

### 3.3.1 What is Discriminatory Conduct?

Discriminatory conduct can take many forms. It may be, but is not limited to, slurs, offensive remarks, signs, jokes, pranks, intimidation, physical contact, harassment, or violence. Any form of discriminatory conduct related to an individual's race, color, sex, religion, national origin, citizenship status, age, disability, genetic predisposition, or any other characteristic protected by federal, state, or local law is a violation of this policy and will be treated as a disciplinary matter. The University reserves the right to require all its employees to comply with its Statement of Faith.

Harassment is a specific type of discriminatory conduct, and most often takes the form of sexual harassment. For example, sexual harassment may include unwelcome sexual advances, requests for sexual favors, or other written (including email communication whether original or forwarded), oral, or physical contact of a sexual nature when such conduct creates an offensive, hostile, or intimidating environment, prevents an individual from effectively performing the duties of his or her position, or when such conduct is made as a condition of employment or compensation, either implicitly or explicitly. Sexual harassment does not encompass behavior or occasional compliments of a socially acceptable nature. It does encompass behavior of a sexual nature that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, or that interferes with work effectiveness. It may consist of demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, sexually suggestive objects or pictures, suggestive or obscene gestures, and unwanted sexual contact (including touching, pinching, coerced sexual acts, and assault).

Harassment of our employees by third parties, such as contractors, suppliers, and vendors, in connection with their work, also violates this policy. Similarly, harassment by an employee of the University of such third parties is prohibited and is a violation of this policy. ***Harassment has no place in the workplace.*** Ignoring the problem is tolerating the problem, and the University is determined that harassment will not be tolerated.

As our employee, you are responsible for keeping our work environment free from discriminatory conduct of any kind. Any employee who becomes aware of an incident of discriminatory conduct, whether by witnessing the incident or being told of it, must report it to the Director of Human Resources, or if the incident involves that individual, report it to your Department Head or another senior manager of the University. If the University becomes aware that harassment or discriminatory conduct may have occurred, it will investigate the allegations and take appropriate actions. A report or complaint of harassment does not have to be in writing, although written form is preferable (see below).

### **3.3.2 Reporting**

If you feel that you (or another person) have experienced any discriminatory conduct and/or harassment, it is mandatory to report the incident immediately to the Director of Human Resources, or if the complaint involves that individual, report it to your Department Head or another senior manager of the University. Failure to report the incident is a violation of policy. You do not need to confront the harasser before doing so. An investigation will be commenced, and, if appropriate, disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. Any employee found to have harassed a fellow employee, subordinate, or third party (as described above) will be subject to disciplinary action, including possible discharge.

The University will also take any additional action necessary to appropriately correct the situation. The University will not retaliate and specifically prohibits retaliation against any employee who makes a good faith report of alleged harassment in any professional manner, even if the employee was in error.

You should also be aware that no manager or other member of management has the authority to suggest to any employee that such employee's continued employment, compensation, or future advancement will be affected in any way by such employee's entering into (or refusing to enter into) any form of personal relationship with the manager or member of management.

### **3.3.3 Personal Responsibility**

The University expressly prohibits any form of discriminatory conduct and/or harassment of one employee by another employee. An individual who makes unwelcome advances or threats or in any way harasses another employee is personally responsible for such actions and its consequences.

***REMEMBER, IF YOU EXPERIENCE OR BECOME AWARE OF ANY DISCRIMINATORY CONDUCT AND/OR HARASSMENT (SEXUAL OR OTHERWISE), REPORT IT IMMEDIATELY TO THE DIRECTOR OF HUMAN RESOURCES, OR IF THE COMPLAINT INVOLVES THAT INDIVIDUAL, THEN TO YOUR DEPARTMENT HEAD OR ANOTHER SENIOR MANAGER OF THE UNIVERSITY. ONLY IF MANAGEMENT KNOWS ABOUT THE SITUATION CAN WE TAKE CORRECTIVE ACTION.***

### **3.4 Anti-Retaliation**

Point University strictly prohibits any form of retaliation against an employee who in good faith makes a complaint, raises a concern, provides information or otherwise assists in an investigation or proceeding regarding any conduct that he or she reasonably believe to be in violation of the University's Code of Conduct or policies, or applicable laws, rules or regulations.

This policy is designed to ensure that all employees feel comfortable speaking up when they see or suspect unlawful or unethical conduct without fear of retaliation. It is also intended to encourage all employees to cooperate with the University in the internal investigation of any matter by providing honest, truthful and complete information without fear of retaliation.

No employee should be discharged, demoted, suspended, threatened, harassed, intimidated, coerced, or retaliated against in any other manner as a result of his or her making a good faith complaint or assisting in the handling of an investigation of a good faith complaint. Employees who in good faith make a complaint or participate in an investigation or proceeding under this policy, however, remain subject to the same standards of performance and conduct as other employees.

The University prohibits employees from being retaliated against even if their complaints are proven unfounded by an investigation. Employee knowingly making a false allegation could result in legal ramifications and be subject to institutional disciplinary procedures. Employees have an obligation to participate in good faith in any internal investigation of retaliation.

The University takes all complaints of retaliation very seriously. All such complaints will be reviewed promptly and, where appropriate, investigated.

If you believe you have been retaliated against or that any other violation of this policy has occurred, or if you have questions concerning this policy, you must immediately notify the Director of Human Resources, or your Department Head or another Senior Manager of the University. Any employee who violates this policy is subject to disciplinary action, including possible termination of employment.

### **3.5 Employee Classification**

#### **3.5.1 Regular, Full-Time Employees**

Regular, full-time employees are employees hired to work a regular 40-hour workweek, regardless of the shift. The standard workweek is 8:00 a.m. to 5:00 p.m. Monday through Friday. For the purpose of calculating overtime pay, a work week is currently defined as the period of time from 12:01 a.m. Sunday through midnight Saturday. All full-time employees are eligible for all benefits as described herein.

#### **3.5.2 Regular, Part-Time Employees**

Regular, part-time employees are employees who are regularly scheduled to work fewer than 40 hours per week. They are not eligible for University benefits as described herein.

#### **3.5.3 Temporary/Contract/Seasonal/Internship Employees**

Temporary employees are hired with the understanding that employment will not be on a continuing basis. They do not qualify for benefits. They may work any number of hours up to and including 40 or more. A temporary employee who subsequently becomes a regular, full-time employee will be eligible for benefits on the same basis as newly hired,

## 4 WORK EXPECTATIONS & STANDARDS

### 4.1 Work Expectations

In any University, work rules and regulations regarding employee behavior are necessary for the University's efficient operation and for the benefit and protection of the rights and safety of all employees. The University is no exception. The University believes in setting standards that require excellence and encourages individual achievement. This section of your handbook summarizes some of these expectations, standards and work rules.

#### 4.1.1 Our expectations

We expect you to be conscientious, reliable and honest in meeting the obligations and responsibilities of your job. We trust you will act responsibly in conducting yourself while at work and elsewhere. Nevertheless, we have clarified some, but not all, of our basic expectations -- and your basic responsibilities -- in this section.

- Learn your job and perform it to the best of your ability -- honestly, accurately, safely and efficiently.
- Take the initiative to achieve results in your job and your work team. Let us know your ideas for improvement.
- Report to work on time, as scheduled. Others depend on you.
- Notify your supervisor or manager or department manager in advance when you will be absent from work or unable to report for work on time.
- Follow and respect management's instructions concerning job-related matters.
- Present a neat, clean and professional appearance appropriate to the work situation.
- Speak up when you have an idea, suggestion, problem or complaint.
- Maintain the private nature of confidential University and student information, materials and documents.
- Provide the highest level of service to all students and co-workers.
- Comply with all University policies, procedures, and safety and security regulations.
- Refrain from behavior or conduct considered offensive or undesirable, or that could lead to disciplinary action.

#### **4.1.2 Examples of conduct not permitted**

In general, conduct that interferes with operations, brings discredit to the University, or is offensive to students, business guests or co-workers is not tolerated. Examples of conduct that is not permitted and will subject the individual involved to disciplinary action up to and including immediate termination include, but are not limited to:

- Failure to meet performance expectations and fulfill job requirements.
- Repeated unexcused absenteeism or tardiness.
- Refusal to follow University policies and procedures.
- Refusal to follow management's instructions concerning a job related matter (insubordination).
- Reckless conduct, unsafe practices, and unsafe performance of any job.
- Unauthorized use of University assets, including equipment, property, information and funds.
- Improper use or disclosure of confidential University or student information.
- Improper, unprofessional, or threatening behavior or language while on University property or on University business.
- Lying to or misleading students, other employees or management, including failure to bring matters of importance to the operation of the University to management's attention.
- Discriminatory conduct, sexual or otherwise, including harassing others, or failing to report discrimination or harassment of any kind.
- Theft, misuse or willful destruction of University property or of another individual's property.
- Failure to report any knowledge of theft or other activities not in the best interest of the University.
- Any violation of the University's substance abuse control policy, including the unlawful possession, manufacture, sale, distribution, or use of alcohol or illegal drugs or substances while on University premises or on University business. Reporting to work while under the influence of alcohol or illegal drugs or substances, including illegally used prescription drugs, or testing positive for the same.
- Deliberately interfering with the operations of the University.
- Falsifying any University record or report, including applications for employment and timesheets.
- Possession of firearms, weapons, ammunition or explosives on the grounds of any University campus except for campus security.

These examples are illustrative of the types of behavior that are not permitted at the University, but are not intended to be all-inclusive. Other types of behavior or conduct could also lead to disciplinary action up to and including immediate termination. You are expected to comply with all University policies and procedures and all standards of conduct that any person exercising reasonable judgment would know is expected.

#### **4.1.3 Disciplinary Action**

The University seeks to resolve performance and conduct problems in the most positive and constructive manner possible. We believe our employees are responsible individuals interested in working together toward common goals. When situations arise that warrant disciplinary action, we will work to treat all employees fairly and consistently.

Improper conduct or improper work performance, whether or not covered by the specific rules of conduct above, may be grounds for disciplinary action in the judgment of the University. Disciplinary action may range from verbal, written or final written warnings to suspension or immediate termination, depending upon the facts of the particular case and the employment history of the employee involved.

No information in this policy is intended to modify the status of the University's employees as an Employee-At-Will. An employee may be terminated or disciplined by the University without any requirement that all steps, or any particular sequence of steps, of the Disciplinary Action policy have been followed prior to that action.

## **4.2 Performance**

The results that the University achieves are determined by how we perform -- as individuals, as teams, and as a University. The ways we focus our efforts, use our talents, manage our time and work together will determine our success.

Your supervisor or manager will normally evaluate your job performance following your introductory period (within the first three months of employment) and periodically thereafter. Performance reviews are directly tied to the University's salary administration program.

The Performance Expectation Cycle is made up of three phases:

**Goal Setting** – Your manager and you should be involved in setting and writing your performance goals. This enables you to approach your work with an ownership perspective and accept real accountability for the results achieved. You will meet with your supervisor or manager at the beginning of each year to establish your goals for the upcoming year.

**Continuous Coaching** – Performance expectation is an ongoing process, not just a periodic event. Therefore, reviewing achievements and challenges, providing feedback and direction, and adjusting goals to meet changing needs or circumstances throughout the year are very important. Then, periodically, you and your manager will meet to make sure that expectations are on track.

officers, directors, or employees, should be directed to the Vice President of Advancement. In their absence direct all inquiries to the President.

### **5.11 Social Media**

Employees are reminded that their personal opinions on matters may be inferred upon the University if you participate in social media, such as Facebook, MySpace, Twitter, etc. Posting of obscenities, slurs or personal attacks can damage the reputation of the University, students, employees or applicants.

Additionally, as a condition of employment, all employees are strictly prohibited from posting financial, confidential, sensitive or proprietary information about the University, students, employees or applicants on any social site, professional site or other website (such as LinkedIn).

### **5.12 Duty to Report Violations**

Each employee is responsible for bringing to the University's attention any circumstance that the employee believes in good faith may constitute a violation of the business standards, code of conduct, and policy guidelines. Information regarding violations (other than discriminatory harassment, addressed separately in this handbook) should be given to a University officer. Employees may elect to report suspected violations to Human Resources.

### **5.13 Discipline**

Occasionally it becomes necessary to use disciplinary measures when personal conduct is contrary to accepted practices. In an effort to provide you with some guidance, the following are examples of the most common types of conduct which are not acceptable and may result in disciplinary action, up to and including prompting the University to exercise its right to terminate the employment relationship with or without cause and with or without notice. This list is not exhaustive; it is merely illustrative. Examples of such behavior would include, but not be limited to, the following:

- Falsifying or withholding information on personnel records, employment applications, resumes, personnel questionnaires, work performance reports, time records, or any other records or reports.
- Performance of work below required standards.
- Failure to perform assigned duties.
- Insubordination.
- Creating lack of harmony and discord in the workplace.

- Negligence in the performance of duties likely to cause or actually causing personal injury or property damage.
  - Destroying or willfully damaging University property or the property of another.
  - Breach of confidentiality.
  - Using for personal gain any information obtained on the job that is not readily available to the general public or disclosing any such information that might damage the interests of the University.
  - Placing oneself in a position in which personal interests and those of the University are in conflict or might interfere with the ability to perform the job as well as possible.
  - Using the University's property or services for personal gain, or removing or disposing of the University's materials, supplies, or equipment without proper authority.
  - Accepting any form of gratuity that will tend to affect or give the appearance of affecting judgment in the performance of duties; giving or offering to give gratuities in any form to anyone for the purpose of influencing another's judgment in the performance of duties.
  - Dishonesty.
  - Theft.
  - Violation of the University's policy on alcohol or drugs.
  - Violation of the University's policy on harassment/discrimination.
  - Making or publishing false, vicious, or malicious statements concerning employees, the University, or its customers.
  - Carrying or possessing firearms, explosive devices or weapons in the workplace except for campus security.
  - Excessive tardiness or absenteeism (whether excused or unexcused).
  - Unauthorized absence without proper notice. Three (3) consecutive business days of unauthorized job absence without contact constitutes job abandonment.
  - Failure to comply with the policies, rules, business standards, or code of ethics of the University, or state regulatory authority.
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