reassignment by the President or his designee at any time.

##### **2.16.5.b. Temporary Part-Time Employees**

Part-time employees serve in a non-exempt job, normally working no more than 20 hours per week on a continuous basis, with no set completion date. Temporary part-time employees do not receive any employee benefits other than those required by federal or state law. Temporary part-time employees may not work more than twenty-nine (29) hours per week or 999 hours in any calendar year. Temporary part-time employees may not work in more than one department at a time without prior written approval from the President. Pay will be on an hourly basis at the current rate set by the University for part-time employee positions. They are paid in accordance

with the Fair Labor Standards Act (FLSA). While temporary part-time employees may occasionally work 40 or more hours in a particular workweek, or in a series of workweeks, that by itself will not change their regular schedule. In such a case, the University will give affected employees as much advance notice as possible of their new regular schedules and will advise employees of the effect of such changes on their eligibility for University benefits. All part-time employees are subject to assignment or reassignment by the President or his designee at any time.

### **2.16.6 Part-Time Graduate Employees**

The University provides opportunities for graduate students to serve as a non-exempt part-time graduate employee (hereafter, GE) in order to receive enhanced learning opportunities. The appointments are available to graduate students who are not otherwise employed by the University, and are concurrently enrolled in a graduate program offered by the University. Appointments are available only during the University's regular fall and spring semesters. Appointments are not available to students on academic probation.

Typically, one GE appointment will be offered for each five students fully enrolled in the various graduate degree programs of the University (i.e. total number of graduate students enrolled). The availability of a GE appointment is not tied to enrollment in any particular graduate degree program.

Students who receive a GE appointment must be enrolled full-time in a University graduate degree program. Full-time is defined as:

- a. nine graduate hours in a normal semester, or a total of nine credit hours between two eight-week terms, or
- b. for the Sport and Wellness Leadership Program, taking all six credit hours being offered each semester.

The GE must be in good academic standing while serving as a GE. GE appointments must include at least ten hours of work per week and cannot exceed 19 hours per week. Students granted appointments are not permitted to reduce their course load to less than nine hours (six credit hours in an eight-week term) and retain the appointment, except in the GE's final semester/term before graduation.

#### **2.16.6.a. Guiding Principles for Hiring GEs**

GEs should satisfy one or more of the following principles:

1. GE appointments should attract students who would not have otherwise attended the University,
2. GEs should fill a critical role that enhances the University,
3. GEs should have an academic record of distinction and admission test scores or should have special talents/skills associated with the academic discipline in which they serve,

4. GEs should advance a goal of the University (e.g. recruitment of graduate students),
5. GEs should do work that requires graduate-level knowledge skills and disposition.

#### **2.16.6.b. GE Appointment Policy**

The University's GE appointments are designed to enhance the research, teaching, and service responsibilities of the University and to provide students with valuable professional development opportunities while earning a graduate degree. The graduate appointment involves the dual responsibilities of maintaining a satisfactory academic performance and of success fully performing the assigned responsibilities. GE appointments provide compensation for services rendered.

#### **2.16.6.c. Eligibility Requirements**

1. The student must be accepted unconditionally in an approved graduate degree program at the University.
2. For the second-year student, satisfactory progress toward the degree must be evidenced by at least a 3.0 cumulative grade-point average.
3. Students must be eligible to work in the United States and cannot exceed any hourly limitations placed on them by a visa.

#### **2.16.6.d. Appointment Procedures**

1. The hiring supervisor will solicit graduate students eligible for appointments.
2. The hiring supervisor will follow the University's normal hiring process for hiring part-time non-exempt employees. In addition to the normal process, the hiring supervisor will submit the appropriate Part-Time Graduate Employee Agreement and Release Form for graduate appointment, have the GE sign the form and forward the form to the appropriate Vice President. That Vice President will forward copies of the form to the Registrar's Office, the Controller's Office and Human Resources. The supervisor in the department where the GE is employed, will submit a Payroll Authorization form to the Human Resources office authorizing payment to the GE.
3. Applicants will be notified if their appointment has been approved no later than the beginning of each term of enrollment.
4. Human resources arranges with the student to complete the hiring process.
5. Appointments are made for one semester (fall or spring) and are not automatically renewed. A request for an appointment must be completed for each semester an appointment is requested.

### **2.16.6.e. Academic Responsibilities**

The GE must enroll and earn credit for six graduate credit hours in a normal semester (or three credit hours in an eight-week term) in which the appointment is held. An exception to the minimum number of hours listed above may be made during the GE's final semester if less than six hours are needed to graduate. An overall grade-point average of 3.0 must be maintained in order to continue as a GE.

### **2.16.6.f. GE Classification**

All GEs are classified as non-exempt employees according to the federal Fair Labor Standards Act (FLSA). A GE may not work or be paid as any other employment classification at the University during the same month in which they either worked or were paid as a GE.

### **2.15.6.g. Length of Appointments**

A graduate student may be appointed as a GE on a semester-by-semester basis or on a month-to-month basis. A semester-by-semester appointment begins on the first day of classes and ends on the last day of exams. GEs employed on a month-to-month basis can begin work on any business day during the month.

### **2.16.6.h. Duties and Responsibilities**

1. A GE must work at least ten (10) but no more than nineteen (19) hours per week.
2. The department supervisor where the GE is assigned sets the student's schedule.
3. The employing department will work with the Human Resources office to provide a job description describing the GE's specific duties and responsibilities prior to any work being performed.
4. GE's employed by the athletic department and performing coaching duties related to a NCAA sport may volunteer their time in excess of the maximum 19 hours per week they may work in order to travel with the team to games during the season. However, the GE may not be required, expected, or allowed to perform any work while accompanying the team. If they work while accompanying the team, they must be paid.

### **2.16.6.i. Compensation**

GEs are non-exempt, part-time employees paid by the hour, based on submission of hours worked approved by their assigned supervisor. Pay rates are at least the federal minimum hourly wage, but may be adjusted based on the student's experience and responsibilities specific to the appointment as budgeted for and approved in advance by the Vice President for Academic Affairs and Vice President for Finance and Administration. Except for approved tuition waivers, GEs are ineligible for any employment benefits, other than those required by law.

### **2.16.6.j. Tuition Rates for GE appointments**

The GE program requires graduate students to pay the normal tuition for the graduate program in which they are enrolled. The student also pays the various fees as presented in the University's fee schedule.

### **2.16.6.k. Tuition and Housing Waivers**

A waiver equal to 50% of the cost of tuition may be awarded. Athletic department GEs may apply for free housing in the Smith Bell duplexes or in a residence hall through the Vice President for Student Life and Dean of Students. Waivers are not available for any other cost of attendance.

GE tuition waivers cannot be applied to the student's account after the last day to register for classes in the term during which the GE will begin working. The amount of tuition waivers awarded in a calendar year in excess of the limit established by the IRS will be reported as taxable wages to the GE on form W2.

### **2.16.6.l. Resignation or Termination**

A GE choosing to resign or terminate his/her employment must submit a letter of resignation to the departmental supervisor stating the resignation is voluntary. Failure to perform the duties assigned by the supervisor satisfactorily may result in the termination of the appointment.

### **2.16.7 Student Employee**

University students enrolled in a minimum of six credit hours, may be employed in a non-exempt job involving no more than four months of continuous, compensated service, working a maximum of 20 hours per week and having a set completion date at the end of each semester for which they are employed. Student employees may work in only one department during a semester, unless prior written approval is obtained from the Director of Student Financial Aid. Student employees receive no benefits other than those required by federal or state law. Students are paid the current federal minimum wage on an hourly basis in accordance with the Fair Labor Standards Act (FLSA), unless they are employed in a job requiring special training and skills, justifying a higher hourly wage. Paying a student more than the minimum wage must be approved in writing by the Vice President, director of student financial aid and director of human resources, prior to work being performed. All student employees are subject to assignment or reassignment by the President or his designee at any time.

### **2.16.8 "Self-Employed" Individuals (Ministerial)**

The IRS does not recognize self-employed individuals as employees of the University. The following policy applies to employees who are eligible to be designated as a self-employed minister, only if:

- a. The employee is ordained by a Baptist church as a minister of the gospel, and
- b. The employee has been a full-time member of the faculty or administrative staff of the University without a break in service since June 1, 2008, and was already claiming this designation as of that date.

The University will pay all employees as a regular employee unless:

- c. The employee meets the two eligibility criteria above, and
- d. The employee submits a written request to the human resources office to be paid as a self-employed minister and provide the University a letter on the letterhead of the church where the employee worships, signed by the pastor and chairman of deacons, stating the eligible employee is ordained by a Baptist church as a minister of the gospel. The letter becomes a permanent record of the University.

The housing allowance must be requested annually by eligible employees who must submit a Housing Allowance form to the human resources office by December 15. The form shows the employee's estimate of the housing expenses he will incur in the next calendar year. Upon approval by the University, the housing allowance amounts will be reflected beginning with the employee's pay in January of the following year.

If eligible employees do not submit the Housing Allowance form by December 15, the employee will not qualify for the housing allowance for the following calendar year.

If employees have any questions regarding this policy, please contact the human resources office. If employees have any questions regarding taxes, they should consult their lawyer or tax adviser. This policy is for general information only and should not be relied upon as tax advice.

## **2.17 Compensation**

All employees are classified as either "exempt" or "non-exempt" for purposes of the Fair Labor Standards Act. Exempt employees are paid a monthly salary on the last working day of the month. Non-Exempt employees are paid bi-weekly based on the hours worked during the pay period.

All non-exempt employees (including student employees) are paid on an hourly basis and are eligible for overtime compensation at time and a half for all hours worked over 40 hours in a workweek. Non-exempt employees may not exceed 40 hours in a workweek without prior approval from their supervisor. Non-exempt employees who work unauthorized overtime are subject to discipline, up to and including termination. Federal law requires all non-exempt employees (including students) to report accurately all hours worked each pay period.

Non-exempt employees must complete and submit an electronic time sheet via the University's payroll system according to the published payroll schedule for approval by their supervisor. Non-exempt employees may not accumulate time for hours worked in prior periods for any reason. The employee's and their supervisor's electronic processing of the employee's time sheet certify that all hours worked during the current pay period have been reported. The employee and their supervisor are subject to discipline, up to and including termination for failing to report all hours worked.

Supervisors may not require non-exempt employees to use a computer, smartphone, tablet or any other electronic device to perform work outside the normal work day without reporting the time spent working on their time sheet. Non-exempt employees should not use any electronic device to perform work outside their normal work day without the prior written approval of their

supervisor and any such time must be reported on the non-exempt employee's time sheet as compensable time.

Paid holiday hours, sick leave hours, and vacation leave hours do not count as time "worked" within a workweek for determination of overtime pay.

Employees may not volunteer to work overtime without receiving compensation.

The University will make deductions from an employee's pay as required by federal or state law and for the cost of benefits elected by the employee.

## **2.18 Direct Deposit and Pay Dates**

As a condition of employment, all employees are required to enroll for direct deposit of their pay. The direct deposit system allows the employee to deposit their pay to banks, savings and loans and credit unions of their choice. Using direct deposit avoids complications and delays when an employee is not able to pick up their paycheck on pay day. Employees will not be paid prior to the pay dates listed in the published payroll schedule.

To help protect banking information, an *Authorization Agreement for Automated (Direct) Payroll Deposits* form must be delivered to the Human Resources office and signed in the presence of a Human Resources staff member. The Human Resources staff will not accept or make changes to an employee's banking information unless the employee brings a new form to Human Resources. Employees must attach a blank deposit slip or voided check for each account to which pay is deposited. Employees at the El Paso and New Braunfels Centers and adjunct faculty who teach online courses not requiring them to be on the Brownwood campus may submit their direct deposit information through the University's campus network. Email must never be used to transmit banking information.

The University is not responsible for and is not obligated to reimburse pay stolen because an employee provided their banking information to anyone other than the Human Resources staff or by any means other than those described above. *(Updated by the Interim President, January 9, 2019)*

Paystub information for each pay period is available online to all employees through the University's campus network. Non-exempt employees are paid biweekly according to the published payroll calendar for non-exempt employees. Full-time faculty is paid in twelve monthly installments for services provided under the terms of their Faculty contract. Exempt employees are paid on the last working day of each month.

Current payroll schedules for all employee classifications are available on the University's campus network.

## **2.19 Holiday Schedule**

All full-time employees receive paid time off for twenty-four days of official holidays observed by the entire University. Official University holidays are as follows:

# ADMINISTRATIVE POLICIES of HOWARD PAYNE UNIVERSITY

Updated August 29, 2023

These policies supersede all other previous Administrative Policies

<b>HOLIDAY</b>	<b>LENGTH</b>	<b>DAYS OF THE WEEK</b>
Independence Day	1 day	Designated Annually
Labor Day	1 day	Designated Annually
Fall Break	1 day	Designated Annually
Thanksgiving	3 days	Wednesday, Thursday, and Friday
Christmas	10 days	Designated Annually
Spring Break	5 days	Monday through Friday
Easter	1 day	Good Friday
Memorial Day	1 day	Designated Annually

All University offices will be open on the following holidays. However, full-time employees may choose one of the following days as a floating holiday after consultation with and prior written approval by their supervisor and their Vice President on a Leave Request Form.

## Holiday

Martin Luther King, Jr. Day – 3<sup>rd</sup> Monday in January  
Presidents' Day – 3<sup>rd</sup> Monday in February  
Cesar Chavez Day – March 31<sup>st</sup>  
Columbus Day – 2<sup>nd</sup> Monday in October  
Employee's Birthday  
Optional day – any other day than listed above

Should a holiday covered by this policy fall on a Saturday, the University will observe the preceding Friday as the holiday. Should the holiday fall on a Sunday, the University will observe the following Monday as the holiday.

### **2.19.1 Holiday Pay – Non-Exempt Employees**

If a non-exempt employee is required to work during an official holiday observed by the University, that employee's supervisor must obtain prior written approval from the appropriate University officer, authorizing the work and additional compensation for the hours worked. Hours actually worked on an official holiday are paid in addition to the employee's paid time off for the holiday at the employee's regular hourly pay rate.

### **2.20 Vacation Policy**

#### **2.20.1 Vacation Policy for Full-Time Staff**

Eligible employees earn 80 hours (10 days) of vacation per year. Vacation may accumulate above 80 hours for 30 days after an employee's first anniversary date. Thirty days after the employee's first anniversary date, the employee forfeits any unused vacation in excess of 80 hours and the maximum hours of vacation an employee can accumulate thereafter is 80 hours. Eligible employees may request to take up to 80 hours of earned vacation leave in any twelve-month period. After 90 days of service, a full-time staff employee is eligible to request and use accrued vacation leave if their request is approved by their supervisor. Vacation leave must be earned before being taken. For purposes of this policy, an eligible employee begins accruing vacation leave on their first day of employment, as follows:

Non-exempt employees – 3.078 hours per payroll (26 payrolls per year)

Exempt staff employees – 6.667 hours per payroll (12 payrolls per year)

Vacation time earned but not used has no cash value. An employee who resigns, retires, or who is terminated will not receive compensation for unused vacation time. The estate of an employee who dies while employed by the University will be paid for the deceased employee's accrued but unused vacation.

Employees must receive approval from their supervisor before scheduling and taking vacation time. Vacation requests must be submitted in writing in advance of the desired vacation date. The University reserves the right to reject requests for vacations during critical times at the University, including but not limited to, registration, beginning of the semester, end of the semester, and graduation.

Supervisors will consider the operational and instructional needs of the University when creating vacation schedules.

In the event of conflicting vacation requests, supervisors shall use seniority as the primary factor in resolving any conflicts.

## **2.20.2 Vacation Policy for Contract Employees (Excluding Faculty on Nine-Month Contracts)**

Employees working under the terms of 10½ month contracts do not earn paid vacation leave.

## **2.20.3 Prohibition of Donating Vacation Leave**

Employees may not donate accrued vacation time to other employees.

## **2.21 Other Leave and Absences**

### **2.21.1 Jury Duty and Subpoenas**

Time off with pay and without charge to leave will be granted to employees who serve on juries or who receive subpoenas to testify in a legal proceeding in state or federal court. Leave should be limited to that part of each day required for actual jury or witness duty. The employee shall provide reasonable advance notice to his or her supervisor of receipt of a jury summons or subpoena.

### **2.21.2 Family and Medical Leave**

Employees must make two initial calls to request taking FMLA leave. The employee must speak (not merely leave a voicemail) with their direct supervisor prior to their normal time to report to work, or as soon as practicable, to enable the supervisor to cover for the employee's absence. The employee must also speak with someone in the Human Resources office as soon as practicable during normal working hours (leaving voicemail is not acceptable) to report the need for FMLA leave. If the employee does not make the second call to Human Resources, the leave is not covered by the FMLA, and therefore it is unexcused. After the employee makes the two

calls, they can use email to confirm their conversations and process documents required by FMLA.

Under the Family Medical Leave Act (FMLA), full-time employees of the University are eligible for up to 12 weeks of unpaid family and medical leave during any 12-month period.

**Concurrent use of paid leave:** Employees will be required to use any accrued and unused vacation leave, sick leave, workers' compensation, or other paid leave concurrently with the taking of FMLA leave.

**No accrual of paid leave:** Employees do not accrue paid emergency leave, vacation leave, or sick leave while they are off work on FMLA leave.

### 2.21.2.a. FMLA Eligibility Requirements

Under federal law and University policy, to be eligible for FMLA benefits, an employee must:

1. Have worked for the University for a total of 12 months,
2. Have worked at least 1,250 hours over the previous 12 months, and
3. Work at a location in the United States where at least 50 employees are employed by the University within 75 miles.

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement exists concerning the University's intention to rehire the employee after the break in service.

### 2.21.2.b. Leave Entitlement

An eligible employee is entitled to up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- a. For the birth and care of a newborn child of the employee,
- b. For placement with the employee of a son or daughter for adoption or foster care,
- c. To care for the following family members with a "serious health condition":
  1. Legal spouse of the opposite sex,
  2. Son or daughter under the age of 18 (unless they are incapable of self-care because of mental or physical disability that limits one or more of the major life activities as those terms are defined in regulations issued by the Equal Employment Opportunity Commission under the Americans With Disabilities Act), or

3. Parent (excludes a parent “in-law”)
4. To take medical leave when the employee is unable to work because of a “serious health condition”, or
5. For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

### **2.21.2.c. Serious Health Condition**

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care, or
- b. Continuing treatment by a health care provider, which includes:
  1. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
    - i. Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven days and both within 30 days of the first day of incapacity), or,
    - ii. One treatment by a health care provider (i.e., an in-person visit within seven days of the first day of incapacity) with a continuing regimen of treatment (i.e., prescription medication, physical therapy), or
  2. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence, or
  3. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence, or
  4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment, or
  5. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

The University will grant an eligible employee who is a legal spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the military service member.

A husband and wife who are employed by the University are limited in the amount of Family Medical Leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered military service member with a serious injury or illness is also used) for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement. The husband and wife may not take Family Medical Leave simultaneously without written certification from a physician or other licensed medical provider stating the wife has a serious health condition.

#### **2.21.2.d. Intermittent Leave**

Under some circumstances, employees may take FMLA reduced or intermittent leave, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule. FMLA leave may be reduced or taken intermittently whenever it is medically necessary to care for a seriously ill family member or because the employee is seriously ill and unable to work. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the University's operations, subject to the approval of the health care provider. In such cases, the University may transfer the employee temporarily to an alternative job with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular job.

#### **2.21.2.e. Employee Notice**

Employees seeking to use FMLA leave are required to provide a written request to the appropriate administrative supervisor and to the human resources office at least 30 days prior to the commencement of leave in cases where the leave is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable, generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the University as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the University's usual and customary notice and procedural requirements for requesting leave.

The University may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a physician or other licensed medical provider. The University may require second or third medical opinions (at the University's expense) and periodic recertification of a serious health condition. The University may use a health care provider, a human resource professional, a leave administrator, or a management official, but not the employee's direct supervisor, to authenticate or clarify a medical certification of a serious health condition. The University requires employees returning from leave for their own serious health condition to submit a certification from a licensed health care provider that they are able to resume work. If reasonable safety concerns exist, the University may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

Following an employee's request for FMLA leave, the human resources office shall provide the employee with a medical certification form and instructions on what information is needed and when the form must be returned. Leave may be delayed and ultimately denied if the employee fails to provide the medical certification as requested by the human resources office.

Health care providers who qualify under federal regulations to provide certification of a serious health condition for an employee or an immediate family member include: doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and nurse practitioners and nurse midwives authorized to practice under state law.

If the certification is complete and the University questions its validity, it may not ask for additional information from the health care provider but must instead require a second opinion at the University's expense. Recertification may be requested at reasonable intervals but not more often than every 30 days unless there is a change in circumstances.

Employees must provide sufficient information for the University to reasonably determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave for a FMLA qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA qualifying reason for which the University has previously provided the employee FMLA protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

When an employee requests FMLA leave or the University acquires knowledge that leave may be for a FMLA purpose, the University must notify the employee of his or her eligibility to take leave, and inform the employee of his/her rights and responsibilities under FMLA. When the University has enough information to determine that leave is being taken for a FMLA qualifying reason, the University must notify the employee that the leave is designated and will be counted as FMLA leave.

#### **2.21.2.f. Health Benefits**

During the leave period, the University will continue to pay its share of the employee's premium payments under Howard Payne's group health insurance plan. The employee will continue to pay his/her portion of the health insurance premium. The employee must reimburse the University its portion of the premium payments if he or she does not return to work at the expiration of the leave period and work full time a minimum of six months.

#### **2.21.2.g. Return to Work**

Upon return from leave, the employee is entitled to his or her former position or an equivalent position with equivalent pay and benefits. However, the University may, in its discretion, deny an employee who is among the highest paid ten percent of the University's personnel the right to

return to his or her job if the denial is necessary to prevent substantial and grievous economic injury to the operations of the University. Employees will be notified at the commencement of their leave if they have been designated as key personnel under this paragraph.

An employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave. An employee has no greater right to restoration to a position or to other benefits and conditions of employment than if the employee had been continuously employed.

Except in circumstances in which an employee has been approved to take intermittent or reduced hour leave, employees who are approved to take Family and Medical Leave are prohibited from engaging in any employment with another employer. Employees found in violation of this policy are subject to disciplinary action up to and including termination.

**2.21.2.h. FMLA Forms and Procedures** - For details about the FMLA and for copies of medical certification forms required by this policy, employees should contact the human resources office.

### **2.21.3 Sick Leave, Bereavement Leave and Disability Leave**

#### **2.21.3.a. Accrual and Use**

All full-time employees accrue sick leave as follows:

Non-exempt employees accrue 3.69 hours per payroll (26 payrolls per year)

Exempt employees accrue 8.0 hours per payroll (12 payrolls per year)

Unused sick leave may be accumulated up to 180 work days (1,440 hours) to coincide with the elimination period on the University-provided long-term disability insurance policy and may be carried forward from year to year. The employee and the employee's supervisor are responsible for submitting a completed Leave Request Form to the human resources office to account for all sick leave hours used by the employee.

Employees seeking to use paid sick leave in excess of three consecutive work days must provide the human resources office a written physician's statement upon returning to work.

Sick leave that has been earned but not taken has no cash value and is not paid to the employee upon termination, resignation, or retirement. Employees who have resigned may not take sick leave without a written physician's statement confirming their illness during the last two weeks prior to their date of resignation.

Sick leave may be used for absences due to personal illness, the illness of an immediate family member or death in the immediate family. "Immediate family" is defined as the employee's legal grandparents, parents, brothers, sisters, children, or spouse of the opposite gender.

Up to three days of accrued sick leave may be used as bereavement leave for the death of the employee's grandparents, mother-in-law or father-in-law. Up to ten days of accrued sick leave may be used as bereavement leave for all other members of the employee's immediate family.

## ADMINISTRATIVE POLICIES of HOWARD PAYNE UNIVERSITY

Updated August 29, 2023

These policies supersede all other previous Administrative Policies

A non-exempt employee who has exhausted his or her accrued sick leave/bereavement leave shall receive an appropriate reduction in pay for all subsequent absences.

An exempt employee who has exhausted his or her accrued sick leave/bereavement leave shall receive a reduction in pay for all absences of one or more full days of work. An exempt employee who misses part of a work day shall not receive any reduction in pay.

A non-exempt employee may not use sick leave while simultaneously being paid or receiving compensation from workers' compensation, disability insurance, or other similar sources. Employees shall reimburse the University for all amounts received in violation of this policy. Employees who knowingly violate this policy shall be subject to discipline, up to and including termination.

The University may make a deduction from an exempt employee's salary for the employee's full day absences due to disability (including work-related accidents) provided the deduction is made in accordance with a bona fide plan, policy, or practice of providing wage replacement benefits for such absences. Deductions may also be made for the exempt employee's full day absences due to disability before the employee has qualified for the plan, policy, or practice or after the employee has exhausted the leave allowance under the plan. The University is not required to pay any portion of the exempt employee's salary for full-day absences for which the employee receives compensation under the plan, policy, or practice. The University may make deductions from an exempt employee's pay for absences of one or more full days if wage replacement benefits are provided under a state disability insurance law or under a state workers' compensation law.

### **2.21.3.b. Donating Sick Leave Hours**

Employees with at least 120 hours of accumulated sick leave may donate a maximum of 40 hours of their sick leave per calendar year to other employees who have exhausted all of their accumulated leave and remain off work without pay for reasons other than injury related to a worker's compensation claim.

Recipients of donated sick leave may receive a maximum donation equal to the amount of sick leave necessary for the employee to continue being paid until they are able to return to work, plus five additional sick leave days. Donated sick leave in excess of this maximum will be credited back to the donor's accumulated sick leave balance. When multiple donors are involved, the amount of donated leave credited back to the donors will be made on a percentage basis.

Recipients of donated leave who are off work in excess of three consecutive work days must provide a written physician's statement to the human resources office that describes the employee's condition and includes a date on which the employee will be reevaluated to determine when the employee can return to work with or without restrictions.

Recipients of donated sick leave are subject to disciplinary action, including termination of employment if the University determines the employee misused donated sick leave.

### **2.21.4 Pregnancy and Parental Leave of Absence**

#### **2.21.4.a. Pregnancy –Related Conditions**

If an employee is temporarily unable to perform her job due to pregnancy, the University must treat her in the same manner as it would any temporarily disabled employee. Pregnant employees may use accrued paid sick leave and other paid leave for pregnancy-related conditions. Pregnant employees must be permitted to work as long as they are able to perform their jobs.

Under the Family and Medical Leave policy, eligible employees may seek up to 12 weeks of unpaid leave under the Family Medical Leave Act to care for a newborn child, adopted child, or child placed in foster care. Employees who qualify for leave under the Family and Medical Leave policy shall use all available paid leave (including accrued emergency leave, sick leave, and vacation leave) concurrently with the unpaid leave in order to receive compensation while on Family Medical Leave.

#### **2.21.4.b. Nursing Mothers**

The 2010 Nursing Mothers Amendment to the Fair Labor Standards Act (FLSA) enacted as part of the Healthcare Reform Law. As a result, the University provides unpaid, reasonable break time of up to thirty minutes for an employee to express breast milk for her nursing child for one year after the child's birth, each time such employee has need to express milk. The University has designated the nurse's examining room in Jennings Hall as the location where nursing mothers can express breast milk. Time spent getting to and from the nurse's office is included in the thirty-minute break time mentioned above.

#### **2.21.5 Military Leave**

The University complies with the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable Texas laws pertaining to military leave. As the laws change, or as interpretations of the laws change, military leave benefits for University employees may change accordingly. No attempt is made in this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active duty. Therefore, as military leave situations arise, employees should consult with their supervisor and/or human resources for current and complete details regarding their military leave rights as a University employee and should make sure the human resources office is contacted regarding any continuation of benefits issues.

In accordance with USERRA, University employees who perform service in the uniformed services as defined by USERRA are entitled to a military leave of absence from their University positions, subject to the limitations and restrictions set forth in federal and state laws. Upon receiving an assignment for military service, employees must promptly provide notice to their supervisors prior to going on military duty, unless precluded by military necessity. All requests for military leave must be accompanied by a copy of the employee's official military orders. USERRA applies to involuntary and voluntary military service.

Except as provided below, eligible University employees who perform service in the uniformed services as defined by USERRA will be placed on unpaid military leave status for all days that they are engaged in such military service. Affected employees may elect to use accrued paid leave at their discretion.

### **2.21.5.a. Health Insurance Benefits**

Per USERRA, the University will at a minimum maintain health benefits and other benefits for the first 30 days of military leave as if the employee were actively employed. Employees on military leave of absence will be entitled to participate in any rights and benefits not based on seniority that are available to employees on non-military leaves of absence. Consequently, for the first 12 weeks of an approved unpaid military leave, upon request from the employee, the University will continue health benefits and other benefits as if the employee was actively employed. After the initial 12 weeks period, employees on military leave may continue their benefits, similar to COBRA, for a period up to 18 months. The employee must pay his or her portion of any benefit(s) premiums in order to keep the benefits active. If the employee does not return to work at the end of the military leave, the employee may be required to reimburse the University for the cost of the benefit premiums paid by the University for maintaining applicable coverage.

### **2.21.5.b. Pension Benefits**

Time spent on military leave (whether paid or unpaid) is not considered a break in employment for pension benefit purposes. The returning service member who is eligible for reinstatement under USERRA has up to three times the length of military leave (up to a maximum of 5 years) to make the retirement contribution payments he or she would have made to establish retirement credit. USERRA does not permit double credit in two retirement systems for the same military leave.

### **2.21.5.c. Reemployment Rights**

USERRA places a 5-year limit (with some exceptions) on the cumulative length of time a person may voluntarily serve in the military and remain eligible for reemployment rights. The USERRA reinstatement rights do not extend, however, to employees who are employed for brief, non-recurrent periods with no reasonable expectation that employment will continue indefinitely. Under certain circumstances employees are eligible to be reinstated to their former position unless the University establishes that the circumstances have so changed as to make reemployment impossible or unreasonable. If on military leave for 90 days or less, eligible employees may be reinstated to their own position. If on military leave for more than 90 days, eligible employees may be reinstated to their own position or a similar position of like seniority, status, or pay. Upon return from military leave, employees must comply with the current provisions of the law with regard to notification of and time frame in which they must return to work. These limits are specified in federal law (38 U.S.C. § 4312) and vary depending on the length of military service.

Under Texas law (Texas Gov't Code § 431.006), the University may not terminate the employment of a permanent employee who is a member of the state military forces because the employee is ordered to authorized training or duty by proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment. If the University's circumstances have substantially changed while the employee was in training or on duty such that reemployment is impossible or unreasonable, then the supervisor of the affected department shall consult with the

President, human resources, and University legal counsel regarding the University's duty to re-employ.

#### **2.21.5.d. Protection Against Adverse Employment Action**

Employees shall not be subjected to an adverse employment action for having exercised their rights under USERRA. If a department believes that it is necessary to terminate an employee within 12 months of his or her return to employment, the reasons for the proposed termination must be reviewed by the human resources office and must be approved in writing by the President of the University.

#### **2.21.6 Emergency Leave With Pay and Leave Without Pay for Staff Employees**

The emergency leave with pay benefit is provided for unforeseen emergency situations. Emergency leave may be used only after an employee has exhausted all available paid leave. The Paid Emergency Leave policy deals with emergency leave for faculty.

After the employee's first 90 days of employment, a full-time staff employee is eligible to request up to three days of paid emergency leave each calendar year. Emergency leave days shall not accumulate and will not be paid upon termination, resignation, or retirement. Requests to take an emergency leave day must be submitted in advance to the employee's supervisor, unless the emergency was so urgent it prohibited the employee from making the request in advance. Supervisors will consider the operational and instructional needs of the University, along with the reason for the requested leave given by the employee when determining whether to approve a request to take emergency leave. Employees who have submitted resignations may not take emergency leave during the last two weeks prior to their last day of work. A non-exempt employee's failure to obtain advance approval may result in the absence being charged as leave without pay.

Employees who have exhausted all available paid leave (including Emergency Leave) may request to be absent without pay. Supervisors will consider the operational and instructional needs of the University when determining whether to approve a request to take emergency leave without pay. Requests for unpaid leave in excess of three consecutive work days must be approved by the appropriate Vice President and must be supported by written documentation from the employee justifying the time off.

Employees do not continue to accrue any type of paid leave while they are off work on leave without pay for thirty consecutive work days.

**Long-term Leave Without Pay** - In exceptional circumstances, leave without pay, not to exceed one year, may be granted. Exceptional circumstances include, but are not limited to maternity/paternity needs, extended illness, and educational advancement. Requests for such leave should be submitted in writing for approval through the channels of administration to the office of the Vice President for Finance and Administration. The request must be accompanied by a statement of the reasons warranting such leave, plus any supporting documentation. Requests for leave based on disability or illness must be accompanied by physician's statement indicating the nature of the disability or illness and its expected duration. If approved for leave without pay, the employee may choose to continue to participate in the group insurance program by paying the full cost of their insurance program, plus a 3 percent administrative fee to the

University by the first of each month. If the employee fails to notify the University in writing of his intent to continue group insurance coverage, he will have to re-qualify for coverage upon his return to work, according to the insurance carrier's criteria then in place for such occurrences.

An employee seeking to return to duty following a leave of absence without pay must notify the University in writing at least 30 days in advance of the anticipated date of return. This policy does not guarantee any employee that the same position of employment, or any position, will be available upon expiration of the leave without pay.

An employee who does not return from leave without pay status within 12 months from the anniversary date of the leave may be terminated without notice.

Employees will not accumulate any type of paid leave or seniority during a leave without pay that exceeds 30 work days. Employees on leave without pay for more than 30 work days per fiscal year will not receive any type of increase in compensation that may be provided to other employees for the following fiscal year.

### **2.21.7 Disability Leave Policy for Faculty**

The University will pay the cost of a substitute during the time a faculty member on salary is disabled, provided other faculty members already on salary cannot assume the teaching load of the person who is on sick leave. For the purpose of this policy, "disability" is defined by the University's group long term disability insurance policy. That policy defines "disability" as follows: *"Partial Disability or Partial Disabled means because of your injury or sickness, you are unable to perform all of the material and substantial duties of your own occupation on a full-time basis."*

The disabled faculty member will be required to take FMLA leave during a paid disability leave. Disability leave may not exceed one year from the date of the disability.

The University may make a deduction from a faculty member's salary for the employee's full day absence due to disability (including work-related accidents) provided the deduction is made in accordance with a bona fide plan, policy, or practice of providing wage replacement benefits for such absences. Deductions may also be made for the faculty member's full day absences due to disability before the employee has qualified for the plan, policy, or practice or after the employee has exhausted the leave allowance under the plan. The University is not required to pay any portion of the faculty member's salary for full-day absence for which the employee receives compensation under the plan, policy, or practice. The University may make deductions from a faculty member's pay for absences of one or more full days of wage replacement benefits provided under a state disability insurance law or under a state worker's compensation law.

Because rules and procedures governing disability and disability insurance are subject to change, employees are encouraged to obtain current information from the human resources office.

### **2.21.8 "Jacket" Leave**

All full-time employees may take up to four hours of "Jacket" Leave per month, with the prior approval of their supervisor. "Jacket" Leave is personal time that does not accrue or carry over from month to month, nor will it appear on the employee's paystub. "Jacket" Leave is used on the honor system and the employee and their supervisor are expected to keep up with the hours

used each month. Hours taken while on “Jacket” Leave are not included as hours worked when determining overtime pay.

## **2.22 Insurance and Optional Benefits**

The University provides an opportunity for all full-time employees to participate in medical insurance, life insurance and long-term disability insurance. Dependent coverage is available at the expense of the employee. Optional benefits are available for eligible employees who wish to participate. Details and costs related to all employee benefits are available through the human resources office.

For the benefit of employees and the University, the University provides certain employee benefits outlined within these Administrative Policies. All employee benefits are subject to change or elimination at any time at the discretion of the University. Benefits also may be modified in accordance with federal and state law. Contact the Human Resources office with any questions regarding benefits.

## **2.23 Social Security**

All employees except students and those eligible to claim self-employed status according to the “Self-Employed” Individuals (Ministerial) policy are covered by Social Security.

## **2.24 Optional Retirement Plan**

Full-time employees are eligible to participate in the optional retirement plan offered by the University. Eligible employees may elect to participate in the optional retirement program through GuideStone Financial Resources, with the University matching a portion of the employee’s contribution. No other optional retirement plans are available through the University. All eligible employees who were participating in the optional retirement plan by contributing at least 5% of their base pay as of July 31, 2000, and who have continued participation without a break in service, will continue receiving a 10% matching contribution from the University.

Eligible employees hired after July 31, 2000, will receive 5% of the employee’s base pay as the matching contribution from the University as long as the employee contributes 5% of the employee’s base pay. The University’s matching contribution for employees hired after July 31, 2000, will remain at 5%, regardless of the number of years the University employs the individual.

Anyone who terminates his/her employment with the University and returns to work for the University at a future date will come back into the program as a new employee at the 5% rate. Specific program details are available through the human resources office.

## **2.25 Tuition and Residence Hall Waivers for Employees and Dependents**

### **2.25.1 Tuition Waivers for Employees**

The University provides tuition waivers for course work to full-time employees as a benefit. This benefit is available at the next scheduled registration after the employee's first day of work. Employees must understand this benefit is not an entitlement, therefore, fulfilling one’s job responsibilities is the employee’s first priority. The employee’s supervisor may deny an

employee's request to take classes during the work day if the supervisor determines it would cause a hardship for and/or be detrimental to the effective operation of the department. All full-time employees may apply for a full waiver of the tuition and Student Services Fee for courses taken for credit or audit by completing the Application for Employee Tuition Waiver available on the University's campus network.

### **2.25.2 Waivers of Tuition and Residence Hall Fees for Employee Dependents**

Waivers of tuition and residence hall fees for family members of full-time employees enrolling in credit classes will be available at the first registration following the employee's first day of employment (based on the employee's hire date). Waivers for residence hall fees are available for a maximum of eight semesters. Eligible family members include the employee's legal children under the age of 25 as of the first class day in the semester. The waiver of residence hall fees is awarded only if space is available and applies to Veda Hodge Hall, Taylor Hall and Jennings Hall only. The employee's dependent is required to purchase a meal plan if they receive the residence hall fee waiver.

The University provides these waivers for undergraduate course work to eligible family members of full-time employees as an employee benefit. As such, employees and their family members must understand this benefit is not an entitlement, therefore, the student must remain in good standing with the University (as defined in the Student Handbook) to continue being eligible to receive the benefit. All full-time employees may apply for a full waiver of the undergraduate tuition and residence hall fees for their eligible family members for courses taken for credit or audit by completing the Application for Waiver of Family Member Tuition and Residence Hall Fees available on the University's campus network.

### **2.26 Worker's Compensation**

The University carries this insurance as required by law. All employees and/or their supervisor must immediately report all work-related injuries to the human resources office within 24 hours, regardless of how minor the injury appears to be.

### **2.27 Resignation**

Employees intending to resign should give a minimum of two weeks' notice. If such notice is not given, the resigning employee shall not be eligible for re-employment. Resignations are effective immediately upon receipt by the employee's supervisor, the human resources office, or the President.

Employees may not use accumulated leave of any type to extend their resignation date beyond their last actual work day.

### **2.28 Involuntary Termination of At Will Employees**

Where employees are employed on an indefinite basis without a contract, the State of Texas follows the general rule that employment is "at will," and may be terminated by either party at any time, with or without notice. Employees covered by this policy are employed "At will" and have no entitlement to continued employment. At will employees may be released or terminated at any time, for any reason or for no reason, but not for an illegal reason.

### **2.28.1 Authority to Discharge**

The President or his designee, normally a Vice President, shall approve the termination of an at will employee in writing, prior to the employee being discharged from the University. Prior to terminating any at will employee, supervisors must consult with their Vice President and the director of human resources, who will review all documentation pertaining to the affected employee and who will evaluate compliance with University policy. Thereafter, termination recommendations shall be submitted to the President for final review and approval.

### **2.28.2 Check-Out Required**

Upon termination, all employees must complete the normal Check Out procedures prior to the employee's final pay being released. This includes returning all University property, including keys, credit cards, computers and attire provided by the University.

### **2.29 Non-renewal of Faculty Contracts**

No cause is necessary for the University not to renew a person's contract or not to offer further employment upon the expiration of the term of the contract. Notice of non-renewal will be given prior to the expiration date of the contract. The Renewal and Non-Renewal of Contract policy for non-tenured faculty and the Contract Renewal and Non-Renewal policy for tenured faculty provide dates for notice of non-renewal of contracts.

### **2.30 Involuntary Termination of Faculty Employees**

Justifiable cause for dismissal during the term of a contract may include, but not be limited to the following:

- a. Breach of contract
- b. Insubordination
- c. Violation of the following University policies: Policy Against Discrimination and Harassment; Drug, Alcohol and Tobacco Policy; Prohibition on Weapons and Fireworks; Employee Standards of Conduct; Employee Disclosure of Arrests and Convictions.
- d. "Moral turpitude" as used in this policy includes, but is not limited to criminal acts and/or non-criminal acts involving: fraud; deceit; the use of profanity with other employees or students; theft; misappropriation of University property; misrepresentation of credentials; violence or assault; inappropriate relationships; sexual activity not consistent with the University's Christian nature and heritage, including but not limited to adultery or homosexuality; illegal use, possession, transfer, sale, or distribution of a controlled substance as defined in the Texas Health & Safety Code; public intoxication; driving while intoxicated; disorderly conduct; and abuse as defined in the Texas Family Code.

## ADMINISTRATIVE POLICIES of HOWARD PAYNE UNIVERSITY

Updated August 29, 2023

These policies supersede all other previous Administrative Policies

- e. Immorality, which is conduct not in conformity with the accepted principles of right and wrong behavior and is contrary to the moral standards of the Baptist General Convention of Texas.
- f. Unsatisfactory performance of assigned duties based upon written evaluation
- g. Falsification of time records or pertinent information regarding the employee's transcript and application for employment, regardless of when the falsification is discovered
- h. Failure to comply with directives and requirements of the employee's supervisor, failure to follow established policies and procedures of the University, repeated and continuing neglect of duties and responsibilities
- i. Necessary reduction of personnel resulting from bona fide case of financial emergency
- j. Failure to maintain a state license, registry or certificate required to be qualified as a faculty member
- k. Theft of University property
- l. Excessive absenteeism without notice or cause
- m. For any reason stated in a contract
- n. For failure to perform duties in a professional and competent manner
- o. For other good cause, including any conduct that is contrary to the best interests of the University

Upon termination, all employees must complete the normal Check Out procedures prior to the employee's final pay being released. This includes returning all University property, including attire provided by the University.

### **2.31 Final Pay and Benefits – Voluntary Separation**

#### **2.31.1 Non-Faculty Employees**

If an employee who is not under contract quits, retires, resigns, or otherwise leaves employment voluntarily, the final pay of all earned salary will be paid on the next regularly-scheduled payday following the effective date of resignation.

All employee benefits for employees will end on the day the employee's separation is effective, except for health insurance benefits provided to qualified individuals under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, if the employee elects to continue health insurance coverage.

## **2.31.2 Faculty Employees**

If a full-time faculty employee under contract quits, retires, resigns, or otherwise leaves employment voluntarily, the faculty employee has the following options regarding their earned but unpaid salary:

- a. If the faculty member leaves employment prior to the end of the academic year defined in the employment contract, the final pay of all earned salary will be paid on the next regularly-scheduled payday following the effective date of resignation.

All employee benefits will end on the day the employee's separation is effective, except for health insurance benefits provided to qualified individuals under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, if the employee elects to continue health insurance coverage.

- b. If the faculty member leaves employment after fulfilling their duties through the academic year defined in the employment contract, the employee will receive final payment of all earned salary on the last payday in May, following the end of the academic year. In these cases, all employee benefits for faculty will end the day of commencement, except for health insurance benefits provided to qualified individuals under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, if the employee elects to continue health insurance coverage.

## **2.32 Final Pay and Benefits – Involuntary Termination**

The Texas Payday Law regulates the timing of the final pay in section 61.014 of the Labor Code. If an employee is laid off, discharged, fired, or otherwise involuntarily separated from employment, the final pay of all earned salary will be paid within six (6) calendar days of discharge.

All employee benefits will end the last day the employee actually works, except for health insurance benefits provided to qualified individuals under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, if the employee elects to continue health insurance coverage.

## **2.33 Independent Contractor/Contract Laborer**

No individual may be engaged to perform a service for the University as an Independent Contractor/Contract Laborer without prior written approval from the President, Vice President for Finance and Administration or Vice President for Academic Affairs (see the Authority to Sign Contracts policy). The human resources staff is available to assist departments in determining if a proposed engagement for services meets the legal test for an independent contractor/contract laborer.

In basic terms, an employee is someone over whose work an employer exercises specific direction or control and for whom there is extensive wage reporting and tax responsibility. An independent contractor/contract laborer is self-employed, bears responsibility for his or her own taxes and expenses, and is free from an employer's direct control or direction.

It does not matter that one or both parties may call their arrangement "contract labor". The important consideration is the underlying nature of the work relationship. The law creates a presumption of employment and places the burden for proving otherwise on the employer. The key consideration is whether the University has retained the right to control the details of a worker's performance or instead has given up that right for a finished product.

Facts that show whether the University has a right to direct and control how the worker does the task for which the worker is hired include the type and degree of:

- a. **Instructions the University Gives the Worker** - An employee is subject to the University's instructions about when, where, and how to work. All of the following are examples of types of instructions about how to do work:
  1. When and where to do the work
  2. What tools or equipment to use
  3. What workers to hire or to assist with the work
  4. Where to purchase supplies and services
  5. What work must be performed by a specified individual
  6. What order or sequence to follow
  
- b. **Training the University Gives the Worker** - An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods.

## **2.34 Volunteers**

The University allows individuals who are not employees of the University to volunteer their services, if the department has received prior written approval from the human resources officer. All volunteers will be required to complete a Volunteer Application form, undergo a background investigation and sign a Volunteer Release and Agreement before they will be permitted to perform services for the University.

University employees may not volunteer to work without compensation, if the work is related to the employee's normal duties or is required by the University.

All volunteers working in University-sponsored programs that involve minors (under age 18) must complete the University's Child Molestation Prevention Training prior to working with any minor.

The University is committed to providing a safe and secure environment for those participating in University sponsored activities, including children, youth, and vulnerable adults. The University also seeks to minimize any vulnerability to unwarranted accusations of improper behavior our employees, volunteers, and employees may experience as they fulfill their duties. To fulfill these commitments to the extent possible, the University has adopted the following procedures to be used, without exception, when selecting volunteers and new employees supervising children, youth, and vulnerable adults.

Employees and volunteers must report any suspicion or allegation of abuse, molestation, or neglect to the human resources officer and the University's Department of Public Safety. If the human resources officer is under such suspicion, the report should be made to the Vice President for Finance and Administration and the University's Department of Public Safety.

### 2.34.1 Definitions

**Minor** - Any person between the ages of 0 and 18. A minor may include any 18-year-old still enrolled in high school.

**Child or children** - Any minor from birth through fifth grade.

**Youth** - Any minor from sixth through 12th grade. A youth may include any 18-year-old still enrolled in high school.

**Vulnerable adult** - Any person 18 years of age or older who is unable to legally consent, unable to comprehend the nature of certain actions, or susceptible to coercion or abuse. This may include individuals who are mentally or physically disabled and the elderly.

**Volunteer** - A person performing services or donating time or effort without compensation who is authorized to work with children, youth, or vulnerable adults.

**Employee** - A paid faculty or staff member of the University.

**Worker** - A volunteer or employee authorized to work with children, youth, and vulnerable adults.

**Statement of Restriction** - Any person who may pose a threat to children, youth, or vulnerable adults will be prohibited from working in any ministry involving children, youth, or vulnerable adults.

### 2.34.2 Volunteer Screening

- a. Prior to consideration, all candidates seeking a volunteer position that involves working with children, youth, or vulnerable adults will complete and return an initial Volunteer Application and submit it to the Human Resources office for review and consideration.
- b. The human resources officer, or their designee, will carefully review the application, ensuring that the candidate is an appropriate match for the position. The Human resources officer will store all application materials, including the application form, background checks, reference check, and notes from interviews in a locked file cabinet.
- c. If the individual appears to be an appropriate candidate to volunteer for the University, the Human resources officer, or designee, will check at least two references to confirm the information the candidate provided on the Volunteer application. The Human resources officer, or designee, will conduct a criminal background check through a reputable security company.
- d. After the Human resources officer, or designee, contacts references and performs a background check, they will conduct an interview with the candidate.

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- e. When indicated by the University's screening procedures, volunteer candidates who pose a threat to children, youth, or vulnerable adults will be removed from consideration for any University position involving children, youth, or vulnerable adults.

### 2.34.3 Waiting Period

All volunteer candidates who have no prior relationship with the University or with the supervisor where they will volunteer may be required to have direct, in-person supervision before they will be considered for any volunteer position involving contact with children, youth, or vulnerable adults.

### 2.34.4 Supervision

- a. **Two Adult Rule:** At least two screened adults must be present at every function or program involving children, youth, or vulnerable adults. This includes each classroom, vehicle, or other enclosed area. One or more of these adults must be 21 years of age or older. For large groups, the number of adult supervisors must be increased if the student/teacher ratio is greater than 26:1.
- b. **Rule of Three:** In limited circumstances when the Two Adult Rule cannot be implemented, at least three individuals must be present, with at least one being a screened adult employee or volunteer. The Two Adult Rule should be followed at all times for activities or events involving children under the age of five.
- c. While adult workers should avoid being alone with a child, youth, or vulnerable adult, some limited exceptions may be permitted for spiritual counsel/mentoring of a youth. Any one-on-one interaction must take place in a location where the adult worker and the youth are both visible to others. Any planned one-on-one meetings must be approved by the University supervisor responsible for the activity, and the adult worker must obtain prior written approval from parents/guardians. The duration and frequency of approved one-on-one meetings are to be limited to no more than three occasions for no more than 30 minutes at a time.
- d. Adult employees and volunteers should avoid traveling in a vehicle one-on-one with a minor. If it is necessary, develop a communication strategy to notify parents/guardians or supervisors when leaving for and arriving at an event.
- e. Identify no-go zones. To reduce or eliminate areas that are difficult to properly supervise, unused rooms, closets, and outdoor structures are to be kept locked with limited key access.
- f. Workers should avoid the appearance of impropriety, such as sitting older children on their lap, kissing, or embracing others, etc.

### 2.34.5 Bathroom Procedures

- a. For children age six or older, at least one adult should take children to the restroom. The adult should check to make sure the facility is safe and then wait outside the

restroom for the children. If assistance is required, the presence of a second adult escort is also recommended.

- b. Children age five or younger (boys and girls) should be assisted as needed in the restroom by an adult female. Leave the bathroom door open with a second screened worker nearby for additional accountability.
- c. Never touch the private areas of a child, youth, or vulnerable adult.

#### **2.34.6 Check-In and Check-Out Procedures**

- a. Workers should arrive at least ten minutes before a scheduled activity and they must remain at their assigned post until all people in their care have been picked up by an authorized person. No children or youth should be released to find their parents on their own or wait unattended for transportation.

Workers are to release children in their care only to parents, guardians, or persons specifically authorized to pick up the child. Older siblings with a valid Texas driver's license may check-in and check-out a child in their care.

- b. **Secure Check-in Procedures**

No child, youth or vulnerable adult will be admitted without an ID tag issued by the University at registration that uniquely matches each child and parent. The child's name, contact name, and allergy information (if any) must be visible on the ID tag.

- c. **Secure Check-out Procedures**

All children will be released only to an adult with matching identification. No one will be released without an ID tag. If the tags do not match, the children's area team leader will ask for verification of identity or input from University staff.

- d. **Arrival and Departure Times**

Children should check in no sooner than 15 minutes before an activity and check out no later than 15 minutes after the activity's conclusion.

- e. **Custody Issues**

A court order regarding the child, should be noted on the check-out list. Ask the custodial parent to supply a copy of the court document for child's file.

- f. **Worker Identification Policy**

All approved volunteers are required to wear an identification tag or lanyard that clearly identifies them as qualified workers, authorized by the University to work with children.

- g. **Contacting a Parent While Their Child is in the University's Care**

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If the employee or volunteer believe a child requires medical attention, they must alert the children's team leader or University supervisor for the event and use the following steps:

- i. In an emergency, first dial 911. Contact the parent via the method outlined in the registration process.
  - ii. Alert the University's Department of Public Safety at 325-649-8609.
  - iii. If it is not a life-threatening medical issue, prepare the child to leave. Explain any necessary information to the parent. Ask for a Department of Public Safety member to accompany the parent to the hospital.
  - iv. If the parent cannot be reached, the child must be transported to the hospital by way of ambulance. A Department of Public Safety member should stay with the child at all times until the parent arrives. A worker should remain in the child's classroom to alert the parent of the situation.
- h. **No Administering of Medications**

The University does not provide on-site medical care or provide and administer any prescription or over-the-counter drugs to children, youth or vulnerable adults.

i. **Discipline**

Workers are never to spank, hit, grab, shake, or otherwise physically discipline anyone. Physical restraint should only be used in a situation where it is reasonably necessary to prevent an individual from physically harming himself or another individual. Disciplinary problems should be reported to the University supervisor for the activity or to a parent or guardian.

j. **Injuries or Illness**

Persons who are ill (with a fever, or a communicable disease that can be transmitted by cough or by touch) will not be permitted to participate in any University activity, including children, youth, vulnerable adults, University employees or volunteers.

Participants should be returned to their parent or guardian as soon as the illness is discovered. If immediate return is not possible, then the person who is ill should be isolated in a manner that allows an adult worker to monitor the participant until he/she can be returned to a parent or guardian.

University employees or volunteers should take reasonable steps to avoid contact with blood, saliva, or other bodily fluids. University supervisors who become aware of an injury to a worker or participant will take steps to ensure that proper medical attention is given to the injured person and provide for continued monitoring of the remaining activity participants.

Persons who have received an injury that is obviously minor should be given first aid as needed at the time of injury. The individual's parents or guardians should be notified of the injury when they pick up the injured person.

**2.35      Responding to Reference Checks on Employees**

All written or verbal inquiries regarding the work performance of present or former employees or written or verbal requests for employment recommendations should be directed to the Human Resources office.

## SECTION 3.0 FACULTY MATTERS

The use of the words “year” or “annual” in these policies in reference to a full-time faculty member’s employment contract or duties is defined as the University’s academic period (i.e., the fall and spring semesters, generally from mid-August through the following mid-May).

### 3.1 Instruction (also see policy on Evaluation of Graduate and Undergraduate Faculty)

Faculty members should have deep respect for their field of learning and should strive to instill this respect in their students. Faculty members should never give less than their best regardless of the size of their class or the nature of the course. The faculty member should have standards of achievement and should give evidence of being a scholar. Lectures and class presentations should follow closely the nature of the course. Faculty members will meet their classes for the full time (periods and days) the classes are scheduled and they shall not routinely dismiss classes early. Faculty members will provide online instruction in a timely manner as described in the course syllabus. Frequent or recurring unexcused absences from teaching assignments (including classroom work, lab work, and private instruction), or failure to deliver online instruction in a timely manner may result in discipline, up to and including dismissal.

Students have a reasonable expectation that their instructors will conduct all scheduled classes and be available during their posted office hours. For this reason, faculty members should endeavor to schedule outside activities during non-instructional times.

Course syllabi for each course must be developed and communicated to students by the beginning of the second week of the semester. The standard Syllabus Outline (found on the University’s campus network) should be utilized for this purpose. The faculty member may choose to follow a format different from the Syllabus Outline so long as all information from the outline is covered in whatever format is utilized. A copy of each course syllabus must be transmitted electronically to the department Chair, who shall forward a copy to the Dean and the Office of Academic Affairs. Copies of syllabi will be placed on the University’s campus network for access by students, faculty, and staff. New syllabi should be submitted each time a course is revised.

#### 3.1.1 Normal Teaching Load

The normal teaching load for a regular, full-time faculty member, teaching graduate and or undergraduate courses, is 24-27 semester hours (annual teaching assignment) or its equivalent during the nine-month academic year (fall and spring semesters}, usually with no more than four (three- or four-hour) courses per semester. Faculty load includes the faculty member providing instruction at any of the University’s locations and by any means of delivery. Teaching load is based on a course’s semester credit hours for courses in which the weekly contact hours equal the number of semester credit hours. Science labs, language labs, exercise and sports science activity courses, and applied music lessons will be counted on a three-for-two basis (i.e., three clock-hours of instruction will be counted as two semester hours of class load).

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Faculty load for clinical teaching is based on a .5 teaching load credit for each student enrolled. Faculty load for practicums and internships is based on a .250 teaching load credit for each three-semester hour registration. Faculty load for supervising an undergraduate student research project is based on a 1.0 teaching load credit for each three-semester hour registration.

Conference courses should be discouraged except in cases of extreme justification. Faculty load for conference courses is based on a .250 teaching load credit for each semester hour registration.

**Department of music faculty load:** For lecture classes, when four or more students are enrolled, faculty receive load-credit based on contact hours, which is also reflected in the semester credit hours awarded for the course. For courses with enrollments less than four students, the load is apportioned (e.g., three students .75 X semester credit hour; two students, .5 X semester credit hour, one student .25 X semester credit hour). For ensemble classes, Recital Hour, techniques courses, Senior Recital, and Capstone, faculty receive load calculated on contact hours irrespective of the semester-credit-hours awarded. Applied music instruction faculty load is calculated at three-for-two basis (i.e., three clock hours of instruction will be counted as two semester hours of class load). For internship supervision, load is calculated at .25 for each three-credit semester hour registration. Supervision of clinical teachers is calculated at .5 per student.

**Department of social work faculty load:** For lecture classes, when four or more students are enrolled, faculty receive load-credit based on contact hours, which is also reflected in the semester credit hours awarded for the course. For courses with enrollments less than four students, the load is apportioned (e.g., three students .75 X semester credit hour; two students, .5 X semester credit hour, one student .25 X semester credit hour). Social Work 4429 Field Instruction I and Social Work 4539 Field Instruction II are courses in which the faculty member teaches a 2-hour seminar each week and oversees the field experiences that students are having in these courses. The load credit for the 2-hour seminar portion of the courses is 2 hours, the load credit for the supervision of the field experiences is calculated at three-for-two basis. Thus, the teaching load credit for SWK 4429 is 3.33 hours; the teaching load credit for SWK 4539 is 4 hours.

**Department of biblical languages faculty load:** There are five four-credit hour courses in Biblical Languages: BLA 2411, BLA 2421, BLA 2431, BLA 3401, and BLA 3421. These courses meet for five hours per week, but they involve times of direct instruction and times of language lab or workshop experiences. Therefore, the teaching load credit for these courses is 4 hours.

**Variations in teaching load for those holding administrative appointments:** Variations from the normal teaching load may be granted by the President, based on a recommendation from the Vice President for Academic Affairs. Such variations will be documented and approved in writing.

**Special assignments:** Faculty members with special assignments other than teaching may receive release time or credit toward their normal load. They may receive a stipend or additional financial compensation when such assignments are in addition to a full teaching load of 24-27 hours during the nine-month academic year (fall and spring semesters). All

such assignments must be submitted in writing, with load credit or additional compensation indicated, to the Vice President for Academic Affairs for approval prior to the commitment being made.

**Faculty overloads:** In order to accomplish professional expectations, faculty overloads are typically avoided. When situations necessitate that faculty members teach more than a normal load, they will be compensated for courses taught in excess of their annual teaching assignment. Faculty overloads require the approval of the Vice President for Academic Affairs.

**First-time instructors:** Whenever practical, first-time instructors will be granted a reduction in the normal teaching load, including consideration of total hours and numbers of preparations during their first year of employment with the University.

### **3.1.2 Scholarly and Professional Commitment**

In order to provide students with exceptional educational opportunities, faculty must engage in continuous professional development that improves their knowledge and enhances their abilities as educators and scholars. Faculty should read widely within the current materials in their discipline and develop peer relationships with other scholars, both on and off campus. Faculty should seek to focus their personal research in ways that may result in scholarly publication or presentations at professional meetings. While no faculty member is required to pursue specific scholarly activity, all members of the faculty should cultivate the practices that model for students' good habits of continuous learning and intellectual growth.

### **3.1.3 Advising Students**

Good advising of students is a vital portion of the faculty member's daily duty. Advising includes discussing educational challenges specific to the advisee, career plans, personal goals, and academic registration.

### **3.1.4 Student Recruitment**

Faculty participation in recruitment of students is essential as the faculty best represents the strengths of the academic program. Faculty who engage in conversation with prospective students create relationships that allow the University to identify and select a well-qualified and diverse student body that is capable of succeeding in a rigorous and challenging environment. Meeting students individually or in groups, attending enrollment functions, assisting in the development of admissions materials that highlight faculty accomplishments, and communicating with students via telephone or correspondence, printed or electronic, are only a few examples of faculty involvement in recruitment.

### **3.1.5 University Committees**

Because the University seeks to manage and implement an educational program, it is important that faculty is represented in the administrative efforts of the organization. Accordingly, faculty will serve on University committees when enlisted to do so.

### **3.1.6 Office Hours**

The University is open from 8:00 to 5:00, Monday through Friday. In order to prepare for class, conduct scholarly activities, be available for peers and students, and support the recruiting functions of the University, faculty should post a minimum of seven office hours per week, including hours each day of the week, Monday through Friday. During periods of academic advising, scheduling, and registration, additional hours should be planned as needed to ensure student access to the faculty member. If a student cannot make an appointment during posted hours, the faculty member should arrange a conference at a mutually acceptable hour. Deviations from this policy are permissible with the approval of the School Dean to accommodate unusual teaching schedules so long as the minimum number of hours is maintained each week.

### **3.1.7 Reports**

Faculty members will submit all required reports by the deadline established unless an extension has been granted. Required reports regularly include class roll and grade reports to the Registrar's Office, Institutional Effectiveness reports, and class/office schedules that reflect the faculty member's complete assignment, including responsibilities other than teaching classes. Additional reports may be requested periodically.

By Wednesday of the third week of a semester, each faculty member will return to the Office of Academic Affairs, on the form provided, a class/office schedule. The form should reflect the teacher's complete work assignment, including responsibilities other than classes, as well as office hours.

### **3.1.8 Commencement**

All faculty members shall participate in the University's commencement ceremonies. Permission to be absent from a commencement ceremony can be given only by the President or Vice President for Academic Affairs.

Faculty members are responsible for their own academic regalia and are expected to be properly robed for commencement, wearing a hood appropriate for their highest degree.

### **3.1.9 Standards of Conduct**

All faculty shall comply with the standards of conduct addressed in the *Howard Payne University Administrative Policies* including, but not limited to the following policies:

- Policy Against Discrimination and Harassment
- Drug, Alcohol and Tobacco Policy
- Prohibition of Weapons and Fireworks
- Employee Standards of Conduct
- Employee Disclosure of Arrests and Convictions
- Outside Employment, Personal Gifts and Conflicts of Interest

### **3.1.10 New Faculty – Services Available Prior to Official Employment Date**

New faculty often ask to set up their office, obtain IDs, connect internet service, and receive an email address and phone number prior to the date their contract requires them to report to work. The University's Check-In process must be completed for each faculty member before access to an office or computer systems access is granted.

New faculty may have access to their office up to two weeks prior to the official contract start date. IT Services will have the new faculty member's system access completed two weeks prior to the new faculty member's start date.

IDs and parking permits will be issued on the contract start date, usually during New Faculty Orientation. However, they may be issued up to two weeks prior with the Dean's approval. Deans should contact Human Resources at least 24 hours in advance to arrange this accommodation.

Keys may be distributed to new faculty up to two weeks prior to the official contract start date. A key request must be submitted by the Dean to the Director of Facilities and Planning at least three business days in advance of the date the keys will be needed.

Directing or expecting faculty to work (i.e., attending meetings, keeping office hours, etc.) before their official contract start date is prohibited. New faculty may be invited to attend meetings or workshops as long as it is made clear that their attendance is strictly voluntary. Faculty may choose to engage in typical professional preparation activities at home or in their office prior to the contract start date, such as reviewing course content and preparing syllabi, etc., as long as those activities are not required. Additionally, they may be provided with documents and other University information during the summer to assist them in their preparation.

### **3.1.11 Adjunct Faculty – Keys and Network Services After the Semester Ends**

To protect University property and student's personally identifiable information, adjunct faculty will have their network systems access turned off and they must follow the University's Check-Out procedure about two weeks after they turn in their semester/term grades when they are not teaching or not expected to teach in the semester/term immediately following the one that just ended. The specific ending date of employment will be indicated in the appointment for employment each semester that an adjunct faculty is employed.

## **3.2 Faculty Ethics**

### **3.2.1 Standards of Conduct**

All faculty shall comply with the standards of conduct addressed in the *Howard Payne University Administrative Policies* including, but not limited the following policies:

- Policy Against Discrimination and Harassment
- Drug, Alcohol and Tobacco Policy
- Prohibition of Weapons and Fireworks
- Employee Standards of Conduct
- Employee Disclosure of Arrests and Convictions

## Outside Employment, Personal Gifts and Conflicts of Interest

### **3.2.2 Treatment of Students**

As teachers, professors encourage the free pursuit of learning by their students. They hold before them the best scholarly standards of their discipline. They demonstrate respect for the student as an individual and adhere to their proper role as intellectual guides and academic advisors. They make every reasonable effort to foster honest academic conduct and to assure that their evaluation of students reflects their true merit. They respect the confidential nature of the relationship between professor and student.

Faculty members shall treat all students with respect and shall be fair and balanced in their evaluation of student work. Faculty must refrain from using profanity in the delivery of educational programs and in conversation with students. Faculty members should be objective when providing references for students. Faculty-student personal relationships are unethical when they hinder any student's academic progress or create a situation in which any student is either favored or negatively impacted on grounds other than academic performance. Faculty members should not date or enter into a sexual relationship with a student while engaged in a professional relationship. Recognizing that instructors are concerned with the welfare of students and that students will at times, wish to share information of a personal nature, it is appropriate for faculty to listen sympathetically to students but not to elicit, reveal or exploit confidential information shared by a student. There is no expectation of confidentiality when a student expresses the intent to harm themselves or others. Such information should be immediately reported to the faculty member's supervisor and the Dean of Students.

### **3.2.3 Treatment of Colleagues**

Faculty members, whether acting in academic or administrative capacity, shall treat each other with fairness and respect, and shall conduct themselves with dignity and restraint in all exchanges with colleagues. While critical evaluation is an essential part of academic activity, faculty should be fair and objective when presenting a professional judgment on their colleagues' work and shall not knowingly make false or malicious statements about a colleague. Faculty members shall not knowingly misrepresent the views/positions of colleagues to further their own positions or points of view.

Faculty members shall avoid threatening or abusive behavior or language, verbal harassment, or intimidation of another faculty or staff member. Faculty must refrain from using profanity in dialog with or about University colleagues. Faculty members shall not publicly criticize other faculty or staff members in the presence of other University employees, students, parents, visitors, or the public. A violation of this policy may result in discipline, up to and including termination.

Faculty members are expected to exhibit intellectual honesty and integrity in all scholarly endeavors. Faculty members are expected to work toward improving the quality of instruction. Faculty should not denigrate other disciplines or undermine the confidence of students in other duly approved programs or academic departments of the University.

### **3.2.4 Treatment of the Institution**

Faculty members shall be supportive of school policies and administrative officials in the

presence of students, parents, or visitors. Constructive criticism should be presented through appropriate administrative channels.

### **3.3 Academic Freedom and Responsibility**

#### **3.3.1 Academic Freedom**

*As reflected in the Board of Trustees' policies, the following policy governs the issue of academic freedom at Howard Payne University:*

Academic freedom provides one of the foundational pillars for faculty scholarship and teaching. These fundamental faculty responsibilities depend on an uninhibited search for truth and its open expression. The ability to exchange ideas and concepts freely in the classroom, to explore and disseminate new knowledge, and to speak professionally and as a private citizen are essential elements for the intellectual vitality of a University.

Academic freedom is the freedom of the faculty member to teach free from pressure, penalties, or other threats by authorities or other persons inside or outside their institutions of learning. It is the freedom of the student to be taught by unrestrained teachers and to have access to all available data pertinent to the subject of study at an appropriate educational level.

Each faculty member is entitled to full freedom in the classroom in discussing the subject which the faculty member teaches but is expected not to introduce controversial matters which have no relation to the classroom subject. Each faculty member is also a citizen of the larger community, and when speaking, writing, or acting as such, must be free from institutional censorship or discipline subject to academic responsibility. In such instances, the faculty member should make it clear that he or she is not speaking for the University.

#### **Academic Responsibility of Faculty Members**

The concept of academic freedom for faculty must be accompanied by an equally demanding concept of academic responsibility. Faculty members have a responsibility to the University, their profession, their students, and society at large. The rights and privileges of faculty members require reciprocally the assumption of certain responsibilities by faculty members. Some of those are:

- a. The fundamental responsibilities of faculty members as teachers and scholars, in keeping with the Christian mission of the University and the general employment policy, include maintenance and competence in their field of specialization and the exhibition of professional competence in the classroom, studio, or laboratory.
- b. The exercise of professional integrity by faculty members includes recognition that the public will judge their profession and University by their statements. Therefore, faculty members should strive to be accurate, to exercise appropriate restraint, to be willing to listen to and show respect for others expressing different opinions, and to avoid creating the impression that they speak or act for their college or University when speaking or acting as a private person.

- c. Faculty members should be professional in their conduct and in relationships with students. They should maintain respect for the students and for the student's posture as a learner and should be appropriately available to students for consultation on course work.

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

Faculty members are expected to comply with the University's FERPA policy statement regarding the privacy of student records.

When asked by either parents or outside parties for non-directory information about a student (e.g. grades, academic progress, course schedules, etc.), faculty members must consult the Office of the Registrar for authorization, prior to releasing requested information.

Faculty members should avoid disclosing any personally identifiable information (such as name, student identification number, or social security number) in connection with the distribution of posting of student grades.

Faculty members may disclose to appropriate University faculty members and administrative staff information from a student's educational record without the written consent of the student, in order to perform their legitimate educational duties.

### **3.4 Faculty Status Statement**

All full-time employees of the University who regularly teach 24 – 27 credit hours per academic year or who are academic deans or professional librarians are classified as full-time faculty. Such employees receive professional contracts, are evaluated regularly, are included in the faculty committee structure, have access to faculty development funds, and are voting members of the Faculty Assembly.

Full-time administrators of the University whose job descriptions include regularly teaching one or more courses in the academic departments where they have credentials to teach are classified as administrative faculty. Administrative faculty are evaluated regularly and participate in curriculum discussions within the department in which they teach. Administrative faculty do not have access to faculty development funds and are not voting members of the Faculty Assembly.

Part-time faculty are enlisted and compensated for teaching on a semester by semester basis. Part-time faculty are recommended for teaching to the Vice President for Academic Affairs by the department Chairs and Deans of the Schools. Part-time faculty include employees of the University whose primary responsibility and service to the University is other than teaching. Part-time faculty also include adjunct faculty members whose primary employment is somewhere other than the University.

In addition, those full-time employees who devote 60% or more of their time to instruction participate in the University system of rank and promotion, and, if on nine-month contracts, follow the academic calendar, vacation, and sick leave policies.

### **3.5 Faculty Employment**

### **3.5.1 Non-Tenured Faculty**

It shall be the policy of the University at all times to strive for a faculty with the highest possible scholastic attainments, unquestionable Christian character, positive and consecrated Christian attitude and who are members, in good standing, of Baptist churches. While members of other Christian churches may be considered for teaching positions when Baptist applicants are not available, the administration shall give preference to Baptists with the same qualifications. Due to the history and mission of this University, only Baptists will be considered for full-time teaching positions in the School of Christian Studies. The members of the faculty shall be expected to keep current in their respective fields of instruction and demonstrate dedication to the teaching profession.

The University is committed to academic freedom as defined in the Board policy regarding Academic Freedom and Responsibility.

#### **a. Confirmation of Academic Credentials**

Before a contingent offer of employment is made to a prospective faculty member and prior to a contract being issued, the University Vice President for Academic Affairs must have received the applicant's official transcripts and confirm the applicant possesses the academic credentials required by the position announcement and job description for the position being filled.

All faculty members will forward to the Office of Academic Affairs evidence of their qualification to teach undergraduate or graduate courses at the University. Such evidence includes official transcripts from each graduate institution the faculty member attended. These official transcripts may be transmitted electronically or in hard copy. Other pertinent evidence may include licensure verification, certifications and significant professional accomplishments.

Additionally, when the University requires a faculty member to pursue additional academic credentials, regardless of whether the University is also assisting financially with cost of the additional education, an updated transcript must be received at the end of each semester in which the faculty member is enrolled. Failure to obtain additional academic credentials as described in the Special Provisions section of the faculty member's contract may result in termination of employment.

#### **b. Contract Length**

Full-time faculty receive a one-year contract.

All recommendations on contract renewal will be made by the Vice President for Academic Affairs to the President. The administration shall consider the faculty evaluation procedure when making contract determinations.

#### **c. Renewal and Non-Renewal of Contract**

Each full-time faculty member, whose contract is being renewed, will be offered a contract for the succeeding year on or about the first day of April each year. The date of notification for non-renewal will be on or about December 15, except for faculty members in their first year of full-time teaching at the University. For faculty members in their first year of full-time teaching at the

University, the date for notification for non-renewal will be on or before April 1. No employee shall have any right regarding the renewal of a contract upon the expiration of the contract's term. The failure of the University to provide notice of nonrenewal by the times and dates specified in the *Howard Payne University Administrative Policies* shall not give the employee a renewal right.

No cause is necessary for the University not to renew a faculty member's contract or not to offer further employment at the expiration of the term of the current contract and no grievance right exists in such cases. For purposes of this policy, non-renewal is defined as the University's written notice to a faculty member that a contract will not be issued following the end of the faculty member's current contract.

**d. Termination of Employment With Pay**

The University may provide written notice to a faculty member that their employment is being terminated with pay and benefits for department reorganization, program realignment, or financial exigency (including significant drop in enrollment or program closure).

**e. Termination of Employment Without Pay**

The University may provide written notice to a faculty member that their employment is being terminated immediately for justifiable cause, with no continuation of salary or benefits. In such cases, justifiable cause may include, but not be limited to the following:

1. Breach of contract
2. Insubordination
3. Violation of the following University policies: Policy Against Discrimination and Harassment; Drug, Alcohol and Tobacco Policy; Prohibition on Weapons and Fireworks; Employee Standards of Conduct; Employee Disclosure of Arrests and Convictions.
4. "Moral turpitude" as used in this policy includes, but is not limited to criminal acts and/or non-criminal acts involving: fraud; deceit; the use of profanity with other employees or students; theft; misappropriation of University property; misrepresentation of credentials; violence or assault; inappropriate relationships; sexual activity not consistent with the University's Christian nature and heritage, including but not limited to adultery or homosexuality; illegal use, possession, transfer, sale, or distribution of a controlled substance as defined in the Texas Health & Safety Code; public intoxication; driving while intoxicated; disorderly conduct; and abuse as defined in the Texas Family Code.
5. Immorality, which is conduct not in conformity with the accepted principles of right and wrong behavior and is contrary to the moral standards of the community
6. Falsification of time records or pertinent information regarding the employee's transcript and application for employment, regardless of when the falsification is discovered

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7. Failure to comply with directives and requirements of the employee's supervisor, failure to follow established policies and procedures of the University, repeated and continuing neglect of duties and responsibilities
8. Failure to maintain a state license, registry or certificate required to be qualified as a faculty member
9. Theft of University property
10. Communication with students via texting or social media that is inconsistent with the University's Christian beliefs, Mission Statement or Core Values
11. Excessive absenteeism without notice or cause
12. For any reason stated in a contract
13. For failure to perform duties in a professional and competent manner
14. For other good cause, including any conduct that is contrary to the best interests of the University.

Such cause or causes shall be put in writing and delivered to the faculty member who shall then have the opportunity for a hearing before the Faculty Grievance and Appeal Committee as described in the Faculty Grievance and Appeal Committee policy before the action is final. This policy shall apply to any eligible full-time faculty member holding the rank of instructor or above.

### **3.5.2 Tenured Faculty**

The University no longer grants tenure to faculty. Current faculty who had tenure prior to March 12, 1991 have grandfathered status continuing their tenured status.

It shall be the policy of the University at all times to strive for a faculty with the highest possible scholastic attainments, unquestionable Christian character, positive and consecrated Christian attitude and who are members, in good standing, of Baptist churches. While members of other Christian churches may be considered for teaching positions when Baptist applicants are not available, the administration shall give preference to Baptists with the same qualifications. Due to the history and mission of this University, only Baptists will be considered for teaching positions in the School of Christian Studies. The members of the faculty shall be expected to keep current in their respective fields of instruction and demonstrate dedication to the teaching profession.

The tenured faculty policy is intended to give the faculty member of the University a measure of security and to prevent arbitrary dismissal. It replaces all tenure-related policies previously adopted and applies to faculty employed prior to March 12, 1991 who have been granted tenure. The University is committed to academic freedom as defined in the Board policy regarding Academic Freedom and Responsibility.

#### **a. Definition of Tenure**

Tenure, as herein used, means that a faculty member, after the expiration of a probationary period, shall have permanent status with the University unless their services are terminated for any of the reasons given below. It means, further, that in case their services are terminated by the University, the faculty member shall be told in writing the reason or reasons, and shall have the opportunity for a hearing before the Faculty Grievance and Appeal Committee, as described in the Faculty Grievance and Appeal Committee policy before the action is final. The granting of tenure relates to employment with the University and not to a specific position, assignment, or title.

**b. Contract Renewal and Non-Renewal**

Each full-time faculty member, whose contract is being renewed, will be offered a contract for the succeeding year on or about the first day of April each year. The date of notification for non-renewal will be on or about December 15. The failure of the University to provide notice of nonrenewal by the times and dates specified in the *Howard Payne University Administrative Policies* shall not give the employee a renewal right.

**c. Termination of Employment With Pay**

The University may provide written notice to a faculty member that their employment is being terminated with pay and benefits for department reorganization, program realignment, or financial exigency (including significant drop in enrollment or program closure).

**d. Termination of Employment Without Pay**

The University may provide written notice to a faculty member that their employment is being terminated immediately for justifiable cause, with no continuation of salary or benefits. In such cases, justifiable cause may include, but not be limited to the following:

1. Breach of contract
2. Insubordination
3. Violation of the following University policies: Policy Against Discrimination and Harassment; Drug, Alcohol and Tobacco Policy; Prohibition on Weapons and Fireworks; Employee Standards of Conduct; Employee Disclosure of Arrests and Convictions.
3. "Moral turpitude" as used in this policy includes, but is not limited to criminal acts and/or non-criminal acts involving: fraud; deceit; the use of profanity with other employees or students; theft; misappropriation of University property; misrepresentation of credentials; violence or assault; inappropriate relationships; sexual activity not consistent with the University's Christian nature and heritage, including but not limited to adultery or homosexuality; illegal use, possession, transfer, sale, or distribution of a controlled substance as defined in the Texas Health & Safety Code; public intoxication; driving while intoxicated; disorderly conduct; and abuse as defined in the Texas Family Code.
4. Immorality, which is conduct not in conformity with the accepted principles of right

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and wrong behavior and is contrary to the moral standards of the community

5. Falsification of time records or pertinent information regarding the employee's transcript and application for employment, regardless of when the falsification is discovered
6. Failure to comply with directives and requirements of the employee's supervisor, failure to follow established policies and procedures of the University, repeated and continuing neglect of duties and responsibilities
7. Failure to maintain a state license, registry or certificate required to be qualified as a faculty member
8. Theft of University property
9. Excessive absenteeism without notice or cause
10. Communication with students via texting or social media that is inconsistent with the University's Christian beliefs, Mission Statement or Core Values
11. For any reason stated in a contract
12. For failure to perform duties in a professional and competent manner
13. For other good cause, including any conduct that is contrary to the best interests of the University.

Such cause or causes shall be put in writing and delivered to the faculty member who shall then have the opportunity for a hearing before the Faculty Grievance and Appeal Committee as described in the Faculty Grievance and Appeal Committee policy before the action is final. This policy shall apply to any eligible full-time faculty member holding the rank of instructor or above.

### e. **Limits on Tenure**

Tenure applies only to the teaching aspect of a faculty member's assignment. Administrative assignments, coaching assignments, and other non-teaching assignments are annual appointments and the duties therein may be adjusted within the assigned period as needed.

### f. **Applicability of Policy**

Those presently on tenure retain this status.

## **3.6 Faculty Grievance and Appeal Committee**

This policy applies only to full-time faculty whose employment has been terminated as defined in the Non-Tenured Faculty policy or the Tenured Faculty policy. A faculty member whose contract has not been renewed (see Non-Tenured Faculty policy) is not eligible for the provisions of this policy. This policy does not apply to complaints regarding discrimination and harassment, which are covered by the Policy Against Discrimination and Harassment.

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Step 1: Any eligible faculty member who believes that he or she has been denied just treatment regarding the terms and conditions of their employment, including salary, rank, course load, course assignments, academic freedom or termination of appointment to the faculty shall submit a written statement of their grievance and any supporting evidence to the Chair of their department. The Chair of the department shall schedule a time to discuss the statement with the faculty member. Grievances should be filed as soon as the faculty member knew or should have known about the facts giving rise to the grievance.

Step 2: If the faculty member is not satisfied with the department Chair's disposition of the complaint, the faculty member shall notify the department Chair within seven business days. Thereafter, the Chair shall submit the grievance, the faculty member's supporting evidence, and any materials and recommendation prepared by the Chair to the Vice President for Academic Affairs. The Vice President for Academic Affairs shall review the grievance and shall communicate a response to the faculty member and the department Chair within 20 business days.

Step 3: If the Vice President for Academic Affairs' decision regarding the grievance is not satisfactory to the faculty member, the matter shall be referred to the Faculty Grievance and Appeal Committee, along with the documents from Step 1 and Step 2, a written memorandum from the Vice President for Academic Affairs concerning his findings and conclusions, and any additional written statements that the faculty member or department Chair wish to offer to the Committee.

Appeals by a faculty member who has received notice of charges for the revocation of tenure and/or their appointment and/or of their discharge prior to the expiration of a contract period shall be filed directly with the Committee.

The Committee shall conduct a hearing and review all evidence from both the University, the faculty member, and any other source the Committee deems appropriate. When the faculty member appears before the Committee, the faculty member shall not be permitted to be accompanied by any other person.

The faculty member may withdraw their grievance at any time.

Upon completion of its review, the Committee shall render an advisory opinion to the President who shall make the final decision concerning the matter unless it involves revocation of tenure, in which event the President shall convey his recommendation and the advisory opinion of the committee to a committee of the Board of Trustees for final action. The decision of the President is final and binding upon all parties.

### **3.7 Academic Rank and Promotion for Full-Time Faculty and Professional Librarians**

Howard Payne University is a Christ-centered academic community dedicated to excellence by developing and equipping the whole person for intellectual inquiry, personal and professional integrity, and service to God and humanity. The faculty play a key role in this mission through giving our students the highest-quality learning experience in the classroom and supporting them through interactions outside the classroom. Howard Payne faculty stay current in their fields and develop their skills as teachers and mentors so as to provide students with the best preparation for life and career. They also care for their students as whole persons, encouraging them--through

advising, office visits, and attendance at extracurricular activities--to reach their goals and to live lives of integrity and faith. Furthermore, the faculty model Christian service in their support of colleagues, of the institution, and in their participation in their local communities.

### **3.7.1 Qualifications for Academic Rank**

- a. Instructor: A completed master's degree with 18 graduate hours in the discipline from an accredited University, or a portfolio of educational experiences, employment experiences, or demonstrated competencies that have been judged by the dean and the Office of Academic Affairs to qualify the Instructor.
- b. Assistant Professor: Either a terminal degree or the equivalent in the discipline being taught, or a master's degree with eighteen graduate hours in the discipline being taught, and five years of full-time teaching experience at an accredited college or University.
- c. Associate Professor: Either a terminal degree or the equivalent in the discipline being taught, and five years at the assistant professor level at an accredited college or University, or a master's degree with eighteen graduate hours in the discipline being taught, and fifteen years of full-time teaching experience including at least ten years at the assistant professor level at an accredited college or University.
- d. Professor: The terminal degree or the equivalent in the discipline being taught. Ten years of full-time teaching experience at the college level including five years at the associate professor level.

### **3.7.2 Promotion in Academic Rank**

- a. The faculty rank promotion process at Howard Payne seeks to recognize faculty who are innovative, steadfast, and effective in pursuing the mission and goals described above. Progress from Instructor to full Professor reflects consistency and increasing success in achieving these goals.
- b. Recognizing that teaching as a member of the faculty of the University involves many obligations and responsibilities, plus many opportunities for varieties of professional and personal service which are positive reflections on both the institution and the individual, the information and data requested below are to serve as a guideline for consideration for promotions. This information is expected to be initiated and provided by each faculty member eligible for and requesting a promotion in rank within the University. Deans and department chairs are requested to identify, encourage, and assist those eligible for promotion. For good cause, including but not limited to professional work in related, non-educational fields, the President may award rank regardless of the qualifications below.
- c. Eligibility for Promotion in Academic Rank
  - 1) Assistant Professor: Either a terminal degree or the equivalent in the discipline being taught, or a master's degree with eighteen graduate hours

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in the discipline being taught, and five years of full-time teaching experience at an accredited college or University. During those five years, the candidate must have demonstrated promise and ability as a teacher and advisor, and must have shown evidence of professional growth; community service; and scholarship, artistic, and/or professional accomplishment.

- 2) Associate Professor: Either a terminal degree or the equivalent in the discipline being taught, and five years at the assistant professor level at an accredited college or University, or a master's degree with eighteen graduate hours in the discipline being taught, and fifteen years of full-time teaching experience including at least ten years at the assistant professor level at an accredited college or University. During his/her time as assistant professor, the candidate must have demonstrated consistency and ability as a teacher and advisor, and must have shown evidence of continued professional growth; leadership (in professional organizations, University, and/or community); community service; and scholarship, artistic, and/or professional accomplishment at a level of distinction beyond that of the assistant professor.
- 3) Professor: The terminal degree or the equivalent in the discipline being taught. Ten years of full-time teaching experience at the college level including five years at the associate professor level. During his/her time as associate professor, the candidate must have demonstrated consistent and exceptional ability as a teacher and advisor, and must have shown evidence of continued professional growth; significant leadership and responsibility within the University; community service; and scholarship, artistic, and/or professional accomplishment at a level of distinction beyond that of the associate professor.

### d. Timeline for Application

- 1) Promotion review is intended to be a year-long process from initiation on the part of the applicant through announcement of promotion.
- 2) All requirements from section 3.7.2 must be met in the year of or prior to the initiation of the review process.
- 3) Dates for key steps in promotion review include the following, beginning the spring prior to the academic year the promotion is attained:

March 15: Deadline for applicant to be informed of eligibility to apply for promotion by Vice President of Academic Affairs.

April 15: Deadline for applicant to respond if interested or not interested in pursuing promotion.

May 25: Deadline for the respective dean and/or department chair to meet and review the promotion process with his or her promotion candidate(s),

allowing the candidate to ask questions if desired/needed. This will enable the candidate to begin working on the application during the summer (which is encouraged).

November 15: Deadline for electronic submission of portfolio to the dean.

January 15: Deadline for dean to submit portfolio to Vice President of Academic Affairs.

April 1: Announcement of promotion decisions with new contracts.

### **3.7.3 Information Required for Evaluation**

A faculty member applying for promotion in rank should present information related to the following four areas: teaching effectiveness, scholarship and professional commitment, commitment and service to the University, and service to church and community. Any applicant may submit additional material if desired. Additional material may include but is not limited to notes from students, awards, videos of performances, photos of art show submissions, programs showing participation in a community event, etc. An applicant may be asked for additional information by department chair, dean, or Vice President for Academic Affairs.

- a. Submit a CV (if material below is covered in CV, it need not be submitted separately).
- b. Submit an autobiographical statement which addresses the formative experiences and values regarding the academic discipline, academic training, and profession of teaching and/or librarianship, and commitment to the Christian faith and the church.
- c. Evidence of teaching effectiveness
  - 1) Submit a personal statement of teaching effectiveness. This document should describe what the applicant feels is significant and effective about his or her teaching. What does he or she do well in the classroom? How does he or she increase student learning?
  - 2) A list of all courses that have been taught, and, optionally, selected syllabi and teaching materials.
  - 3) Copies of self-appraisal and plans to strengthen teaching effectiveness, particularly as related to student evaluations and supervisor recommendations.
  - 4) Optional reports of in-class observations by peers or supervisor at the invitation of the faculty.
  - 5) Optional contact information for former students who can speak to teaching abilities (up to five students) and/or other evidence of impacting students: making personal connection with current, prospective, and former students, student's family, etc.

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- 6) Optional assessment of student, individual, or group performance in musical, artistic, athletic, or other situations in which the effort of the faculty member is a key factor.
  - 7) Optional external assessments and outcomes.
- d. Evidence of scholarship and professional commitment:
- 1) A list of research, publications, presentations, consultations, speaking, artistic creations, or performances.
  - 2) Description of professional organization involvement and/or leadership
  - 3) Certificates or evidence of continuing education relevant to the field of study (e.g. conference attendance, webinars, professional development events, etc.).
  - 4) Indication of any grant writing or submission activities.
  - 5) Copies of any personal and/or professional growth plans, including a self-evaluation of achievement of the plans.
- e. Evidence of active faith/service to church and community:
- 1) Describe how your faith and community involvement is expressed through service in the following: Church/faith community, Community service organizations, and Community events.
- f. Evidence of active commitment to the University:
- 1) Describe your involvement in University committees, activities, and functions.
  - 2) Number of advisees and evidence of effective advising (if applicable).
  - 3) Report any grants, gifts, and funds you have procured for the University.

These materials should be submitted electronically (supporting materials in physical form are allowed).

### 3.7.4 Administrative Review

Once the materials have been submitted:

- a. The Dean will evaluate data supplied by applicant for promotion.
- b. The Dean will contact the department chair (if applicable) and those University individuals who interact with the applicant for promotion, especially with regard to those criteria that address teaching effectiveness, academic advising, and commitment to the University.
- c. The Dean will make a recommendation regarding promotion to the Vice President

for Academic Affairs and the President.

- d. The Vice President for Academic Affairs will evaluate all materials submitted by the applicant, the department chair, and the Dean.
- e. The Vice President for Academic Affairs will review any other sources of information determined to be of importance in making a decision regarding promotion and make a formal recommendation to the President.
- f. The President communicates in writing to applicant the administrative decision regarding promotion and if necessary, the Vice President for Academic Affairs provides recommendations for future reapplication.

### **3.8 Evaluation of Graduate and Undergraduate Faculty**

The annual evaluation of each faculty member is the responsibility of the School Dean. The purposes of the annual faculty evaluation process include the following: (a) to stimulate personal and professional growth on the part of the individual faculty member by designing strategies to maximize strengths and to overcome weaknesses, (b) to strengthen the academic effectiveness of the University by relating the work of the faculty member more closely to its institutional mission, and (c) to create and nourish a context in which sound, objective decisions may be made in such areas as the planning of scholarly activity, advancement in rank, assignment of duties, and planning of retirement, enabling the University to make informed decisions regarding employment issues such as promotion, compensation, assignment of duties and when necessary, employment termination. All of these purposes seek to insure that students will receive quality instruction by competent professionals in every academic program offered by the University.

#### **3.8.1 Criteria of Evaluation**

The two central concerns of each annual faculty evaluation are (a) the quality of personal and professional growth on the part of the individual, and (b) the extent to which this growth enables the University to fulfill its Institutional Mission and the School to achieve its goals and objectives. Primary factors to be considered in addressing these concerns for the faculty member's role as an (a) Educator: e.g., discipline mastery, classroom effectiveness, quality of course materials, creative guidance of individual students, attention to preparation, care in advising, accessibility to students, (b) Scholars: e.g., professional society presentations, publication, public addresses and/or performances, research activities, and (c) Citizens: e.g., service to the University and its many parts, to University constituents, to educational agencies, to the community, to local churches and other religious bodies, and to professional groups. The faculty member undergoing review should also exhibit a commitment to the mission and goals of the University, the School, and the department.

#### **3.8.2 Sources of Evaluation**

Faculty evaluations include input from the following:

- a. Self-evaluation. On an annual basis, each faculty member prepares a personalized Faculty Development Plan that sets specific goals relating to the three University

faculty roles, i.e. educator, scholar, and citizen. On an annual basis, each faculty member prepares a written evaluation of how well the goals of the Faculty Development Plan for the past year were achieved as part of the annual updating of this plan.

- b. Student evaluation and/or teaching effectiveness measures based on learning outcomes, namely learning artifacts and proxies. Student evaluations of teaching and classroom climate will be administered by the Office of Academic Affairs. All faculty will be evaluated in this manner during the fall and spring semesters of each year. The results of the evaluations will be made available to each individual faculty member, and the results for all faculty members within an academic school will be made available to the School Dean.
- c. Supervisory evaluation. The school dean prepares a written evaluation based on a study of the faculty member's self-evaluation on the revision of the Faculty Development Plan, on current student evaluations, and on an annual academic performance review with the faculty member at which point all matters relating to development and evaluation are discussed.

### **3.8.3 Procedure for Evaluation**

The annual process described above may be implemented in accordance with this suggested timetable:

- a. In early September, Faculty Development Plans are updated both by a self-evaluation of the previous academic year and by a revision of annual and long-range growth goals, after which they are submitted to school dean for study.
- b. From November to January, student evaluations are administered in all classes. The results of the evaluations will be made available to each individual faculty member, and the results for all faculty members within an academic school will be made available to the School Dean.
- c. From February to mid-May, annual academic performance reviews are completed by the School Deans, on which basis an annual supervisory evaluation is prepared in writing and shared with the faculty member. A composite report containing the self-evaluation, the updated Faculty Development Plan, the student evaluation results, and the supervisory evaluation of each faculty member is submitted to the Office of Academic Affairs by May 31.

### **3.9 Support of University-sponsored Activities**

Faculty and staff are encouraged to support, by their attendance or participation, such University events as cultural programs and intercollegiate athletic contests.

### **3.10 Faculty Assembly**

A copy of the Constitution of the Faculty Assembly is attached as Appendix A.

### 3.11 Summer Communications

Faculty members who are not on campus for periods of two or more weeks in the summer shall inform their deans and how they may be contacted.

Department Chairs who are off campus for the summer should check in with their Deans at least once each month.

### 3.12 Undergraduate Program Curriculum Changes

The academic curriculum framed within a Christian environment represents the essence of the educational experience for the students who attend the University, and as such is given extensive attention by the entire academic community in its establishment, modification, review and evaluation. The Board of Trustees has established the broad parameters for the University's curriculum. These policies are located in the *Howard Payne University Policies Adopted by the Board of Trustees, Academic Programs and Locations*.

This administrative policy on curriculum changes articulates the responsibility and authority of the faculty in academic and governance matters and assures that all academic credit awarded by the University is approved by the faculty and the administration. The following steps are required for approval of new degrees, majors, minors and certificate programs, and locations where these programs may be taught and are designed to assure faculty oversight of the entire curriculum, including additions, deletions, and alterations of courses, programs, majors, degree requirements, and academic regulations.

- a. Academic Department: Gives initial review and recommendation to proposals from individual faculty members.
- b. School: The Department Chair presents recommendations for consideration by the school. Led by the school dean, the faculty of each school regularly evaluates the effectiveness of its academic offerings, including course requirements and sequences and enacts changes appropriate to the administration of its curriculum. Prior to taking effect, the curriculum decisions of each school will be forwarded to the University Curriculum Council for review and comment. All full-time faculty of each school are voting members of the school.
- c. University Curriculum Council (UCC): All members of the UCC are voting members. The UCC reviews the actions taken by each school faculty to assure appropriate consistency throughout the schools regarding the application of the curriculum. If the UCC recognizes that a proposed action will create an undue hardship on other areas of the University curriculum, or if the school is proposing a change that is not generally consistent with the application of the curriculum throughout the University, the UCC will refer the action back to the school for further consideration. After its review, the UCC will report to the Faculty the actions taken by the School faculty by posting approved School actions on the Faculty BlackBoard site. In addition to this review and comment function related to actions proposed by School faculty, the UCC will consider changes that impact the entire University curriculum in proposals from the Deans' Council. If approved, proposals of this nature will be recommended by the

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UCC to the Faculty. Additionally, the UCC will review requests for changes to the General Education Curriculum. If approved, the UCC will recommend such changes to the Faculty who may approve or deny the request. The UCC is composed of the Vice President for Academic Affairs, the seven School Deans, Associate and Assistant Vice Presidents in the Academic Affairs division, the Director of Libraries, the President of the Faculty Assembly, one faculty representative from each of the seven Schools, and the University Registrar. Typically, the seven School representatives serve three years with two or three schools electing new representatives every year.

- d. Faculty: All Howard Payne University full-time faculty who regularly teach classes, distinguished professors, professional librarians, School Deans, and the Associate and Assistant Vice Presidents in the Academic Affairs division will constitute the voting members of the Faculty. Because the University's faculty is responsible for approving all educational programs for which academic credit is awarded and because of their duty to oversee the curriculum, the entire University faculty will meet as needed to consider and vote on matters pertaining to the curriculum and academic regulations. Additionally, the UCC will bring recommendations regarding additions, deletions, and alterations to the curriculum and matters of academic regulation.
- e. Administrative Council: Because the administration of the University shares with the faculty the responsibility to approve each educational program for which academic credit is awarded, actions recommended by the Faculty, along with budget and staffing recommendations, are considered for implementation. Changes not approved by the Administrative Council will be reported to the Faculty.
- f. Board of Trustees: The Board of Trustees has established broad parameters of the University's curriculum. These policies are located in the *Howard Payne University Policies Adopted by the Board of Trustees*, Academic Programs and Locations. Certain significant changes, including the addition or deletion of a degree or major, and off-campus locations through which 25% or more of the educational program may be earned, are considered and approved by the Academic/Faculty Services Committee of the Board of Trustees and then by the full Board. Such changes may originate through the normal progression of curricular changes through the faculty as described in the Administrative Policies of the University, or may be authorized by the Board for subsequent development and approval by the faculty. In the case of program or location proposals that involve outside approval, such as the Substantive Change procedures of the Commission on Colleges of the Southern Association of Colleges and Schools, a nine to twelve-month processing time is required prior to implementation.
- g. Substantive Change: Howard Payne University is committed to maintaining quality and relevancy in its academic programs, often leading to modifications in existing programs and the establishment of new programs. The University has established policies for the review and approval of curricular changes which ensure timely consideration of accreditation requirements, particularly of a substantive nature. Consequently, the University will review regularly the policies of its accreditors for their requirements concerning substantive change, communicate these policies internally to administrators and faculty involved in program and curriculum planning, determine if proposed changes comprise a substantive change, ascertain the

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appropriate manner and timing of reporting a substantive change (notification of or requesting prior approval for a change), and communicating these changes to its accreditors in the manner required by the substantive change policies of these accreditors. The Southern Association of Colleges and Schools Commission on Colleges (the Commission) defines a substantive change as any “significant modification or expansion in the nature and scope of an accredited institution.” The Commission’s policy on substantive change is published on the Commission website at [www.sacscoc.org](http://www.sacscoc.org). Specific events in the life of the University that would necessitate a substantive change notification or request for prior approval include the following:

1. Any change in the established mission or objectives of the institution
2. Any change in legal status, form of control, or ownership of the institution
3. The addition of courses or programs that represent a significant departure, either in content or method of delivery, from those that were offered when the institution was last evaluated
4. The addition of courses or programs of study at a degree or credential level different from that which is included in the institution’s current accreditation or reaffirmation
5. A change from clock hours to credit hours
6. A substantial increase in the number of clock or credit hours awarded for successful completion of a program
7. The establishment of an additional location geographically apart from the main campus at which the institution offers at least 50 percent of an educational program
8. The establishment of a branch campus
9. Closing a program, off-campus site, branch campus or institution
10. Entering into a collaborative academic arrangement such as a dual degree program or a joint degree program with another institution
11. Acquiring another institution or a program or location of another institution
12. Adding a permanent location at a site where the institution is conducting a teach-out program for a closed institution
13. Entering into a contract by which an entity not eligible for Title IV funding offers 25% or more of one or more of the accredited institution’s programs.

The University’s Accreditation Liaison is specifically charged with the responsibility of monitoring proposed changes as stated above, assuring that the administration and Trustees are aware of the applicable substantive change requirements, and preparing and submitting in a timely fashion the appropriate substantive change materials to the Southern Association of Colleges and

Schools Commission on Colleges. Furthermore, the University's Accreditation Liaison will monitor the Commission's website for changes to its stated policy regarding substantive changes.

### 3.12.1 Policy on Prerequisites

The University expresses its commitment to excellence in its Mission Statement: "...developing and equipping the whole person for intellectual inquiry, personal and professional integrity, and service to God and humanity." To achieve this commitment, the faculty have designed curricula that direct student progress toward success, offering hundreds of individual courses, of which many may have prerequisites or corequisites. These prerequisite requirements, which were established to ensure that students possess necessary skills and knowledge to achieve success in individual courses, are identified in the Undergraduate and Graduate Course Descriptions sections of the University Catalog. Students may not be approved to enroll in a course unless they meet the prerequisites by the time the course begins.

Course prerequisite requirements are monitored and enforced through the student advising process and the University's administrative software. Students who attempt to register for a class for which prerequisite requirements have not been met will receive an error message. A waiver for any course prerequisite may be initiated by the instructor responsible for a course for which a prerequisite is in place, and by the Dean of the School in which the course is offered, and signed by the student. A "Request for Prerequisite Waiver" form is available through the University's campus network portal, the Dean, the course instructor, or the Registrar's Office. All processing of a course prerequisite waiver is completed in the office of the Registrar upon submission of the signed "Request for Prerequisite Waiver" Form.

The establishment, modification or deletion of a course prerequisite or corequisite follows the policies and procedures under sections titled Undergraduate Program Curriculum Changes and Graduate Curriculum Design and Changes. Faculty are encouraged to set prerequisites only in instances when student success may be compromised by lack of specific knowledge and/or skills found in other courses. Normal sequencing of courses in a curriculum may be handled through advising rather than by the establishment of course prerequisites.

All prerequisite courses must be incorporated into the degree requirements of each curricular program, some prerequisites have their own prerequisites, forming a string of courses that must all be taken. The Howard Payne University Catalog individual course description shows the last course in the prerequisite string of courses. For example, MAT 3451 Differential Equations has a prerequisite of MAT 2461 Calculus II, which requires MAT 2451 Calculus I, which requires MAT 2345 Pre-Calculus Mathematics or Mat 2445 Accelerated Pre-Calculus, which requires MAT 1351 College Algebra. To enroll in MAT 3451, students must have successfully completed MATH 1351, 2345 or 2445, 2451, and 2461.

A curriculum may not have "hidden" prerequisites. If a course is a prerequisite for a required major or support course, then that prerequisite course must be included in the curriculum degree requirements as a major or support course. For example, for a curriculum requiring MAT 3421 Mathematics for Elementary Teachers II as a support course, MAT 1471 Mathematics for Elementary Teachers I, and MAT 1351 College Algebra must also be listed as support courses and included in the degree requirements for the Elementary Education degree program.

### **3.13 Faculty Leave**

Students have a reasonable expectation that their instructors will conduct all scheduled classes and be available during their posted office hours. For this reason, faculty members should endeavor to schedule outside activities during non-instructional times. Occurrence of paid leave will not exceed five days in a long semester and one day in a summer term, unless specifically authorized by the Vice President for Academic Affairs. Department Chairs and School Deans are responsible to monitor Faculty Leave and report to the Vice President for Academic Affairs for appropriate action any apparent abuse of the University leave policies.

#### **3.13.1 Paid Professional Leave**

Although classroom teaching is of paramount importance to the University, the University also recognizes the value of professional activities by faculty. Any faculty member desiring to take professional leave as permitted by this policy must obtain advance, written permission from the Dean of their school. When deciding whether to grant or deny a request for leave, the Dean shall consider the impact on students, the operational and instructional needs of the University, the faculty member's overall recent attendance history, the value of the proposed professional development activity, and the future availability of similar professional development activities. If the request is approved, the Dean shall notify the Vice President for Academic Affairs in writing and it will be forwarded to the Human Resources office.

#### **3.13.2 Unpaid Professional Leave**

In order to assist faculty members who desire further formal study or an opportunity for writing, research or other creative activities that are beneficial to the University, full-time faculty may request unpaid leave for professional development.

A full-time faculty member becomes eligible for an unpaid leave of absence after four consecutive years of satisfactory employment at the University. The faculty member must submit a written request for leave to their School Dean at least six months before the leave is to begin. If approved by the Dean, the request will be submitted to the Vice President for Academic Affairs. Following consultation with the President, the Vice President for Academic Affairs will notify the Dean and faculty member of the status of the request.

The Human Resources office will be informed of any approved unpaid leave and will advise the faculty member regarding the continuation of any employee benefits during the leave period.

Following the leave period, the faculty member will be required to present the results of their professional development activities to the University faculty in a manner approved by the Vice President for Academic Affairs.

#### **3.13.3 Paid Emergency Leave**

Emergency leave with pay is available for unforeseen situations that require immediate attention. Up to three Emergency Leave days with pay is available for unforeseen situations that require immediate attention. Effort should be made to notify the faculty member's Department Chair, School Dean, or Vice President for Academic Affairs about the nature of the circumstance at the earliest possible moment.

### **3.14 Institutional Review Board (IRB)**

The Institutional Review Board (IRB) is responsible for the review and approval of all research involving human and non-human subjects conducted by faculty, staff, and students at the University as well as requested from external researchers to use University students and/or personnel. The IRB is charged with ensuring compliance with all applicable University policies. The Deans' Council constitutes the IRB.

### **3.15 Sale of Materials to Students**

Faculty members should not sell materials to students. The sale of a syllabus or other work which is used in lieu of a published textbook should be handled through University Services and the Office of Academic Affairs. University Services will produce the materials. Payment for the materials will be collected from the student as a course fee added to registration for the course. If special circumstances exist that might lead to an exception to this policy, the request for an exception must be addressed to and approved by the Vice President for Academic Affairs.

In the sale of all materials to students, the guiding principle should be to give the student the best possible material at the least possible cost consistent with sound business practice. Teachers shall refrain from requiring the purchase of their own writings if there are objectively better or more suitable materials available in published form.

### **3.16 Use of Copyrighted Materials For Educational Use**

The University prohibits all employees and students from violating applicable copyright laws and encourages the use of freely available resources as an alternative to copyright infringement.

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Before duplicating written materials, music, videos, software, or other materials in any medium, employees are responsible for determining its copyright status and should obtain written permission from the copyright owner before using the material unless the proposed use constitutes a "fair use." Guidelines for determining appropriate use of copyrighted material are available in the University library. The University will not assume liability for any employee who acts contrary to this policy statement regarding copyrighted material.

### **3.17 Graduate Programs**

### **3.17.1 Faculty**

Faculty who teach graduate courses in the graduate studies program are typical faculty members in many ways. That is, most of the policies and procedures that govern faculty members apply equally to faculty who teach undergraduate and graduate courses. However, in two areas specialized policies are noted: curriculum design and changes, and teaching loads.

### **3.17.2 Graduate Curriculum Design and Changes**

The academic curriculum framed within a Christian environment represents the essence of the educational experience for the students who attend the University, and as such, is given extensive attention by the entire academic community in its establishment, modification, review and evaluation. Generally, curricular matters utilize the following sequence of consideration and recommendation.

- a. Particular Graduate Program: The program director, in consultation with the Dean of the School, performs initial review of proposals from the graduate faculty.
- b. School: The School Dean over the graduate program discusses changes with the graduate faculty resident within the school and makes recommendations accordingly.
- c. Graduate Curriculum Committee: The Deans' Council, serving as the Graduate Curriculum Committee (GCC), will review the actions taken by the graduate faculty to assure appropriate consistency throughout the schools regarding the application of the curriculum. If the GCC recognizes that a proposed action will create an undue hardship on other areas of the University curriculum or if the graduate faculty is proposing a change that is not generally consistent with the application of the curriculum throughout the University, the GCC will refer the action back to the graduate faculty for further consideration. After its review, the GCC will report to the Faculty the actions taken by the graduate faculty by posting approved school actions on the Faculty BlackBoard site. . In addition to this review and comment function related to actions proposed by school faculty, the GCC will consider changes that impact the entire University curriculum in proposals from the graduate faculty. If approved, proposals of this nature will be recommended by the GCC to the Faculty..
- d. Faculty: Recommendations from the Graduate Curriculum Committee that are significant in nature (i.e. new degree programs, extensive changes to existing degree programs, changes that impact other areas of the curriculum) are reviewed and approved by the entire faculty.
- e. Administrative Council: Because the administration of the University shares with the faculty the responsibility to approve each educational program for which academic credit is awarded, actions recommended by the Faculty Assembly, along with budget and staffing recommendations, are considered for implementation. Changes not approved by the Administrative Council will be reported to the Faculty Assembly.
- f. Board of Trustees: Certain significant changes including the addition or deletion of a degree or major are considered and approved by the Academic/Faculty Services Committee of the Trustees and then the full Board.

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- g. Substantive Change: Howard Payne University is committed to maintaining quality and relevancy in its academic programs, often leading to modifications in existing programs and the establishment of new programs. The University has established policies for the review and approval of curricular changes which ensure timely consideration of accreditation requirements, particularly of a substantive nature. Consequently, the University will review regularly the policies of its accreditors for their requirements concerning substantive change, communicate these policies internally to administrators and faculty involved in program and curriculum planning, determine if proposed changes comprise a substantive change, ascertain the appropriate manner and timing of reporting a substantive change (notification of or requesting prior approval for a change), and communicating these changes to its accreditors in the manner required by the substantive change policies of these accreditors. The Southern Association of Colleges and Schools Commission on Colleges (the Commission) defines a substantive change as any “significant modification or expansion in the nature and scope of an accredited institution.” The Commission’s policy on substantive change is published on the Commission website at [www.sacscoc.org](http://www.sacscoc.org). Specific events in the life of the University that would necessitate a substantive change notification or request for prior approval include the following:
1. Any change in the established mission or objectives of the institution
  2. Any change in legal status, form of control, or ownership of the institution
  3. The addition of courses or programs that represent a significant departure, either in content or method of delivery, from those that were offered when the institution was last evaluated
  4. The addition of courses or programs of study at a degree or credential level different from that which is included in the institution’s current accreditation or reaffirmation
  5. A change from clock hours to credit hours
  6. A substantial increase in the number of clock or credit hours awarded for successful completion of a program
  7. The establishment of an additional location geographically apart from the main campus at which the institution offers at least 50 percent of an educational program
  8. The establishment of a branch campus
  9. Closing a program, off-campus site, branch campus or institution
  10. Entering into a collaborative academic arrangement such as a dual degree program or a joint degree program with another institution
  11. Acquiring another institution or a program or location of another institution
  12. Adding a permanent location at a site where the institution is conducting a teach-out program for a closed institution

13. Entering into a contract by which an entity not eligible for Title IV funding offers 25% or more of one or more of the accredited institution's programs.

The University's Accreditation Liaison is specifically charged with the responsibility of monitoring proposed changes as stated above, assuring that the administration and Trustees are aware of the applicable substantive change requirements, and preparing and submitting in a timely fashion the appropriate substantive change materials to the Southern Association of Colleges and Schools Commission on Colleges. Furthermore, the University's Accreditation Liaison will monitor the Commission's website for changes to its stated policy regarding substantive changes.

### **3.17.3 Graduate Faculty Teaching Loads**

- a. The normal teaching load for a regular, full-time faculty member teaching graduate courses is 24 to 27 semester hours or its equivalent during the nine-month academic year (fall and spring semesters). Faculty load includes the faculty member providing instruction at any of the University's locations and by any means of delivery.
- b. Teaching load for graduate courses is calculated as 1 1/3 credit for each hour of a course's credit hours. For instance, a three-hour credit graduate course will be given four hours of load credit.
- c. Faculty load for practicums and internships is based on a .111 teaching load credit per semester hour registration.

#### **3.17.3.c.1. Master of Arts in Youth Ministry**

Due to the particular delivery of instruction for internships in the Master of Arts in Youth Ministry degree program, YMN 6261-6269 Youth Ministry Internships will be compensated at 0.450 load per hour of enrollment.

- d. Conference courses should be discouraged except in cases of extreme justification. Faculty load for conference courses is based on a .333 teaching load credit for each semester hour registration.
- e. An attempt should be made to avoid scheduling a faculty member with more than one new advanced course preparation per semester.
- f. Appointments to campus committees should be distributed with the goal of placing a graduate faculty member on no more than one campus-wide committee in an academic year. Special committees during periods of reaffirmation of accreditation may be in addition to the normal standing committees.

### **3.17.4 Graduate Faculty Evaluation**

Graduate faculty shall be evaluated in accordance with process established in Policies 3.8.

### **3.18 Intellectual Property Right and Ownership**

"Intellectual property" is defined as anything developed that fits, but is not limited to, one or more

of the following categories: an invention, an issued patent, a copyrighted work, a legal right that inheres in a patent, copyright, trademark, or know-how or trade secrets.

Generally, employees or students have the right to patent, copyright, publish, or otherwise establish ownership of a creative work, to market any commercially valuable creative work which they produce by means of their own expertise and labor, and to receive any and all royalties which result from such a work subject only to the following conditions.

- a. If a creative work is produced as an assigned duty, i.e. a specific directive to prepare such a work, the intellectual property is considered “work for hire” and ownership rights belong to the University, unless these rights are relinquished by the University to the individual.

Note: The general obligation to engage in research and scholarship which may result in publication is not an assigned duty nor does it result in works “made for hire.”

- b. If a creative work is produced by employees or students by making significant use of the University facilities and resources, ownership rights may be jointly shared between the individual and the University. What constitutes significant use of University facilities, personnel, and resources is a question that must be answered on the basis of the facts and circumstances of each case. A University-wide formula to define “significant use” is inappropriate because of the different needs among various disciplines. Normal usage of library resources, secretarial help, word processing equipment, or other support services do not constitute a significant use. If a question arises, the creator should seek a written opinion from the appropriate school dean. If there is a disagreement, the matter should be appealed to the Vice President for Academic Affairs.

### **3.19 Library Collection Policy**

#### **3.19.1 Background**

In 1943, the American Library Association defined “library collection” as “the total accumulation of materials provided by a library for its target group.” That definition has not changed, but what is meant by “accumulation” and “materials” is quite different today. Consequently, a planned development of a library collection, whatever the definition is, becomes a necessary part of all modern libraries, especially considering the importance of allocating the library’s limited resources in a useful manner. Such considerations as rising costs, the increase in published materials in print and online, the explosion of new technologies, and a perceived expanded need for a variety of information makes it imperative that materials are chosen wisely in order to adequately support the needs of the students, faculty, and staff of Howard Payne University. This policy is in place in order to provide that direction for the librarians and faculty of Howard Payne University who are responsible for choosing the materials that will meet the needs of our students and faculty wherever they are located.

### 3.19.2 Mission

Walker Memorial Library provides the Howard Payne University community a wide variety of resources and services that support the teaching mission, help students become knowledgeable in the wider world of information, and encourage all in pursuit of lifelong learning.

### 3.19.3 General Guidelines

Faculty are encouraged to request library resources that will support students as they complete their research assignments. Submit all suggested book purchases via the resource request form on the library web page, or via email to the Director of Library Services. All faculty may participate in developing the collection; however, final purchasing decisions are the prerogative of library personnel. Few faculty requests are refused as long as there is budget available.

The collections are funded by the annual budget and are developed by the librarians and faculty in all curricular areas. The collection includes print books and journals, electronic books and journals, electronic databases, and audio/visual materials.

### 3.19.4 Specific Guidelines

The development of the collection will include consideration of curriculum needs, research and information support, and areas of community and regional interest. Generally accepted criteria that would apply to the selection of all library materials includes:

- Lasting value of the content
- Appropriateness of material to the HPU community
- Cost vs. potential demand for a specific resource
- Lack of similar resources
- Language

Specific collection development guidelines include:

- Nonfiction Books – Preference is given to those publications that support the curriculum and research needs of Howard Payne University.
- Fiction Books – Preference is given to literary works that support the curriculum. Popular works of fiction are rarely purchased.
- Textbooks – Higher education textbooks are not normally purchased except in cases when the textbook has earned the reputation as a classic in the field, or is the best (or only) source of information on a particular topic.
- Journals – The library will consider the purchase of journal subscriptions considered core to a discipline if they are not accessible in one of the full-text databases available through the library. Selected popular magazines may be purchased and copies kept for a limited number of years.
- Government Documents – Walker Memorial Library has been a federal depository library since 1969. The items selected for this collection meet the same guidelines that govern the rest of the collection but must also take into consideration that we are a depository for our congressional district, and should collect those materials that would be of interest to citizens of the district. The Government Documents Specialist selects and deselects items annually.

- Music Scores – Scholarly editions of collections and other scores that will support the curriculum are preferred. Sheet music and music with separate parts should be purchased by the departments using them and should not be housed in the library.
- Music Recordings – With the availability of online databases for listening assignments, it is no longer necessary for students to check out individual titles on CD, therefore music CD's are not purchased often. The library will consider the purchase of CD's, case-by-case, when titles are not available online.
- DVD's – The library purchases titles on DVD when those titles can be useful across the University curriculum as a whole. Titles used only for a specific class should be purchased by the departments using them and should not be housed in the library, unless placed on reserve for the semester needed.
- Databases – As a member of the Abilene Library Consortium, TexShare, and other consortia, the HPU library has a price advantage that allows access to more databases than would be possible if not for our involvement in such agreements. Currently, the library subscribes to a core collection that is universally available to Texas libraries. In addition, the library maintains individual subscriptions to databases that support the library's mission.
- eBooks – Some online books are found within subscription databases; others are individual purchases. Some of these purchases are carried out jointly with the Abilene libraries. Criteria for selecting individually owned eBooks is the same as it is for selecting print books.

### 3.19.5 Withdrawal of Materials (Weeding)

Deselection of print library materials is an important process for maintaining a useful, academically appropriate collection. Any decision to withdraw an item should take into consideration the value of the item to future research and teaching. The library does not have a routine weeding schedule. Sections of the collection are reviewed and weeded as time and staff numbers allow.

Some criteria used in weeding materials include:

- Content is outdated
- Content has been superseded by a newer edition
- Item is damaged beyond repair
- Item has received little or no use
- The information can be accessed online

Currency of information can be especially important for some disciplines such as business, technology, and health sciences. Careful attention is given to these areas.

Faculty are encouraged to visit the library and make weeding suggestions in their areas of expertise.

### 3.19.6 Policy Review

The collection development policy should bear regular review in order to assure that the collections continue to serve the needs of the Howard Payne University community.

## **SECTION 4.0 BUSINESS AND FINANCIAL MATTERS**

### **4.1 Annual Operating Budget and Budgeted Expenditures**

#### **4.1.1 Annual Operating Budget**

Each department head is responsible for operating within the department's annual budget.

The University maintains an annual operating budget approved by the Board of Trustees. The University may not budget a deficit without prior written consent from the Finance Committee of the Board of Trustees. The budget should be viewed as the University's operating plan expressed in dollars, as it is a systematic planning of the University's expenditures relative to the anticipated revenues for a given fiscal year. The University's fiscal year is June 1 through May 31.

Each year, the Vice President for Finance and Administration issues guidelines to department heads for requesting funds for allocation from the upcoming fiscal year's budget. The department head shall complete and submit all required forms as instructed, including justification for the funding request, by the deadline for full consideration. The Vice President for Finance and Administration will compile all departmental requests to be considered by the University's Administrative Council. Requested funds will be approved considering the adequacy of projected revenues, overall institutional priorities and strategic plans of the University.

The Vice President for Finance and Administration shall work with the President and other Vice Presidents to prepare an annual operating budget that funds the highest priorities of the institution. Once approved by the Board of Trustees, the President, assisted by the Vice President for Finance and Administration, shall have the responsibility of administering the overall operating budget for the fiscal year. After Board of Trustee approval, final budget allocations will be distributed to department heads for planning and use the next fiscal year.

#### **4.1.2 Budgeted Expenditures - Control and Transfers**

Department heads are responsible for budget control and continuous monitoring of their detailed budget activity to ensure that expenditures remain within the approved departmental budget. Current budget information is directly accessible by department heads through the University's campus network. By Board policy, all departmental expenditures exceeding the approved budgeted amounts are reported to the University's Board of Trustees.

Budget control is at the departmental level. Through their area Vice President, department heads may request a transfer of funds between individual accounts by submitting a Budget Transfer Request Form for their consideration. Generally, transfers are not authorized between operating and personnel budget accounts. Questions regarding budget transactions should be directed to the controller or Vice President for Finance and Administration.

### **4.2 Receipt of Funds, Banking and Invoicing**

#### **4.2.1 Daily Depositing of Funds**

It is the policy of the University that all funds received must be deposited on a daily basis. The President has delegated full responsibility for the receiving, recording, and safekeeping of all

funds to the Controller's Office. This responsibility includes any and all payments required of students or receipts for any activity or department. No one is authorized to accept any funds on behalf of the University except the President, the President's designees in the advancement office, and those persons designated as cashiers by the controller. University funds received by any other employee must be deposited at the Controller's Office the same day they are received.

#### **4.2.2 Banking**

No bank accounts of any type may be maintained or operated outside of the Controller's Office by any group or individual acting on behalf of the University in any capacity. No group may use the University name or initials on any bank account being maintained for purposes unrelated to the operation of the University or any of its recognized organizations.

Signatory authority on University bank accounts is granted to the President, Vice President for Finance and Administration, and the controller.

All bank statements must be addressed to the Vice President for Finance and Administration.

#### **4.2.3 Invoicing**

The Controller's Office is the only department authorized to invoice or "bill" any individual or entity on behalf of the University. If any activity results in an individual or entity needing to be invoiced by the University, the department should send billing information to the Controller's Office, as follows:

- a. Nature and date of the activity
- b. Billing address and person's name (if known)
- c. Amount to be invoiced
- d. The account number to be credited with this "sale."

The Controller's Office will credit the appropriate account, giving credit immediately for the transaction. The Controller's Office will then be responsible for actually collecting the outstanding invoice, making it unnecessary for departments to be involved in billing and collection efforts.

#### **4.3 Purchasing and Procurement**

Expenditures of University funds, regardless of funding source, shall be approved prior to funds being committed by authorized deans, the President, the Vice President for Finance and Administration, or their administrative designees. The approval process shall consider the appropriateness and reasonableness of the expenditure. Current procedures for Purchasing and Accounts Payable are available on the computer network.

The University utilizes a system of approved Purchase Orders to purchase goods and services, regardless of the funding source. An approved Purchase Requisition is required in order for an official Purchase Order to be issued. The allocation of budget funds to a department is not an open approval to make purchases without a Purchase Order. A Purchase Order represents

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approval for the department to make the purchase and is a commitment to the vendor that the University will pay for purchased goods or services. Departments do not have the authority to bind the University for purchases prior to receiving a physical Purchase Order signed by the Business Office. Current purchasing procedures are available on the University's campus network.

In accordance with Board policies, competitive bids are required for large purchases. Departments must submit evidence of soliciting competitive bids with their Purchase Requisitions.

The Business Office will officially authorize the purchase and payment for all supplies, equipment and services needed by the University. Expenditures shall be approved within allocated budgeted funds and all employees must make purchases for their departments in accordance with the following policies.

### **4.3.1 Split Orders Prohibited**

The Business Office is responsible for ensuring departments do not split purchases and process them at different times to avoid purchasing limits described in this policy. Splitting orders or invoices in order to avoid the purchasing limits described in these policies is prohibited and employees who split orders may face disciplinary action.

### **4.3.2 Processing Time Allowed and Emergency Requests**

The Business Office attempts to issue Purchase Orders within five working days of an approved Purchase Requisition being submitted to the Business Office. "Emergency" or "Rush" Purchase Orders will be issued only when specifically requested in writing by an officer of the University.

## **4.4 Credit Cards and Vendor Charge Accounts**

### **4.4.1 University Credit Cards**

Current procedures for the approval and issuance of University Credit Cards is available on the University's campus network.

### **4.4.2 Personal Credit Cards**

Receiving personal gain by repeatedly charging University purchases to a personal credit card and earning vendor award points, frequent flyer miles, rebates, discounts or other forms of reward is prohibited. On rare occasions when a University credit card is not available and it is necessary to charge a University purchase to a personal credit card, the employee may incidentally receive some rebate or award points.

Employees should contact the Controller prior to using a personal credit card for University expenses. Charges to a personal credit card incurred without prior written authorization will not be reimbursed by the University.

### **4.4.3 Vendor Charge Accounts**

The University maintains a database of approved vendor charge accounts. Employees seeking new vendor charge accounts must justify a need and request them through the Controller's

Office. The Controller's Office is the only office authorized to create new accounts on behalf of the University.

Employees may not charge personal items on the University's vendor accounts, even if the intent is to reimburse the University at a later date. An exception is made for personal long-distance charges, which must be repaid to the Controller's Office immediately upon receipt of the itemized billing statement.

## 4.5 Contract Administration

### 4.4.1 Definitions

**Contract** - A legally binding written agreement executed between the University and a third part in which the parties agree to perform in accordance with the obligations therein. Contracts include, but are not limited to, letter agreements, cooperative agreements, memorandums of understanding (MOU), interagency contracts, interlocal contracts, easements, licenses, and leases involving University data and cloud services.

**Contract Administration** - Following the award of a Contract, the department's actions to oversee full compliance with all of the terms and conditions contained within a Contract.

**Contract Administrator** - The Contract Administrator is the department level individual responsible for adherence to all provisions contained within a Contract and for managing the performance of a Contract.

**Contract Close-out** - The process conducted at the completion of the Contract during which the Contract Administrator confirms and documents compliance with the terms and conditions of the Contract, final Deliverables are received, and outstanding payments are made.

**Contract Management** - The complete contracting process from Planning through Contract Administration and concluding with Contract Close-out.

**Procurement (Procure)** - Purchasing, renting, leasing, or otherwise acquiring any goods and services based on published Administrative Policies, including all functions from obtaining initial quotes through Contract Closeout.

**University Data and Cloud Services** – All electronic data that is collected by any University employee or department and stored on University or cloud servers.

**Vendor** - An individual, business, or governmental entity that has a Contract to provide goods or services in the State of Texas. Used interchangeably with the term "Contractor."

### 4.5.2 Approval and Execution of Contracts

The University's Board of Trustees have given the President, the Vice President for Academic Affairs and the Vice President for Finance and Administration authority to sign University contracts. No other employee may sign contracts on behalf of the University.

An individual executing a contract on behalf of University without the authority to do so may be personally liable for damages flowing from repudiation of the contract.

This policy shall apply to all contracts for the initial periods, and for amendments, or extensions thereto. For the purpose of determining whether a contract requires approval of the Board of Trustees, any option(s) to extend or renew a contract shall be counted in the overall term of the contract.

Official copies of signed University contracts are maintained in the office of the Vice President for Finance and Administration.

#### **4.5.3 General Guidelines for Processing Contracts**

- a. The department requesting the goods or services in consultation with the finance office shall first determine if a competitive solicitation is required and ensure *Administrative Policies* regarding conflicts of interest and purchasing policies are followed.
- b. Contract Submission to the Vice President for Finance and Administration
  - (1) If possible, contract requests should be initiated at least six (6) weeks prior to the start date of the contract to allow ample time for review and approval.
  - (2) If a contract is received from a vendor, the Contract Approval Form found in the University Gateway must be completed and processed for review.
  - (3) All contracts should be reviewed by the Vice President for Finance and Administration or his designee so costs and liability concerns can be addressed before a contract is signed. Contracts that involve any University data or cloud services must be routed to the Assistant Vice President for Information Technology for review and approval prior to a contract being signed.

#### **4.5.4 Procurement Guidelines**

All University employees are responsible for ensuring that budgeted funds are available for all expenses related to a proposed contract and that all purchasing policies are followed before a purchase order is issued and any goods or services are received. The finance office will provide the department with a copy of the signed contract which can be used to create the required purchase order.

#### **4.5.5 General Guidelines for Processing Renewal Contracts**

The finance office is the office of record for all University contracts. This responsibility requires that the finance office maintain files of all contracts executed by University. The finance office will keep track of contract information, such as name of vendor and purpose of contract, beginning and ending dates, contract amount, and date to begin renegotiation of the contract (the renegotiation date will be determined based upon the amount and/or the complexity of the contract).

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- a. Written contracts shall be executed whenever the University enters into a binding agreement with another party that involves any amount and for any purpose between University and other parties that may create liability for the University.
- b. For contracts previously approved, departments must submit the Contract Approval Form via University Gateway and a copy of the renewal if received. Please select the form option for contract renewal if your contract was previously approved.
- c. All renewal contracts not previously reviewed via the processes provided in this procedure must be submitted for review. Departments must submit the Contract Approval Form via University Gateway and attach any required documentation to support the transaction. If necessary, the finance office will negotiate terms with vendors.

### 4.5.6 Department Responsibilities

Departments must follow all *Administrative Policies* prior to submitting contracts for approval. Departments must assign a contract administrator to each contract.

### 4.5.7 Finance Office Responsibilities

- a. Ensure contracts are in compliance with University policy requirements.
- b. Review contracts for institutional risks through appropriate risk management procedures.
- c. Obtain certificates of insurance from vendors when necessary.
- d. Ensure that all expenditure and revenue transactions are in compliance with *Administrative Policies* of the University and the requirements of the contract.
- e. Verify that contracts subject to this operating policy are in compliance with Texas state and federal laws.
- f. Verify that the Contractor is eligible to contract with University in accordance with Texas state and federal laws.
- g. Submit contracts for legal review, as deemed necessary.
- h. Notify the Vice President for Finance and Administration and President of all contracts that require approval by the Board of Trustees or that must be reviewed by legal counsel.
- i. Disseminate approved contracts to the department and retain one copy for its files.
- j. Verify that bonds and insurance are provided as required by the contract or University policy.
- k. Notify departments when contracts are expiring and require procurement or renewal.

- l. Provide contract management oversight to departments to ensure contracts are performed in accordance with contract terms and conditions.
- m. Provide oversight of the contract close-out process.
- n. Serve as the repository for all University contracts subject to this operating policy.
- o. Address non-compliance of contracting policies.

#### **4.6 Gift Expenditures**

University funds may not be used to purchase individual gifts, gift certificates or gift cards. Employees wanting to acknowledge others on an individual basis must do so using their personal funds.

Within modest parameters and with prior written approval by the area Vice President, departments may host group appreciation celebrations using University funds.

#### **4.7 Membership Fees**

Fees for University, school, or department memberships in professional organizations may be paid from University funds upon approval of the Vice President for Finance and Administration. Individual memberships in professional organizations may be approved by the area Vice President.

#### **4.8 University Calendar and Facility Use**

The University's master calendar, housed on the University's campus network, is maintained by the University Services office to ensure centralized and coordinated facilitation of University events and scheduling. Current policies for use of the University Calendar are available on the University's campus network.

##### **4.8.1 Facility Use for Outside Groups**

Current *Reservation and Facilities Usage Policies, Rental Rates and the Reservation/Facilities Usage Contract* for Mims Auditorium, Grace Chapel, the Jackson Room and Newman Hall are posted on the University's campus network.

#### **4.9 Use of Mabee University Center Rooms**

Current *Reservation and Facilities Usage Policies, Rental Rates and the Reservation/Facilities Contract for use of the Mabee University Center* are posted on the University's campus network.

#### **4.10 Camps**

The Texas Education Code requires institutions offering "a campus program for minors" to provide and document training for employees and volunteers working with minors (under age 18) in a camp operated by the University. The Texas Department of State Health Services (TDSHS) must approve the training program and such programs must deal with the warning signs of sexual

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abuse and child molestation. The purpose of the training is to help camp operators recognize the characteristics of abusers, molesters, and indicators a child might have been abused or molested. The mandate applies to any program “operated by or on the campus” of a public or private college or University providing “recreational, athletic, religious, or educational activities for at least 20 campers” who “attend or temporarily reside” on campus for “all or part of at least 4 days.”

The University may not employ or use a volunteer in a position involving contact with campers unless the potential employee or volunteer submits documents verifying the person has successfully completed a TDSHS approved training and examination program on sexual abuse and child molestation within the preceding two years or the person successfully completes such a program prior to working in any University operated camp.

All departments wishing to host camps, whether held on campus or off campus, must obtain prior, written approval from their area Vice President during the annual budget development process before any promotional activities can begin.

At that same time, the department must identify and request all University facilities to be used and submit a projected financial plan of anticipated revenues and detailed expenditures for the proposed camp to the Vice President for Finance and Administration. The University’s primary insurance carrier requires special procedures and separate insurance coverage to be purchased for camps, which must be funded with camp revenues. Camp insurance coverage must be secured in consultation with the senior e at least ninety (90) days prior to the beginning of the camp.

Receipt of funds, payment of invoices, and payments to all camp workers will be handled according to stated policies and operating procedures. Detailed procedures and forms to be used for camps are available on the University’s campus network.

### **4.11 Sponsorship of Clubs**

The sponsor of a student organization must be a full-time employee of the University and must be approved by the dean of students. The sponsor shall attend all of the organization’s functions and must accompany the organization on out-of-town trips. No sponsor can serve more than one social fraternity or sorority at a time. The sponsor will be the liaison to the administration for all activities of the organization. The sponsor shall advise the members regarding proper and improper conduct.

The sponsor must inform the members that that neither the organization nor the sponsor may create financial obligations on the part of the University. The sponsor must sign all requisitions for purchases by the club, prior to sending the Purchase Requisition to the Business Office. Such organizations are not agents of the University and as such may not incur liability for the University.

### **4.12 Travel on University Business**

All University employees who drive a vehicle, including their personal vehicle, to conduct University business must be on the approved drivers list for the University. Approval to drive on behalf of the University is administered by the Vice President for Finance and Administration.

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Employees using their personal vehicle to conduct University business do so with their personal auto insurance being primary coverage in case of an accident involving their vehicle. The University's auto insurance policy provides secondary coverage in these situations. Employees are encouraged to use Enterprise Car Rental for University business to avoid wear and tear on personal vehicles and avoid having their personal insurance be primary in case of an accident.

The policies that follow apply to all expenses incurred by employees when traveling on University business. Failure to follow these policies may result in denial of expense reimbursement to the employee and/or disciplinary action, including termination of employment. Detailed procedures for these policies are available on the University's campus network.

### Eligibility for Driving on Behalf of the University by Employees Over the Age of 75

In order for the University to acquire liability insurance on University employees and any passengers traveling in any University-owned or leased vehicles on behalf of the University, the insurance underwriters of the University's insurance plan require the following:

- Employees over the age of 75 but under 80 must obtain an annual physical from a medical physician showing the physical capacity to drive University-owned vehicles or leased vehicles while conducting University-related business. The foregoing also applies to employees over the age of 75 but under 80 from using personal vehicles for University business.
- Employees who are 80 or older are prohibited from driving University-owned vehicles or leased vehicles for University related business. Employees who are 80 or older are also prohibited from driving personal vehicles on University business.

### Eligibility for Driving on Behalf of the University

The University carries liability insurance on all University-owned and leased vehicles. Employees who use personal vehicles for University business must carry liability insurance as required by Texas law. University insurance provides secondary coverage when an employee uses his or her personal vehicle for University business. Employees are encouraged not to use personal vehicles when conducting University business.

The insurance underwriters of the University's insurance plan require that only employees must age 21 or older are eligible to drive University-owned or leased vehicles on behalf of the University.

Employees eligible for driving should have no more than two moving violations within the past three years. Employees with three or more moving violations in a three-year period are ineligible to drive on behalf of the University.

Employees with a DUI within a three-year period are ineligible to drive on behalf of the University.

The University will require employees to register for approval through the business office to drive on an annual basis. The University reserves the right to prohibit any employee from driving at its sole discretion.

Volunteers must apply through the business office for eligibility for driving University-owned and leased vehicles.

#### **4.13 Insurance Coverage**

The University maintains insurance coverage to insure its facilities, physical assets and operations. Damages to University-owned property or vehicle accidents involving University employees conducting University business should be reported immediately to the Vice President for Finance and Administration.

#### **4.14 Building/Property Use and Keys**

University property and buildings are insured to support University functions. Use of University property for personal gain is prohibited. No employee may use or allow anyone else to use University property or buildings for any purpose that is not an official University function. External groups desiring to meet on campus must be approved and placed on the University Calendar as a University-sponsored event (see University Calendar and Facility Use policy).

A written record of all building, office and equipment keys issued to employees is maintained by the University's Facilities Department. Building and office keys are issued upon prior written approval by the area dean or Vice President. Employees who have been issued keys recorded under their name are not authorized to loan, trade or transfer those keys to any other individual without prior written approval from the director of facilities and planning or his designee. Individuals to whom University keys are issued assume personal responsibility for the unauthorized use of the keys. Employees who violate this policy are subject to discipline, up to and including termination of employment.

Keys may not be duplicated under any circumstances without prior written approval from the director of facilities and planning or his designee.

If a University key is lost or stolen, the employee to whom it was issued must immediately report the loss of the key to the University Department of Public Safety or the director of facilities and planning. The employee to whom the lost or stolen key was issued may be required to reimburse the University for the cost incurred to secure all facilities or equipment associated with the lost or stolen key.

Upon termination and as part of the employment checkout process, employees are responsible for returning all keys previously issued to them to the director of facilities and planning or his designee. Keys may not be left with the departing employee's former supervisor. The employee's final pay will not be released until all keys are returned to the Physical Plant Department as part of the checkout process.

#### **4.15 Computer Information and Telephone Systems**

The University's Computer Information System (System) includes, but is not limited to, the following which are owned by the University: computers, printers, network hardware, cabling, computer passwords and accounts, E-mail accounts, all E-mail messages (sent and received on the System) including attachments and photos included in the messages, all electronic files, Internet access, web pages, social media accounts, software, video, telephone equipment, long

distance service, and voice mail messages. Accounts to these Systems are provided to students and employees to support University programs. It is the responsibility of each student and employee to use the System in a professional and ethical manner, consistent with the overall policies of the University. Use of the System is a privilege and any misuse can result in a student or employee being denied access to the System. The same policies on conduct stated in the Student Handbook and Employee Policies and Procedures Manual apply to any use of the Information Systems. By connecting to the University network, all users agree to abide by the Information Systems Policies.

The University owns the System and the Information Technology Services issues all accounts, access codes, and numbers for the System. Student accounts are issued when students first enroll at the University. Employee accounts are issued only after an employee has completed the new employee Check-In process. Employee accounts for new faculty may be issued up to two weeks prior to the faculty member beginning to teach for the University, if the new faculty member has otherwise completed the employee Check-In process.

To protect University property and student's personally identifiable information, adjunct faculty will have their network systems access turned off and they must follow the University's Check-Out procedure to turn in their keys as they turn in their semester/term grades when they are not teaching or not expected to teach in the semester/term immediately following the one that just ended.

#### **4.15.1 The System**

The System may only be used for University programs and legitimate communications. No one may use any component of the System for commercial activities or personal use, except for reasonable routine communications. Employees who use the University's System to create or maintain personal information or messages have no right or legally protected expectation of privacy with respect to that information or message.

All computers which are connected to the University network, regardless of their owners, are subject to monitoring by Information Technology Services staff. The University reserves the right to monitor any computer activity a user performs while using the University's campus network.

All computers attached to the University network, regardless of who owns them, must have antivirus software with a current update subscription, and the computer name must identify the owner by containing their user name. Computers that do not comply will be removed from the network.

Employees are responsible for the proper use of any System account and password issued to them. If an employee gives someone else their password or access to their account, that employee is responsible for the other person's actions and is subject to disciplinary action up to and including termination of employment. The proper use of password protection to prevent unauthorized access to accounts is expected of all users.

#### **4.15.2 Email**

- a. Official Use and University E-mail Accounts Required

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The University's System should be used only for University business. Employees who use the University's System to create or maintain personal information or messages have no right or legally protected expectation of privacy with respect to that information or message. This is the case, even though the University provides password protected accounts and regardless of whether or not the University regularly monitors employee e-mail. E-mail is not private communication, because others may be able to read or access the message. The University reserves the right to inspect all files or messages at any time for any reason at its discretion. E-mails created using the University's System to create, send and or receive information through third-party Internet based providers are not confidential and may be monitored.

E-mail is an official communication means used by the University community. As such, all students and employees are required to access their University e-mail accounts for University business. The University expects recipients of University e-mail to retrieve and read the communication in a timely fashion. As an official communications tool, the University e-mail System should be used primarily to facilitate the academic and administrative needs of the University. Personal use is allowed but should be kept to a minimum.

### b. E-mail User Names

Student addresses are standardized in the form of `firstname.lastname@hputx.edu`. The names used are the official first and last names of the student as registered and may not contain middle names or nicknames. Employee addresses utilize the first letter of the first name and the entire last name (e.g., `jsmith@hputx.edu`).

### c. Oversight of the University E-mail System

The University's Information Technology Services department is responsible for the implementation, direction and supervision of the University e-mail System. Users are required to abide by all e-mail policies and procedures issued by the University and Information Technology Services. While the University strives to respect the privacy of individuals, the University e-mail System and communications transmitted through it are the property of the University. As such, the University reserves the right to monitor any and all communications and activity involving the University e-mail System.

### d. Inappropriate E-mail Usage

As a Christian University, all users are expected to be responsible in their use of the e-mail System. The University e-mail System may not be used for illegal purposes, slander, harassment or offensive communications, profanity, vulgar or lewd materials, or transmittal of any materials, images or messages inconsistent with the University's Christian mission. The University e-mail System may not be used to solicit business or to conduct fundraising efforts unrelated to official University business.

Users should not advertise items for sale or rent or communicate information not applicable to the normal business of the University. For those purposes (also including soliciting support for or participation in organizations not affiliated with the University) employees must use the University Bulletin Board in Outlook and students must use the Student Bulletin Board in BlackBoard. Misuse or abuse of the University e-mail System may result in disciplinary action. Illegal usage may result in criminal prosecution.

e. Expectations Regarding Regular Use of E-mail

Students and employees are expected to check their official University e-mail accounts on a frequent and consistent basis in order to stay current with University-related communications. Students and employees need to be aware that certain communications are time-critical. Failure to read and properly manage one's University e-mail account is not an acceptable excuse for not receiving official University communications via e-mail. Additionally, no one should share his University e-mail password with any other individual. Official e-mail addresses will be included in directory information unless a student requests otherwise.

f. Forwarding E-mail

If a student or employee forwards e-mail from their University e-mail address to another e-mail address (e.g., @verizon.net, @hotmail.com), they assume risks in doing so. The University is not responsible for the handling of e-mail by outside vendors. Forwarding e-mail does not absolve a student or employee from the responsibilities associated with retrieving and reading official communications sent to his or her University e-mail account. Instructions to forward e-mail to another address are located at <http://helpdesk.hputx.edu/>.

g. Deleting E-Mail Accounts

When student accounts expire, any files or messages associated with that account are deleted. Student accounts expire the last day of the semester in which the student either graduates or leaves school. Employee accounts expire the last day of employment. When employee accounts expire, any files or messages associated with that account are archived by the System Administrator as required by law.

h. Confidentiality

Some University information transmitted on the System is private and confidential. Each authorized user is responsible for maintaining the confidentiality of such information.

i. Prohibited Uses of System E-mail

- a. the System e-mail may not be used for political campaigns or to raise funds for non-University organizations or functions.
- b. the System e-mail may not be used to display antagonism toward the Christian faith, the University, or its personnel, or in a manner contrary to the University Mission Statement.
- c. the System e-mail may not be used to send threatening, sexist, racist, obscene, pornographic, or harassing materials or messages and such material may not to be accessed, sent from, or stored on the System.

#### **4.15.3 Pornography on the System**

The System may not be used to access, view, create, or transmit any pornographic images, videos, messages, or sounds. Violations of this policy may result in disciplinary action up to and

including termination of employment and/or dismissal from classes. Violators of this policy may be subject to criminal prosecution if such usage is a violation of federal, state, or local law.

#### **4.15.4 Damaging System Components**

Damage to hardware or software, or disrupting the operation of any component of the System is prohibited and will result in disciplinary actions being taken against the person or persons causing the damage. This includes but is not limited to chain letters, mail bombs, and mass mailings from students without prior administrative approval, inappropriate or illegal peer to peer file sharing, and large audio/video downloads, viruses or other transmissions that degrade, damage, or disrupt the System.

#### **4.15.5 Software Licenses Required**

All computer software residing on any computer connected to the System must be installed in compliance with the licensing agreement accompanying the software. The user of a University owned computer is responsible for all software residing on that computer.

#### **4.15.6 Unauthorized Use of Intellectual Property**

Respect for the intellectual work and property of others is essential to the mission of academic institutions. As members of the academic community, the University values the free exchange of ideas. However, the University does not condone or permit the unauthorized copying of software, including programs, applications, operating Systems, databases, or anything else that is considered to be intellectual property. To copy software without the permission of its owner is a violation of the license agreement and a criminal offense.

Unless they are placed in public domain by their owners, software programs are protected by Section 117 of the 1976 Copyright Act. Educational institutions and their constituencies are not exempt from the law. It is illegal to duplicate, copy, or distribute software or its documentation, or anything else that is considered to be intellectual property, without the permission of the copyright owner.

#### **4.15.7 Limitations on Personal Use of the Internet**

The Internet is available to all employees through the University's campus network for academic and business use. Personal use should be kept to a minimum. Normally, personal use should occur before or after work or during breaks or the lunch hour. Personal shopping, checking personal e-mail accounts and using Internet social networking sites and blogs for personal messages should not be done during normal office hours.

Each employee represents the University both on and off campus when they use the Internet for public postings, including things posted on their own time. Employees should use good judgment at all times regarding their public Internet postings and realize they are creating impressions for themselves and the University. Since use of the Internet enhances the educational process, it is a resource that should be utilized in agreement with and support of the Mission Statement of the University

Violations of these policies will be handled by the normal disciplinary procedures as outlined in these *Administrative Policies* and the *Student Handbook*. Some violations may result in penalties under the Texas Computer Crime Law (Texas Penal Code, Title 7, Chapter 33) or current federal laws that govern computer crime.

#### **4.15.8 Non-Employee Access to Network Resources**

On rare occasions, an independent contractor doing business with the University or an individual who is not a University employee may be issued system accounts and access to certain network resources to perform assigned functions. This access is at the discretion of the President in consultation with the chief information officer. Any individual provided network access is expected to read and comply with all policies in this section of the Administrative Policies of Howard Payne University. Violation of these policies may result in the individual losing their network access.

#### **4.16 Personal Calls, Cell Phones and Prohibited Use of Electronic Devices While Driving**

Personal telephone calls using the System or personal cell phones should be kept to a minimum during normal office hours in order for University business to be conducted as effectively as possible. Excessive use of the System or personal cell phones for personal business are subject to discipline, up to and including termination of employment.

All employees are prohibited from using cell phones and/or tablets (iPads, etc.) to communicate (including texting) while driving any vehicle while on University business. The only exception to this policy is the use of "hands free" equipment while communicating. Employees driving on University business who receive any traffic citation or are involved in an accident in violation of this policy are personally liable for all costs associated with the citation or accident and are subject to discipline, up to and including termination of employment.

#### **4.17 Authority to Sign Contracts**

The authority to sign University contracts has been delegated by the Board of Trustees to the President, Vice President for Finance and Administration or Vice President for Academic Affairs. No other employee may sign contracts on behalf of the University.

Official copies of University contracts are maintained in the office of the Vice President for Finance and Administration.

#### **4.18 Records Retention and Disposal**

The Record Retention and Disposal schedule is available on the University's campus network.

#### **4.19 Identity Theft Prevention**

##### **4.19.1 Background**

The risk to the University, its employees and constituents from data loss and identity theft is of significant concern to the University and can be reduced only through the combined efforts of

every employee and contractor. The University's officers are responsible for ensuring this policy is implemented and followed by employees in departments under their supervision.

#### **4.19.2 Purpose**

The University adopts this confidential information policy to help protect employees, constituents, contractors and the University from damages related to the loss or misuse of confidential information. Violation of this policy may result in disciplinary sanctions up to and including termination.

#### **4.19.3 Scope**

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the University, including all personnel affiliated with third parties.

#### **4.19.4 Confidential Information**

University personnel are encouraged to use common sense judgment in securing confidential information to the proper extent possible. This section should be read in conjunction with Texas state law and the University's policies. An employee who is uncertain of the confidentiality of a particular piece of information, should contact the Associate Vice President for Business and Human Resources, their Vice President, or the President. Confidential information includes the following items whether stored in electronic or printed format:

- a. Credit card information, including card number (in part or whole), card expiration date, cardholder name, cardholder address.
- b. Tax identification numbers, including Social Security number, business identification number, employer identification numbers, and student identification numbers.
- c. Payroll information, including payroll identification numbers, passwords, paychecks, pay stubs and cafeteria plan check requests and associated paperwork.
- d. Medical information for any employee, student or constituent, including physician names, insurance claims, prescriptions, any related personal medical information.
- e. Other personal information belonging to any employee, student, constituent or contractor, including date of birth, address, telephone numbers, maiden name, names (including family members).

#### **4.19.5 Securing Data**

Effective January 1, 2020, Texas law requires the University to disclose any breach to individuals whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The University is required to make that disclosure within 60 days of determining the breach occurred.

The University must notify the Texas Attorney General if we are notifying at least 250 Texas residents. Notice to the Attorney General must be provided within 60 days of determining the

breach occurred) and include (1) a detailed description of the nature of the breach or the use of sensitive personal information acquired as a result of the breach, (2) the number of residents affected, (3) measures taken regarding the breach, and (4) information regarding whether law enforcement is engaged in investigating the breach.

- a. If you have authorized or inadvertent access to sensitive or confidential data, you must observe all related University policies and procedures (see the Information Technology Services Policies and Procedures link on the University's campus network).
- b. Any handling of confidential data, whether in hard-copy form, on University owned equipment, or via personally owned devices, should be done in the most secure, confidential manner. In the event of unauthorized access to University data, whether through theft or loss of portable devices such as USB drives, laptops, smart phones or other devices, or any other kind of breach of security, the individual is responsible for immediately notifying the Associate Vice President for Business and Human Resources and the Assistant Vice President for Information Technology of a potential data breach, and assisting with the University's data breach response see the Information Technology Services Policies and Procedures link on the University's campus network.
- c. Sensitive data should not be stored on laptop computers, flash drives, smart phones, or other devices that are easily lost or stolen. If it is absolutely necessary to store sensitive or confidential information on such a device, the information must be encrypted to protect it from view by unauthorized parties. It also is essential to provide adequate physical security for any device, including a desktop machine that contains sensitive data.
- d. Any and all devices that provide access to University sensitive information must be protected with a strong password.
- e. The advent of storage services in the "cloud" provides a tempting alternative for those who use portable network devices or have computers stationary in several locations. However, the security of such services is not yet determined. Until the University can recommend a particular service, storing confidential or sensitive University information in such a "cloud" service poses serious risks and is a violation of policy.

#### **4.19.6 Hard Copy Distribution**

Each employee, student and contractor performing work for the University must comply with the following:

- a. Employees are prohibited from using any method to copy any check payable to the University for any purpose.
- b. Employees are prohibited from using any method to copy anyone's personal credit card information for any purpose.
- c. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with confidential information will be locked when not in use.

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- d. Storage rooms containing documents with confidential information and record retention areas will be locked at the end of each workday or when unsupervised.
- e. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing confidential information when not in use.
- f. WhiteBoards, dry-erase Boards, writing tablets, etc. in common shared work areas will be erased, removed when not in use.
- g. When documents containing confidential information are discarded they will be shredded immediately using a mechanical cross cut or Department of Defense (DOD)-approved shredding device. University records, however, may only be destroyed in accordance with the University's records retention policy.

### 4.19.7 Electronic Copy Distribution

Each employee, student and contractor performing work for the University must comply with the following policies:

- a. Employees are prohibited from copying, scanning, photographing or recording by any other method information from any check payable to the University.
- b. Employees are prohibited from copying, scanning, photographing or recording by any other method anyone's personal credit card information other than within third-party software specifically used by the University to process automatic debits and credit card charges.
- c. Internally, confidential information may be transmitted using approved University e-mail. All confidential information **must be password protected** when stored in an electronic format.
- d. Any **confidential information sent externally must be encrypted and password protected and only to approved recipients**. Additionally, a confidentiality statement similar to the following should be included in the e-mail:

"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

### 4.19.8 Accounts Covered by Federal Legislation –Payment Plans

Since the University maintains certain accounts pursuant to federal legislation, the University may include the additional program details. A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing constituent account that meets the following criteria is covered by this policy:

- a. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft, or

- b. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the University from identity theft, including financial, operational, compliance, reputation, or litigation risks.

#### **4.19.9 Red Flags**

The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

- a. Alerts, notifications or warnings from a consumer reporting agency,
- b. A fraud or active duty alert included with a consumer report,
- c. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report, or
- d. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

**4.19.9.1.** Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an employee, student or constituent, such as:

- a. A recent and significant increase in the volume of inquiries,
- b. An unusual number of recently established credit relationships,
- c. A material change in the use of credit, especially with respect to recently established credit relationships, or
- d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

#### **4.19.10 Suspicious Documents**

- a. Documents provided for identification that appear to have been altered or forged.
- b. The photograph or physical description on the identification is not consistent with the appearance of the applicant or constituent presenting the identification.
- c. Other information on the identification is not consistent with information provided by the person opening a new covered account or constituent presenting the identification.
- d. Other information on the identification is not consistent with readily accessible information that is on file with the University, such as a signature card or a recent check.
- e. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

#### 4.19.11 Suspicious Personal Identifying Information

Personal identifying information provided is inconsistent when compared against external information sources used by the University. For example:

- a. The address does not match any address in the consumer report.
- b. The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File, or
- c. Personal identifying information provided by the constituent is not consistent with other personal identifying information provided by the constituent. For example, there is a lack of correlation between the SSN range and date of birth.
- d. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the University. For example, the address on an application is the same as the address provided on a fraudulent application.
- e. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the University, such as:
  1. An address on an application being fictitious, a mail drop, or a prison, or the phone number is invalid or is associated with a pager or answering service.
  2. The SSN provided is the same as that submitted by other persons opening an account or other constituents.
  3. The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other constituents or other persons opening accounts.
  4. The constituent or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
  5. Personal identifying information provided is not consistent with personal identifying information that is on file with the University.
  6. When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the constituent cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
  7. Unusual use of, or suspicious activity related to, the covered account.

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These policies supersede all other previous Administrative Policies

8. Shortly following the notice of a change of address for a covered account, the University receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.
9. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the constituent fails to make the first payment or makes an initial payment but no subsequent payments.
10. A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
  - i. Nonpayment when there is no history of late or missed payments.
  - ii. A material change in purchasing or usage patterns.
  - iii. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
  - iv. Mail sent to the constituent is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the constituent's covered account.
  - v. The University is notified that the constituent is not receiving paper account statements.
  - vi. The University is notified of unauthorized charges or transactions in connection with a constituent's covered account.
  - vii. The University receives notice from constituents, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the University.

The University is notified by a constituent, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

### **4.19.12 Responding to Red Flags**

- a. Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect constituents and the University from damages and loss.
- b. Once potentially fraudulent activity is detected, employees should gather all related documentation, write a description of the situation, and present this information to their Vice President for determination.
- c. The Vice President will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

- d. If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:
  1. Canceling the transaction.
  2. Notifying and cooperating with appropriate law enforcement,
  3. Determining the extent of liability of the University, and
  4. Notifying the actual constituent that fraud has been attempted.

#### **4.19.13 Periodic Updates to Identity Theft Program**

At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment. Periodic reviews will include an assessment of which accounts are covered by the program. As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate. Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the University and its constituents.

#### **4.19.14 Program Administration - Involvement of University Management**

- a. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
- b. The Identity Theft Prevention Program is the responsibility of the Board of Trustees. Approval of the initial plan must be appropriately documented and maintained by the Board of Trustees.
- c. Operational responsibility of the program is delegated to the President, who may delegate daily responsibility to a University officer or Associate Vice President for Business and Human Resources.

#### **4.19.15 Employee Training**

Training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the University or its constituents.

The President is responsible for ensuring identity theft training has been provided for all requisite employees and contractors.

Employees must receive annual training in all elements of this policy. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

#### **4.19.16 Oversight of Service Provider Arrangements**

It is the responsibility of the University to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

### **4.20 Information Security Plan**

#### **4.20.1 Purpose**

The Information Security Plan (Plan) describes safeguards implemented by the University to protect covered data and information in compliance with the Federal Trade Commission's Safeguards Rule announced under the Gramm Leach Bliley Act (GLBA). These safeguards are provided to:

1. Ensure the security and confidentiality of covered data and information
2. Protect against anticipated threats or hazards to the security or integrity of such information
3. Protect against unauthorized access to or use of covered data and information that could result in substantial harm or inconvenience to any customer including employees, students, alumni, and donors

Violation of this policy may result in disciplinary sanctions up to and including termination.

#### **4.20.2 Scope**

This Plan covers all paper and electronic data stored, produced, collected, transmitted or used by the University, its employees, student workers, consultants or agents while conducting University business.

#### **4.20.3 Review**

This Plan will be reviewed in January each year by the Assistant Vice President for Information Technology who will recommend any necessary revisions.

#### **4.20.4 Reason for Policy**

This Plan identifies mechanisms to:

- a. Identify and assess the risks that may threaten covered data and information maintained by the University
- b. Develop written policies and procedures to manage and control these risks

- c. Implement and review the Plan
- d. Adjust the Plan to reflect changes in technology, the sensitivity of covered data and information and internal or external threats to information security

#### **4.20.5 Policy Statement**

The GLBA mandates that the University appoint an Information Security Program Coordinator, conduct a risk assessment of likely security and privacy risks, implement a training program for all employees who have access to covered data and information, oversee service providers and contracts, and evaluate and adjust the Plan periodically.

#### **4.20.6 Information Security Program Coordinator(s)**

The Assistant Vice President for Information Technology and Chief Information Officer (CIO) has been appointed as the Security Program Coordinator (Coordinator) of this Plan at the University. This position is responsible for assessing the risks associated with unauthorized transfers of covered data and information, and implementing procedures to minimize those risks to the University. Internal audit personnel will also conduct reviews of areas that have access to covered data and information to assess the internal control structure put in place by the administration and to verify that all departments comply with the requirements of the security policies and practices delineated in this Plan.

#### **4.20.7 Identification and Assessment of Risks to Customer Information**

The University recognizes that it is exposed to both internal and external risks, including but not limited to:

- a. Unauthorized access of covered data and information by someone other than the owner of the covered data and information,
- b. Compromised system security as a result of system access by an unauthorized person,
- c. Interception of data during transmission,
- d. Loss of data integrity,
- e. Physical loss of data in a disaster,
- f. Errors introduced into the system,
- g. Corruption of data or systems,
- h. Unauthorized access of covered data and information by employees,
- i. Unauthorized requests for covered data and information,
- j. Unauthorized access through hardcopy files or reports,

- k. Unauthorized transfer of covered data and information through third parties.

Recognizing that this may not represent a complete list of the risks associated with the protection of covered data and information, and that new risks are created regularly, the Information Technology Services department will actively participate and monitor appropriate advisory groups such as the EDUCAUSE Security University, REN-ISAC, the Internet2 Security Working Group, the SANS Top Twenty risks list, and the National University of Standards and Technology (NIST) Computer Security Resource Center for identification of risks.

Current safeguards implemented, monitored, and maintained by the Information Technology Services department are reasonable, and in light of current risk assessments are sufficient to provide security and confidentiality to covered data and information maintained by the University. Additionally, these safeguards reasonably protect against currently anticipated threats or hazards to the integrity of such information.

#### **4.20.8 Employee Management and Training**

References and/or background checks (as appropriate, depending on position) of new employees working in areas that regularly work with covered data and information are performed by the Human Resources department before employment. During employee orientation, each new employee in these departments receives proper training on the importance of confidentiality of student records, student financial information, and all other covered data and information. Each new employee is also trained in the proper use of computer information and passwords through cybersecurity awareness training. Training includes controls and procedures to prevent employees from providing confidential information to an unauthorized individual, as well as how to properly dispose of documents that contain covered data and information. These training efforts should help minimize risk and safeguard covered data and information.

#### **4.20.9 Physical Security**

The University has addressed the physical security of covered data and information by limiting access to only those employees who have a legitimate business reason to handle such information. For example, financial aid applications, income and credit histories, accounts, balances and transactional information are available only to the University employees with an appropriate business need for such information. Furthermore, each department responsible for maintaining covered data and information is instructed to take steps to protect the information from destruction, loss or damage due to environmental hazards, such as fire and water damage or technical failures.

#### **4.20.10 Information Systems**

Access to covered data and information via the University's computer information systems are limited to those employees (faculty and staff) who have a legitimate business reason to access such information. The University has policies and procedures in place to complement the physical and technical safeguards in order to provide security to the University's information systems. These policies and procedures are published and available to employees on the University's campus network.

Social security numbers are considered protected information under both GLBA and the Family Educational Rights and Privacy Act (FERPA). As such, the University has discontinued the use of social security numbers as student identifiers in favor of a randomly generated University ID number. By necessity, student social security numbers will remain in the student information system, however, access to social security numbers is granted only in cases where there is an approved, documented business need.

#### **4.20.11 Management of System Failures**

The Information Technology Services department has developed written plans and procedures to address response in the case of a disaster including both short and long-term outage situations that impact the University data center. An Incident Response Plan has also been developed to outline procedures to detect any actual or attempted attacks on the University systems and for responding to an actual or attempted unauthorized access to covered data and information.

#### **4.20.12 Oversight of Service Providers**

GLBA requires the University to take reasonable steps to select and retain service providers who maintain appropriate safeguards for covered data and information. This Plan will ensure that such steps are taken by contractually requiring service providers to implement and maintain such safeguards. The Coordinator will identify service providers who have or will have access to covered data and will work with other offices as appropriate as well as the University's legal counsel, to ensure that service provider contracts contain appropriate terms to protect the security of covered data.

#### **4.20.13 Continuing Evaluation and Adjustment**

This Plan will be subject to annual review and adjustment. Continued administration of the development, implementation, and maintenance of the program will be the responsibility of the designated Coordinator, who will assign specific responsibility for technical (IT), logical, physical, and administrative safeguards implementation and administration as appropriate. The Coordinator, in consultation with the Administrative Council and legal counsel, will review the standards set forth in this program and recommend updates and revisions as necessary, it may be necessary to adjust the program to reflect changes in technology, the sensitivity of student/customer data, and/or internal or external threats to information security.

#### **4.20.14 Policy Terms**

**Covered data and information**, for the purpose of this Plan includes student financial information (defined below) that is protected under the GLBA. In addition to this coverage, which is required under federal law, the University chooses as a matter of policy to also include in this definition any and all data deemed as protected data via the IT Services Data Classification policy posted on the University's campus network. This includes student records, credit card information, and checking/banking account information received in the course of business by the University, whether or not such information is covered by GLBA. Covered data and information includes both paper and electronic records.

**Customers**, for the purpose of this program includes employees, students, alumni, and donors as well as any other individuals from whom the University may obtain and store covered data and information.

**Student financial information**, is that information that the University has obtained from any student or customer in the process of offering a financial product or service, or such information provided to the University by another financial institution. Offering a financial product or service includes offering student loans to students, receiving income tax information from a student's parent when offering a financial aid package, and other miscellaneous financial services. Examples of student financial information include addresses, phone numbers, bank and credit card account numbers, income and credit histories and Social Security numbers, in both paper and electronic format.

#### **4.20.15 Related Policies, Standards, and Guidelines**

The University has adopted comprehensive policies, standards, and guidelines relating to information security, which are incorporated by reference into this Plan. These policies can be found elsewhere in these policies and as a part of the IT Services operating policies and procedures published to the campus community via the University's campus network.

#### **4.21 Sale of University Property**

No University property may be sold to any current or former employee unless it is at a public auction or a result of the University accepting sealed bids after making employees aware the property is for sale.

## SECTION 5.0 STUDENT RIGHTS AND RESPONSIBILITIES

### 5.1 Student Records – Confidentiality, Access, and Retention

Records of current and former students are confidential and may not be reviewed, copied, or distributed except in strict compliance with this policy. This policy is based on the federal Family Educational Rights and Privacy Act (FERPA). All must comply with this policy.

It also applies to all paper records, electronically stored information, photographs, video or film, and audio recordings. This policy applies to all records containing personally identifiable information about one or more students, including but not limited to the following:

- a. Academic records
- b. Disciplinary records
- c. Health records
- d. Testing records
- e. Counseling records
- f. Administrative records
- g. Financial aid records
- h. Immigration records

#### 5.1.1 Restrictions on Right of Access to Student Records

**5.1.1.a. Student access:** Under FERPA, a student is permitted to inspect and review his or her own educational records. Requests shall be made in writing and shall be submitted to the Registrar's Office, dean, or department head. The request shall be honored as soon as practical, but not later than 45 days of the date of the request.

**5.1.1.b. Employee Access:** Employees, officials, and agents may not view student records out of personal interest. Employees, officials, and agents of the University are permitted to access student records, *without consent of the student*, only if they have a legitimate educational purpose. Legitimate educational purpose means that the individual needs to review an education record to fulfill a professional responsibility. Employees and agents of the University who may have a legitimate need to view student records include the following: the President, Vice Presidents, members of the faculty, academic administrators, registrar and staff, counselors and other student services personnel, human resources personnel, medical or health personnel, students serving on official committees, individuals or companies with whom the University has contracted (*e.g.*, consultants, attorneys, technology provider, insurer), University security, members of the Board of Trustees, and those secretaries and support staff who assist any of these individuals in the performance of their duties.

**5.1.1.c. Access by Third Parties:** The general rule is that student information may not be shared with any third party without written consent of the student. For this reason, telephone requests for information may not be honored because of the difficulty in verifying the inquirer's identity.

**5.1.1.d. Access by Parents:** The general rule is that parents may not have access to student records unless the student has given written consent to the disclosure or unless the parent establishes that the student is claimed as a dependent on the parent's federal income tax return as defined in Section 152 of the Internal Revenue Code. If a student is under the age of 21, the University may give a student's parents information concerning the student's violation of drug or alcohol rules.

### **5.1.2 Release to Third Parties Without Consent of the Student**

Student information may be released without consent of the student in very limited circumstances. The following disclosures are permissible without consent of the student:

- a. Accrediting agencies
- b. Officials of other schools in which the student seeks or intends to enroll
- c. Individuals needing the information in connection with a student's application for or receipt of financial aid
- d. State or local officials to which educational data must be reported
- e. Individuals complying with a judicial order or valid subpoena, however, the institution must make a reasonable effort to notify the student in advance of compliance
- f. Representatives of the Comptroller General of the United States, U.S. Department of Education, or state education authorities
- g. Persons, including law enforcement personnel, in an emergency situation where the information is needed to protect the health or safety of the student or other person

Student victims of a sexual offense may also be informed of any disciplinary action taken against a student offender.

A complete list of the exceptions shall be available in the Registrar's Office. Information released without consent of the student shall be marked or stamped "confidential," and the recipient shall be notified that re-disclosure is prohibited. A log of requests for a student's records shall be maintained in the student's file.

### **5.1.3 Disclosure of Directory Information**

Directory information may be released without written consent of the student. Directory information at the University includes: student's name, addresses, telephone numbers, campus e-mail address, date and place of birth, major field of study, dates of attendance, enrollment status, degrees and awards, other school/s attended, participation in officially recognized activities and sports, weight and height of athletes, and yearbook and other photos.

All students have the right to limit or restrict the release of directory information. However, the student must affirmatively make this election in writing. This election must be made in writing each semester of attendance and must be done within the 12<sup>th</sup> class day of the beginning of each fall and spring semester and within the fourth class day in the summer. The University shall inform students at least annually, through catalogs or handbooks, of their right to elect non-disclosure of directory information.

#### **5.1.4 Disputes Regarding the Accuracy of Information in a Student Record**

##### **5.1.4.a. Request for Correction**

Under FERPA, if a student believes that information in his or her educational records is inaccurate or misleading or otherwise violates the student's privacy, a request for correction may be given in writing to the custodian of the record or other school official who is responsible for the record. If the correction is not made within a reasonable length of time (a maximum of 30 school days), the student may request a hearing. The hearing officer shall be an administrator who does not have a direct interest in the outcome of the hearing. A hearing under this provision may be used to challenge the accuracy of the recording of a grade but not the merits of a grade.

##### **5.1.4.b. Hearing**

A hearing must be held within a reasonable length of time (a maximum of 30 school days) after the request has been made. The hearing officer shall provide the student and the custodian of the record reasonable notice of the date, time, and place of the hearing. In advance of the hearing, the custodian of the record shall prepare a packet containing copies of the contested records and any other relevant records or documents, including any applicable policies and procedures. The custodian of the record shall prepare a memorandum summarizing the reasons why the faculty member believes that the challenged record is not inaccurate or misleading or otherwise a violation of the student's privacy. The custodian shall provide the packet and memorandum to the student and hearing officer at least one school day prior to the hearing. The student shall have a full and fair opportunity to present his or her own evidence related to the accuracy of the record. The student, at his or her own expense, may be represented by counsel or any other individual.

The hearing officer shall prepare a written ruling within a reasonable time after the hearing (a maximum of 30 school days). The ruling must be based solely on the evidence presented at the hearing. The ruling must include a summary of the evidence and the reasons for the ruling.

If the hearing officer concludes that no correction to the record is warranted, the eligible student is to be notified and informed of the right to place in the record a statement either commenting on or setting forth a reason for disagreeing with the school's decision.

If the eligible student has a legitimate complaint following a hearing, it may be filed with the Family Educational Rights and Privacy Act Office, U.S. Department of Education, in Dallas, Texas.

##### **5.1.4.c. Retention and Disposal of Student Records**

The University shall prepare and maintain a records retention schedule that identifies how long each type of student record shall be maintained. The Record Retention and Disposal Schedule

shall be based on recommendations published by the American Association of Collegiate Registrars and Admissions Officers (AACRAO) and shall conform to any applicable local, state, and federal requirements. The University shall consider the administrative, fiscal, legal and historical/research value of each type of record.

The Record Retention and Disposal Schedule shall be posted on the University's campus network (under the University Information\Academics\Record Retention and Disposal Schedule).

The disposal of all University records will be subject to the approval of the appropriate Vice President over the records in question. A Manifest of Disposal form will be completed by each department/office and submitted to the appropriate Vice President prior to the disposal of any University records.

## **5.2 Prohibition of Harassment and Discrimination**

The current Student Handbook contains the policy Prohibiting Harassment and Discrimination involving students of the University.

## **5.3 Student Conduct**

The University is a Christian institution; therefore, each student is expected to conduct him or herself in accordance with Christian values both on and off the campus. If a student conducts himself in a way that would reflect negatively upon the purposes and values of the institution, the student is subject to discipline. Depending on the gravity of the misconduct, the consequences may range from guidance and counseling to suspension and expulsion. The dean of students is charged with the responsibility of enforcing all regulations related to student conduct.

The *Howard Payne University Student Handbook* sets forth specific policies regarding student conduct. Students must comply with policies in the *Student Handbook*. Certain academic programs may have additional rules of conduct pertaining to students enrolled in those programs. Any such rules must be printed and distributed to the students enrolled in that program during the first week of the semester.

### **5.3.1 Discipline Procedures**

Students may not be disciplined except in accordance with the procedures outlined in *Howard Payne University Student Handbook*. All students accused of misconduct shall be given an opportunity to be heard in their own defense before imposition of sanctions. The Office of Student Life shall coordinate all disciplinary hearings and appeals as indicated in the *Student Handbook*.

Student disciplinary matters are confidential. Employees shall not discuss student disciplinary matters with other employees unless those employees have a legitimate need to know the information.

All employees are charged with being familiar with the policies in the *Student Handbook* and ensuring that students are not disciplined in a manner that violates the handbook or these policies.

### 5.3.2 Suspension and Expulsion

Students who engage in misconduct are subject to suspension or expulsion. Individual employees do not have the authority to suspend or expel a student, a recommendation must be made through appropriate channels as specified in the *Student Handbook*.

Suspension is removal from the University environment for a designated period of time, usually one or two semesters, although the period may be longer depending on the circumstances. A student who is suspended from the University may not attend classes, University events or organizational meetings, may not visit the campus, and may not reside in University housing. A student who has successfully served his/her suspension period may apply for re-admission through the regular University re-admission procedures.

Students who engage in serious misconduct or persistent misconduct may be expelled. A student who is expelled is not eligible for re-admission to the University.

A student who is suspended or expelled during a semester is not entitled to a refund of tuition for that semester. A student who is suspended or expelled is entitled on a *pro rata* basis to a refund of monies paid for a meal plan.

### 5.4 Financial Aid and Academic Suspension

Each financial aid recipient must maintain satisfactory progress. The satisfactory progress requirements for financial aid recipients are stated in the University *Catalog*. A student who is not maintaining satisfactory progress will be suspended from the federal and state programs of financial aid until such time as he/she earns sufficient hours/cumulative grade point average to meet the criteria for satisfactory progress.

If a student is placed on academic suspension, the student is also suspended from federal and state programs of financial aid.

A student may request that his/her academic records and any extenuating circumstances be reviewed. Extenuating circumstances may include, but are not limited to, the following reasons: working full-time, illness of student or family member, separation or divorce, involved in an accident or natural disaster, death in immediate family, personal problems that affected attendance and/or grades, change of major or have declared double majors. All appeals must be presented according to the Student Appeals Process described in the Financial Aid and Academic Suspension policy. The Appeals Committee will make determinations on appeals presented in writing. The Appeals Committee consists of the director of financial aid, registrar, dean of advising and general education, and a representative from the Collegium.

#### 5.4.1 Student Appeals Process

Students may appeal decisions related to academic suspension, financial aid suspension, unsatisfactory academic progress, and other academic matters such as grades by submitting an appeal form to the Registrar's Office or the Financial Aid Office (forms available in both offices). Appeals must include a detailed description of the extenuating circumstances that occurred during the semester in which the student failed to meet stated requirements. Extenuating circumstances may include, but are not limited to, the following reasons: working full-time, illness

of student or family member, separation or divorce, involved in an accident or natural disaster, death in immediate family, personal problems that affected attendance and/or grades, change of major or have declared double majors.

The appeal must also include all necessary documentation to support the existence of the circumstances described and evidence that the circumstances have been resolved or that a plan is in place to resolve the circumstances. Students seeking to re-establish eligibility will remain ineligible until the appeal process is complete and a decision is reached.

#### **5.4.2 Required Documentation/Appeal Checklist**

If all required documentation is not submitted, the appeal will not be reviewed. Students are not allowed to attend class while their appeals are pending.

Due to the amount of time involved in preparing an appeal, students cannot expect to begin gathering the required supporting documentation on the final submission date and still have their appeal reviewed.

Required documentation includes:

- a. Appeal Form with detailed information submitted by the student. The student must clearly state on the appeal form the extenuating circumstance(s) contributing to the academic situation. Documentation of the circumstances and a description of what has changed to allow the student to make satisfactory progress must be provided.
- b. Student requested letter from the student's advisor which can provide insight about the student's academic performance and the advisor's recommendation about approving or denying the appeal and why. The letter from the advisor is to be submitted directly to the Appeals Committee. The letter may be in the form of an email directed to the Director of Student Aid or the Registrar. If the student's advisor fails to submit the requested letter, the appeal will still be reviewed, however, the student must have requested the letter. In addition to the advisor's letter, students have the option of asking another faculty member or staff member to write a letter to the Committee in support of the appeal.
- c. The Appeals Committee will review all appeals submitted on an individual basis. The student will be notified in writing of the committee decision. If the appeal is approved, the student will receive a letter that outlines the conditions of the appeal.

The letter will specify one of the following conditions: the student will be able to meet the satisfactory progress requirements by the end of the next semester, or, the student will be placed on an academic plan that will ensure that the student will be able to meet the satisfactory progress requirements by a specific point in time. The student's progress will be evaluated at the end of the next semester to ensure that the student is meeting the conditions of the academic plan.

- d. Academic Plan: In the event that an appeal is granted and the student is placed on probation under an Academic Plan, the student will work with an advisor in the Collegium. The advisor will monitor and counsel the student while the Academic Plan is

in effect. The student's academic records will be reviewed by the advisor in consultation with the Registrar's Office to determine classes that must be repeated and the length of the plan. All students on an academic plan who have attempted more than 30 credit hours will be required to file a degree audit.

The Academic Plan will be reviewed at the end of each payment period during which the student is on probation. If the student is placed on Academic Suspension at any point during which the student is participating in an Academic Plan, the plan will be discontinued. If the student is removed from Academic Suspension by appeal or otherwise, the resumption of the Academic Plan will be reviewed.

**Readmission Under an Academic Plan:** If a student is re-admitted to the University after a period of Academic and/or Financial Aid Suspension, the student will be placed on an Academic Plan under the supervision of an advisor in the Collegium. The Academic Plan will be designed to allow the student to regain good academic standing and meet Satisfactory Progress requirements. The advisor will monitor and counsel the student while the Academic Plan is in effect. The student's academic records will be reviewed by the advisor in consultation with the Registrar's Office to determine classes that must be repeated and the length of the plan.

**If the Appeal is Not Approved:** A letter will be sent to the student. The student will need to consult with the Registrar's Office concerning any courses that will need to be repeated and/or transferred from another school.

The decision of the Appeals Committee is final and may not be appealed.

**Grade Appeal Policy** - If a student believes a grade has been incorrectly or unfairly assigned, the student has the right to question the faculty member regarding the issue. Grade appeals have two levels, Informal Grade Appeal and Formal Grade Appeal, and should be followed in order. Detailed information regarding each level is found in the appendix of the University catalog.

**Personal And Professional Integrity Policy** - the University expects all members of the University community to behave with honesty, integrity, and to respect the intellectual property of other students and non-students. Students are expected to complete their own work and to comply with the University's Personal and Professional Integrity Policy detailed in the appendix of the University catalog.

## **5.5 Student Employment**

This is addressed in the Employee Recruitment and Selection policy.

## **5.6 Clinical Teachers**

The Texas Education Agency requires that a clinical teacher be placed in a TEA accredited school during the period required for clinical teaching. State regulations require that clinical teachers maintain the same daily schedule and calendar required of public school supervising teachers to whom they are assigned.

Clinical teachers may not leave their assigned placements for coursework or activities at the University unless it is part of the planned clinical teacher instructional program. Students are required to complete at least the minimum placement time as required by TEA.

This policy may be revised or edited at any time based on adapted or additional requirements made by the Texas legislature or Texas Education Agency.

### **5.7 Non-registered Students Attending Class**

For security reasons, all students must be registered before they may attend class. This includes audit or credit students.

### **5.8 Class Attendance**

A student must attend a minimum of 75% of the scheduled sessions for a course to receive credit for the course. Detailed information about class attendance is published in the current *University Catalog*.

### **5.9 Injury or Death of a Student – Notification of Family**

Immediately upon receiving official confirmation of the injury or death of a University student, the Vice President for Student Life, Dean of Students, or the Vice President for Academic Affairs will notify the parents or next of kin listed on the student's application for enrollment or emergency notification records. If possible, the notification should include contact information for emergency responders who may be assisting with the situation. Care should be taken when providing details about the situation, especially if the facts are unclear at the time notification is provided.

## **SECTION 6.0 INSTITUTIONAL ADVANCEMENT**

### **6.1 Institutional Advancement Defined**

The University desires to develop and maintain support from its various constituencies, thus securing resources to achieve the institution's objectives. To efficiently accomplish this, the University consolidates the functions of alumni relations, fundraising and public relations.

### **6.2 Alumni Defined**

An individual is considered an alumnus/a of the University if he/she has generated a transcript from the University. Therefore, University records include both ex-students and graduates of the University. Daniel Baker College ex-students and graduates are also included in the University alumni database.

### **6.3 Donor and Alumni Records**

#### **6.3.1 Database Management**

A University master database of alumni and friends is maintained by the Office of Institutional Advancement. Any school, department, or organization with information regarding these constituents, including address changes, updated educational, professional or personal information, or information regarding lost or deceased alumni, should submit the information to Office of Institutional Advancement for incorporation into the master records.

#### **6.3.2 Donor Bill of Rights**

The University is committed to protecting the privacy and confidentiality of its constituents and adheres to "A Donor Bill of Rights" as developed by the Council for Advancement and Support of Education (CASE), the American Association of Fund Raising Council (AAFRC), the Association for Healthcare Philanthropy (AHP) and the Association of Fundraising Professionals (AFP). Additionally, the University supports the "AFP Code of Ethical Principles and Standards of Professional Practice" as guidelines for development activities at the University.

#### **6.3.3 Mailings to Alumni**

All alumni mailings and other advancement-related mailings will be coordinated through the Office of University Advancement.

### **6.4 Fund Raising**

The *Howard Payne University Policies Adopted by the Board of Trustees* gives the President of the University the responsibility for overseeing and coordinating fundraising activities for the University, including establishing procedures and standards for the solicitation of gifts. Accordingly, the President has charged the Office of University Advancement with the general responsibility for soliciting, coordinating and reporting all fundraising activities.

The University depends on gifts from alumni and friends in order to accomplish its educational mission. For this reason, it is important that all requests for funds made to the University's

various constituencies be guided by common principles and goals. The following guidelines will assist each school, department and student organization of the University in its fundraising efforts by maximizing resources and ensuring fair and consistent attention to the needs and desires of the University's donors:

- a. The University does not solicit nor accept funds from federal, state, or local governments or their related agencies. This policy does not include those scholarships or loans involving tax money that go directly to students for their benefit and are designated by name for the individual student.
- b. Because the University receives funding from the Baptist General Convention of Texas, the University does not directly solicit churches affiliated with the Baptist General Convention of Texas for financial support.
- c. A "Fundraising Approval" form must be filed with and approved by the Office of University Advancement prior to any solicitation for funds, products or services. The approval process applies to all forms of solicitation, including telephone solicitation, mail solicitation, e-mail solicitation and personal solicitation of individuals, businesses, groups or foundations.
- d. The tax implications of donor gifts are determined by the Internal Revenue Service. Employees shall refrain from giving tax advice or making representations about the potential tax benefits of certain donations.
- e. Every gift offer (whether cash, equipment, property, services, stocks or any other item of value) must be communicated to and coordinated with the Office of University Advancement before it may be accepted on behalf of the University.
- f. Detailed information concerning gifts of money, products, or services must be given to the Office of University Advancement. The Office of University Advancement is responsible for proper gift receipting in accordance with IRS regulations as well as donor acknowledgements.
- g. Although official University gift receipts and donor acknowledgements will be issued in response to each gift by the Office of University Advancement, University personnel are encouraged to add their expressions of gratitude when a gift is acknowledged.

## **6.5 Fund Raising and the University Master Plan**

All activities of the University flow from the Mission Statement and the institutional commitments that are an outgrowth of that mission. Consequently, the long-range planning process provides the raw material from which specific institutional fundraising goals are developed.

## **7.0 MARKETING AND COMMUNICATION**

Through marketing and communications, the University and its programs are presented in appropriate ways to various target audiences to more effectively present the University's image and objectives. These initiatives include integrated marketing, branding, strategic communication, and media and public relations, as well as an array of publications and special events.

### **7.1 University Standards**

The content of all University publications (regardless of the media used) and promotional materials should be consistent with the image, mission and Christian foundation of the University.

Maintaining a consistent image is important as the University encounters and engages prospective and current students, parents, alumni, donors, the local community and other constituencies. This helps the University forge a recognizable identity that can more effectively distinguish itself in an increasingly competitive higher-education market.

Additionally, the University respects the property of others. As such, the use of names, likenesses, concepts or other intellectual property, whether copyrighted or not, is prohibited. This includes specific celebrities, commercial products and brands, works in the popular culture such as specific films and television programs and more.

The Office of University Marketing and Communications develops and maintains the official University standards manual. This manual includes guidelines for University graphics, promotional materials, publications (printed and electronic) and media relations. Compliance with these standards is mandatory for the good of the institution. University standards may change from time to time and University employees are encouraged to check for the latest version available on the University's campus network.

### **7.2 Description of the University**

Although individual publications may highlight specific aspects of the University, it is important that such emphasis be accomplished in a manner in which the overall character and nature of the University not be misrepresented. This is especially the case in the professional accreditations held by the University, in which the institution must describe itself in identical terms to each recognized accrediting body with regard to purpose, governance, programs, degrees, diplomas, certificates, personnel, finances, and constituencies, and must keep each institutional accrediting body apprised of any change in its status with one or another accrediting body.

### **7.3 University Website**

The University website is an official publication of the institution. As such, all content should reflect the identity and mission of the University. Each office or school will maintain its own content and the Office of University Marketing and Communications will oversee the design and structure in cooperation with Office of Admissions and the Office of Information Technology Services.

Because of their primary importance to the University and recruiting, the web pages for the University's seven schools and various academic programs are to be housed within the main University website for easy access and uniform, equal presentation.

The only University entities that may operate separate websites, distinct from the main University site, are the Department of Intercollegiate Athletics, the University Alumni Association and the various student organizations. Even though these sites may be maintained apart from the main the University site, each one must always reflect the University's identity and mission in regard to all content. The websites for student organizations are overseen by the University's Office of Student Life and are subject to the same regulations and responsibilities detailed in the Student Handbook.

The Office of University Marketing and Communications is available for support for offices and schools needing assistance with website content updates and revisions.

#### **7.4 Media Relations**

The Office of University Marketing and Communications is the only office authorized to initiate contact with the media and coordinate media contact with faculty and staff. The Office of University Marketing and Communications is to be kept fully and promptly informed about events, incidents and developments in which there is current or potential media or public interest. If any University employee is contacted by a member of the media regarding any story related to the University, the employee should refer the media representative to the director of media relations.

The Department of Intercollegiate Athletics, represented by the sports information director, is authorized to contact the media in matters specific to athletics.

The official *Howard Payne University Standards Manual* should be consulted for more guidelines and procedures regarding media relations.

All employees are encouraged to alert the Office of Media Relations concerning current or pending stories.

#### **7.5 Advertising**

Any type of advertising is to be coordinated through the Office of University Marketing and Communications to ensure maximum impact of information about the University. For more information, refer to the official *Howard Payne University Standards Manual*.

Funding for advertising must be approved before it is purchased. Requests to purchase advertising should follow normal purchasing procedures.

#### **7.6 Official University Spokesperson**

##### **7.6.1 Official Spokesperson**

Though the University is comprised of many individuals, it is important for the institution to speak with a unified voice. This facilitates consistent messaging and presentation.

The chairman of the Board is the primary spokesperson for the University's Board of Trustees. The chairman may designate other Board members to speak on the Board's behalf.

The President of the University is the primary spokesperson for the University and is responsible for implementing and representing Board policies to the public. The President may designate other personnel to speak on the University's behalf.

The director of media relations is responsible for releasing news about the University and responding to media inquiries.

The sports information director is responsible for disseminating news about the Department of Intercollegiate Athletics.

### **7.6.2 Procedures – Employee's Responsibilities to Official Spokesperson**

Administrators, faculty and staff should refer all inquiries to the Office of University Marketing and Communications prior to any discussions with media representatives. Refer all inquiries specific to athletics to the sports information director.

Employees should not represent their personal opinions with reference to University policy or opinions. Personal views are not to be represented as views held by the University. Content in blogs, articles and letters submitted to non-University publications are considered personal and may not be offered and/or presented to the public in terms of the employee's University -related position or title.

The Office of University Marketing and Communications should be notified immediately if any reporter arrives on campus or at any University-related event

### **7.7 University Publications**

All University publications intended for external audiences, must be reviewed and approved by the Office of University Marketing and Communications before being produced. Electronic publications such as the official University website and official social media outlets are included in this policy.

The Office of University Marketing and Communications is charged with overseeing the University's official website and should be contacted with any questions.

For more information, refer to the official *Howard Payne University Standards Manual* on the University's campus network.

### **7.8 Campus Signage**

All signage on all University buildings and properties must conform to University standards. In some situations, donors may request that certain types of signs accompany their donations. All signs and signage for University buildings (interior and exterior) and properties must be developed in coordination with and approved by the President or his designee.

## **7.9 Social Media Accounts**

### **7.9.1 University Social Media Accounts**

The University recognizes many of its offices, departments and organizations wish to use social media platforms to network with current and former students, engage their constituencies and publicize events and other activities. The Office of University Marketing and Communications will maintain the official, primary University pages on such networks, including Facebook, YouTube, Twitter and Instagram.

If an office or department feels the need to create a social media account, the appropriate University faculty/staff member should notify the Office of University Marketing and Communications before creating social media groups or pages. For student organizations, the organization's faculty/staff sponsor(s) should have accounts approved by the Office of Student Life, which will then notify the Office of University Marketing and Communications.

To help with coordination and broadening the overall reach of posts, departments and organizations should contact the Office of University Marketing and Communications and the Alumni Office before posting anything that has University-wide impact.

Persons who create and maintain accounts should be mindful that all material posted on social media accounts bearing the name Howard Payne University or University, whether professional or personal in nature, should be consistent with the Mission Statement and Core Values of the University. All online content posted should be consistent with all University policies and procedures. Content should not be threatening, obscene, a violation of intellectual property, copyright or privacy laws or otherwise illegal. No images of University employees or members of the Board of Trustees may be used in any post without written permission from each person in the photo and the Office of University Marketing and Communications.

The use of University logos and/or graphics must comply with the University's licensing policies and the other standards outlined in University's Standards Manual for University Graphics, Promotional Materials and Media Relations.

The faculty or staff member who created the social media account is responsible for monitoring and maintaining it and should ensure that the login information is kept secure. They must also share the login information with the Office of University Marketing and Communications in case the employee leaves the University and content of the account needs to be updated or discontinued.

Social media accounts must be tied to official HPU e-mail accounts instead of personal e-mail accounts so if someone leaves the University, the password can be reset through the HPU e-mail address affiliated with the account.

Social media pages must be monitored daily to respond to comments and questions if needed or to remove comments that might be considered threatening, obscene or otherwise offensive. Accounts should be closed and removed when no longer used or on hiatus for an extended period, as derelict accounts reflect poorly on the University and/or may be confused with newer and current accounts.

The Office of University Marketing and Communications, working in conjunction with the Administrative Council, may request that the account be deleted if it violates any of the guidelines mentioned in the paragraphs above.

Violations of this policy may result in discipline up to and including expulsion from the University or termination of employment.

### **7.9.2 Personal Social Media Accounts**

As members of the University family, University employees and students should bear in mind that they are representatives of the University whether on campus, off campus, online or offline, as people may associate these individuals with the University. Accordingly, content posted, shared or liked on their personal social media accounts should be carefully considered beforehand, as the content could reflect negatively on the University, its Mission Statement or its Core Values.

While the University does not actively monitor personal social media accounts, these accounts are frequently visible and are therefore subject to review. Content that is deemed to be in conflict with the University's Mission Statement and Core Values may prompt action in accordance with the University's Employee Standards of Conduct policies and the Student Code of Conduct.

Personal accounts should not use official University logos, artwork or other branding content. Similarly, content posted on personal accounts should not be presented as representing official positions of University or presented on behalf of the University. Personal accounts should not be used for University business.

No images of University employees or members of the Board of Trustees may be used in any post without written permission from the Office of University Marketing and Communications.

Violations of this policy may result in discipline up to and including expulsion from the University or termination of employment.

**Appendix A**

**CONSTITUTION OF THE FACULTY ASSEMBLY  
of  
HOWARD PAYNE UNIVERSITY**

**PREAMBLE**

The members of the Faculty Assembly subscribe to the guiding principles of Howard Payne University that the liberal arts form the surest foundation for education and that specialized attention should be given to each student:

1. To help the student recognize and set standards of excellence.
2. To help the student experience growth in Christian ideals and character.
3. To help the student develop mental and physical abilities through critical and creative thinking.
4. To help the student develop an appreciation for their world and understand their obligation to be of service to humanity.

The members further affirm their intent to live and work within the framework of the University as directed by the University President and Trustees.

**PURPOSES**

The purposes for the Faculty Assembly of Howard Payne University are as follows:

1. To participate actively in the planning and implementation of the educational policies of the University.
2. To develop an open line of communication among the faculty members and between the faculty and administration.
3. To establish cooperation between the administration and the faculty regarding the general operation, the execution of policies, and the future development of the University.
4. To exercise initiative and leadership in matters affecting the academic and spiritual growth of the University.
5. To promote the general welfare of the faculty.
6. To foster the professional growth of the faculty and contribute to the over-all advancement of the University.

**ADMINISTRATIVE POLICIES of HOWARD PAYNE UNIVERSITY**

Updated August 29, 2023

These policies supersede all other previous Administrative Policies

**ARTICLE I - NAME**

The name of this organization shall be Howard Payne University Faculty Assembly.

**ARTICLE II - MEMBERSHIP**

The Faculty Assembly shall be composed of all Howard Payne University full-time faculty who regularly teach classes, distinguished professors, and professional librarians.

**ARTICLE III - OFFICERS**

The officers of the Faculty Assembly shall be a President, a Vice President, and a secretary. A parliamentarian shall be appointed by the President.

**ARTICLE IV - ELECTION OF OFFICERS**

1. The officers shall be elected in April and shall take office the following June 1 for a term of one year.
2. The nomination of officers shall be made by a nominating committee elected by the assembly. Additional nominations may be made from the floor with the consent of the person being nominated.
3. A simple majority vote of the members present shall be sufficient to elect the officers.
4. Any member of the assembly shall be eligible for any elected office, except that an officer shall serve no more than two consecutive terms in the same office.
5. Temporary officers shall be appointed by the Executive Committee if elected officers are to be absent during the summer months.

**ARTICLE V - DUTIES OF OFFICERS**

The officers shall perform the standard duties of their offices.

**ARTICLE VI - COMMITTEES**

1. The Executive Committee will consist of the elected officers. One of the duties of this committee will be to aid the President of the assembly in selecting members for those committees appointed by the President of the assembly.
2. The Nominating Committee will consist of three members elected by the assembly.
3. The Faculty Development Committee will consist of one member representing each academic schools. The President of the Assembly shall appoint the members in consultation with the deans of the schools. No dean shall serve on said committee. This committee is charged with the responsibility of providing leadership and development of the faculty.

## ADMINISTRATIVE POLICIES of HOWARD PAYNE UNIVERSITY

Updated August 29, 2023

These policies supersede all other previous Administrative Policies

4. The Faculty Concerns Committee will consist of five members appointed by the President of the Assembly with the consent of the body. The committee shall deal with problems affecting the faculty, which may arise from time to time.
5. The President of the Assembly shall appoint, with the consent of the assembly, three members to the Social Committee who shall be charged with planning social activities of the Faculty Assembly.
6. Other committees as needed will be appointed by the President of the Assembly.

### ARTICLE VII - MEETINGS AND QUORUM

1. The Faculty Assembly shall meet monthly during long semesters of the year. The December and/or May meeting may be cancelled by a unanimous vote of the Executive Committee. Special meetings may be called by the President. A quorum consisting of a majority (one-half plus one) of the membership shall be present in order to conduct business. However, members who teach full-time at an extension campus will not be counted in determining a majority.
2. The Faculty Assembly recognizes that University travel occasionally requires members to miss important votes. Wishing such votes to be as inclusive and representative as is practicable, the Executive Committee will have the power to propose an appropriate method of absentee balloting for approval by the body on an as-needed basis.

### ARTICLE VIII - AMENDMENTS

1. All proposed amendments shall be submitted in writing to the secretary prior to consideration and shall be given to the membership no less than thirty days before consideration.
2. Proposed amendments must be approved by vote of the members present.

### ARTICLE IX - PARLIAMENTARY AUTHORITY

ROBERT'S RULES OF ORDER shall govern the activities of the Faculty Assembly except when it is at variance with the constitution.

Adopted October 7, 1986  
Amended March 30, 2012  
Amended March 18, 2016

The *Howard Payne University Policies Adopted by the Board of Trustees* are located in the President's Office. Requests to review the *Howard Payne University Policies Adopted by the Board of Trustees* should be made to the President's Office.