

# EMPORIA STATE UNIVERSITY™

## UNIVERSITY POLICY MANUAL

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## **GUIDING FRAMEWORK**

### **University Mission Statement** (BOR 12/17/92; 3/18/93; 6/12/08; 6/18/2014)

Preparing students for lifelong learning, rewarding careers, and adaptive leadership.

### **Equal Employment Opportunity, Equal Educational Opportunity and Non-Discrimination Policy** (FSB 98015 approved by President 4/16/99; FSB 00005 approved by President 11/14/00; amended 9/02/08; updated 6/22/2010; updated, approved by President 8/2/2011; FSB 15004 approved by Interim President 11/13/2015)

Emporia State University values and welcomes the benefits of diversity, and pledges to current and prospective students, faculty, staff, administrators, and the public that we expect and demand the worth and dignity of all people be recognized without regard to any classification that might preclude a person from consideration as an individual. The University regards inappropriate behavior, unfair treatment or harassment of any individual to be inconsistent with its goals of providing an atmosphere in which students, faculty, staff and administrators may safely learn, work, and live.

Emporia State University is committed to equal employment opportunity, equal educational opportunity, and non-discrimination in the operations and administration of all University programs and services. All decisions with reference to employment (including, but not limited to, selection, discipline, promotion, or termination) and all decisions with reference to student status (including, but not limited to, admission, academic achievements, or discipline) will be made without regard to age, race, color, national origin, ethnicity, religion, gender, sex, gender identity, gender expression, marital status, parental status, sexual orientation, genetic information, status as an individual with a disability, status as a protected veteran, sexual orientation, or any other factors which cannot lawfully be considered, to the extent specified by applicable laws.

Students, employees, or members of the public who feel they have been discriminated against on the basis of any item set forth in the Equal Employment Opportunity, Equal Educational Opportunity and Non-Discrimination Policy should contact the Affirmative Action Officer/Title IX Coordinator, Emporia State University, Office of Human Resources. Employees with inquiries may also contact the Equal Employment Opportunity Commission or the Kansas Human Rights Commission. Students with inquiries may also contact the Office of Civil Rights in the U.S. Department of Education or the Kansas Human Rights Commission.

### **Affirmation of Values Statement**

Emporia State University is an equal opportunity institution of higher education where individuals of diverse backgrounds and beliefs come to learn and work together professionally and respectfully. As a university, we seek to create and uphold high intellectual standards within a learning community, to make those intellectual standards accessible to all who engage in the learning process, and to foster a curiosity about life and society that will lead to informed and involved citizenship in all of its forms. Learning requires critical thinking about the production of knowledge and the various beliefs that people may hold, as well as opportunities to test and actively engage

with new ideas. As an institution of higher education in a pluralistic society, Emporia State University is committed to helping students, faculty, staff, and administrators acquire those skills necessary to enable them to think critically, to question intelligently, and to analyze complex and diverse ideas in order to become thoughtful, educated world citizens.

**ESU has a commitment to a positive, quality environment that nurtures academic and personal excellence in learning and teaching.**

Students, faculty, staff, and administrators share a responsibility for sustaining an environment that is conducive to learning, teaching, and personal growth. ESU sets high intellectual standards, offers stimulating and challenging courses, and provides quality activities and interactions within the university community.

**ESU has a commitment to recognize the value of diversity and the respect for individual ideas, opinions, and experiences.**

Students, faculty, staff, and administrators provide opportunities within and outside the classroom that foster contact with and respect for diverse groups of people and increased appreciation for pluralistic ideas and experiences. We value and welcome the benefits of diversity. Therefore, we expect and demand that the worth and dignity of all people be recognized without regard to any classification that might preclude a person from consideration as an individual.

**ESU has a commitment to academic and personal integrity.**

Students, faculty, staff, and administrators set the highest standards of personal integrity and thus will not resort to cheating, plagiarism, and/or the use of unauthorized materials. In addition, the university strives to foster an environment of objectivity, fairness, and impartiality.

**ESU has a commitment to open expression of ideas.**

In any institution of higher learning it is inevitable that people will hold a multitude of perspectives on a wide range of issues. Discussions at Emporia State University occur in a challenging, but physically safe, non-threatening environment without fear of retribution. Students, faculty, staff, and administrators value and strive to engage in constructive listening, principled dialogue, and respectful disagreement in all forms of communication.

**ESU has a commitment to a collegial and shared governance.**

Students, faculty, staff, and administrators work together in a collegial manner to solve problems to benefit the university community in accordance with governance structure, policy, and procedures. This principle of collegial and shared governance requires mutual respect and civility, but does not exclude beneficial and constructive criticism. The principles of collegiality are also manifested concretely in a commitment to mutual respect for the purpose of strengthening all academic programs and collective endeavors. This commitment is essential as we mentor and support all our colleagues in their individual and collective endeavors of teaching, learning, scholarly activity, and service.

## **POSITIONING STATEMENT**

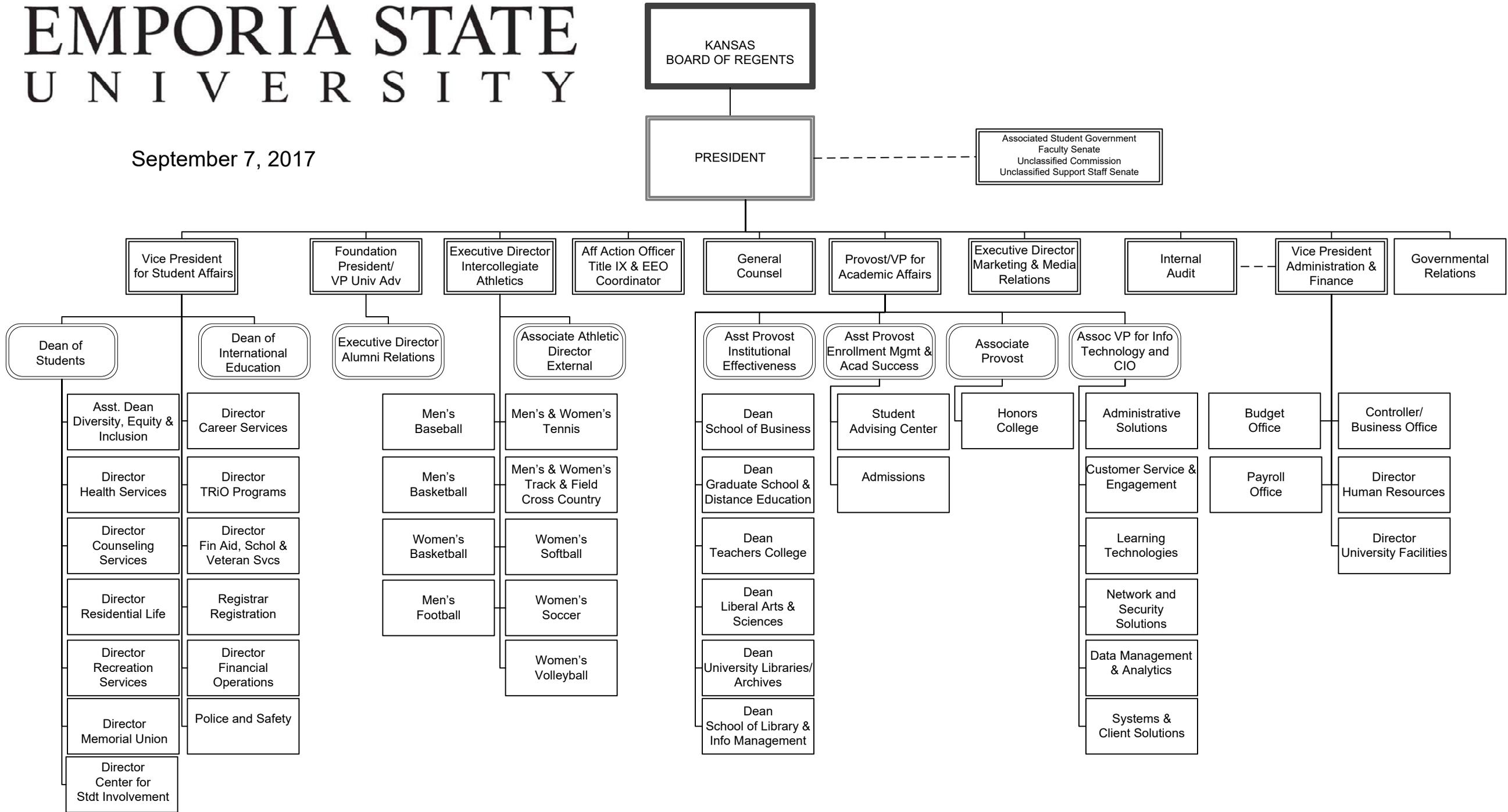
Emporia State University is the comprehensive state supported university for Kansas high school graduates, transfers, and graduate students from throughout the region, the country, and the world who want a personalized education that prepares them for fulfilling lives and successful careers. Emporia State University offers a safe, caring, nurturing environment in a close-knit community devoted to learning, that provides every student with instant opportunities for growth, involvement, and leadership.

## **ORGANIZATIONAL CHART**

The University organizational chart is on the following page.

# EMPORIA STATE UNIVERSITY

September 7, 2017



## **Chapter 1. UNCLASSIFIED PERSONNEL**

### **1A. CATEGORIES OF UNCLASSIFIED APPOINTMENTS**

Unclassified appointments apply to all University employees except those who have civil service classification or those who are student employees. An unclassified appointment is either an academic or an administrative appointment. The appointment category may include both academic and administrative responsibilities. Policies and procedures pertinent to each appointment category are included in this chapter.

#### **1A.01 ACADEMIC APPOINTMENTS**

##### **1A.0101 Academic Probationary**

An academic probationary appointment is for a full-time, tenure-track teaching position. The number of years required toward tenure is included in the Notice of Appointment. Probationary appointments may, on the basis of continuing satisfactory performance, lead to review for the award of tenure. However, probationary appointments carry no promise that tenure will be awarded. Probationary appointments are reviewed on an annual basis. The standards of non-reappointment apply to this appointment.

##### **1A.0102 Academic Tenure**

An academic tenure appointment is a continuous, full-time, academic position for faculty with tenure. Tenured appointments will be annually renewed. Termination of a tenured faculty member must follow appropriate policies and procedures.

##### **1A.0103 Non-Tenure Track Academic**

A non-tenure track academic appointment is for a teaching position that is at least half-time and will not lead to review for tenure. The appointment is subject to annual review. Notification of non-reappointment must be made by March 1 of the current appointment period. This appointment type only applies to benefits eligible positions.

##### **1A.0104 Academic Temporary**

An academic temporary appointment is for a temporary teaching position and may not exceed 1 year. The Notice of Appointment is renewable annually. The appointment carries no expectation of continued employment. Employment is considered to be at-will and may be terminated at any time, without cause, prior to the end date specified in the notice of appointment. The standards of non-reappointment do not apply. There is no consideration for tenure.

Academic temporary appointments which are made for at least a half-time and for at least a 9 month basis will be eligible for benefits and are subject to the 5-year stipulation. The 5-year stipulation is defined as employment which should not exceed 5 years of consecutive

appointments. Multiple simultaneous appointments of less than half-time may make an employee eligible for benefits even when the individual appointments do not.

An academic temporary appointment that is less than half-time is a non-benefits eligible appointment. An academic temporary appointment that is less than half-time is not subject to the 5-year stipulation.

## **1A.02 ADMINISTRATIVE APPOINTMENTS**

### **1A.0201 Administrative Probationary**

An administrative probationary appointment is for a full-time, non-teaching position. The number of probationary years is specified in the probationary Notice of Appointment and may be modified by the appropriate vice president in conjunction with the performance evaluation. The expectation is for continuing employment subject to the provisions specified in the personnel policies and procedures for administrative appointments. At the end of this service, the individual moves either to administrative regular status or is no longer employed, in accordance with the personnel policies and procedures for administrative appointments.

### **1A.0202 Administrative Regular**

An administrative regular appointment is for a full-time, non-teaching position after being in administrative probationary status for no less than 2 years. Expectation is for continuous employment subject to the requirements stated in the personnel policies and procedures for administrative regular appointments.

### **1A.0203 Administrative Temporary**

An administrative temporary appointment is at least half-time and may not exceed 1 year. The appointment is renewable annually and is subject to the 5-year stipulation. The 5-year stipulation is defined as employment which should not exceed 5 years of consecutive appointments. Such appointment carries no expectation of continued employment. Employment is considered to be at-will and may be terminated at any time, without cause, prior to the end date specified in the Notice of Appointment. Temporary appointments which are made for at least a half-time and for at least a 9 month basis will be eligible for benefits. Multiple simultaneous appointments of less than half-time may make an employee eligible for benefits even when the individual appointments do not. A non-benefits eligible appointment is defined as less than half-time and is not subject to the 5-year stipulation.

### **1A.0204 Administrative Athletics**

An administrative athletics appointment may be full-time or less and is for coaches and trainers. This status requires annual review for reappointment with no expectation of continuing employment. The Athletic Director has an administrative probationary or administrative regular appointment.

**1A.0205 Limited Appointment** (revised 5/09)

A limited appointment is for an individual hired in a benefits-eligible position to fulfill requirements under a contract agreement, a federal or state grant, or a specific project or role and is subject to annual review. The appointment is for the period as outlined in the Notice of Appointment or no longer than the period for which the funds are available. Inasmuch as this is a limited appointment, this appointment carries with it no expectation of continuing employment. This appointment may involve an academic component but would not be eligible for tenure.

**1B. ACADEMIC APPOINTMENT POLICIES AND PROCEDURES****1B.01 NOTICES OF APPOINTMENT** (approved by President as revised 4/18/08)

Faculty notices of appointment as approved by the President, or designee on behalf of the President, are sent from the Provost and Vice President of Academic Affairs after the legislature and the Board of Regents have acted on the fiscal year budget. The Notice of Appointment, when signed by all parties, constitutes an agreement indicating the term of employment, salary, faculty rank, and appointment status.

Federal law requires ESU to verify employment eligibility of all individuals hired after November 6, 1986. The I-9 Form must be completed in Human Resources within 3 days of hire, or the employee may forfeit his/her position. Documentation is most easily provided by a driver's license and social security card. Other documents may be substituted. The I-9 form will be retained in the employee's personnel file located in Human Resources, and once completed, may need to be completed again for ESU employment if documentation expires.

**1B.02 APPOINTMENT TERMS****1B.0201 Academic Year Appointments** (BOR Council of Presidents, 2/16/78)

Academic year appointments are for a period of approximately 9 months beginning just prior to fall registration and extending through spring commencement. Faculty duties include teaching, advising and counseling, research, scholarly activities, other University duties, and community and public service. Periods when classes are not in session are normally devoted to the above listed non-teaching functions or to other specially scheduled activities.

**1B.0202 12 Month Appointments**

Some faculty and most administrative personnel receive 12 month appointments, including vacation and holidays.

**1B.0203 Summer Session Appointments**

Summer session appointments are for specified periods of time and duties. The appointments are handled on a separate budget and through separate notices of appointment. Most departments have employment for only a portion of the staff and base teaching assignments on department assessment of student needs in the summer program.

### 1B.03 FACULTY RANKS

The principal ranks granted by the University to academic faculty are those normally bestowed by institutions of higher education: professor, associate professor, assistant professor, instructor, and lecturer.

**1B.0301 Professor** (Refer to University Criteria for Promotion for definitions and expectations for the rank of professor.)

**1B.0302 Associate Professor** (Refer to University Criteria for Promotion for definitions and expectations for the rank of associate professor.)

**1B.0303 Assistant Professor** (Refer to University Criteria for Promotion for definitions and expectations for the rank of assistant professor.)

#### 1B.0304 Instructor

An instructor is a faculty member with a full-time appointment who may continue in the position in accordance with appointment and re-appointment policies consistent with the appointment category. An instructor is on a non-tenure track, and a maximum of 3 years of service as instructor may count toward tenure if the person moves to the tenure track.

#### 1B.0305 Lecturer

A lecturer is a faculty member with an academic temporary appointment that is less than full-time (part-time). The faculty member is not expected to continue to teach more than 1 semester or 1 year. Tenure or credit toward tenure does not apply with this rank.

### 1B.04 FACULTY TITLES

#### 1B.0401 Adjunct

The title of adjunct faculty is for qualified individuals who contribute without remuneration to the University's academic efforts. Such appointments are made for a specified term but may be renewed, carry no stipends, and do not imply eligibility for tenure or other such faculty benefits. An adjunct faculty appointee has an opportunity to use the University name and designated laboratory, library, and study facilities.

#### 1B.0402 Distinguished Professor

The title of distinguished professor may be given to qualified individuals. Remuneration is commensurate with expectations.

#### 1B.0403 Clinical Instructor (approved by Vice Presidents' Council and the President, 5/09)

The title of clinical instructor is for an instructional faculty member with at least a part-time appointment (benefits-eligible position) and is renewable annually. Employment is considered to be at-will and may be terminated at any time, without cause. Tenure or credit toward tenure

does not apply with this title. This title would begin after the 5-year academic temporary appointment has expired. This title would then be eligible for the appointment type of Limited Appointment.

### **1B.05 MINIMUM FACULTY QUALIFICATIONS (FSB 15001 approved by Interim President 12/09/2015)**

Institutions accredited by the Higher Learning Commission identify qualified faculty members primarily by degree credentials appropriate to the academic discipline and level of the courses taught. In instances where the normally-expected degree is not held, faculty employment can also be based on equivalent experience.

Each full-time faculty member's qualifications, whether by degree credentials or by equivalent experience, shall be established and documented at the time of initial hire. The evaluation of these qualifications shall be completed by the Search Committee at the time of hire. If no Search Committee is convened, the hiring department chair or dean shall evaluate the faculty member's qualifications.

Each part-time faculty member's qualifications, whether by degree credentials or by equivalent experience, shall be established and documented at the time of initial hire. The evaluation of these qualifications shall be completed by the Search Committee if any is convened. If no Search Committee is convened, the hiring department chair or dean shall evaluate the faculty member's qualifications. Qualifications for part-time faculty must be re-established after a lapse of employment of more than 5 years. Any part-time faculty member who receives a teaching assignment requiring substantively different qualifications will have their qualifications re-evaluated by the appropriate department chair or dean at the time of said teaching assignment.

To be qualified on the basis of credentials, instructors (excluding for this requirements teaching assistants enrolled in a graduate program and supervised by faculty) must possess an academic degree relevant to what they are teaching and at least 1 level above the level at which they teach, except in programs for terminal degrees, where they must possess the same level of degree:

- Undergraduate level: A master's degree or higher in the discipline or subfield of the courses taught OR a master's degree or higher in a different discipline or subfield plus a minimum of 18 graduate credit hours in the discipline or subfield of the courses taught.
- Graduate level: The terminal degree determined by the discipline and a record of research and scholarship appropriate for the graduate program.
- Doctoral level: The terminal degree determined by the discipline and a record of recognized research and scholarship commensurate with doctoral expectations.

Teaching qualifications – when established by equivalent experience – are determined by disciplinary standards and faculty members within the discipline or department. Thus, department chairs and deans, when evaluating faculty qualifications—especially for part-time faculty—should consult appropriate faculty in the discipline and/or department.

To be qualified on the basis of equivalent experience, instructors must have a documented record of discipline-related practice at a level that ensures mastery of the content of the courses taught and ongoing currency in the field. A determination of qualification by equivalent experience must be supported by evidence, which may include:

- Professional licensure or certification
- Documented excellence in professional practice
- Honors, awards, or special recognition
- Research and publications

## **1B.06 GRADUATE FACULTY** (returned to original version 7/09/04; revised 02/09)

### **1B.0601 Membership in Graduate Faculty** (updated 9/2010; revised by Graduate Council 2/17/2011; approved by Provost 3/11/2011; updated 10/2/2013)

The Graduate Faculty of Emporia State University shall consist of the faculty of the school/college who have been nominated and approved as members of the Graduate Faculty. Appointments to the Graduate Faculty will be either a regular, associate, or temporary member. The President, Provost/Vice President for Academic Affairs, deans and associate/assistant deans of the academic schools/colleges, and the Dean of the Graduate School are members of the Regular Graduate Faculty.

#### **1B.0601.01 Regular Graduate Faculty**

Membership in the regular graduate faculty is restricted to those faculty members with the rank of assistant professor or above who hold earned doctorates or recognized terminal degrees in their fields and are actively participating in research or creative activities and teaching. Faculty members with the rank of associate professor or above, having 35 semester hours beyond the master's degree from an accredited institution and engaged in research or creative activities, may be considered for appointment to the regular graduate faculty. Members of the regular graduate faculty:

- demonstrate a record of current engagement (within the past 5 years) in graduate-level teaching and/or advising supported by such items (but not limited to) peer evaluations, student evaluations, thesis and/or project supervision, and graduate teaching assignments; and
- demonstrate a record of current engagement in research (within the past 5 years) or scholarly or creative contributions to the discipline recognized beyond the University (examples include but are not limited to publications, presentations, performances, exhibits, competitions, journal editorship, review panels, grants); and
- demonstrate a record of current participation in professional activities (examples include but are not limited to participation on University committees or in state, regional, or national professional organizations, consulting/contract work in disciplinary or research interest, relevant professional practice).

#### **1B.0601.02 Associate Graduate Faculty**

Associate graduate faculty members are faculty of the school/college with the rank of assistant professor or above and who hold a master's degree plus at least 30 hours of

additional graduate work. Associate graduate faculty must demonstrate 2 of the following categories:

- Demonstrate a record of current engagement (within the past 5 years) in graduate level-teaching and/or advising supported by such items (but not limited to) peer evaluations, student evaluations, thesis and/or project supervision, and graduate teaching assignments;
- Demonstrate a record of current engagement in research (within the past 5 years) or scholarly creative contributions to the discipline recognized beyond the University. Examples include but are not limited to publications, presentations, performances, exhibits, competitions, journal editorship, review panels, grants or other (use of work coming from other category must be approved through procedural steps as defined in the procedures);
- Demonstrate a record of current participation in professional activities. Examples include but are not limited to participation in state, regional or national professional organizations, consulting/contract work in disciplinary or research interest, relevant professional practice.

Associate members may serve on graduate committees, but not as major advisor.

#### **1B.0601.03 Temporary Graduate Faculty** (Revised by Graduate Council 2/2014)

Temporary membership in the Graduate Faculty is open to faculty who:

- Have significant professional accomplishments in their field may be appointed as Temporary members of the Graduate Faculty for a specified period. Appointments are made by the Graduate Dean upon recommendation of the school or college dean.

Temporary members are appointed to teach a specified graduate course or, because of unique qualifications, to serve as a member of a graduate committee. The length of the temporary appointment will be specified at appointment time for a maximum of 3 years and be consistent with the nature of the specified duties. A temporary appointment can be renewed at the end of the 3-year period.

#### **1B.0601.04 Emeritus Graduate Faculty** (passed by Graduate Council 3/15/2018; approved by Provost 2/4/2019)

Emeritus Graduate Faculty status is available to formerly tenured Emporia State University faculty currently holding emeritus status.

Emeritus Graduate Faculty may teach a specified graduate course or, because of unique qualifications, serve as a member of a graduate committee. The length of appointment should be consistent with the nature of specified duties but cannot exceed 3 years. An emeritus appointment can be renewed at the end of the 3-year period. Appointments are made by the Graduate Dean upon the recommendation of the school or college dean.

**1B.0602 Guidelines for Graduate Faculty Membership** (Updated 9/2010; revised by Graduate Council 2/17/2011; approved by Provost 3/11/2011)

1. Nominations for membership in the Graduate Faculty are made by the department chairperson, using whatever intradepartmental procedure is appropriate. Appointment to the Graduate Faculty becomes official upon the approval of the dean of the school/college, the Graduate Council, and the Dean of the Graduate School. Appointment to the Regular Graduate Faculty is for a period of 5 years, and appointment to the Associate Graduate Faculty is for a period of 3 years. Temporary Graduate Faculty shall be appointed upon the recommendation of the department chairperson and the approval of the dean of the school/college and the Dean of the Graduate School for a specified period of time with a maximum of 3 years.
2. Present members of the Regular Graduate Faculty not holding the recognized terminal degree shall be engaged in meeting the requirements of a planned graduate program appropriate for the field at another college or university in order to retain membership unless other criteria are amply satisfied.
3. New faculty members who are expected to immediately teach graduate courses should be nominated for membership in the Graduate Faculty at the same time as they are recommended for appointment.
4. Entering tenure track (not tenured) assistant professors who have recently completed (received PhD within past 5 years) the PhD will be permitted to teach graduate classes and are eligible to apply for associate membership in the graduate faculty. They may not chair thesis committees or doctoral dissertation committees. In exceptional circumstances and with the approval of the department chair and dean of the Graduate School may chair a masters committee.
5. Entering tenure track (not tenured) assistant professors with significant prior post-doctoral experience may apply for regular graduate faculty status and if appointed, serve as chairs of thesis and/or doctoral committees.
4. Renewal of Regular Graduate Faculty membership is contingent upon the review of evidence documenting current scholarship, active professional activity, and graduate teaching/advising effectiveness during his/her 5 year appointment. Renewal of Associate Graduate Faculty membership is contingent upon the review of evidence documenting at least 2 areas from the following criteria (1) current scholarship, (2) active professional activity; or (3) graduate teaching effectiveness during his/her 3 year appointment. Faculty who do not meet the renewal criteria will not be approved for an extension of their Graduate Faculty membership.

**1B.07 ACADEMIC FREEDOM** (FSR 02007 approved by the President 3/25/03)

Emporia State University believes the policies and guidelines developed by the American Association of University Professors, in its *1940 Statement of Principles on Academic Freedom and Faculty Tenure with 1970 Interpretive Comments*, are reasonable and prudent. The University

endorses them insofar as they are compatible with the laws of the state of Kansas and the policies of the Kansas Board of Regents in decisions and actions that are pertinent.

## **1B.08 FACULTY PERFORMANCE AND RECOGNITION**

### **1B.0801 Notification of Faculty Performance and Recognition Policies (FSB 14108 approved by President 5/01/2015)**

At the time of initial employment (i.e., within 2 weeks of assuming duties), each faculty member who is hired on either a tenure track or a continuous non-tenure track basis shall receive an up-to-date electronic or paper copy of the department's faculty recognition document, which explains the policies of the department, school or college (if applicable), and the university regarding faculty evaluation, including retention, promotion, tenure, chronic low performance and corrective faculty development, post tenure review, sabbatical leave, and other policies. Faculty recognition documents shall be developed by, and approved by a majority vote of, the department's faculty, followed by consecutive approval of the department chair, school/college dean, and the Provost/Vice President for Academic Affairs. Changes to the faculty recognition document shall follow the same development and approval process.

### **1B.0802 Faculty Recognition Policy (FSB 88016 approved by President 4/89; FSB 13107 approved by President 5/21/2014)**

All Emporia State University tenured and tenure-track faculty are expected to make contributions to teaching, research, and service. The amount and nature of these contributions should reflect the standards of the faculty member's discipline and specific assignment to ESU. Moreover, teaching faculty members who are not connected with the tenure system may, or may not, have expectations in the areas of research and/or service; if these expectations exist, then these expectations shall be in written form consistent with 1B.0701 Notification of Faculty Performance and Recognition Policies.

Consistent with 1B.0703 Annual Faculty Evaluation, each faculty member who will return to ESU in a teaching capacity shall be evaluated. This includes the requirement for annual evaluation when merit salary increases are absent or small. There is no prescribed length for the written evaluation and the scope of coverage depends on the appointment of the faculty member.

Exceptions include faculty members who permanently separated from ESU within the calendar year. This includes but is not limited to resignation or retirement from ESU within the calendar year that coincides with the evaluation year (e.g., if a faculty member retires at the end of the spring semester of the calendar year 2014, then no evaluation is necessary for the 2014 calendar year). Moreover, if the intent to resign or retire was formally initiated before December 31 of a calendar year, then an ineffectual annual evaluation for that calendar year is not required unless the faculty member or the Chair request an annual evaluation.

Salary decisions will be based on a written annual evaluation of these contributions.

### Provision for Consideration of Past Evaluations (i.e., multiple evaluations forming a composite evaluation)

If merit increases have been “small” (i.e., defined by this policy as less than a 2 percent increase as the stated average for all faculty), then in the future when the stated average is a 2 percent increase or more, the increase will be based on a composite evaluation of 2 or more annual evaluations since the last time merit salary increases were 2 percent or more and any additional material. The faculty member determines both the number of annual evaluations in the composite evaluation and the additional material. If a faculty member has had only 1 annual evaluation at ESU, then his or her evaluation would be based on a single evaluation.

In contrast with (annual) merit salary increases, reappointment, tenure, promotion, Post Tenure Review, and sabbatical leave decisions will be based on the faculty member’s contributions over his/her entire career or a designated time frame longer than 1 year.

In every case, the faculty member's performance will be judged by all parties involved in recognition decisions on the basis of written policy statements or criteria (i.e., specific requirements) developed by the academic unit with which the faculty member is involved. These criteria should reflect the highest professional standards associated with university work. Faculty recognition includes the granting of tenure, salary increases and adjustments, reappointments, promotions, and sabbatical leaves. While recognition certainly includes leaves of absence without pay, reduced loads and other modifications in assignment, office and laboratory space assignments, teaching assignments, and honors accorded, these types of recognition are not within the scope of this policy. This policy is intended to apply to all unclassified employees who are eligible for the types of recognition described herein.

The primary responsibility for initiating the process of recommendations to the President, the Provost, and the deans regarding faculty recognition resides with the units chairs/directors. Faculty members under consideration are to be kept informed of each recognition recommendation and copies of these evaluations and recommendations shall be provided to the faculty member. Missing evaluations shall not be created retroactively and the absence of an evaluation shall not be used to the disadvantage of the faculty member. Unit chairs/directors are expected to work closely with their recognition committees and their deans in making recognition decisions.

On some recognition matters specific policies require consideration by a departmental committee. Unless otherwise specified, unit chairs/directors are to give their faculties the option, by a secret ballot process, of being involved in faculty recognition by October 1 of each year. If faculty involvement is elected, each unit chair/director in consultation with his/her faculty, shall establish appropriate procedures for that purpose. These procedures must insure that any committees formed for such involvement be democratically constituted. Each unit faculty must determine which recognition matters are to be considered by its committee(s).

The unit chair/director is required to make a specific independent, written recommendation on each personnel item. If the faculty of a unit has exercised its option to be involved in recognition decisions, the unit chair/director must transmit all committee recommendations in writing to the

dean along with his/her own specific recommendations. The unit chair/director also must give to the appropriate committee, and to the faculty member involved, a notice as to whether his/her personal recommendations agree or disagree with the committee's recommendations. At this time the reasons for the unit chair/director's recommendations must be given to the faculty member. These reasons may be shared with the committee if the faculty member does not object.

The dean must make a specific, independent, written recommendation on each personnel item. The dean has the responsibility of submitting all previous recommendations with his/her own to the Provost. The dean also has the responsibility of notifying the unit chair/director in writing of the reasons for any decisions which differ from recommendations made by a chair or a recommendation committee.

The unit chair/director then has the responsibility of notifying the recognition committee whether the dean agrees or disagrees with its recommendations.

The Provost and the President have responsibility of informing the dean whether or not they agree with the recommendations that have been forwarded by the dean. Reasons for disagreement with such recommendations must be given in writing to the dean.

At every level in the recognition process a faculty member may withdraw a request for recognition. Such a withdrawal must be in written form.

**1B.0803 Annual Faculty Evaluation** (BOR approved 12/15/94; 3/16/95; FSB 08020 passed by Faculty Senate 4/21/09; approved by President 4/24/09)

It is the Board of Regents policy that the performance of every faculty member is evaluated and that merit increases are based on the annual evaluation of each faculty member's performance. At ESU this process is participatory, cooperative, continuing and meets the following objectives:

1. To recognize that the education of students is the highest priority of ESU. The education of students occurs in a variety of ways and venues, including the classroom, research laboratories, and libraries. Consequently, individual faculty or units may vary their emphasis on instruction, scholarly activity, and service. Annual evaluations reflect individual faculty assignments.
2. To involve faculty in the design and evaluation of expectations central to their performance and professional growth.
3. To provide a documented record of faculty performance to support such personnel decisions.
4. To recognize special talents, capabilities, and achievements of faculty members.
5. To develop strategies to link evaluation and its outcomes to assistance and support for growth and development.

Annual faculty evaluations must include but are not limited to: an anonymous rating by students at least once per semester on an instrument that is controlled for initial student bias and other

major sources of bias. The instrument measuring student ratings of instruction solicit, at a minimum, students' perspectives on (a) the delivery of instruction, (b) the assessment of learning, (c) the availability of the faculty member to the students, and (d) whether the goals and objectives of the course were met. Printed directions on the rating scale indicate that the information will be used by the faculty member to improve his/her instruction. Student evaluations of faculty are intended primarily for the faculty members as a means of improving instruction. They are considered only one of a number of factors in the overall evaluation of the faculty.

The department, school or college, and University will use the information to enhance teaching effectiveness. The evaluation instrument is distributed to the classes of the faculty member. Once collected, the instruments are sealed and stored in an appropriate office and not examined by the instructor of record until after grades are reported. After grades are reported, the faculty member and the department chair jointly examine and discuss the evaluation. The faculty member has the prerogative of submitting written comments which become an integral part of that evaluation.

Multiple sources of information are gathered to evaluate teaching. These might include the content of the course, its design, and presentation. For example, (a) syllabi, examinations and samples of graded exams, handouts, and textbooks may be evaluated by peers for their suitability and coherence, (b) videos of class presentations may be viewed by peers to evaluate presentation of material, or (c) the chair and/or peers may sit through class periods evaluating teaching and learning. Exit interviews and graduate interviews may also provide information.

A comprehensive, flexible approach to the evaluation of teaching is collected, presented, and evaluated as a portfolio. Student ratings are but one part. Peer evaluation, defined as a critical review by knowledgeable colleagues of the entire range of teaching activities, should also be included. No single source of information is taken at face value but is interpreted within all the evidence and placed in appropriate academic context.

Department chairs participate in the evaluation of each faculty member and meet with the faculty member to discuss the evaluation. Based upon the ESU strategic plan and department goals, tenured and tenure track faculty members discuss with the chair the amount of effort the faculty member will devote to teaching, scholarly activity, and service. The minimum effort in teaching is 50%. Scholarly activity and service make up the remainder - but both must be included in some amount. A reduction of effort in one area is augmented in another. Merit evaluations follow this agreement and the agreements reflect varying emphases at different times during a faculty member's career.

**1B.0803.01 TRAINING OF DEPARTMENT CHAIRS** (FSB 14002 passed by Faculty Senate 10/21/2014; approved by President 10/28/2014)

Just as annual evaluations reflect individual faculty assignments, they also vary according to the characteristics of each college or school and the standards of the faculty member's discipline. It is the responsibility of each college or school dean to ensure that department chairs receive training in the administration of faculty evaluations that is consistent with, and

supportive of, department and college/school written and approved expectations for faculty performance.

**1B.0803.02 STUDENT RATING OF TEACHING** (approved by Dean's Council 8/96; FSB 08020 passed by Faculty Senate 4/21/09; approved by President 4/24/09; FSB 13023 passed by Faculty Senate 12/3/2013; approved by President 12/12/2013)

In compliance with the Kansas Board of Regents policy, Emporia State University requires all faculty members to have their teaching performance rated anonymously by students under standard conditions on an instrument that is norm-referenced and adjusted for initial student motivation and other major sources of bias as demonstrated by research.

1. The instrument, other major sources of bias, and methods of bias adjustment will be determined collectively by the faculty of the academic unit, which for this policy is the administrative level from which a faculty recognition document originates, usually a department. The faculty will make these determinations annually by a majority vote of all faculty members within the department.
2. During each semester they teach, all full-time and part-time members of the faculty must solicit ratings of teaching for at least 1 course. If a faculty member has students rate only 1 course per semester, then the course must have at least 15 students enrolled. If none of the courses taught by the faculty member that semester has 15 or more enrolled students, then the rated course must be the one with the highest student enrollment. Faculty recognition documents may require more frequent student evaluations of teaching, but they cannot require less than specified in this policy. Unless the faculty recognition document requires otherwise, the decision about which course or courses will be evaluated will be made by the faculty member.
3. Student ratings of teaching must be considered in decision-making about salary increases, promotion, tenure, and other appropriate personnel decisions. The extent to which they will be considered in this regard may vary by academic unit, based on its faculty recognition document. Student ratings can be used to make comparisons about faculty teaching only within the academic unit.
4. Completed student rating instruments and their data are considered to be personnel and performance records to be used in developing evaluations, and these records are to be treated as confidential to the full extent provided by law. The student ratings will be used by the academic unit for the purposes of improving teaching and evaluating faculty teaching performance. A faculty member will have access to his or her course's completed instruments and data after the end of the semester in which the students completed them and after course grades have been submitted.

**1B.0804 Evaluation of the Chair by Faculty** (FSB 77006 approved by President 4/4/78; FSB 13015 approved by President 5/21/2014)

The performance of the chair is to be evaluated regularly. The nature of the evaluation and its procedures are as follows:

1. It shall be written and comprehensive.
2. It must be done at least every 3 years and may be done in the intervening years at the discretion of the eligible faculty members. Only faculty members who have served with the chair for at least 1 year shall be eligible.
3. In the years when the evaluation is optional, a decision whether or not to conduct the evaluation must be made by secret ballot by the eligible faculty by February 1.
4. The procedure to be used, the method of evaluation, and the type of summary will be determined by the faculty of the unit in consultation with the appropriate dean. Each dean is responsible for initiating the process in the units in the school/college and for ascertaining that all evaluations are conducted appropriately.
5. Summaries of the findings of the evaluation shall be distributed to (a) the chair being evaluated, (b) the appropriate dean, (c) the Provost and Vice President for Academic Affairs, and (d) the President. Access to the evaluation results of the departmental chairs by parties other than those mentioned above is regulated by KAR 1-13-1a(a)(2); 1-13-1b.
6. The chair shall be given a copy of the summary before it is finalized and have the prerogative of submitting a written comment which shall become a part of the summary.
7. Information from the evaluation will be considered in the overall assessment of performance and shall figure in the determination of continuance in the role of chair.

**1B.0805 Policies and Procedures for Tenure**

**1B.0805.01 Board of Regents Policy for Tenure** (revised 2/05)

1. After the expiration of a probationary period, teachers or instructors should have permanent or continuous tenure, and their services should be terminated only for adequate cause, except in the case of program or unit discontinuance or under extraordinary circumstances because of financial exigency. (2/19/97)
2. In the interpretation of the principles contained in paragraph 1 of this policy, the following is applicable:
  - a. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

- b. Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed 7 years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than 3 years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his/her new appointment is for a probationary period of not more than 4 years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of 7 years; except when the interests of both parties may best be served by mutual agreement at the time of initial employment, institutions may agree to allow for more than 4 years of probationary service at the employing institution provided the probationary period at that institution does not exceed 7 years. Notices should be given at least 1 year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period. Under unexpected special and extenuating circumstances, prior to the 6th year of service, and at the request of the faculty member and the appropriate dean, the Chief Academic Officer of the University may grant an extension of the tenure clock for a maximum of 1 year. (9-18-97)
  - c. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.
  - d. Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, shall, if possible, be considered by a faculty committee which will make recommendations to the administration. In all cases where the facts are in dispute, the accused teacher shall be informed before the hearing in writing of the charges against him/her and should have the opportunity to be heard in his/her own defense by all bodies that pass judgment upon his/her case. He/She may have with him/her an advisor of his/her own choosing who may act as counsel. There shall be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence, the testimony should include that of teachers and other scholars, either from his/her own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude shall receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.
  - e. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.
3. Within this general policy, each Regents institution may make such operating regulations as it deems necessary, subject to the approval of the Board.
  4. Any tenure approved by the institution shall be limited to tenure for the recommended individual at the institution consistent with the tenure policies of that institution. (Effective 11/14/2002)

5. In exceptional cases, the chief executive officer at a Regents institution may hire a faculty member with tenure without their having completed a probationary period. (6-29-99)
6. Decisions of the chief executive officer shall be final and are not subject to further administrative review by any officer or committee of the institution or by the Board of Regents. (4-18-47; 2-15-80; 5-15-81; 4-16-82; 1-20-84; 2-16-89; 6-29-95)

**1B.0805.02 University Policies and Procedures for Tenure** (FSB 80004 approved by President 12/9/80; FSB 88001 approved by President 10/28/88; FSB 05007 approved by President 5/3/06; FSB 07003 approved by President 2/4/08)

Emporia State University shall award permanent status to faculty members who have been judged, on the basis of academic credentials and systematic annual evaluation as stipulated in this document, worthy of continuous appointment.

Policies for Tenure

To be eligible for tenure a faculty member shall fulfill all the requirements set forth in the sections below:

1. Degree Requirement

The terminal degree or professional certification deemed appropriate by the discipline is the expectation.

2. Professional Expectations

Expectations for the granting of tenure shall embrace excellence in the areas of teaching, scholarly/creative activity, and service to the University and profession. Such excellence must be demonstratively evident and offered as such by the candidate for tenure.

3. Probationary Period

- a. Probation is a period of annual contract renewal preceding the granting of tenure. The probationary faculty member shall be given every opportunity to demonstrate his/ her suitability for tenure, and shall be judged by the most objective academic standards and processes.
- b. The academic year will be considered the minimal basis for determining a probationary year.
- c. All faculty shall serve a probationary period of 6 years of full-time employment. Normally, this period will consist of 6 regular annual academic year appointments at the rank of assistant professor or higher, plus reappointment for the 7th year.

In accordance with BOR policy, if an untenured faculty member becomes a parent through birth, adoptive placement, or adoption of a child under the age of 5 prior to May 1<sup>st</sup> of the fifth year of the probationary period, that faculty member, upon notification to the Vice President for Academic Affairs, shall be granted a one-year delay of the tenure review. Notification must occur within 90 days of the birth, adoptive placement, or adoption. Faculty members retain the right to opt out of this interruption policy.

Under unexpected special and extenuating circumstances, prior to the sixth year of service, the Vice President for Academic Affairs may grant an extension of the tenure clock for a maximum of one year. Such request shall be routed through the appropriate department chair and dean.

No more than two extensions of the tenure clock may be granted to a faculty member for any reason. Nothing in this provision shall be construed to guarantee reappointment of an untenured faculty member.

Systematic evaluations, as set forth later in this document, are conducted each year. The decision to award tenure shall be made during the 6th year of service. In cases where tenure is denied, the 7th year of service is the terminal year of appointment.

- d. Tenure is not granted at the rank of instructor or lecturer or for a temporary or part-time position. Regular annual appointments at the rank of instructor do count, upon promotion, toward meeting the probationary requirements of a higher rank. Service in a part-time position does not count toward the probationary period.
  - e. Faculty coming to ESU with prior service at other accredited institutions of higher education at ranks earning tenure at ESU may have some or all of these years of service count toward the probationary period. For persons employed at the rank of assistant professor, no more than 3 years of prior service at another institution may count toward the probationary period. For persons employed at the rank of associate professor, not more than 4 years of service may be counted. For persons employed at the rank of professor, no more than 5 years of service may be counted.
  - f. No later than February 1 of each year, the department chair is responsible for informing, in writing, each faculty member of his/her development, his/her fitness for his/her position, and his/her prospects for attaining tenure.
  - g. No later than the 6th year of the probationary period, the department chair shall notify the faculty member in writing either that he/she will not be recommended for tenure, but that he/she will be recommended for a 1 year terminal appointment, or that he/she will be immediately recommended for tenure.
4. A leave without pay for 1 year will not be regarded as a break in continuous service provided such leave has been taken with prior approval by the President.

5. Statement of Exception: The minimal expectation for the granting of tenure emphasizes the need for excellence in the areas of teaching, scholarly/creative activity, and service.

To this expectation, there can be no exception. Granting of exception to other eligibility requirements set forth in this document may be made only if the candidate exhibits extraordinary merit, demonstratively beyond the rule of excellence.

#### Procedures for Granting Tenure

1. Prior to October 15 of each fall semester, each department shall establish a committee to evaluate candidates who have been identified by the department chair as candidates for tenure. At its discretion a department may utilize a committee already established for matters of faculty recognition (i.e., promotion, merit pay, sabbatical leave) provided that such committee is composed of 3 or more full-time department faculty members. If the department chooses to establish a specific committee for tenure review, such committee shall be composed of 3 or more full-time department faculty. Whichever the case, the committee utilized shall be formed by democratic procedures. It shall be the responsibility of the committee to make advisory recommendations, concerning tenure, to the department chair. If a department chair is seeking tenure the recommendations are submitted to the appropriate school/college dean.
2. The committee shall base its recommendation on systematic evaluation of the candidate in the areas of teaching, scholarly/creative activity and service. In addition, the systematic evaluation of the candidate (by the Faculty Recognition Committee and at each additional university level of review) must be aligned with and not violate the terms and conditions of the appointment. The Faculty Recognition Committee document for the department in place at the beginning of faculty employment will be used for tenure and/or first promotion. If a different Faculty Recognition Committee document goes through the approval process and has received final approval by the Chief Academic Officer before tenure and/or first promotion, the faculty member shall have the right to choose which document will be used. The chair of the department will ensure that each newly hired tenure track faculty member will receive the departmental Faculty Recognition Committee document within two weeks of employment.
3. It shall be the responsibility of the candidate to supply the committee with supporting documentation in each of these areas.
  - a. Supporting evidence in the area of teaching may include, but need not to be limited to, self-evaluation, student evaluations, chair evaluations, reports of peer visits and evaluations, and examples of teaching techniques (i.e., tests, syllabi, assignments).
  - b. Supporting evidence in the area of scholarly/creative activity shall include, but may not be limited to, publications relevant to the candidate's discipline, performance or exhibitions, copies of papers presented, reports of research in progress, reports of grants and fellowships, and reports of supervised student research.

- c. Supporting evidence in the area of service shall include, but need not be limited to, service on academic committees (department, school/college, and University), service to student organizations, recruitment activity, work as a consultant, and service to the profession or community.
  - d. Supporting evidence specifically relevant to each discipline may be requested and/or submitted.
4. The committee recommendation shall be viewed by the department chair. The chair shall notify the candidate in writing of both the committee's and his/her recommendations no less than 3 working days prior to the deadline set by the dean. The chair also has the responsibility to inform the committee of his/her recommendation. Before forwarding recommendations, the chair shall give the candidate an opportunity to meet with the committee and/or the chair to resolve any dissatisfaction the candidate may have. After such a meeting, the candidate may request in writing that his/her candidacy not proceed further. Such a request shall be honored. If the candidate chooses to proceed with his/her candidacy, the chair shall keep the committee informed of the response of the dean and the Vice President for Academic Affairs.
5. If a chair is being reviewed by the department committee their recommendation is submitted to the appropriate school/college dean. The dean shall notify the candidate in writing of both the committee's and his/her recommendations no less than 3 working days prior to the deadline set by the dean. The dean also has the responsibility to inform the committee of his/her recommendation. Before forwarding recommendations, the dean shall give the candidate an opportunity to meet with the committee and/or the dean to resolve any dissatisfaction the candidate may have. After such a meeting, the candidate may request in writing that his/her candidacy not proceed further. Such a request shall be honored. If the candidate chooses to proceed with his/her candidacy, the dean shall keep the tenure committee informed of the response of the Vice President for Academic Affairs.
6. The dean of the school/college shall review the recommendations and inform the candidate in writing of his/her recommendation no less than 3 working days prior to the deadline set by the Vice President for Academic Affairs. The candidate may request in writing that his/her candidacy not proceed further. Such a request shall be honored. If no such request from the candidate is forthcoming, the dean shall forward his/her and all previous recommendations to the Vice President for Academic Affairs.
7. Recommendations concerning the tenure of probationary faculty members will be made to the President by the Vice President for Academic Affairs on recommendations of the dean and of the department, as described in earlier parts of these policies, and in the manner so described.
8. The Vice President for Academic Affairs shall review the recommendations and inform the candidate in writing of his/her recommendation before forwarding his/her recommendation and all previous recommendations to the President of the University.

9. The President of the University shall make the final decision on a tenure recommendation. If his/her decision is affirmative, he/she shall notify the Kansas Board of Regents that tenure be granted.
10. The University's policies and procedures for tenure and reappointment during the probationary period affirm any and all due process rights whether or not such rights are expressly stated.

**1B.0805.03 Reappointment during the Probationary Period** (FSB 75001 approved by President 3/3/76)

The following procedures pertain to relations with individual faculty members during the probationary period and at the time recommendations and decisions are made regarding renewal of term appointments leading to the granting of tenure. These procedures do not apply to special appointments, those clearly designated in writing at the outset as involving only a brief association with the institution for a fixed period of time.

Criteria and Notice of Standards

Faculty members shall be advised, early in their appointments, of the substantive and procedural standards generally employed in decisions affecting reappointment and tenure. Any special standards adopted by a department or school/college shall also be brought to their attention.

Opportunity to Submit Material

A faculty member shall be advised of time when decisions affecting reappointment and tenure are made, and he/she shall be given the opportunity to submit material which he/she believes will be helpful to an adequate consideration of his/her circumstances should such be necessary.

Notice of Nonrenewal

In the event of a recommendation or decision not to renew the appointment, the faculty member shall be so informed in writing, and if requested, shall be advised of the reasons. He/She shall also have the opportunity to request a reconsideration of the action.

Petition for Review Alleging Inadequate Consideration

The faculty member not being reappointed may expect that any review of his/her situation, whether through usual grievance procedures or otherwise, shall accomplish the following:

1. Determine whether the decision of the appropriate faculty body was the result of adequate consideration. The term adequate consideration refers essentially to procedural rather than substantive issues. The conscientious judgment of the faculty member's departmental colleagues must be respected if the invaluable tradition of departmental

autonomy in professional judgments is to prevail. The committee should not ordinarily substitute its judgment for that emanating from the faculty process.

2. Request reconsideration when the committee believes that adequate consideration was not given. The committee should indicate the respects in which it believes the consideration may have been inadequate.
3. Provide copies of its report and recommendations to the faculty member, the President or other appropriate administrative officers, and others concerned.

#### Petition for Review Alleging an Academic Freedom Violation

If the faculty member alleges that considerations violative of academic freedom significantly contributed to a decision or recommendation not to reappoint, he/she should pursue the usual grievance procedures of the University.

#### Non-Reappointment during Probationary Period

Notice of non-reappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the notice of non-reappointment standards.

### **1B.0806 Policies and Procedures for Promotion**

#### **1B.0806.01 Distribution of Promotion Policies and Procedures to Faculty**

All new faculty members employed at Emporia State University shall receive a copy of promotion policies and procedures within 2 weeks of assuming their duties. Criteria are also established by each department/unit.

#### **1B.0806.02 University Criteria for Promotion (FSB 82004 approved by President 5/23/85)**

Promotion in rank is not a matter of routine, seniority, or time in rank. Rather, it is the recognition of the cumulative professional record of a faculty member as well as his/her potential for continued growth and contribution. Promotion to the next rank shall be by merit as determined in accordance with the criteria which are presented below.

#### Assistant Professor

1. Time in Rank: Five years in rank will be regarded as the normal time necessary before an Instructor becomes eligible for promotion to Assistant Professor. At the end of 5 years of professional experience in higher education, promotion will be recommended only on the basis of documented meritorious performance.
2. Degree Requirement: The terminal degree/certification deemed appropriate by the discipline is the minimum expectation for this rank.

3. Exceptions to Above: Early promotions, or promotion in the absence of an appropriate terminal degree, will be considered only when there is acceptable evidence of truly exceptional contributions in teaching, scholarly and/or creative achievements, University service or professional service.
4. Other Criteria: Evaluation for promotion to an assistant professor shall emphasize dedication to and ability for teaching. In addition, the faculty member shall have a scholarly knowledge of disciplines relative to his/her academic responsibilities and a developing mastery of relevant skills. The candidate shall also show a clear potential for continued professional growth, for making scholarly as well as creative contributions, and/or involvement in University and professional services. These criteria shall be applied and weighted according to the nature of the discipline and the official department standards.

#### Associate Professor

1. Time in Rank: Five years in rank will be regarded as the normal time necessary before an assistant professor becomes eligible for promotion to associate professor. At the end of 5 years promotion will be recommended only on the basis of documented meritorious performance.
2. Degree Requirement: The terminal degree/certification deemed appropriate by the discipline is the minimum expectation for this rank.
3. Exception to Above: Early promotion or promotion in the absence of an appropriate terminal degree, will be considered only when there is acceptable evidence of truly exceptional contributions in teaching, scholarly and/or creative achievements, University or professional service.
4. Other Criteria: Evaluation for promotion to rank of associate professor shall emphasize a sustained commitment to excellence in teaching. In addition, the candidate shall clearly have achieved a level of scholarship indicated by mastery of relevant disciplines and skills as well as having made significant scholarly and/or creative contributions which have been recognized by professional peers. The candidate shall have become a visible member of the academic community through involvement in University and professional service, shall demonstrate a commitment to continued professional growth and shall make additional academic and service contributions. These criteria shall be applied and weighted according to the nature of the discipline and the official department standards.

#### Professor

1. Time in Rank: Five years in rank will be regarded as the normal time necessary before an associate professor becomes eligible for promotion to the rank of professor. At the end of 5 years promotion will be recommended only on the basis of documented meritorious performance.

2. Degree Requirement: The terminal degree/certification deemed appropriate by the discipline is the minimum expectation for this rank.
3. Exceptions to Above: Early promotions, or promotion in the absence of an appropriate terminal degree, will be considered only when there is acceptable evidence of truly exceptional contributions in teaching, scholarly and/or creative achievements, University service, or professional service.
4. Other Criteria: In addition to maintaining excellence in his/her teaching, the candidate shall also have provided leadership in creating an intellectual environment. The candidate shall be an accomplished scholar in his/her discipline and shall have achieved mastery of relevant skills. Also, the cumulative record of scholarly and/or creative productivity shall be substantially greater than that expected of other ranks. Accomplishments shall be recognized by professional peers both from within and without the University. Furthermore, there shall also be an established record of significant contributions in the form of University and/or professional service. These criteria shall be applied and weighted according to the nature of the discipline and the official department standards.

#### **1B.0806.03 Procedures for Faculty Promotion**

The department faculty at the start of each fall semester shall meet and vote on whether to provide peer review for any colleague who is being considered for promotion. The guidelines for faculty promotion shall be consistent throughout the University, and providing peer review is strongly recommended. In the event that the department does not decide to provide peer review, the chair shall follow the guidelines as outlined in this document.

##### Establishment of Promotion Committee

The department shall establish a Faculty Promotion Committee (FPC) by democratic procedures prior to October 15. The committee shall be composed of 3 or more full-time departmental faculty members. The role of the FPC is to make advisory recommendations, concerning promotion, to the department chair.

##### Faculty Promotion Committee (FPC) Responsibilities

The FPC shall carry out its functions in keeping with the following guidelines:

1. The FPC shall meet prior to November 15th to begin its consideration of promotion recommendations.
2. Nominations for promotion may be initiated by the department chair, by colleagues, or by the candidate. Upon written notification, the nominee has the right to accept or reject this nomination.
3. FPC shall meet with the department chair to review those faculty members to be considered for promotion and to establish a time schedule for forwarding to the chair its recommendations for promotion.

4. The FPC shall invite the candidate to submit any documentary materials.
5. The FPC will include as a minimum the following steps in evaluating a candidate:
  - A. The FPC shall determine the merits of the candidate's teaching by:
    - a. Reviewing student evaluations from at least 1 semester per year for the 3 years immediately prior to the year in which the request for promotion is made.
    - b. Reviewing peer evaluations.
    - c. Reviewing course material (e.g., syllabi, tests) from at least 2 consecutive semesters.
  - B. The FPC shall determine the merits of the candidate's service, particularly as it relates to classroom teaching and/or the mission of the University, by:
    - a. Reviewing the candidate's statement of his/her activities in the area of University and public service.
    - b. Reviewing statements from such pertinent sources as coworkers, committee chairperson, officers of student organizations, and members of audiences before whom the candidate has performed. The candidate must be notified of the FPCs receiving any statements that he/she does not personally submit and must be permitted access to such statements.
  - C. The FPC shall determine the merits of the candidate's scholarly and creative activities utilizing the written criteria established by the department, department, college, school, and the University particularly as they relate to classroom teaching and/or the mission of the University, by:
    - a. Reviewing all written material pertinent to this evaluation, including publication, manuscripts, reports, and accounts of scholarly and creative activities.
    - b. Reviewing a statement from the candidate regarding his/her scholarly/creative activities.

#### Forwarding Faculty Promotion Recommendations

1. The FPC shall review all candidates and submit its recommendations to the department. The department chair shall review all recommendations and shall notify the candidate of the FPC recommendations and his/ her recommendation. The candidate may, if dissatisfied, meet with the department chair. After reviewing the recommendations with the candidate, the chair shall forward both the FPC and his/her recommendations to the

office of the dean of the college unless the candidate requests that his/her candidacy not proceed further.

2. The dean of each school/college shall review the recommendations and, unless the candidate requests that his/her candidacy not proceed further, forward them along with his/her recommendation to the office of the vice president. In addition, the dean shall inform the candidate of his/her recommendation.
3. The academic vice president shall review the recommendations and forward them along with his/her recommendation to the office of the President. In addition, the academic vice president shall inform the candidate of his/her recommendation.
4. The President shall make the final decision concerning promotion.
5. Final notification of a promotion is made to the Board of Regents.
6. The candidate shall have the right to be kept fully informed of all submissions and recommendations made with regard to his/her candidacy and to attach his/her comments to any or all of them.
7. Throughout the procedure, the right of due process is recognized for all candidates.
8. It will be the responsibility of the respective chairpersons/directors and deans/administrative heads to ensure that only those faculty members who have been evaluated according to the criteria and procedures specified herein will be recommended for promotion.

**1B.0807 Faculty Performance and Recognition Decisions when Interdepartmental Transfers of Faculty Members or Departmental Mergers are Involved (FSB 14019 approved by President 5/15/2015)**

**Employment Decisions**

If a faculty member transitions to a new department (e.g., via transfer or merger), then the faculty member shall have the option during the transition period to be evaluated by previous guidelines, i.e., by the old department's faculty recognition document (FRD) or by the FRD of the department to which he or she transitions.

The transition period is likely to be different for different decisions, and these transition periods will be called "cycles" for clarity hereafter. This choice of FRD is available for one cycle of retention and tenure, promotion, post-tenure review, and chronic low performance and corrective faculty development. The cycle for retention is 1 year; the cycle for tenure is until a tenure decision is made; the cycle for promotion is the minimum time in rank for promotion plus 1 year; the cycle for post-tenure review is until post-tenure review has been conducted or promotion has been achieved, whichever is first. The cycle for chronic low performance and corrective faculty development is more complex and is elaborated on below.

## **Development Policy**

The chronic low performance and corrective faculty development process shall neither prematurely cease nor restart due to an interdepartmental transfer or merger (i.e., the time clock does not stop or restart if it has already begun). The cycle remains the same as determined before with corrective faculty development continuing without interruption over the remaining designated time period.

Absent current involvement in the chronic low performance and corrective faculty development process, transfer or mergers shall not place a faculty member into it. The faculty member shall have the option to selected the FRD from either the old department or the new department over the 3-year chronic low performance and corrective faculty development cycle.

## **Merit Pay and Sabbatical Decisions**

The cycle for merit pay and sabbatical leave decisions is 1 year. If the transfer or merger is within a school or college, merit pay and sabbatical leave will have the dean as the arbiter of these decisions; similarly, transfers to another school or college will have the provost as the arbiter. The faculty member may select the guidelines of the old department or the new department; alternatively, a mutually acceptable (i.e., with the faculty member and the arbiter) composite of the two FRDs may be created to form the foundation of these decisions, with recommendations flowing via the normal channels. This is not intended to replace peer review if it was elected by the faculty in either department according to the *University Policy Manual*. For example, if peer review was elected in the old department and a faculty member is transferred, the faculty member has the right to peer review if the faculty member follows the old department's FRD, and this recommendation would flow as stated in the selected FRD. One role of the arbiter is to ensure the faculty member in transition is not placed in a position of disadvantage due to the transfer or merger.

## **Good-Faith Effort of All Parties is Expected**

Transfer and merger transitions can create ambiguities, confusion, and uncertainty. These guidelines attempt to reduce these for typical decisions. A myriad of other issues may need to be resolved involving a good faith effort on behalf of all parties; moreover, it is important to recognize that after tenure is earned, its rights and responsibilities remain with the faculty member regardless of transfer or merger. A transfer (or merger) should place a previously qualified faculty member into a department where he or she would be productive and qualified; never the opposite. It is incumbent on the university administrative, faculty, and staff to make these transitions as smooth as possible and to ensure the faculty continue to perform at a high level.

## **1B.09 POLICIES ON TERMINATION OF EMPLOYMENT**

### **1B.0901 Resignation**

A faculty member may terminate his/her appointment effective at the end of an academic year, provided that notice is given in writing at the earliest possible opportunity, but not later than

May 15, or 30 days after receiving notification of the terms of appointment for the coming year, whichever date occurs later. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where he/she would otherwise be denied substantial professional advancement or other opportunity.

### **1B.0902 Non-Reappointment**

The University may at its discretion decide not to renew an academic probationary appointment. The following standards apply:

#### Notice of Non-Reappointment Standards (BOR 4/16/82)

Notice of non-reappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the following standards:

1. Not later than March 1 of the 1st academic year of service. If a 1 year appointment terminates during an academic year, notice is given at least 3 months in advance of its termination.
2. Not later than December 15 of the 2nd academic year of service. If an initial 2 year appointment terminates during an academic year, notice is given at least 6 months in advance of its termination.
3. At least 12 months before the expiration of an appointment after 2 or more years in the institution.

These statements shall apply even during periods of declared financial exigency, unless impossible, in which case notice shall be provided as early as feasible.

### **1B.0903 Program Discontinuance**

Termination may occur as a result of a bona fide discontinuance of a program in accordance with established University policy.

### **1B.0904 Post Tenure Review (FSB 13106 approved by President 5/21/2014; FSB 14002 approved by President 10/28/2014; FSB 14004 approved by President 2/03/2015; FSB 14016 approved by President 5/01/2015)**

#### 1. Post Tenure Review

Post Tenure Reviews of all tenured faculty members shall be conducted at 7 year intervals, with the first review in the 7<sup>th</sup> year after tenured employment is initiated with some necessary exceptions stated below. If a tenured faculty member receives a promotion in rank within 7 years of the anniversary of his or her previous review, the next review shall be conducted in the 7<sup>th</sup> year after the promotion takes effect.

Starting with the year of policy implementation, all tenured faculty must undergo Post Tenure Review within 7 years. Post Tenure Review shall be in addition to, not in lieu of, annual evaluations.

Exceptions:

- a. Because this is a new policy, the implementation of which begins in the academic year 2014-2015, the 7<sup>th</sup> year review will be phased in through the initial 7 year period with volunteers having first priority. Unless otherwise specified in the department's Post Tenure Review Policy, the faculty member shall select the year of his or her Post Tenure Review.
- b. If a tenured faculty member becomes an administrator (i.e., reports to an administrator higher than a department chair or equivalent and is teaching less than half of the normal teaching load in the department), the schedule of performance reviews shall be suspended until the faculty member returns to regular faculty status. If the term of administrative duties exceeds 3 years, the next review will be rescheduled in the 7<sup>th</sup> year after the resumption of faculty duties.
- c. A faculty member may delay the review by 1 year in order to accommodate a sabbatical leave or change in family status (i.e., birth, death, adoption, marriage, or divorce); these delays may not occur more than twice in a review cycle. Other compelling reasons, such as a major health issue, may also allow for a delay of a year provided both the faculty member and the academic supervisor (department chair or equivalent) approve.
- d. Tenured faculty in phased retirement are excluded since they already have contractually agreed to a retirement date.
- e. Tenured faculty who retire or resign at the end of the 7<sup>th</sup> year following a previous review are excluded from this policy.
- f. For a tenured faculty member who is subject to the Chronic Low Performance and Corrective Faculty Development policy, the Post Tenure Review shall be delayed until the faculty member successfully emerges from the Chronic Low Performance and Corrective Faculty Development policy or is terminated per the policy.

The Post Tenure Review shall be conducted by the Department Chair or by the Faculty Recognition Committee, or both as set forth in the department's Faculty Recognition Document, and shall be based upon the most recent 6 annual evaluations (missing evaluations may be replaced by additional documentation provided by the faculty member), the materials submitted by the faculty for these annual evaluations, and any additional materials the faculty member chooses to submit. The Post Tenure Review shall consist of an evaluation of the faculty member's performance in teaching, scholarship, and service as those factors are weighted in the relevant Faculty Recognition Document.

The faculty of the department shall adopt such additional procedures as are deemed necessary and appropriate for the Post Tenure Review.

The Post Tenure Review shall identify any observed trends, strengths upon which to build or weaknesses to improve.

If the Post Tenure Review finds failings consistent with those designated by the Chronic Low Performance and Corrective Faculty Development policy, then the Post Tenure Review may recommend the faculty member be moved into the beginning of the Chronic Low Performance and Corrective Faculty Development process. In short, this Post Tenure Review policy is not intended to delay entry into the Chronic Low Performance and Corrective Faculty Development process.

The faculty member shall be given a copy of the Post Tenure Review and shall have the opportunity to reply to whomever conducted the review (i.e., the Review Committee, the Chair, or both before the review is officially submitted in the process designated by the department's Post Tenure Review Policy, required by school, college, or university. To be included in the record, this reply must be submitted within 10 class days after receipt of the initial review. The Review Committee, Chair, or both may change the review after considering the faculty member's reply, or not change it. If changes are made, the faculty member shall be given the revised copy of the review before it is officially submitted.

**1B.0905 Chronic Low Performance and Corrective Faculty Development (FSB 95007 approved by President 5/9/96; FSB 96001 approved by President 10/4/96; FSB 04003 approved by President 2/15/05)**

I. Related Principles and Definitions

A. Related Principles

Emporia State University is committed to recruiting only those faculty who show clear promise of success in the academic setting. The University is committed to the principles of academic freedom and, within those principles, to the system of tenure. Tenure is an important part of academic freedom but does not accord freedom from accountability. Just as the University is committed to recruit excellent faculty and to ensure the excellence of their performance, so too is the University dedicated to faculty renewal and development. Thus, the concept of regular, rigorous faculty review is a part of the University's commitment to providing support to every faculty member.

B. Definition of Chronic Low Performance (FSB 95007)

Chronic low performance of a tenured faculty member is demonstrated when the faculty member fails in his/her professional responsibility as identified in annual evaluations. Continued low performance, despite all assistance provided, may be considered an adequate cause for dismissal.

### C. Definition of Department and Department Chair

For the purposes of this policy, University Libraries and Archives and the School of Library and Information Management are considered as departments and their deans are considered as their department chairs.

## II. Statement of Policy

The Faculty Senate of Emporia State University hereby recognizes that the University requires adequate performance of certain duties by the faculty member. While tenure, in its protection of academic freedom, shields faculty from discriminatory, unfair, arbitrary or capricious dismissal, is not designed to shield them from the consequences of inadequate performance or non-performance of their duties.

Every faculty member's performance is subject to review to determine whether each faculty member has fulfilled his/her duties. Sustained failure of a faculty member to carry out his/her academic responsibilities, despite the opportunities for University-supported faculty development or other appropriate interventions, is cause for consideration of dismissal from Emporia State University, by due process.

## III. Implementation

### A. Evaluation Process

The annual evaluation document used by each department will include: (1) a statement of the overall acceptable level of faculty performance, (2) a definition of failure for each area of faculty responsibility (i.e., teaching, scholarly activity, and service), (3) a provision for faculty development, and (4) a statement of a faculty member's right to due process in the event any disagreement should arise in the course of the evaluation, and (5) a procedure for establishing an Evaluation Committee when needed to review claims of inadequate performance about a tenured faculty member. Each department shall review its evaluation process at least once every 5 years and any changes shall be adopted by a faculty vote and approved by the dean or the appropriate school/college/library and by the Vice President for Academic Affairs. Any request for a secret ballot must be honored when changing this evaluation process. A current copy of each department's evaluation process shall be kept on file in the office of the Vice President for Academic Affairs.

In addition, the annual evaluation document for each school and college and the library must provide for a Performance Review Committee to consider any situation in which the department chair and the departmental Evaluation Committee disagree about a claim of inadequate performance. The procedure for establishing this committee must be approved by the faculty of the school/college/library, the dean, and the Vice President for Academic Affairs.

All components of the Evaluation Process, including the specified committees, must be in place before this policy is implemented.

## B. Individualized Expectations

Consistent with the Regents' policy, Emporia State University's policy provides for differential allocations of effort among tenured faculty in the areas of their academic responsibilities. The individual's performance responsibilities and expectations for the period are determined by the allocation of effort and the departmentally-established responsibilities in an academic area. These responsibilities and expectations will serve as the basis for the individual's Annual Evaluation.

## C. Annual Evaluation

### 1. (Typical) Annual Evaluation by the Department Chair

The department chair using criteria and methods appropriate to that department for teaching, scholarly activities, and service shall evaluate each faculty member annually. The faculty member will provide relevant information for the purposes of evaluation. Multiple sources of information used to evaluate the teaching component will include students' ratings of instruction and such other information as may be appropriate.

### 2. (Special) Annual Evaluation by the Department

Beyond the department chair's responsibility for the evaluation of each faculty member, the department's tenured faculty share the responsibility in evaluating tenured faculty who might be considered failing in any area of responsibility (e.g., teaching, scholarly activity, or service) as defined in the department's annual evaluation document. It is important to note that this Special Annual Evaluation is not tantamount to a reapplication for tenure. Instead, this process is intended to ensure professional self-direction and the success of faculty who already have earned tenure. It encourages the department to exercise its collective wisdom in determining if serious problems actually exist and seeking effective solutions when they occur.

#### a. Department's Annual Evaluation by the Chair and the Department's Evaluation Committee when a Tenured Faculty Member Might be Considered Failing

If a tenured faculty member is considered failing in teaching and one of the other two areas of responsibility, scholarly activities and service, he/she must be informed of the concerns on or before March 15 of any given year. Subsequently, an Evaluation Committee, composed of tenured faculty, will conduct an independent evaluation as part of this evaluation process (i.e., the chair and tenured faculty will both be involved in this annual evaluation process). Throughout this process, assertions of failure must be substantiated with clear and convincing evidence to which the tenured faculty member has a right to respond. The burden of demonstrating adequate cause rests with those who contend a tenured faculty member has failed in his/her professional responsibility.

b. Composition of the Evaluation Committee

Although this Evaluation Committee may coincide with another democratically-constituted committee such as a promotion committee, it might also be a committee of all tenured faculty in the department, or a democratically-constituted committee expressly for this purpose. In any case, it may include neither non-tenured individuals nor anyone who is a chair or above (e.g., chair, associate dean, dean, vice president).

c. Independence of the Evaluation Committee

It is expected that the Evaluation Committee will act independently. For example, it is expected that the tenured members of the faculty in a department understand what constitutes a failing performance of a tenured faculty member from the annual evaluation document mentioned above. The Evaluation Committee's initial charge is to conduct an independent evaluation of the material used in the annual evaluation process.

d. Access to Information and Input from the Faculty Being Evaluated

The faculty member shall have access to all pertinent information. Furthermore, copies of any (or all) documents shall be provided to the faculty member upon request. The faculty member shall have the right to respond to any of these documents.

The faculty member shall have the right to provide input to any committee, comment in response to its evaluations, and to request the record be corrected, if in error. Furthermore, the faculty member shall have the right to invite a representative to participate in any discussions with an administrator (e.g., department chair) or any hearings by a committee.

e. Delivery of the Draft of the Evaluation Committee's Contribution to the Annual Evaluation to the Faculty Member

The Evaluation Committee's independent evaluation shall be provided to the faculty member in writing at least 5 (class) days prior to its final adoption. The faculty member has the right to respond to the Evaluation Committee's independent evaluation and the Committee may modify its evaluation. If the Committee modifies the evaluation, the faculty member once again, shall have at least 5 (class) days to respond.

f. Delivery of the Independent Evaluation to the Department Chair

The Evaluation Committee's contribution to the Special Annual Evaluation shall be delivered to the department chair. The department chair may change any aspect of his/her evaluation after receiving the Evaluation Committee's contribution to the Annual Evaluation, or may choose not to do so.

- g. Delivery of the Draft of the Department's Evaluation by the Chair and the Evaluation Committee to the Faculty Member

The chair shall include the Evaluation Committee's independent evaluation as part of a draft of the Annual Evaluation and provide it to the faculty member within 5 (class) days of the receipt of the Evaluation Committee's independent evaluation. It is important to recognize that the Annual Evaluation of a faculty member who is accused of failing in his or her professional responsibilities must be a combined product of the chair and the Evaluation Committee. Although these may seemingly appear to be two separate documents, together they form the department's evaluation.

#### IV. Determination that Academic Responsibilities Are Not Being Met

- A. If the chair and the Evaluation Committee agree that the individual failed in teaching and either scholarly activity or service, then a determination is made that academic responsibilities are not being met. Such a determination must be made on the basis of convincing evidence. If the chair and Evaluation Committee do not agree in this determination then the matter is referred to the school/college/library Performance Review Committee. The faculty member will have the right to strike preemptively any member (or members) of the Performance Review Committee who also served on the department's Evaluation Committee.
- B. Within 20 class days of the referral, the Performance Review Committee will make a determination of whether academic responsibilities are being met. If the Performance Review Committee agrees that the individual failed in teaching and either scholarly activity or service, then a determination is made that academic responsibilities are not being met and this determination is submitted to the dean and Vice President for Academic Affairs. If the Performance Review Committee does not agree in this determination, then the matter is closed for the current year.
- C. Department chairs shall consult with the academic dean, and the dean shall consult annually with the Vice President for Academic Affairs, on the progress of any faculty member who falls within the category of overall failure to meet his/her professional responsibilities.

#### V. Appropriate Interventions, including Faculty Development Options

Faculty development is the term used for the University's investment in its faculty. While primarily relied upon to promote development, it may be utilized for corrective action. Effective faculty development in this context is intended to refresh and restore vitality and it may develop, expand, or enhance other talents. Early and accelerated faculty development is encouraged, when a tenured member of the faculty begins experiencing difficulty in any area of responsibility. Such corrective action need not wait for the annual evaluation to be implemented.

If the annual evaluation indicates that a tenured faculty member has failed in any of his/her professional responsibilities (i.e., teaching, scholarly activities, or service), a written plan of action to improve the faculty member's performance shall be developed as a product of mutual negotiation. This corrective faculty development plan should have the objective of raising the faculty member's performance to acceptable levels or beyond within 3 years. It shall respect academic freedom and professional self-direction, and it shall be flexible enough to allow for subsequent alteration or even its own abandonment. Good faith is expected from all parties which includes a commitment to improve by the faculty member and adequate support of that improvement by the university. The plan should not require a literal fulfillment of a set of nonnegotiable demands or rigid expectations by any party, quantitative or otherwise. If the chair and the faculty member cannot agree on a plan, the Evaluation Committee shall assist by offering recommendations and/or reviewing the plan. If a mutually agreeable plan cannot be developed, the faculty member may appeal to the college/school/library Performance Review Committee, the dean, or the Vice President for Academic Affairs to assist in the development, and provision of additional resources, of such a plan. Beyond appropriate provisions for faculty development, such as a sabbatical (if eligible), campus opportunities for faculty continued renewal and development, a change in teaching assignments, or reassigned time dedicated to improvement, the plan may seek other appropriate interventions away from campus, including funding for professional travel to participate in workshops, seminars, conferences, or other opportunities that might be expected to help the faculty member develop. Non-academic options may be part of the plan when appropriate (e.g., counseling or medical leave).

Normally, a corrective plan should be approved by the faculty member to whom it applies, department chair, Evaluation Committee, and others who are to provide resources for such a plan (e.g., dean or Vice President for Academic Affairs). The plan normally should provide continuous faculty development for 3 years. The faculty member may reject an approved plan recommended to aid performance levels, but the faculty member must understand that a sustained overall failure in his/her professional responsibilities is a basis for dismissal.

## VI. Recommendation for Dismissal

If the chair and either the departmental Evaluation Committee or the school/college/library Performance Review Committee determine that there has been a sustained overall failure in teaching and either scholarly activity or service (i.e., failing in teaching and at least one other area), in 3 consecutive years or 4 out of 6 years, the department chair may recommend to the dean that a tenured faculty member be dismissed, provided the faculty member has had the opportunity for corrective faculty development for the commensurate amount of time (i.e., for 3 consecutive years or 4 out of 6 years). The dean may forward such recommendation to the Vice President for Academic Affairs. In making this determination, the department chair must state the nature of the failure, the reasons for this failure, the number of years that the faculty member has failed, the level of discernible improvement in the faculty member's performance after being notified of any failure in performance, and the extent to which the faculty member has complied with the terms of an approved plan developed to improve the faculty member's performance. If the Vice President for Academic Affairs, upon reviewing the recommendations, agrees with these recommendations, he/she may recommend to the

President that the faculty member be dismissed. If the President agrees and wishes to recommend dismissal, the faculty member may proceed to the dismissal policy.

Should any recommendation to dismiss be brought against a tenured faculty member based on grounds of sustained failure, the reports of the Evaluation Committee(s), Performance Review Committee(s), the annual written evaluations concerning the faculty member, any outside evaluations, and any written response by the faculty member to the charges shall be made available to the faculty committee charged with hearing the dismissal case and any subsequent dismissal or grievance committee.

The finding of failure must neither abuse academic freedom nor be used as a cover for discriminatory, unfair, arbitrary, or capricious dismissal. If a dismissal or grievance committee concludes that such factors were considered in formulating the recommendation to dismiss, the committee shall recommend to the President that the proceeding to dismiss be terminated.

**1B.0906 PROCEDURE FOR FACULTY REVIEW PRIOR TO DISMISSAL FOR CAUSE OF TENURED FACULTY** (FSB 04001 approved by President 11/04/04; FSB 14020 approved by President 5/15/2015)

A. Charge

When termination of a tenured member of the faculty is under consideration, a faculty Committee to Hear a Case Regarding the Dismissal for Cause of a Tenured Faculty Member, hereafter referred to as the committee, is established according to the Regents' policy incorporating the 1940 AAUP Statement of Principles of Academic Freedom and Tenure. The formal procedure is commenced by communication to the faculty member by the vice president for academic affairs (VPAA) that termination is under consideration. The VPAA will also inform the faculty member that a hearing will be conducted by the committee, unless the faculty member rejects such a review within ten class days after receiving the statement from the VPAA. The committee shall be constituted and convened by the process indicated below; it represents an independent peer review of the faculty member's case. The charge of the committee shall be to receive evidence at the hearing, to make written findings to fact, and to recommend to the president of the University action concerning the proposed dismissal.

B. Jurisdiction

The jurisdiction of the committee shall extend to cases involving adequate cause for dismissal of faculty. Adequate causes for dismissal are limited to:

1. actions that would result in a general condemnation of the faculty member by the U.S. academic community, or
2. abandonment or substantial and manifest neglect of professional or academic responsibilities, or

3. chronic low performance as defined in the University Policy Manual, or
4. causes prescribed by the Kansas Board of Regents.

Adequate cause for dismissal shall be directly and substantially related to the fitness of a faculty member in his or her professional capacity as a teacher or scholar. Dismissal shall not be used to restrain a faculty member in his or her exercise of academic freedom or other rights of American citizens. The jurisdiction of the committee would not extend to financial exigency or program discontinuance unless recommended by a grievance panel.

#### C. Composition and Eligibility

The committee shall be composed of six tenured full-time faculty members, none of whom shall be administrators or faculty with administrative responsibilities (e.g., deans, associate deans, department chairs). One of the six shall serve as the non-voting chair. Faculty of the department in which the faculty member holds an appointment shall not be eligible.

#### D. Nature of Hearing

The hearing shall be open, unless the faculty member requests it to be closed; however, deliberations of the committee shall be conducted in closed session.

#### E. Rights of Participants

The effective and equitable discharge of the responsibilities of the committee require the following guidelines to safeguard the rights of principals and committee members and to preserve the autonomy of the process:

1. The charge of the committee and its procedures as defined by action of the Faculty Senate shall not be abridged in any way. Proposed changes in procedures shall require a review of the Faculty Affairs Committee and approval of the Faculty Senate. The committee shall have the right to adopt necessary operational procedures which are not inconsistent with these procedures.
2. The University shall arrange for an outside attorney (which might be an attorney from another Regents' university) to advise the committee as required. Expenses incurred by the committee for the hearing shall be borne by the University.
3. The VPAA will inform the appropriate dean and department chair of each committee member's responsibility for the task of the committee. The VPAA shall confer with the appropriate dean or department chair to discuss how assigned responsibilities for each panel member will be arranged while the panel member is involved with the hearing and committee deliberations. This form of University service must receive positive recognition and shall not jeopardize the faculty member's yearly evaluation for performance, merit pay increase, or promotion.

4. Rights of the parties to the hearing shall include but are not limited to the following:
  - a. To be represented by an attorney
  - b. To present supporting witnesses
  - c. To question opposing witnesses
  - d. To make closing statements
  - e. To receive written findings and recommendations of the committee and written notice of the President's decision and a full explanation of the reasons
  - f. To obtain and/or examine the record of the proceedings

#### F. Procedures

1. The hearing procedure shall be initiated by a written request submitted by the VPAA to the President of the Faculty within 15 class days of the faculty member's receipt of the statement from the VPAA (i.e., this is only 5 class days beyond the time for the faculty member to reject a hearing). Within 20 class days from the receipt of such request, the President of the Faculty shall designate a panel of 13 faculty members, by random selection, from a list of eligible faculty. If this random selection does not include at least one member from each college or school, the last name(s) drawn should be removed and replaced with a randomly selected eligible faculty member from the unrepresented school or college. (Although it is recognized they are from separate entities, eligible faculty from the Library will be combined with the School of Library and Information Management in this selection process.) Within 10 class days from the designation of the panel, the President of the Faculty shall call the administration and the faculty member, and/or their respective representatives, together for the purpose of selecting the hearing committee. From the list of 13 names, each party shall remove 3 names, one at a time, in alternating sequence, with the administration striking the first name. From the remaining 7 names, 6 shall be selected by lot; the 7<sup>th</sup> shall serve as an alternate. Within 5 class days after the committee has been named, the President of the Faculty shall convene the committee and the members shall select one member as the nonvoting chair. Within 2 class days after the selection of the chair, the VPAA shall submit to the chair, a statement of the specific grounds for the dismissal.
2. Within 5 class days from the selection of the chair, the chair shall provide to each party:
  - a. a copy of the specific grounds for the dismissal,
  - b. a list of the membership of the committee,
  - c. a notification of the date, time, and place of the pre-hearing conference.
3. At the pre-hearing conference each party shall provide a list of proposed witnesses to be called and a list of documents to be introduced, with copies available to the other party. The date, time, and place of the hearing shall be determined by the chair and both parties shall be so notified. The hearing shall begin not less than 10, no more than 20, class days after the pre-hearing conference. In a period of time not to exceed 5 class days following the pre-hearing conference, both parties, or their respective representatives, shall confer and assemble a common set of documents, consecutively numbered and with duplications

eliminated. An attorney for each party and for the committee may be present at the pre-hearing conference.

4. At the hearing, each party may be accompanied by (1) a representative, who is not an attorney, to serve as an advocate and/or assist in the presentation of evidence, and (2) an attorney who may advise and participate in the proceedings. Both parties, or their representatives, must be present.
5. The chair shall call the hearing to order, summarize the case, establish the order of business, and review the rules. Since the hearing is conducted by peers, the committee shall not be bound by strict rules of legal evidence; it may admit any evidence it deems to be of value and may exclude evidence judged not pertinent to the case. If the hearing is open, the chair shall have the right to limit the number of observers. Observers shall not participate in any of the proceedings. Witnesses shall be excluded from the hearing room until they testify. Photographs of the hearing room and the participants shall be allowed only when the committee is not in formal session.
  - a. The administration and the faculty member, in that order, shall make an opening statement and present evidence, which may include testimony by supporting witnesses.
  - b. The administration and the faculty member shall have the opportunity to question the witnesses and/or present rebuttal.
  - c. Members of the committee may question the parties and/or witnesses.
  - d. The parties may be recognized by the chair for the purpose of objecting to any testimony or question on the grounds that it is not pertinent to the case. The chair shall rule on each objection; the chair may consult with the committee and/or its attorney.
  - e. The administration and the faculty member, in that order, shall be given the opportunity to make closing statements.
  - f. The administration bears the burden of proof by presenting clear and convincing evidence of the justification for dismissal.
6. The chair, may on request of any member of the committee or either party, continue the hearing to a specified date, time, and place. The chair, after consultation with members of the committee, may request the production of additional information and/or invite other witnesses to provide testimony pertinent to the case. Reasonable expenses for outside witnesses, invited by the chair, shall be borne by the University.
7. A sound recording of the hearing shall be available to the parties concerned. A written record shall be made of the hearing. An official copy of the record and supporting documents shall be kept in confidential files in the Office of the President of the University for a period of at least 3 years following these proceedings and may be

examined only with the approval of the faculty member, except in the case of a closed hearing for which consent of both parties shall be required. With the consent of both parties a videotape recording shall be made, at the expense of the requesting party.

8. The decision of the committee shall be based upon only testimony and evidence presented at the hearing. The report of the committee shall provide findings of fact regarding the evidence and shall recommend action concerning the proposed dismissal. Its content shall reflect a majority vote of total committee membership. A minority report may be appended.

#### G. Reports

The decisions of the committee and the President of the University shall be communicated in the following manner: In the case of either an open or a closed hearing, within 20 calendar days from the conclusion of the hearing, the chair shall send the report to the President of the University and to the faculty member; a copy shall be sent to the President of the Faculty, unless the faculty member requests otherwise, in which case only written notice the committee has submitted its report will be sent to the President of the Faculty. Within 20 calendar days from the receipt of the report, the President of the University shall send a written notice of his/her decision and a full explanation of the reasons to the faculty member; a copy shall be sent to the President of the Faculty, unless the faculty member requests otherwise, in which case only written notice that a decision has been rendered shall be sent to the President of the Faculty. The President of the Faculty shall announce the information received at its next meeting of the Faculty Senate.

#### H. Class Days and Calendar Days Defined

As indicated by the academic calendar established by the University, class days include all days that classes are conducted, excluding legal holidays, vacation periods, the period of final examinations, and intersessions; in addition, for the purpose of this policy, summer sessions are also excluded. However, calendar days include any day on an annual calendar excluding days the University is officially closed (e.g., legal holidays); calendar days are used exclusively in the reports section to expedite the conclusion of this process.

### **1B.10 IMPLEMENTATION OF THE KANSAS BOARD OF REGENTS' POLICY ON SOCIAL MEDIA (FSB 14011 approved by President 4/17/2015)**

Before any faculty or non-student staff member of the university can be subject to disciplinary action (e.g., suspended without pay or terminated for cause) by the University President or the University President's delegate for being found to have made any improper use of social media under the Kansas Board of Regents' (KBOR) Social Media Policy, it must first be determined that such action is consistent with the First Amendment of the University States Constitution and with principles of academic freedom. This determination is to be made by the University President or the University President's delegate in consultation with legal counsel for advice and with consideration of a recommendation by a Committee of Peers of the accused.

## **Composition of the Committee of Peers**

The Committee of Peers shall consist of 5 individuals from the employee's peer group only (i.e., faculty or unclassified professionals or university support staff or administration, respectively). Three of the committee members shall be selected by the president/chair of the employee's representative group (i.e., Faculty President or Chair of the University Support Staff Commission or President of the Unclassified Commission), and 2 committee members shall be selected by the University President or the University President's delegate. If the employee is a faculty member, then at least 1 of the 5 committee members must be a faculty member from the same discipline (or, if none, then the same department) as the employee.

## **Steps in the Process**

1. The University President or the University's President's delegate determines that an incident occurred that potentially violates the KBOR's Social Media Policy.
2. The University President or the University President's delegate contacts the appropriate representative group president/chair to form the Committee of Peers.
3. The University President charges the committee to review the incident in accordance with this procedure and make a recommendation, with rationale, to the President or President's delegate as to whether the incident violates the KBOR policy, and if so, what, if any, disciplinary action should be taken.
4. During the investigation by the committee, the employee shall be given every opportunity to defend himself/herself, including, but not limited to, providing documentation and calling witnesses in front of the committee.
5. The committee is to gather relevant information and make a written recommendation to the University President or the University President's delegate within 30 calendar days of receiving its charge.

The procedures defined here do not preclude a university employee from using formal grievance. The procedures defined here are in addition to, and do not replace, the policy of Review Prior to Dismissal for Cause of Tenured Faculty, which policy must be followed in the event that a tenured faculty member is to be terminated. Individuals who serve on the Committee of Peers shall not serve on related grievance or termination committees.

## **1B.11 FACULTY ENROLLMENT AT ESU (FSB 01003 approved by President 10/26/01)**

A full-time faculty member at ESU with the rank of assistant professor or above may not earn a degree at this University. Exceptions to this rule may be granted by the Vice President for Academic Affairs in circumstances where conflict of interest is deemed not present. An exception must be applied for and granted before a faculty member can apply for admission and work toward a degree at Emporia State University.

**1B.12 FACULTY REFERENDUM** (FSB 00008 approved by President 2/5/01)

1. Any member of the voting faculty submitting legislation to be adopted by referendum must submit a petition signed by at least 20% of the voting faculty, as defined in Article 1, Section 1 of the Faculty Senate Constitution, to the Faculty Senate Committee on Campus Governance (COCG). A list of the voting faculty is available by request from the COCG. Each copy of the petition must contain the complete text of the proposed legislation. See Paragraph 5 for an example.
2. After certifying that the petition has been signed by the appropriate number of voting faculty, the COCG shall within 10 class days put the question to the voting faculty by means of anonymous ballot. All ballots must be returned to the COCG within 10 class days. The COCG shall tally the votes and will submit the result to the Senate Executive Committee no later than 5 class days after the close of balloting.
3. If a majority of the faculty voting are in favor of the referendum, the Senate Executive Committee shall assign the appropriate legislative number to the legislation. Hereafter the legislation shall be treated in the same manner as any other bill passed by the Faculty Senate with the exceptions noted in Paragraph 4. Within 5 class days of receiving the results of the referendum, the Senate Executive Committee shall forward it to the President of the University for approval. The Faculty Senate may not amend this legislation.
4. If this bill is approved by the President of the University, the legislation shall become University policy. If disapproved by the President of the University, the legislation may not be amended or resubmitted without conducting another referendum. The President of the University may not return any legislation passed by referendum for revision.
5. The following is an example of the referendum format.

TITLE OF THE REFERENDUM

- I. Purpose: THE PURPOSE OF THE REFERENCE GOES ON THIS LINE.
- II. Definitions: THE DEFINITIONS OF ANY TERMS NECESSARY TO CLEARLY UNDERSTAND THE REFERENDUM GOES IN THIS SECTION.
- III. Sponsors: See below
- IV. REFERENDUM: Attached

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THE NAME OF THE REFERENDUM

THE TEXT OF THE REFERENDUM

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The undersigned understand and support the above stated referendum and request submission of the referendum to the faculty for adoption.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**1C. ADMINISTRATIVE APPOINTMENT POLICIES AND PROCEDURES** (Approved by President 5/26/00; revised 12/16/02; revised 4/18/08; revised 8/10/2017)

**1C.01 APPOINTMENT, EVALUATION, RETENTION AND TERMINATION**

**1C.0101 Introduction**

1. Policies on appointment, evaluation, retention, and termination of administrative unclassified employees are distinguished from the policies governing academic appointments. Academic appointments are not encompassed by administrative policies.
2. Eligibility. All administrative unclassified appointments are governed by administrative policies and procedures, with the exception of the President, which is governed by the Board of Regents. The following appointments have been designated to serve at the pleasure of the Chief Executive Officer and, thus, are also exempt from this policy: provosts, associate/assistant provosts, vice presidents, associate/assistant vice presidents, deans, chairs, Chief Information Officer, Director of University Advancement and President of Foundation, Director of Alumni Relations, Athletic Director, head coaches, Director of Public Relations, Director of Marketing, and Legal Counsel.
3. Campus specific assignments, including but not limited to legislative liaison, faculty athletic representative, affirmative action officer, are considered to be at-will and may be terminated at any time and without cause prior to the end date specified in the Notice of Appointment.
4. The President, or the President’s designee on behalf of the President, approves administrative notices of appointment. Federal law requires ESU to verify employment eligibility of all individuals hired after November 6, 1986. The I-9 Form must be completed in Human Resources within 3 days of hire, or the employee may forfeit his/her position. Documentation is most easily provided by a driver’s license and social security card. Other documents may be substituted. The I-9 form will be retained in the employee’s personnel file located in Human Resources, and once completed, may need to be completed again for ESU employment if documentation expires.
5. The following clause will be added to all notice of appointments for persons in a position funded by non general-use money, except tenured appointments: Inasmuch as this is a non-state funded appointment, this appointment is for the appointment period or no longer than funds are available.

6. Application: The Faculty Grievance Policy does not apply to administrative and non-academic unclassified employees. Administrative and non-academic unclassified employees who do not serve at the pleasure of the Chief Executive Officer may use the evaluation appeals process defined in this policy.
7. Administrative policies shall be construed in a manner consistent with the laws of the United States of America, the State of Kansas, and the policies and procedures of the Kansas Board of Regents. Should a conflict arise between this policy and the laws/policies referred to above, the latter will control. A finding of invalidity of any section or sections of this policy shall not invalidate the remaining provisions of this policy.

**1C.0102 Administrative Probationary** (UPCM 17001 approved by President 8/10/2017)

1. A new employee who has not had prior service at ESU, or at another accredited college or university or other professional experience as determined by the appropriate vice president in consultation with the President, shall serve a probationary period of no less than 1 year and no more than 18 months.
2. The probationary employee's performance shall be evaluated in writing by the supervisor to whom the employee is responsible.
  - a. During the probationary period, the employee shall receive a performance evaluation at 6 months and 1 year, and 18 months if applicable.
  - b. The employee shall be informed at each evaluation period of whether satisfactory progress is being made toward successfully completing the probationary period. The employee must take responsibility for contributing data and information to assist in the evaluation.
  - c. A copy of the unclassified employee's Probationary evaluation shall be submitted to the appropriate vice president who will sign off and forward to Human Resources.
  - d. If an evaluation is not received by the employee's 1-year anniversary date, the employee will be given permanent status.
3. Evaluation Appeals Process: At the request of the employee, an Evaluation Review Committee shall be appointed to review the employee's evaluation. This process will be coordinated by the Director of Human Resources.
  - a. The Evaluation Review Committee shall consist of 1 University employee recommended by the person being evaluated; 1 University employee recommended by the evaluator; and 1 University employee who is mutually acceptable to the employee and the evaluator.
  - b. The recommended committee members shall serve unless unable or unless one party challenges a member due to bias or other cause. Committee members may be challenged only upon initial appointment to the committee.

- c. The committee shall elect 1 member to serve as the chair of the Evaluation Review Committee. The report of the Evaluation Review Committee shall be submitted to the Director of Human Resources, who will forward it to the President. The President's decision shall be final.
  - d. The initial request for an Evaluation Review Committee must be filed with the Director of Human Resources within 10 working days of the receipt of the evaluation. At that time, the employee shall provide the name of the employee recommended committee member. Within 10 working days of receipt of the request, all committee members shall be appointed. The committee shall proceed in a timely manner (i.e., as soon as practical), and shall submit its recommendation (including a written statement of the facts and the reason(s) for its recommendation) to the Director of Human Resources within 6 weeks of the initial request for review. All time limits may be extended by agreement of the parties.
4. The probationary period is considered to be a working test of the employee's ability to perform satisfactorily in the position. During this period, the supervisor will provide any necessary instruction and training. The probationary period may be ended at any time by either party, either for cause or not, in compliance with applicable state and federal laws.

**1C.0102.01 Administrative Probationary Status with Cause (for employees with prior permanent status) (UPCM 17002 approved by President 8/10/2017)**

An Administrative Probationary employee released from employment with cause would receive the following:

- 1. Two days separation pay per each full year of service to the University.
- 2. Human Resources will provide information regarding free community career services during the exit conference.
- 3. Employees separated for reasons qualifying as gross violations would not be covered under this clause.

**1C.0102.02 Administrative Probationary Status without Cause (UPCM 17002 approved by President 8/10/2017)**

An Administrative Probationary employee released from employment without cause would receive the following:

- 1. Two days separation pay per each full year of service to the University.
- 2. Human Resources will provide information regarding free community career services during the exit conference.
- 3. University will agree not to contest unemployment claims.

**1C.0103 Administrative Regular** (UPCM 17003 approved by President 8/10/2017)

1. The performance of an employee in an administrative regular appointment shall be evaluated annually in writing by the supervisor to whom the employee is responsible. A copy of the evaluation will be submitted to Human Resources annually and will become a part of the employee's permanent employment record. If the evaluation indicates that the work of the employee is not satisfactory, the employee shall be so informed and, if circumstances warrant, may be subject to: (1) termination; (2) reassignment to another position or other responsibilities; (3) an adjustment in salary; and/or (4) a return to probationary status.
  - a. If an employee is returned to probationary status, the employee must requalify (in the judgement of the supervisor) for an administrative regular appointment within a period of 1 year or be subject to termination of employment.
  - b. The employee being evaluated may request a review of his/her evaluation by the Evaluation Review Committee, as defined in 1C.0102.
2. If, at any time, it is necessary to terminate an administrative regular appointment for reasons other than just cause, the employee would receive the following:
  - a. Two days separation pay per each full year of service to the University.
  - b. Information provided by Human Resources during the exit conference regarding free community career services.
  - c. Assurance that the University will not contest unemployment claims.

**1C.0103.01 Administrative Regular Status without Cause** (UPCM 17002 approved by President 8/10/2017)

An Administrative Regular employee released from employment without cause would receive the following:

1. Two days separation pay per each full year of service to the University.
2. Human Resources will provide information regarding free community career services during the exit conference.
3. University will agree not to contest unemployment claims.

**1C.0104 Administrative Temporary**

1. An administrative temporary appointment may not exceed 1 year. The appointment is renewable annually, but is subject to the 5-year stipulation. The 5-year stipulation is defined as employment which should not exceed 5 years of consecutive appointments.

2. Temporary appointments which are made for at least a half-time, 9 month basis will be eligible for benefits. Multiple simultaneous appointments of less than half-time may make an employee eligible for benefits even when the individual appointments do not.
3. A non-benefits eligible temporary appointment is defined as less than half-time and is not subject to the 5-year stipulation, as defined above.
4. Administrative temporary appointments carry no expectation of continuing employment, and therefore are not entitled to the appeal procedures as defined in 1C.0102 of this manual. Employment is considered to be at-will and may be terminated at any time, without cause, prior to the end date specified in the Notice of Appointment.
5. Upon the recommendation of the supervisor, time served in a temporary appointment may be applicable toward satisfaction of the probationary requirements as defined in 1C.0102. Such credit will be stated in the initial probationary Notice of Appointment.

#### **1C.0105 Administrative Athletic** (revised 12/16/02)

1. An administrative athletic appointment is renewable annually, based upon the recommendation of the Chief Executive Officer, Athletic Director and/or head coach.
2. An administrative athletic appointment as an assistant coach is offered only on the condition of continuous employment of the current head coach. Should the current head coach cease his/her employment, this appointment may be terminated.
3. Administrative athletic appointments carry no expectation of continuing employment, and therefore are not entitled to the appeal procedures as defined in 1C.0102 of this manual. Employment is considered to be at-will and may be terminated without cause, at any time, prior to the end date specified in the Notice of Appointment.
4. In compliance with NCAA Bylaw 11.2.1 and 11.2.1.1., knowing or willful violation of NCAA or MIAA rules will render the administrative athletic employee subject to immediate termination.
5. In compliance with institutional policy, the administrative athletic employee agrees to annually report all athletically-related income from sources outside the institution; such income, to include but not be limited to, annuities, sports camps, housing benefits, complimentary ticket sales, television and radio programs, and endorsements or consultation contracts with athletic shoe, apparel or equipment manufacturers. This information must be reported to the Chief Executive Officer of the University through the Athletic Director.

#### **1C.0106 Limited Term** (revised 5/09)

1. A limited term appointment is for an individual hired in a benefits-eligible position to fulfill requirements under a contract agreement, a federal or state grant, or a specific project or role and is subject to annual review.

2. A limited appointment is for the period as outlined in the Notice of Appointment or for no longer than the period for which the funds are available.
3. Inasmuch as this is a limited appointment, it carries no expectation of continuing employment. Therefore, a limited term appointment is not entitled to the appeal procedures as defined in 1C.0102 of this manual.
4. No academic rank is associated with this type of appointment.

### **1C.02 PROCEDURES FOR FACULTY/STAFF EVALUATION OF ADMINISTRATORS**

(FSB 78008; FSB 86016 approved by President 6/11/87; FSB 95004 approved by President 4/11/96; FSB 03006 approved by President 3/17/04; FSB 07002 approved by President 11/29/07; updated 9/2010; updated 10/2/2013; FSB 13001 approved by President 5/21/2014; FSB 14020 approved by President 5/15/2015; FSB 15022 approved by President 6/9/2016; approved by COCG 10/11/2016; approved by COCG 10/24/2016; FSB 16005 approved by President 4/17/2017; approved by COCG 01/30/2018)

The following are the procedures for the regular evaluation of Emporia State University administrators in their professional roles. The Faculty Senate Executive Committee has the responsibility for implementing a procedure to solicit faculty input regarding administrators at Emporia State University as described in the following procedure.

#### **OFFICEHOLDERS TO BE EVALUATED UNDER THE PURVIEW OF THIS POLICY**

This list is based upon the most recent Emporia State University Administrative Organizational Chart. The list shall be reviewed and revised annually by the Committee on Campus Governance as changes in the administrative organizational structure occur.

President  
 Provost/Vice President for Academic Affairs  
 Vice President for Student Affairs  
 Vice President for Administration and Finance  
 Vice President for University Advancement  
 Associate Provost for Academic Affairs  
 Assistant Provost for Enrollment Management and Academic Success  
 Assistant Provost for Institutional Effectiveness  
 Associate Vice President for Information Technology  
 Associate Vice President for Finance  
 Dean of the School of Library and Information Management  
 Associate Dean of the School of Library and Information Management  
 Dean of the College of Liberal Arts and Sciences  
 Associate Dean of the College of Liberal Arts and Sciences  
 Dean of The Teachers College  
 Associate Dean of The Teachers College  
 Dean of the School of Business  
 Associate Dean of the School of Business  
 Dean of the Graduate School and Distance Education  
 Dean of University Libraries and Archives

Dean of Students  
Dean of International Education

## PURPOSE OF EVALUATION

The purpose of the evaluation is to review the professional performance of administrator employees of the University and provide input to the reviewed administrator, his/her supervisor, and the President of the University. The faculty/staff evaluations shall be used by supervisors in their evaluation of the administrator.

## ELIGIBILITY FOR PARTICIPATION

Representation from each unit which reports to the administrator being evaluated must be included. The evaluation shall involve appropriate faculty, university support staff, unclassified personnel, and subordinate administrative officers. In the evaluation of some administrator's professional responsibilities, participation by students or other groups may be suitable.

For the Dean of Liberal Arts and Sciences, the Dean of The Teachers College, the Dean of the School of Business, the Dean of the School of Library and Information Management, and respective associate deans, the appropriate faculty shall hold assignment in their respective college or school for at least 1 academic year. All faculty in the unit over which an administrator presides shall be invited to take part in the evaluation, although a sampling may be used outside of the unit. All faculty members shall have the opportunity to evaluate the President, Provost/Vice President for Academic Affairs, Vice President for Student Affairs, Vice President for University Advancement, Vice President for Administration and Finance, Associate Provost for Academic Affairs, Assistant Provost for Enrollment Management and Academic Success, Assistant Provost for Institutional Effectiveness, Dean of University Libraries and Archives, Dean of Students, Dean of International Education, Associate Vice President for Information Technology, Associate Vice President for Finance, and the faculty members' respective deans. All graduate faculty shall have the opportunity to evaluate the Dean of the Graduate School and Distance Education.

## FREQUENCY AND SEQUENCE OF EVALUATION

Pursuant to this policy, each administrator shall be evaluated at least once every three years. The year, for this purpose, will be defined as a fiscal year beginning July 1. The end of the first year is considered June 30 following the initial hire date as an administrator. When an administrator is retiring within the year, a review is not required. Upon a reasonable request by an administrator to the Committee on Campus Governance, the review may be postponed upon application and approval by the Faculty Senate Executive Committee.

## INFORMING THE ADMINISTRATORS OF UPCOMING EVALUATIONS

On or before October 15, the Chair of the Committee on Campus Governance will notify the administrators scheduled for evaluation in the current academic year. Information will be given to the administrator concerning committee selection, timelines, and procedures on how the evaluation will be conducted.

## FORMATION OF THE EVALUATION COMMITTEE

The administrator will propose an evaluation committee to the Faculty Senate Executive Committee no later than November 1. The evaluation committee must be approved by the Faculty Senate Executive Committee. The administrator may suggest a chair of the evaluation committee who is not a subordinate to the administrator being reviewed. The administrator's list should include members of the various constituent groups in which the administrator reports or supervises. The Faculty Senate Executive Committee reserves the right to name evaluation committee members not listed on the administrator's submitted list. The evaluation committee may be any size, but it is recommended the committee be between 3 and 6 committee members.

Once the membership of the evaluation committee has been selected by the Faculty Senate Executive Committee, the President of the Faculty, or one of his/her designees, will contact the selected chair of the evaluation committee. The selected chair of the evaluation committee should be contacted first in case this person is unable to serve on the committee, or he/she is unable or unwilling to serve as the committee chair. When the chair of the evaluation committee is secured, then the chair will contact the remaining selected evaluation committee members and ask them to serve. If a selected evaluation committee member is unable or unwilling to serve, then the Faculty Senate Executive Committee may choose to have a smaller evaluation committee or replace this person with another person who may or may not have been on a previous selection list of potential evaluation committee members. Once the evaluation committee is firm, the administrator is notified of the persons on the evaluation committee. This notification should be no later than December 1.

## SUBMISSION OF THE EVALUATION PLAN

The selected evaluation committee submits an evaluation plan to the Faculty Senate Executive Committee by February 1 for approval by a majority vote of the FSEC's total voting-eligible membership. The plan should include a summary of the job description of the administrator being evaluated; the evaluation instrument; a list of the eligible participants who will be invited to complete an evaluation; and the distribution method of the evaluation instrument for evaluation completion. A timeline for the evaluation process must also be a part of the evaluation plan for ensure completion of the evaluation process by April 1. Plans not approved by the Faculty Senate Executive Committee should be reviewed and resubmitted for approval in time to complete the evaluation process by April 1.

The evaluation committee shall develop the evaluation instrument using the administrator's job description as a basis with an option to include additional criteria relevant to the duties of the position. This instrument shall be sent to the Faculty Senate Office to be developed into a digital survey in collaboration with the Assistant Provost for Institutional Research and Assessment. When the Assistant Provost for Institutional Research and Assessment is scheduled for evaluation, the Committee on Campus Governance shall select an appropriate individual to administer that evaluation. The survey shall be available to eligible participants for 7 to 12 class days.

## COMPILATION OF RESULTS

The evaluation committee is charged with developing a summary report. The report shall include:

- a title page
- the names of the committee members
- a qualitative interpretation or contextualization of the numerical data and comments
- an analysis of the numerical data
- the procedures followed by the committee's evaluation plan
- the identity of the independent administrator of the survey
- a list of eligible participants (e.g., faculty, staff, students)
- signatures of each committee member verifying agreement with the report or minority report(s)

The chair of the evaluation committee will notify the Chair of the Committee on Campus Governance upon completion of the administrator review.

## DISTRIBUTION OF RESULTS

When the results of the evaluation have been tabulated and compiled, copies shall be distributed to the President of the University, to the administrator being evaluated, and to the administrator's immediate supervisor.

Access to the evaluation of the administrators by parties other than those mentioned above is regulated by KAR 1-13-1a(a)(2); 1-13-1b. In order to protect the privacy of the evaluation results, the reputation of evaluated administrators, and the integrity of the evaluation process, the University President shall be the sole custodian of the administrative evaluations. Completed evaluation forms and other raw data shall be seen only by the evaluating committee and those providing administrative assistance, and shall be destroyed once the process is complete.

The evaluation results shall be treated with the same regard as any faculty evaluation and as required by law.

### **1C.03 BOARD OF REGENTS EVALUATION OF THE PRESIDENT (BOR, 6/27/96)**

The President reports directly to the Board of Regents (BOR). The BOR holds the President responsible and accountable for all operations of the University and expects that the President devotes his/her undivided attention and energies to the management of the University. The President serves at the pleasure of the board. Each year the BOR evaluates the performance of the President.

### **1D. UNCLASSIFIED PERSONNEL WITH ADMINISTRATIVE AND ACADEMIC RESPONSIBILITIES**

#### **1D.01 INTRODUCTION**

1. Unclassified employees with academic appointments may have a percent of time assigned to administrative responsibilities. Unclassified employees with administrative appointments may have a percent of time assigned to academic responsibilities.

2. Policies and procedures for academic appointments guide the academic aspects of the appointment. Policies and procedures for administrative appointments guide the administrative aspects of the appointment.

### **1D.02 EXISTING TENURE/RANK**

A faculty member who has tenure and who accepts an administrative appointment will continue to retain tenure in the academic department in which tenure was obtained. Administrative appointment policies and procedures shall apply to the tenured faculty member's administrative appointment.

### **1D.03 EVALUATIONS**

1. Employees with academic appointments and administrative responsibilities are evaluated for academic rank, promotion and tenure based on the following:
  - a. Performance evaluations for a faculty member whose duties are primarily academic and are assigned a percent of time to administrative responsibilities will be completed by the faculty member's department chair. The director of the office in which the faculty member's administrative responsibilities are performed will provide to the department chair an evaluation of the faculty member's administrative performance. The director's evaluation shall be based on any information deemed pertinent in assisting the department chair to evaluate the faculty member's overall performance. A copy of the final evaluation shall be provided to the faculty member by the department chair.
  - b. Performance evaluations for faculty members whose primary responsibilities are administrative will be completed by the individual supervising the faculty member's administrative assignments. Such evaluations will include the employee's performance of primary administrative responsibilities. The department chair shall provide an assessment of the teaching, research, and/or service contributions of the faculty member to the mission of the University. All evaluation material shall be forwarded to the appropriate department for consideration of academic rank, tenure, and promotion.
2. Decisions for academic probationary retention, promotion and tenure for individuals with academic rank whose primary responsibilities are administrative will be subject to regular academic evaluation procedures in the appropriate department.

## 1E. OTHER UNCLASSIFIED PERSONNEL POLICIES

**1E.01 DISPUTE RESOLUTION, MEDIATION, AND GRIEVANCE POLICY** (FSB 88009 approved by President 2/28/89; FSB 98017 approved by President 11/3/99; FSB 00013 approved by President 9/27/01; FSB 02005 approved by President 3/3/03; FSB 02014 approved by President 5/9/03; FSB 02015 approved by President 5/9/03; FSB 07004 approved by President 12/04/07; FSB 07005 approved by President 4/7/08; FSB 08012 passed by Faculty Senate 4/21/09; approved by President 4/24/09; FSB 13003 passed by Faculty Senate 2/18/2014; approved by President 4/24/2014; FSB 15006 passed by Faculty Senate 11/17/2015, approved by President 11/24/2015; FSB 18007 passed by Faculty Senate 12/4/2018, approved by President 1/10/2019)

I. This policy is designed to provide a formal procedure for the resolution of internal disputes.

### A. General Principles

1. It is the policy of Emporia State University to resolve all problems of the academic community with dispatch, fairness, and justice. The procedures herein are to be interpreted in light of these objectives.
2. Resolution of problems within the campus community is preferable to their resolution elsewhere. Therefore, all parties to any grievance and those chosen to attempt to resolve problems shall consider their participation as one requiring the highest priority, and shall exert their utmost efforts in good faith to secure internal resolution while adhering to the principles of this policy.
3. It is not intended that a grievance shall fail or succeed upon a technicality. Therefore, in the event of any ambiguity in this policy, that ambiguity shall be resolved in favor of a result that is equitable and reasonable.
4. Suspension of a faculty member or unclassified administrator during a grievance proceeding is justified only if immediate harm to the faculty member/unclassified administrator or others is threatened by continuance of service. The University President shall determine whether suspension is justified, consulting with law enforcement or mental health authorities as necessary to determine the possibility of harm. Should suspension occur, such action shall be deemed without prejudice to the grievance proceedings, and the grievant shall be entitled to regular proceedings pending final disposition of the grievance.

### B. Applicability

This policy applies to all unclassified academic personnel and unclassified administrative personnel (herein after “administrators”), including all such personnel working under the supervision of any agent of the University, whatever the nature or location of their activity. The rank or condition of employment of the aggrieved party shall not be held to prevent utilization of these procedures. This policy also applies to graduate assistants but only regarding any alleged violation within the scope of their employment as graduate assistants.

### C. Definitions

1. Dispute: A disagreement or conflict that arises from any perceived violation of the policies, procedures, and administrative directives of the university, oral or written, that are in effect at the applicable time; any administrative action or decision that directly or indirectly affects academic freedom, retention, tenure, dismissal, promotion, salary or benefits, working conditions, intellectual property rights, or any other matter related to employment and the responsibilities of the affected personnel; any administrative action or decision that creates a real or apparent conflict of interest; or any actions committed by the University or any of its employees or agents that is alleged to be arbitrary and capricious.
2. Mediation: The process by which an Ombudsperson attempts to resolve a dispute to the mutual satisfaction of both parties.
3. Grievance: A procedure whereby an aggrieved party files a formal petition to have a dispute resolved through official university procedures as set forth herein. A grievance is filed only after the failure of mediation, absent extraordinary circumstances justifying a waiver of mediation as a precondition to a grievance. The Faculty Affairs Committee Chair shall determine whether such extraordinary circumstances have been demonstrated, in consultation with the FAC if feasible.
4. Aggrieved Party: Any person or persons who have suffered identifiable harm due to the dispute.
5. Document: Any paper or electronic information pertinent to a dispute or grievance.
6. Grievant: Any person who has filed a formal grievance petition.
7. Respondent: Any person or entity against whom a complaint has been made or a grievance petition has been filed.
8. Parties: The aggrieved party/grievant(s) constitutes one party, and all respondents together constitute a party.
9. Class Days: All days that classes are conducted excluding weekends, legal holidays, vacation periods, the period of final examinations, intersessions, and for the purposes of this document summer school. In computing any period of time prescribed herein, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included. All time limits herein are to be measured by class days unless a different measurement is specifically identified.

## II. Mediation

### A. The Mediation Process

1. To reduce the disruption on the University community, all parties to a dispute shall put forth the maximum effort to reach an agreement resolving the problem. To assist them in this endeavor shall be the duty of the Ombudsperson(s).
2. The aggrieved party must select one or more Ombudspersons from the Ombudsperson Panel for the period during which the aggrieved party begins the mediation process. The aggrieved party may choose to work with one Ombudsperson or a Committee of up to 3 members. The aggrieved party may, if necessary, request assistance from the FAC Chair in selecting and contacting their Ombudsperson(s). At any time during the mediation process the aggrieved party may choose to dismiss or replace any or all of the chosen Ombudspersons.
3. A request for mediation must be filed with the chosen Ombudsperson(s) within 9 calendar months from the date on which the perceived violation occurred or was discovered by the aggrieved party, whichever is later. If the violation is ongoing, the limitation period begins to run at the time of the latest occurrence of the violation. This limitation period for filing the petition may be extended by a period not to exceed 1 month by the Ombudsperson(s), which must be granted in writing.
4. An aggrieved party shall be obligated to explain his/her dispute to an Ombudsperson and attempt resolution of the dispute through that process prior to filing a formal grievance petition.
5. The Ombudsperson(s) shall use mediation or other dispute resolution techniques to work with the aggrieved party and the respondents in order to understand the nature of the complaint and any response thereto. The Ombudsperson(s) shall attempt to help the parties reach a mutually agreeable resolution of the dispute.
6. The Ombudsperson(s) shall ensure that the mediation proceedings are scheduled and completed in timely fashion.
7. Upon the completion of the mediation, the Ombudsperson(s) shall submit a report to the FAC Chair and all parties involved in the proceeding, notifying the Chair and the parties whether or not mediation efforts were successful. The report shall be sent to all parties by a means that requires evidence of delivery to each party. If a resolution to the satisfaction of both parties is not achieved, then the aggrieved party may file a grievance petition.

### B. Selection and Training of the Ombudsperson Panel

1. The Ombudsperson Panel is comprised of 9 individuals who serve 3-year, staggered terms, beginning on July 1.

2. On April 1 the FAC Chair will initiate the process of selecting 3 members to replace the 3 whose terms will expire on June 30 of that year. Before this time, the President of the Faculty shall provide a list of academic personnel who are tenured and who do not hold administrative appointments as supervisors of other faculty. Any person on this list is eligible to serve on the Ombudspersons Panel.
3. The Faculty Senate Executive Committee may select 1 individual from the list for the Ombudspersons Panel. The FAC Chair shall select 2 additional individuals at random from the list. If the Faculty Senate Executive Committee declines to make a selection, the FAC Chair shall select 3 individuals at random from the list of eligible faculty.
4. The FAC Chair shall notify those selected, who may decline to serve for good cause shown. Whether good cause has been shown shall be determined by the FAC Chair.
5. If necessary, the FAC Chair shall select 1 or more additional individuals, at random, from the list, and repeat the process described above, until the 3 replacement members of the Ombudsperson Panel have been identified before May 15.
6. In the event that an ombudsperson becomes unable or ineligible to serve during the 3-year term, that position shall remain unfilled until the subsequent April, and at that time an individual will be selected to fill the unexpired term in accordance with the procedure described above.
7. By May 15, the FAC Chair shall provide the President of the Faculty with a list of the ombudspersons, including the term for each, for the next year.

#### C. Selection and Training of the Ombudsperson Trainer

1. By April 1, the Faculty Senate Executive Committee shall also appoint if necessary a tenured faculty member to serve as a Trainer for the Ombudspersons. The appointed Ombudsperson Trainer shall be knowledgeable of the Faculty Senate and of the University Grievance Policy. Current or past Ombudspersons are preferred to serve as the faculty trainer. Upon acceptance of the appointment, the Ombudsperson Trainer shall serve a term of 3 years, renewable once upon approval by the Faculty Senate Executive Committee. Prior to providing training to Ombudspersons, the Trainer shall receive instruction about the Grievance Policy provided by Human Resources. If the appointed Trainer is unable to fulfill his/her responsibilities, the Faculty Senate Executive Committee shall appoint an interim trainer to serve for up to the remainder of the academic year.
2. At the beginning of the academic year, the Past President of the Faculty in consultation with the Ombudsperson Trainer will organize an orientation and training session for the Ombudsperson Panel.

### III. Grievance Procedures

#### A. Initial Proceedings

1. A formal grievance petition must be submitted to the FAC Chair within 10 class days of the receipt by the aggrieved party of the Ombudsperson(s) report following the attempted mediation of a dispute. The petition shall include the following: a description of the nature of the complaint, a statement of the alleged improper action, the identity of the respondent(s), and an explanation of the desired redress.
2. Upon receipt of the petition the FAC Chair shall within 5 class days send a copy of the petition to the respondent(s). The respondents shall have 10 class days after receipt of the petition to answer in writing to the FAC Chair. The written answers shall specify which allegations are admitted and which denied. A copy of the answers shall be sent to the grievant by the FAC Chair.
3. Within 10 class days after receipt of the answer, the grievant may submit a rebuttal or notice that the grievance process shall be terminated. Unless the grievant terminates the process, the FAC Chair proceeds to the assembly of the Grievance Committee.
4. Throughout the grievance process, the aggrieved party may terminate the grievance at any time by withdrawing the complaint from the FAC Chair. Responding parties may only terminate a grievance through reaching a satisfactory accord with the aggrieved party.

When an act is required or allowed to be done at or within a specified time, the FAC Chair, for cause shown, may at any time at the Chair's discretion, if a request is made before the expiration of the period originally prescribed, order the period enlarged to a further specified time. Written notice of such extension shall be provided to all parties.

#### B. Assembling the Grievance Committee

1. After the rebuttal deadline, the FAC Chair shall, unless the grievance has been terminated, notify eligible members of the applicable Grievance Committee Panel (selection detailed in Section IV).
  - a. Ordinarily, when the grievant is a faculty member, the Grievance Committee shall be comprised only of members of the Faculty Grievance Committee Panel, and when the grievant is an administrator the Grievance Committee shall be comprised only of members of the Administrator Grievance Committee Panel. However, if both parties agree, which agreement shall be provided to the FAC Chair by the rebuttal deadline, the Grievance Committee may be comprised of members of either panel, but not both.
  - b. Members of the Panel who are also members of the grievant's department, if the grievant is a faculty member, are not eligible to serve on the Grievance Committee. Any Vice President, including any Assistant or Associate Vice President with direct line authority over a grievant, is not eligible to serve on the Grievance Committee.

- c. A Panel members may decline to serve for good cause shown. Whether good cause has been shown shall be determined by the FAC Chair.
2. The FAC Chair shall use the lists created pursuant to Section IV. When the members of the Panel have been confirmed, the FAC Chair shall convene a meeting of the parties and the members of the Faculty Affairs Committee for the selection of the Grievance Committee, which shall be comprised of 5 members. Prior to the meeting, the Chair will provide to the parties the still-randomly listed names of Panel members, with numbers assigned from 1 (top name) to 25 (bottom name).
3. The FAC Chair shall read the names on the list, starting with the first. After each Panel members is identified, either party may request that the member be stricken for cause. Such cause shall be identified in open session. If both parties agree that the member shall be stricken for cause, that member is stricken. If both parties do not agree, the Faculty Affairs Committee shall adjourn to executive session to determine whether cause has been shown, which determination shall immediately be made known to the parties.
4. After the entire list has been read and all members for whom there is cause have been stricken, the FAC Chair shall submit the remaining list to both parties. The list shall not be renumbered but, instead, each member shall retain the number originally assigned. Each party may then request that up to 2 members on the list be stricken peremptorily.
5. Those stricken peremptorily are removed from the list, and the first (from the top) 5 remaining members on the list shall constitute the Grievance Committee. The next 3 remaining members down the list shall be alternates. The others on the list are excused from the service on this Grievance Committee.
6. In the event that, at the conclusion of the selection process, 5 members do not remain on the list, the meeting shall be adjourned and a second Grievance Committee shall be selected in the manner set forth above. The FAC Chair shall make best efforts to expedite this process and schedule a second meeting to assemble the Grievance Committee.
7. The FAC Chair shall promptly notify members of the Grievance Committee of their selection and arrange for the first meeting of the Grievance Committee.

### C. Pre-Hearing Proceedings

1. At its first meeting, the Grievance Committee shall select a chair from among its members. The Chair shall send and receive all communications on behalf of the committee, and shall preside at the hearing. The Chair shall take no action without the concurrence of a majority of the Committee. The Chair is a voting member of the Committee.
2. Upon selection of the Chair, the FAC Chair shall provide the Grievance Committee a copy of the petition, the answer(s), and any rebuttal.

3. The Grievance Committee Chair shall administer the production and exchange of evidence as follows:
  - a. Five days after the Chair has been selected, the Chair shall request that each party provide all documents in its possession or control that are relevant to any claims, response, or other issue in the proceeding within 10 days from the date of the request. All documents shall be submitted in electronic form. Upon receipt, a copy of all documents received by the Chair shall be promptly provided to both parties.
  - b. After the initial production of documents, a party may submit to the Chair a request for the production of additional documents from the other party, from an individual grievant or respondent, or from non-parties to the proceeding. Such request must be accompanied by a statement providing reasonable grounds for the Chair to decide whether the requested documents exist, are in the possession or control of the person from whom the documents are to be produced, and are likely to contain relevant information. If the Chair decides that there are reasonable grounds for production, the Chair shall make best efforts to obtain the requested documents, which shall be provided to all parties upon receipt. Any person, including any party, from whom documents are sought under this paragraph may request that the Chair, for good cause shown, withdraw or limit the request for documents.
4. The Grievance Committee shall meet within 10 days after the initial production of documents. At this meeting, the Grievance Committee will decide, based on the documents provided, whether it will request testimony from witnesses. If the Grievance Committee decides to request witness testimony, it will so notify both parties, in writing, within 5 days of this meeting, stating the identity of the requested witnesses(es) and issues on which testimony will be requested. A requested witness who is a grievant or respondent shall testify, unless good grounds are shown for not testifying. If a non-party witness is requested, appearance is voluntary. The Chair shall notify both parties, in writing, of the Grievance Committee's decision and propose dates for a hearing, to which both parties shall respond within 5 days.
5. A hearing shall be required unless both parties agree to waive it. The Chair of the Committee shall notify both parties of proposed dates for a hearing, to which notice both parties shall respond within 5 days. Best efforts shall be made by the Grievance Committee and both parties to schedule the hearing promptly. Should the Chair determine that any party is unreasonably delaying the hearing, the Chair may schedule a timely hearing notwithstanding the fact that that party cannot attend.

#### D. The Grievance Hearing

1. The purpose of the hearing shall be to resolve all disputed issues with dispatch, in fairness to both parties, and to bring about a just determination of the grievance. Within the time limits defined by the Chair, the parties may submit evidence regarding any issue relevant to the grievance. In the event a party objects to the introduction of any evidence, the Chair shall rule on the objection in accordance with the purpose of the hearing.

2. A party may testify as a witness and may call a non-party to testify as a witness. A witness may be called to testify on behalf of one party or, if agreed by the parties, on behalf of multiple parties. The witness may make a statement or be questioned by the party on whose behalf the witness has been called. The Grievance Committee shall elicit such additional information from the witness as it deems necessary to make a full and fair decision.
3. A party may submit documents and suggest to the Grievance Committee how information in that document should be interpreted or applied. No document may be submitted, however, unless that document has been produced during the pre-hearing proceedings, unless the proponent demonstrates extraordinary circumstances justifying the failure timely to produce, as determined by the Chair. In the event the Chair determines that documents not previously produced may be admitted, the Chair may in its discretion postpone the hearing to enable all parties to respond to the newly-produced documents.
4. No later than 10 days before the scheduled hearing, all parties shall submit to the Chair a proposed list of witnesses to be called and documents to be submitted, and the requested time for the presentation of evidence. Parties may submit a joint proposal if they intend to consolidate their presentation of evidence. Should the hearing be scheduled less than 10 days after the conclusion of the pre-hearing proceedings the proposed lists shall be submitted as far in advance of the hearing as is feasible.
5. The Chair shall prepare a hearing schedule, taking into account but not bound by each party's proposal. The schedule shall include the time each party will be allowed for the presentation of evidence and closing statement, the order of presentation, and the list of witnesses to be called and documents to be submitted by all parties. The chair shall provide the hearing schedule to all parties.
6. All parties may make a closing statement after all evidence has been submitted. The grievant shall be entitled to make the final closing statement.
7. Any party making an allegation bears the burden of proving that allegation by a preponderance of the evidence.
8. The Chair shall make arrangements for the hearing, including securing a room or rooms and equipment for recording the hearing.
9. Statements made during the hearing, the recording of the hearing, and all documents exchanged among the parties and the Grievance Committee shall be deemed confidential.
10. A reasonable amount of time shall be allocated to the hearing in order to fairly accommodate both parties' evidence and witnesses while respecting the commitments of the Grievance Committee. Whenever possible, a hearing should span no more than a day.

#### E. Resolution of the Grievance

1. Within 10 days after the hearing, or 10 days after both parties have advised the Grievance Committee that a hearing is waived, the Chair shall submit the report of the Grievance Committee to both parties and to the University President. The report shall set forth the material allegations of the parties, explain the Grievance Committee's evaluation of the evidence in support and in opposition to those allegations, and a recommendation on the appropriate resolution of the grievance based on that evaluation of evidence.
2. Within 10 days after receipt of the Grievance Committee's report, both parties may submit a written rebuttal to the University President, with copies provided to both parties and to the Grievance Committee.
3. The University President shall, within 20 days of receipt of the report from the Grievance Committee, provide to all parties to the grievance and the Grievance Committee a written memorandum setting forth his/her decision and the reasons for that decision. The University President shall give due consideration to the recommendations of the Grievance Committee in making his/her decision.
4. After the University President has rendered his/her decision, the Chair shall deposit all documents produced during the grievance, including any email or other communications among the parties and the Grievance Committee and the recording of the hearing in the grievance files located in Human Resources.

#### IV. Selection of the Grievance Panels

##### A. Identification of Persons Eligible to Service on Grievance Committee Panels. There shall be 2 Grievance Committee Panels: the Faculty Grievance Committee Panel and the Administrative Grievance Committee Panel.

1. At the request of the FAC Chair, the office of the Provost shall provide (a) an alphabetical list of all full-time unclassified academic personnel, tenured and untenured, indicating the status of each individual and (b) a separate alphabetical list of all unclassified administrative personnel with regular and probationary appointments. The President will not be included on either list.
2. The FAC Chair will remove from the 2 lists any person who is serving or has served on a Grievance Committee in the current academic year and any person who is currently serving as an Ombudsperson. The remaining persons are eligible to serve on the Grievance Committee Panels. Both lists will be electronically randomized and maintained by the FAC Chair.

##### B. Selection of the Grievance Committee Panels

1. Each Panel is comprised of 25 individuals who serve a 1-year term, beginning on August 15. Any person on the list provided by the Provost and not serving on the Ombudsperson Panel is eligible to serve on the Grievance Committee Panels.

2. No later than March 1, the FAC Chair shall begin the process of selecting 25 eligible individuals for each Grievance Panel. Starting from the top of each of the 2 randomized lists, the FAC Chair will select the first 25 persons on each list and notify them by email of their eligibility. They will reply by email to indicate whether they accept or decline the appointment to the Panel for which they are eligible. Those selected may decline to serve for good cause shown. Whether good cause has been shown shall be determined by the FAC Chair. If persons decline appointment for good cause shown, then the FAC Chair will go further down the appropriate randomized list, repeating the selection and notification process, until 25 persons have accepted appointment to the Faculty Grievance Committee Panel, and 25 different persons have accepted appointment to the Administrator Grievance Committee Panel. When this has occurred, the FAC Chair will send the names on both 25-person Panels to the President of the Faculty for posting on the Faculty Senate website on or before August 15.

### **1E.02 Grievance Policy for Administrators**

For matters pertaining to appointment, evaluation, retention, and/or termination, unclassified administrative personnel follow the process specified in 1C.0102 Administrative Probationary. For other matters, the policy presented in 1E.01 Grievance Policy applies.

### **1E.03 COMMITMENT OF TIME, CONFLICT OF INTEREST, CONSULTING AND OTHER EMPLOYMENT (BOR approved 4-20-95)**

Preamble:

The Board of Regents encourages the Regents institutions to interact with business, industry, public and private foundations, and government agencies in order to assure the relevance of their missions of teaching, research and service; to provide for and facilitate the professional development of their faculty and unclassified staff; and to promote the rapid expansion and application of knowledge, gained through research, to the needs of Kansas, the region and the nation. With particular reference to such interaction, the Board of Regents considers it of utmost importance that university employees conduct their affairs so as to avoid or minimize conflicts of time commitments and conflicts of interest, and that the Regents institutions must be prepared to respond appropriately when real or apparent conflicts arise.

To those ends, the purposes of this policy are to: (i) educate about situations that generate conflicts; (ii) provide means for faculty and unclassified staff and the University to manage real or apparent conflicts; (iii) promote the best interests of students and others whose work depends on faculty direction; and (iv) describe situations that are prohibited. Every faculty member and member of the unclassified staff has an obligation to become familiar with, and abide by, the provisions of this policy. If a situation raising questions of real or apparent conflict of commitment or conflict of interest arises, affected faculty and/or unclassified staff must meet with their department chair, school dean or supervisor, report the conflict as described below, and eliminate the conflict or manage it in an acceptable manner.

a. General Principles

(1) Conflict of Time Commitment

- (a) Attempts to balance University responsibilities outlined in the preamble with external activities, such as, but not limited to, consulting, public service or pro bono work, can result in real or apparent conflicts regarding commitment of time and effort. Whenever a faculty or staff member's external activities exceed reasonable time limits, or whenever an unclassified staff or faculty member's primary professional responsibility is not to the institution, a conflict of time commitment exists.
- (b) Conflicts of commitment usually involve issues of time allocation. Faculty members and unclassified staff of Regents institutions owe their primary professional responsibility to their employing institutions, and their primary commitment of time and intellectual effort should be to the education, service, research and scholarship missions of said institutions. Faculty and unclassified staff should maintain a presence on campus commensurate with their appointments. The specific responsibilities, position requirements, employment obligations and professional activities that constitute an appropriate and primary commitment of time will differ across schools and departments, but said responsibilities, requirements, obligations and activities should be initially premised on a general understanding of full-time commitment for full-time faculty or unclassified staff of the institutions. Exceptions must be justified and shown to enhance the institutional mission.

(2) Conflict of Interest

- (a) A conflict of interest occurs when there is a divergence between an individual's private, personal relationships or interests and his/her professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal benefit, gain or advantage.
- (b) A conflict of interest or the appearance of it depends on the situation, and not necessarily on the character or actions of the individual. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict. Thus, individuals are asked to report potential conflicts so that appearances can be separated from reality.
- (c) Potential conflicts of interest are not unusual in a modern university and must be addressed. For example, conflicts of interest can arise out of the fact that Regents institutions have as part of their mission the promotion of the public good by fostering the transfer of knowledge gained through university research and scholarship to the private sector. Two important means of accomplishing the institutional mission include consulting and the commercialization of technologies derived from research. It is appropriate that University personnel be rewarded for their participation in these activities through consulting fees and sharing in royalties

resulting from the commercialization of their work. It is wrong, however, for an individual's actions or decisions made in the course of his/her University activities to be determined by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual, and it also reflects negatively on the employing university. Regents institutions are institutions of public trust; faculty and unclassified staff must respect that status and conduct their affairs in ways that will not compromise the integrity of the University.

- (d) Except in a purely incidental way, University resources, including but not limited to, facilities, materials, personnel, or equipment may not be used in external activities unless written approval has been received in advance from the institution's chief executive officer or his/her designee. Such permission shall be granted only when the use of University resources is determined to further the mission of the institution. When such permission is granted, the faculty member or unclassified staff member will make arrangements for reimbursement of the University for customarily priceable institutional materials, facilities or services used in the external activity. Such use may never be authorized if it violates the Regents policy on Sales of Products and Services.
- (e) Proprietary or other information confidential to a Regents institution may never be used in external activities unless written approval has been received in advance.
- (f) Faculty or unclassified staff may not involve University students, classified staff, unclassified staff or faculty in their external activities if such involvement is in any way coerced or in any way conflicts with the involved participants' required commitment of time to their university. For example, a student's grades or progress towards a degree may not be conditioned on participation.

#### b. Consulting and Other Employment

##### (1) Consulting for Other State of Kansas Agencies

Consulting by faculty members and employees of institutions under the jurisdiction of the Board for another institution under the jurisdiction of the Board, as well as consultation for other state agencies, shall be approved in advance by the institution or agency seeking these services and approved by the employee's home institution. The home institution shall effect payment through the regular process and shall receive reimbursement through the interfund transfer process.

##### (2) Consulting Outside the University

For members of the faculty, the Regents institution permits and, indeed encourages, a limited amount of personal, professional activity outside the faculty member's reasonably construed total professional responsibilities of employment by and for the institution, provided such activity: (a) further develops the faculty member in a professional sense or serves the community, state, or nation in a professional capacity; (b) does not interfere with the faculty member's teaching, research and service to the institution; and (c) is

consistent with the objectives of the institution. Regular instructional service to other educational institutions is normally regarded as an inappropriate personal, professional activity. Without prior approval, faculty members on full-time appointments must not have significant outside managerial responsibilities nor act as principal investigators on sponsored projects that could be conducted at their institution but instead are submitted and managed through another organization. Each Regents institution is to determine how to apply or adapt the consulting policy and procedures for unclassified employees who are not faculty members. In no case shall the policy and procedures be more liberal than what is allowed for faculty. (10-18-01)

(3) Other Employment

The Regents expect faculty and unclassified staff employed by the Regents institutions to give full professional effort to their assignments. It is, therefore, considered inappropriate to engage in gainful employment outside the Regents institution that is incompatible with institutional commitments. It is inappropriate to transact business for personal gain unrelated to the institution from one's institutional office, or at times when it might interfere with commitments to the institution. Participation in academic conferences, workshops and seminars does not usually constitute consulting or outside employment. However, organizing and operating such meetings for profit may be construed as consulting or outside employment as defined in this policy.

c. Reporting Requirements

(1) Annual Reporting

As part of the annual appointment process, all faculty and unclassified staff with 100% time appointments must disclose to the University whether they or members of their immediate family (spouse and dependent children), personal household, or associate entities (e.g., corporations, partnerships or trusts) have consulting arrangements, significant financial or managerial interests, or employment in an outside entity whose financial or other interests would reasonably appear to be directly and significantly affected by their research or other University activities. For purposes of this policy, significant financial or managerial interests (or significant financial or other interests) means all holdings greater than \$10,000 or more than 5% ownership in a company. Faculty and unclassified staff members who hold fractional appointments and who have potential or possible conflicts of time commitments or conflicts of interest, as defined above, are also required to make the disclosures. Failure to submit the required reporting form, as approved by the Council of Presidents, will result in denial of the opportunity to submit research proposals to external funding agencies until the form is submitted and may result in discipline in accordance with University procedures. When the institution judges that the information submitted indicates that a conflict of time, commitment or interest does exist, the institution may require that the faculty or unclassified staff member submit additional information and explanation regarding that conflict. (9-21-95)

(2) Reporting Significant Ad Hoc Current or Prospective Conflicts As They Occur

Faculty and unclassified staff must disclose on the form approved by the Council of Presidents to the department chair or dean or supervisor on an ad hoc basis current or prospective situations that may raise questions of conflict of commitment or interest, as soon as such situations become known to the faculty or unclassified staff member.

(3) Reporting of Consulting

The faculty member must inform the chief academic officer, through the department chair or head and the dean, of all external personal, professional activities. For all such activities, except those single-occasion activities specified below, the faculty member must report in writing the proposed arrangements, and secure approval prior to engaging in the activities. Those personal, professional activities which occur within a single 24-hour period must be reported annually in writing as prescribed. For all activities concerned, the report should indicate the extent and nature of the activities, the amount of time to be spent in the activities, and the total amount of time spent or expected to be spent on all such outside activities during the current academic year.

(4) Disposition of Reports

All required reports shall be submitted in accordance with institutional requirements and shall be included in individual personnel files to be used for the determination of whether an individual is in compliance with this policy. Such reports will also be available to institutional research officers to permit certification and/or verification of compliance with federal regulations. Institutions must maintain these reports for a minimum of 3 years.

d. Use of University Name

The Name of the Board of Regents, a Regents institution or the Regents System may never be used as an endorsement of a faculty member or unclassified staff member's external activities without expressed and advance written approval of the University chief executive officer and/or the Board's Executive Director, as appropriate. Faculty members or unclassified staff members may list their institutional affiliation in professional books, articles and monographs they author or edit and in connection with professional workshops they conduct or presentations they make without securing approval.

e. Campus Policy Development and Enforcement

Additional rules and procedures for personal external activity, consistent with Board policy, will be established by each Regents institution. In situations in which the objectivity of a faculty or unclassified staff member could reasonably be questioned, or where apparent conflicts of interest exist, each Regents institution will establish an effective review mechanism to determine if a conflict of time or interest exists and to facilitate resolution of the conflict where possible, and to decide upon the appropriate sanctions when an unclassified staff or faculty

member's activities have been determined to constitute a conflict. Such review mechanisms will include opportunity for appeal.

f. Distribution and Dissemination

This policy statement will be distributed upon initial appointment to all faculty and unclassified staff by each Regents institution.

**1E.0301 Conflict of Interest and Conflict of Time Reporting Procedure** (FSB 95005 approved by President 4/2/96)

Compliance Statement

To ensure compliance with the Kansas Board of Regents' policy, Commitment of Time, Conflict of Interest, Consulting and Other Employment (20 April 1995), full-time faculty and unclassified professional staff must report to the University whether they or members of their immediate families, personal households, or associate entities have consulting arrangements, significant financial or managerial interests, or employments in outside entities whose financial or other interests would reasonably appear to be directly and significantly affected by their research or other University activities. Such real or apparent conflict of interest of time commitments must be reported annually and as changes occur. Individuals failing to comply with the University's reporting procedure will not be allowed to submit external grant applications until compliance is attained and may be subject to disciplinary action(s).

The Kansas Board of Regents' policy and Emporia State University's reporting procedure are included in the University Policy Manual. All full-time faculty and unclassified professional staff are expected to read and understand these documents. Individuals applying for external support for their research, education, or service projects will be required to specify on the Research and Grants Center proposal transmittal form that they are in compliance with the Kansas Board of Regents' policy and Emporia State University's reporting procedure.

Reporting Procedures

Annual Reporting

A screening form will be mailed with the annual notice of appointment to all full-time faculty and unclassified professional staff. The form must be completed, signed, and returned with the notice of appointment.

Ad Hoc Current or Prospective Conflict Reporting

Full-time faculty and unclassified professional staff must report on an ad hoc basis current or prospective situations that may raise questions regarding conflicts of interest or time commitment as soon as such situations become known to the faculty or unclassified staff member. At any time of the year, additional copies of the screening form may be obtained from and returned to the vice president to whom the individual reports or, for some individuals, to the office of the President.

## Reviewing Procedures

The primary objective of the reviewing procedures is to help guard faculty, unclassified professional staff, and the University from engaging in activities where the risk to integrity and reputation outweighs the value of the activities to academic and societal goals. Guidelines for appropriate activities are described in the Kansas Board of Regents' policy addressed in this document.

### Review of Screening Form

The office of the vice president (or President) will review the submitted screening forms and notify the head of the academic units or supervisors of any full-time faculty or unclassified professional staff reporting real or apparent conflicts of interest or time commitment. The head of the academic unit or supervisor will be responsible for notifying the identified faculty or staff member(s).

### Review of Full Disclosure Statement Form

Faculty or unclassified professional staff identified as having real or apparent conflicts must complete a full disclosure statement form revealing additional information about financial and time commitment interests that may affect their research or other University activities and responsibilities. The full disclosure statement form will be sent from the office of the vice president (or President) to the head of the academic unit or supervisor for distribution to identified faculty or staff. The completed form will be returned to the head of the academic unit or supervisor within 5 working days. No copies will be made of the completed form.

The completed full disclosure form must then be reviewed by the head of the academic unit or supervisor, the dean/director, and, if necessary, the vice president (or President) to whom the individual reports within 15 working days. In those instances where the dean/director and the vice president (or President) do not approve the current or prospective activity, the faculty or staff member may not proceed with the activity until approval is obtained through the review process.

### Reviews by Head of Academic Unit or Supervisor and Dean/Director

The head of the academic unit or supervisor will consult with the dean/director, who may approve the current or prospective activity as stated in the full disclosure form. If the activity in question is approved, the full disclosure statement will be placed in the faculty or staff member's personnel file. If the activity in question is not approved, the form will be forwarded to the office of the vice president (or President) for further review. The faculty or staff member will receive from the dean/director written notification regarding the outcome of this review process.

### Review by Vice President (or President)

After receiving a full disclosure statement, the vice president (or President) may approve the current or prospective activity. If the activity is approved, the full disclosure statement form

will be placed in the personnel file of the identified faculty or staff member. If the activity in question is not approved, the vice president (or President) will submit the disclosure for review to the Conflict Review Committee. The faculty or staff member will receive from the vice president (or President) written notification regarding the outcome of this review process.

### Conflict Review Committee and Review Process

#### Conflict Review Committee

By mid-term of the spring semester, the Chair of the Faculty Senate Faculty Affairs Committee will appoint 6 individuals to serve on the Conflict Review Committee for the following academic year and will notify the 6 members of their 1-year appointments. To ensure fair representation, 4 of the review committee members will be randomly selected from the University's full-time faculty and 2 will be randomly selected from the University's full-time unclassified professional staff.

In the event that the vice president does not approve a reviewed activity involving faculty, the vice president will notify the Chair of the Faculty Affairs Committee who then will notify the 4 review committee members with faculty status and will select 1 additional faculty member to chair the Conflict Review Committee. The chair of this committee will be randomly selected from the full-time faculty within the academic unit of the individual whose activity is being reviewed.

In the event that the vice president (or President) does not approve a reviewed activity involving unclassified professional staff, the vice president (or President) will notify the Chair of the Faculty Affairs Committee who then will notify the 2 review committee members with unclassified professional staff status and 2 of the members with faculty status. The Chair of the Faculty Affairs Committee will be responsible for developing a rotation plan for the selection of the 2 faculty members. The Chair of the Faculty Affairs Committee also will select 1 additional unclassified professional staff member to chair the Conflict Review Committee. The chair of this committee will be randomly selected from the full-time unclassified professional staff within the unit of the individual whose activity is being reviewed.

The term of the Conflict Committee chair will be limited to the time associated with a specifically identified review. The Conflict Review Committee chair will be responsible for bringing together the standing committee members to review the activity.

Each standing committee member is entitled to 1 decision vote. In the event of a tie (2-2), the chair of the Review Committee is allowed to cast a vote to break the deadlock. An individual having faculty and unclassified professional staff status may choose to have the activity in question reviewed by the committee comprised of faculty or the committee comprised of faculty/unclassified professional staff. It will be the responsibility of the Chair of the Faculty Affairs Committee to obtain the individual's choice.

### Committee Review Process

If requested to act, the Conflict Review Committee will review the completed full disclosure statement form. The committee may request additional information from the involved faculty or staff member, the dean/director, the vice president involved, the President, or from external sources. The review process, including decisions, must be completed within 10 working days after submission of the disclosure form to the committee. The committee may extend its deadline by 10 working days if important information from external sources is required.

### Committee Recommendations

Committee recommendations might include but are not limited to: (a) approving the activity if it is concluded that the potential for conflict is so remote or inconsequential that there is minimal probability for biasing the objectivity of the activity, (b) requiring periodic review by individuals independent of the employee, (c) requiring the divestiture of the financial interest, or (d) assigning faculty or staff members without a financial interest to control the activity. In special circumstances, the Conflict Review Committee may approve the activity for a limited period of time because the potential benefits of the activity may be greater than the concerns associated with the conflict of interest and/or time commitment. The chair of the Conflict Review Committee will report the committee's recommendation(s) in writing to the appropriate vice president.

The vice president will consult with the President of Emporia State University in making the final decision regarding the activity in question. In reaching this decision, the President (and vice president) will strongly consider the committee's recommendation. The vice president (or President) will communicate this decision in writing to the faculty or staff member, the head of the academic unit or supervisor, and the dean/director. A copy of this notification will be placed in the personnel file of the faculty or staff member. The head of the academic unit or supervisor will work with the identified faculty or staff member to implement the final recommendation.

### Disposition of Reports

All required reports will be held in the individual's personnel file for a maximum of 5 years. The submitted reports will be used to determine whether an individual is in compliance with the Regents' policy and will be available to institutional research officers to permit certification and/or verification of compliance with federal regulations.

### Appeals

In the event that agreement is not reached by all parties concerned with the management of a case of conflict or apparent conflict, the grievance procedure may be followed as specified in the University Policy Manual.

## **CHAPTER 2. UNIVERSITY SUPPORT STAFF**

### **2A. UNIVERSITY SUPPORT STAFF EMPLOYMENT**

#### **2A.01 APPOINTMENT NOTICE**

When a University Support Staff (USS) position becomes available, Human Resources (HR) lists the vacancy on the Statewide Vacancy List. Applicants contact HR to indicate their interest in a particular vacancy, request that HR attach their name to that vacancy, and complete an ESU Application for Employment. Interviews will be scheduled with those applicants having the skills most closely matching the required/preferred skills for the position who have completed the entire applicant process. Current/former employees may apply for any job opening for which they meet the minimum qualifications.

The Immigration Reform and Control Act of 1986 requires ESU to verify employment eligibility of all individuals hired after November 6, 1986. Eligibility is established by completion of the Form I-9. This form must be completed in HR within 3 days of hire, or the employee may forfeit his/her position. The person verifying the documentation should sign the form as the authorized representative.

Documentation of an employee's employment eligibility is most easily provided by a driver's license and social security card. The Form I-9 will be retained in the employee's personnel file along with copies of the provided documentation, and once completed, may need to be completed again for ESU employment if documentation expires, if the employee's name changes, or if the employee terminates and is subsequently rehired.

#### **2A.02 APPOINTMENT TYPE**

##### **2A.0201 PROBATIONARY APPOINTMENT**

Each newly hired employee is subject to a probationary period of 6 months. This period is considered to be a working test of the employee's ability to perform satisfactorily in the position. During this period, the supervisor will provide any necessary instruction and training.

Upon completion of the probationary period, the supervisor evaluates the probationary employee on the employee review form and recommends 1 of 3 actions:

- 1) place the employee on permanent status (final approval given by appointing authority);  
or
- 2)\* extend the probation for a period not to exceed a total of 1 year;
- 3)\* rate the employee unsatisfactory and recommend termination of employment.

\* Actions #2 and #3 require notice prior to the end of the probationary period.

Each employee, upon completion of the probationary period, receives a copy of the performance review form.

At any time during the initial probationary period, an employee may be terminated for less than satisfactory performance. The supervisor must submit a letter to the HR director and to the employee stating the reasons for such action. In this situation, the employee has no right of appeal under civil service regulations.

#### **2A.0202 TEMPORARY APPOINTMENT**

A temporary appointment is an appointment for not more than 999 hours in a 12 month period. Individuals on temporary appointments shall be notified by their supervisor at the time of appointment of the anticipated expiration date of the appointment. An individual in a temporary appointment is not eligible for holiday pay, benefits or civil service rights. Employees may not exceed 999 hours in one 12 month period regardless of the number of positions held.

#### **2A.0203 LIMITED TERM APPOINTMENT**

A limited term appointment is one scheduled to terminate within a specified period of time, as stipulated in grant specifications or other contractual agreements (e.g., federally-funded grant position). Each individual under a limited term appointment is notified at the time of appointment of the expiration date of the grant or employment agreement. The expiration date of the appointment is entered on the employee's personnel record at the time of appointment. Should the dedicated resources become unavailable prior to the specified time, the ending date of the appointment may be adjusted accordingly. Each individual on a limited term appointment is terminated at the end of that appointment, subject to any extension of the funding.

#### **2A.0204 ACTING APPOINTMENT**

When a University Support Staff position is vacant for more than 30 days and requires the temporary reassignment of an employee who has permanent status in another position, an acting appointment may be permitted by the appointing authority. These appointments are used only when there are no viable alternatives. The employee with permanent status who is placed in the acting appointment must meet the minimum qualifications for the position being assumed. Acting appointments may be no longer than 12 months in duration without approval of the director of the Division of Personnel Services in Topeka.

If an employee is acting in a position assigned to a pay grade higher than that of the employee's normal position, the employee shall be paid at a step on the higher pay grade that gives the employee an increase in pay. Such an increase shall not exceed the highest step possible if the employee were being promoted to the position. For the duration of the acting appointment, the employee may receive salary step increases based on the length of time in the acting position. When the acting assignment is terminated, the employee's salary reverts to the rate it would have been had the employee not received the acting appointment. Therefore, if an employee would have received a normal step increase during that time, the employee will be given the increase upon terminating the acting assignment. The employee's pay increase date and employment status are not affected by the acting appointment.

### **2A.03 SUPERVISORY TRAINING**

Any University Support Staff employee who has supervisory responsibilities for other USS employees must complete the state-mandated supervisory training program. This training must be completed before the employee is removed from probationary status.

### **2A.04 RETURN TO WORK POLICY**

Employees who require accommodations for either short- or long-term disabilities should work with their supervisors to develop reasonable accommodations which do not cause undue hardship for the University. These accommodations must be based upon medical documentation provided by a health care professional. Employees with disabilities who require permanent accommodations of the essential functions of their position may have additional rights in addition to those provided by this policy.

If an employee requires changes in procedures or equipment to make it possible to work, the employee must request an accommodation in advance of the anticipated return-to-work date. The University is not required to fulfill every request for special accommodations for employees. Financial and administrative issues may be considered.

The employee is responsible for maintaining contact with the supervisor throughout the duration of any leave. The supervisor is responsible for reviewing and approving or denying sick leave requests.

Supervisors must be able to identify the essential functions and the physical requirements of every position for which they have responsibility. This information should be documented on the employee's position description. Nonessential functions do not need to be accommodated; however, they cannot be required of the employee. If it is possible to accommodate essential functions, then this must be done. A workers' compensation case worker will be involved, when appropriate.

HR will assist in developing accommodations, when requested to do so by the employee and/or supervisor.

### **2A.05 FURLOUGHS AND LAYOFFS** (revised; approved by President 6/4/09; revised; approved by President 11/2013; approved by Board of Regents 1/2014)

In certain circumstances it may be necessary to furlough or layoff university support staff employees in order to preserve the financial well being of ESU. In addition if a program is discontinued or situations of financial exigency exist, it may be necessary to furlough or layoff USS employees. ESU's procedures are determined by and in compliance with state regulations and federal law and applicable Memorandums of Agreement. Complete details are available from HR.

#### **2A.0501 FURLOUGHS**

If necessary, due to a shortage of funds, the University may furlough some or all employees. Such furloughs must be approved, no less than 10 days in advance, by the University President.

A furlough is defined as leave without pay for a preset number of hours each pay period covered by the furlough plan, and can be used as an alternative to layoffs.

While on furlough, an employee's social security and retirement contributions are reduced in proportion to the reduction in gross pay, but all other benefits, including accrual of vacation and sick leave, continue.

Furloughs do not affect employees' continuous service, length of service, pay anniversary date, or eligibility for authorized holiday leave or pay.

University furlough plans will mirror plan requirements established by Kansas Administrative Regulations. Affected employees will receive a minimum of a 10 day notice prior to the furlough. Positions covered by a Memorandum of Agreement shall receive notice in compliance with that MOA.

## **2A.0502 LAYOFF AND REEMPLOYMENT**

University layoff procedures will mirror requirements established in Kansas Administrative Regulations including reasons for proposing layoffs, criteria for layoff plans, bumping rights within the University, computation of layoff scores, bumping and layoff conference steps and effects on probationary employees. No approval beyond the University will be required.

Layoff scores are computed by multiplying the average numerical value of the last 5 performance reviews times the length of service as defined in K.A.R. 1-14-7 et seq (alphabetical ratings correlate to a numeric score of either 0, 3, or 5). The person with the lowest layoff score will be laid off first and if others are to be laid off, they will be selected in ascending order of their layoff scores. Employees scheduled for layoff may exercise bumping rights under specific circumstances.

If ESU (or a department) proposes a layoff, each employee who may be affected by the layoff will be notified 30 calendar days before the effective date of the proposed layoff. The notice will be a written notice delivered to the employee personally or sent by certified mail to the employee's home address.

If an employee is laid off, or transferred or demoted to avoid being laid off, the employee will be placed on a university reemployment list for 3 years. Employees on reemployment lists receive preference in hiring based on layoff scores for a period of 1 year. Employees who are laid off will have employee preference for ESU positions in accordance with standards set by the employee preference program. Employees who have been laid off may be eligible for reciprocal preferences with participating regent institutions. HR will provide a list of participating institutions at the time of the layoff. This list is subject to change at any time with or without notice to affected employees.

## **2A.06 PERSONAL PROPERTY**

All personal items should be appropriate for the work place and discretion is expected from employees and supervisors.

## **2B. OTHER EMPLOYMENT**

A person's job at Emporia State University is expected to be his/her primary source of employment, if he/she is a regular full-time employee. Outside employment is allowed, as long as the employee adheres to the following guidelines:

- 1) The hours of a person's outside employment will not coincide or conflict with his/her University hours of scheduled work; and
- 2) A person's outside employment will not conflict with his/her University job responsibilities or affect his/her ability to perform satisfactorily in his/her University position.

## **2C. PERSONAL BUSINESS**

Transacting private or personal business during assigned working hours is not permitted. Outgoing or incoming personal phone calls except in emergencies are discouraged. Personal long distance calls should be billed directly to the employee, and are not to be charged to the University.

## **2D. WORK SCHEDULE**

The work week for the University will begin at 12:01 a.m. Sunday and end at midnight on the following Saturday.

The basic work schedule for most employees is 40 hours per week from 8:00 a.m. until 5:00p.m., Monday through Friday, with one hour off for lunch. Exceptions are those departments which operate 7 days per week, 24 hours per day. The basic work schedule may be changed with at least 5 calendar days notice to the employee(s).

### **2D.01 PUNCTUALITY**

Employees are expected to report to work on time. Excessive absences or consistent tardiness will be considered grounds for disciplinary action. Employees must contact their supervisors and request permission to be absent prior to the commencement of their shift. Leaving a message with a secretary or co-worker is not considered to be proper notification unless the supervisor is unavailable. Depending on their specific needs, certain departments may have more stringent requirements.

### **2D.02 PORTAL TO PORTAL ACT**

The Portal to Portal Act describes compensable within the meaning by a custom or practice as by a contract. The University's custom and practice are compensable. For example, a supervisor allows an employee to start working 15 minutes early every day. It has now become a common practice and is known by the employee and the supervisor. Even though the extra time has not been addressed or recorded on the time sheet, it is considered payable work time and must be reported and compensated.

If the supervisor knows the situation is happening and does not take steps to discontinue the practice, the University is liable for any hours that were worked and not reported on the time sheet. In addition, the University, if audited, could be assessed a penalty for not reporting and compensating the correct hours worked. No non-exempt employee should be asked to work without compensation in pay or time off.

If an employee is required to report at the actual place of performance of his/her principal activity at a certain time or period of time, the workday commences at the time he/she reports for work as requested by the supervisor – even on weekends – the employee is eligible for compensation or comp time accrual.

### **2D.03 OVERTIME**

In accordance with state and federal law, all University positions must be categorized for overtime eligibility purposes as exempt (not eligible for overtime) or non-exempt (eligible for overtime). Overtime will not apply to employees who are exempt under the Fair Labor Standards Act (FLSA). The determination of a position as exempt or non-exempt is made based on an individual review of the position's specific responsibilities. FLSA exemption status is determined by Human Resources, not the supervisor or the employee. Positions with the same title may vary in their eligibility for overtime, depending upon the actual duties performed in each specific position.

Supervisors are responsible for planning the work in their units so all duties can usually be completed during the normal work periods. Employees may be required to work overtime when necessary for University business.

For non-exempt employees, overtime is earned for time worked over 40 hours in a 1 week period. Overtime occurs at the end of the work week (Saturday midnight), if the number of hours worked exceeds the applicable 40 maximum hours standard. A non-exempt employee will only receive overtime for hours actually worked in excess of a 40-hour work week.

State holidays which fall within a regularly scheduled work week may be counted as time worked for non-exempt employees who meet all 3 of the following criteria under K.A.R. 1-5-24:

- 1) The employee is asked to report to work in order to respond to a building, highway, or public safety emergency, as determined by the appointing authority;
- 2) This work is performed outside the employee's normal work week schedule for the work week or work period that includes the official state holiday; and
- 3) The appointing authority authorizes inclusion of that state holiday in calculating time worked by the employee.

This provision for holidays affects only those agencies whose appointing authority determined that the holiday credit hours count toward an eligible employee's overtime threshold.

The overtime wage rate is 1½ times the employee's regular rate of pay. Premium pay for holidays worked or any call-in and call-back situations are not included in calculating overtime pay.

## **2D.0301 COMPENSATORY TIME POLICY**

A non-exempt employee is compensated for overtime worked with compensatory time off at a rate of 1½ hours off for each overtime hour worked in a work week. Compensatory time will not be automatically converted to paid overtime unless the employee terminates employment with the University prior to use of the compensatory time. By authorizing an employee to work overtime and signing the employee's time sheet at the end of the pay period, the supervisor is encouraged to allow the employee to schedule the use of accrued compensatory time within 90 days following the pay period in which the overtime was worked.

Non-exempt employees may be required to take time off during the work week in order not to be in overtime status, under the following conditions:

- 1) The University notifies the employee of a change in the work schedule at least 5 calendar days in advance (14 calendar days, if the employee is in the bargaining unit) of the day in which the employee's normal work schedule is first changed; or,
- 2) The employee requests or agrees to take equivalent time off on an hour-for-hour basis within the work week that the extra time was worked. The equivalent time off must be agreeable with the employee's supervisor, with minimum interruption to the efficient conduct of University operations.

If an employee reaches the maximum accumulation of compensatory time as monitored by Payroll, both the employee and his/her supervisor will be notified that the employee may not work any additional overtime until the compensatory time balance has been reduced significantly.

## **2D.04 BREAK PERIODS**

Employees are allowed a 15-minute break each morning and each afternoon. Breaks should be taken approximately half-way through each 4-hour shift, and are 15 minutes in length (20 minutes for the bargaining unit). Breaks may not exceed the 15-minute limit for non-bargaining unit employees. The time allotted for breaks includes travel time to and from the break area. Department heads and supervisors have authority over break periods. It is their responsibility to ensure that break periods are not abused. Breaks may be denied if the privilege is abused.

Breaks are not guaranteed by the Fair Labor Standards Act and should not interfere with work performance. Supervisors may opt not to grant formal breaks because of workload and staff size.

It is important to remember that breaks are compensable time. Therefore, they may not be used as or in conjunction with noncompensable time such as lunch breaks or compensable time such as vacation or sick leave.

Break periods may not be accumulated or used to modify the beginning or ending hours of an employee's shift.

Appropriate persons should be notified before a break time so that knowledgeable telephone coverage may be provided and employees can be located in the event of an emergency.

### **2D.05 MEALS**

Employees must be completely relieved of duty for the purpose of eating regular meals. An employee is not relieved if required to perform any duties (i.e., answering the phone, reception duties) whether active or inactive while eating, and that time spent working will be included in the overtime calculation for overtime pay or comp time accrual.

### **2D.06 CALL-IN AND CALL-BACK**

Employees may be called in to work on a regular day off. On-call employees will not receive pay unless called in. If an employee is called to work on a day off and is in a position that is eligible for overtime pay, the employee will receive a minimum of 2 hours pay at the appropriate rate of pay even if the work assigned only takes a few minutes.

Employees may be called back to work after a regular work schedule. If an employee is called back to work, and is in a position that is eligible for overtime pay, the employee will receive a minimum of 2 hours pay even if the work assigned only takes a few minutes.

If the employee was on stand-by when called in or called back, the minimum of 2 hours shall not apply, nor shall it apply if the employee was called in or called back during the 2 hour period immediately prior to the beginning of the employee's next regularly scheduled work shift. If the work takes more than 2 hours, the employee will receive pay for all hours worked at the appropriate rate of pay. Only the time actually worked shall be used in determining eligibility for overtime compensation.

### **2D.07 TRAVEL AWAY FROM HOME**

Travel which is required by the University that keeps an employee away from home overnight is considered work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during the normal working hours, but also during the corresponding hours on non-working days (e.g., Saturday and Sunday). Time spent traveling to and from the meeting site is included in the calculation for overtime payments. The only time included would be the normal time it would take normal public transportation to cover the same distance. If a bus would take 2.5 hours to travel from Emporia to KCI then the 2.5 hours would be included in the calculation. Actual time spent at each event during the conference is eligible for overtime calculations or comp time accrual.

Regular meal time that is physically away from the activity site during travel away from home is not counted for overtime calculations. If the meal time is a working lunch, that time is included in the overtime calculations. Any time the employee works at the discretion of the University, that time is included in the overtime calculation. For computations of overtime, attach a copy of the itinerary to the time sheet.

## **2D.08 SHIFT DIFFERENTIAL**

Any university support staff employee who is eligible for overtime pay and works on a shift that either starts before 6:00 a.m. or ends after 6:00 p.m. will receive an additional amount per hour based on classification for the total hours worked on that shift. This additional pay only applies to hours actually on the job and not to any paid leave time (e.g., sick, vacation, holiday, funeral, jury duty, annual military duty).

## **2D.09 STAND-BY COMPENSATION**

If an employee is notified to stay by the phone and remain available for work during a specified period of time because of a possible emergency situation, the employee will be paid \$1 per hour for such stand-by time. If the employee cannot be reached during the stand-by period or fails to report if contacted, the employee will not be paid stand-by time unless an acceptable reason can be furnished. Stand-by time does not count as time worked in establishing eligibility for overtime pay.

## **2E. PROBATIONARY PERIOD AND PERFORMANCE EVALUATIONS** (revision approved by President 11/2013; approved by Board of Regents 1/2014)

### **2E.01 PERFORMANCE REVIEW SYSTEM**

#### **2E.0101 PROBATIONARY PERIOD REVIEW**

Initial employment in a University Support Staff position will generally be with a probationary status for the first 6 months of employment. The probationary period serves as a test of an employee's ability to meet expectations. One or more feedback sessions will be conducted during the probationary period. Prior to the expiration of each employee's probationary period, a performance review will be completed. Failure to notify the employee of a performance rating or an approved extension by the end of any probationary period automatically grants the employee permanent status.

All University Support Staff employees in a supervisory position (i.e., those who evaluate other USS employees) are required to complete supervisory training before receiving permanent status unless an exception is approved by Human Resources.

When a probationary employee is on leave, with or without pay, for 30 consecutive calendar days or more, the probationary period will be adjusted to the extent of the leave.

A special review may be made at any time when appropriate and necessary. Special reviews are commonly used to gauge level of performance, to improve performance, to increase or decrease a rating, when an employee is being promoted, reinstated, or transferred, or when a position is being reclassified. An employee may not receive more than one special review within a 30-day period.

When a probationary period is completed with a performance rating of "satisfactory" or higher, an employee will receive permanent University Support Staff status. Permanent employees are eligible for leave of absences for up to 1 year when in the best interest of the University, for

layoff rights, or for qualifying appeals to an appeals hearing board. Continued employment is nevertheless at will and dependent upon receipt of a performance rating of satisfactory, as defined by the performance review system, or above.

## **2E.02 ANNUAL PERFORMANCE EVALUATION**

Performance evaluations are required for all permanent USS on an annual basis. Performance evaluations are based on 3 formal steps which take place within an annual time frame. One-on-one meetings between employees and supervisors are encouraged, as needed, throughout the review period.

- Initial Planning Session, optional (January)
- Mid-year Review (April - June)
- Annual Review and Overall Performance Evaluation (October - December)

Evaluation forms are available on the Human Resources website. Instructions for completing the forms are also available on that website. Although Human Resources notify supervisory staff when evaluations are due, supervisors are responsible for ensuring reviews are completed regardless of any notification or lack thereof. HR will monitor completion of evaluations during the last quarter of the calendar year.

Performance evaluations assess how an employee performs his or her job duties. Position descriptions describe what job duties an employee is expected to adequately perform. Therefore, prior to completing a performance evaluation, the supervisor and the employee should review and, if needed, update the position description. Performance feedback will formally be provided twice a year, including a mid-year review and an overall performance evaluation with a rating during the last quarter of the calendar year. A supervisor may evaluate an employee at any time if conditions warrant a higher or lower rating; such evaluations are called “special evaluations.” Those special evaluations must have goals in place at least 30 days prior to the evaluation. The special evaluation period can leave no “gap time” between its start date and the end of the last evaluation period.

Supervisors determine an overall rating after evaluating the individual performance factors assessing progress. The supervisor reviews the 3 steps of the evaluation with the employee. A performance evaluation is a permanent part of an employee’s record. Additionally, supervisors may review it when employees are considered for a pay increase or promotion. A current rating of satisfactory, as defined by the evaluation, or above is necessary for promotion and to be considered for a pay increase. The various components of the evaluation process should be handled in the following way:

### **2E.0201 INITIAL PLANNING**

Goals are based on the employee’s job requirements and should be specific, measurable, attainable, realistic, timely, and job related. (Goals may be optional for trade staff.) Employee input to the goals is encouraged. The supervisor has ultimate responsibility for establishing goals. With employee input, goals are established that allow employees to exceed expectations. Goals are established at the beginning of each evaluation period and may be updated at various times as noted below. Changes and additions to goals may be made at any time before the end

of the evaluation period. The supervisor and the employee retain copies of the established/modified goals for use at the end of the evaluation period. Goals are established or modified:

- shortly after appointment to a new position;
- at the beginning of each initial planning period;
- when there is a significant change in duties;
- when additional goals are warranted during the evaluation period.

If an employee believes the goals to be unreasonable in accordance with Kansas Statute Annotated 75-2949f, he or she should seek resolution with a supervisor or departmental administration. If no resolution is achieved, the employee retains the right to appeal the performance review at the time a rating is assigned. Should the employee believe that the goal or duty is illegal or otherwise improper, the employee may file a grievance as outlined in the grievance policy or in accordance with an applicable memorandum of agreement.

At the end of the evaluation period, the supervisor assesses goal progress.

Employee input on goal progress is encouraged. The supervisor assesses the goals as being “met,” “in progress,” or “not met.” The supervisor may make comments about goal progress. Both the employee and supervisor sign and date the evaluation form. The employee’s overall performance will be based on these goals, as well as other components of the evaluation process. If goals were not established in a timely fashion, the employee’s goal progress may be rated using the duties from the current position description.

#### **2E.0202 MID-YEAR AND ANNUAL REVIEW DISCUSSIONS**

Supervisors are required to provide performance feedback at least twice a year. This feedback must be documented in the evaluation form. Both the supervisor and the employee should initial and date the feedback documentation. If performance feedback is provided in the form of a memo to the employee, that memo must be retained with the evaluation documents.

#### **2E.0203 PERFORMANCE FACTORS**

The supervisor will rate the employee on performance factors that include, but are not limited to, position knowledge; attitude, cooperation and behavior; dependability, reliability, and attendance; care and use of equipment and technology; communication, training and development; leadership; quantity and quality of work, and adherence to agency values. Employee input on performance factors is encouraged.

The supervisor assesses the performance factors as being unsatisfactory, satisfactory, or exceptional, as defined in the performance review. Supervisors shall make comments about the performance factors. Supervisory comments are required for an unsatisfactory rating.

#### **2E.0204 OVERALL PERFORMANCE**

The supervisor will rate the employee’s overall performance based on the assessment of goal progress and ratings of the individual performance factors. The overall rating will be

unsatisfactory, satisfactory, or exceptional, as defined in the performance review. Supervisory comments are required; employee comments are optional.

The supervisor and the employee will discuss the overall evaluation, date, and sign the form. The employee's signature on the evaluation form does not signify agreement with the evaluation nor waive the right to appeal. The signature only signifies receipt of the evaluation. If the employee refuses to sign the evaluation, a witness' signature can verify that the evaluation was provided to the employee. The department sends the evaluation form with goals to Human Resources by the established deadline.

### **Unsatisfactory Performance**

An employee who, in the opinion of his/her supervisor, is not performing work at a level of satisfactory will be counseled on ways to improve. Unsatisfactory work performance may necessitate a special evaluation. A salary increase cannot be granted if an employee receives an unsatisfactory rating. Two performance review ratings of less than satisfactory may be utilized as a basis for demotion or dismissal of the employee.

## **2E.03 DEMOTION – INVOLUNTARY**

Demotion of an employee by a supervisor may be made for a variety of reasons. If a position is abolished, the employee in that position may be demoted to a position in a lower class (if there is a vacancy) in lieu of being terminated. Inadequate performance of assigned duties may be reason for demotion to a class in which the employee can perform the duties adequately. Demotion may be used as disciplinary action. An employee with permanent status who is demoted must be given a written statement of the reasons and is entitled to a hearing before the USS Appeals Board upon the employee's request.

## **2F. DISCIPLINARY ACTION AND GRIEVANCE PROCEDURES** (revision approved by President 11/2013; approved by Board of Regents 1/2014)

### **2F.01 AREAS COVERED BY UNIVERSITY SUPPORT STAFF POLICIES**

Emporia State University policies provide for hearing and/or appeal procedures in matters of discrimination, suspensions, demotions and dismissals. Formal grievance procedures are listed in 2F.03. Performance evaluation appeals are handled through separate grievance procedures (2F.0403).

### **2F.02 PROGRESSIVE DISCIPLINE POLICY**

Progressive discipline is the application of discipline in a series of steps that gradually increase in severity as employees progress through the steps. The number of steps may vary, each step may be repeated along the way, and steps may be skipped, depending on the situation involved. Supervisors are required to consider the seriousness of the offense and the previous record of the employee. An employee's past record does not have to include a prior offense of the same rule to be issued a more severe disciplinary action than would be given for only 1 minor infraction.

The Kansas Civil Service Act (K.S.A. 75-2949) state that Kansas state employees may be disciplined for just cause. Supervisors have the responsibility to discipline employees in a consistent manner and to invoke disciplinary action whenever employees do not follow the rules.

They may use the State grievance procedure (K.S.A. 75-2949) to present their case. Employees are entitled to have representation, selected by the employee and at the employee's expense, during the grievance procedures. The employee is responsible for advising the University if a representative will be present.

### **2F.0201 GENERAL POLICY**

All disciplinary action should be reasonable, timely, and related in severity to the seriousness of the offense. Employees should be properly warned that past behavior has been unacceptable and advised of the desirable behavior which is expected. Proper warning should follow these progressive steps:

1st infraction - oral warning (official documentation form is completed and maintained in the departmental or departmental file for at least 1 year). Not subject to appeal.

2nd infraction - written warning (official documentation form is completed and maintained in the official personnel file for at least 5 years). Not subject to appeal.

3rd infraction - dismissal (official letter is written and maintained in the official personnel file permanently).

The level of disciplinary action depends on the severity of the offense, e.g., the supervisor may issue a written warning or suspension on the first infraction, or the oral warning step may be repeated.

### **2F.0202 ROLE OF HUMAN RESOURCES**

Supervisors are encouraged to partner with HR as performance issues are identified. The HR staff members are trained in consultation and resolution and are available to meet with supervisors and/or employees to informally resolve problems or situations occurring in the work place.

It is the supervisor's responsibility to gather all appropriate information and recommend a possible solution.

The HR director must be notified whenever demotion or dismissal is proposed. The role of the HR director is to facilitate consultation and resolution of problems occurring in the work place.

Supervisors are encouraged to have the director review oral warning documentation prior to warning the employee. The director must review written warning forms prior to warning the employee. Recommendations for termination must be discussed with the director immediately after an incident occurs.

## **2F.03 GRIEVANCE PROCEDURES**

### **2F.0301 FORMAL GRIEVANCE PROCEDURES**

A formal grievance is a grievance filed by an employee in writing with the department head, the appointing authority and HR alleging University violation of strictly defined employment regulations or agreements. For employees covered by any memorandum of agreement, grievance matters and the grievance procedures are those defined by the current agreement. For permanent University Support Staff employees not covered by the memorandum of agreement, the following process may be requested, should an employee so desire.

Whenever a permanent University Support Staff employee believes University policies have been violated or misinterpreted, the employee may follow the following procedure:

- Step 1) Discuss the grievance with the immediate supervisor within 5 working days of its occurrence, or within 5 working days of when the employee knew or reasonably should have known of its occurrence. The grievant may be accompanied by 1 other person. The supervisor will address the matter with the employee and respond in writing to the employee within 5 working days.
- Step 2) If the grievance is not settled in Step 1, the employee may present the grievance to the department head within 5 working days of receipt of the supervisor's answer in Step 1. This should be done in writing. (Forms are available from HR.) The employee may be accompanied by 1 other person at this step. The department head, with assistance from HR, will address the matter and respond in writing within 5 working days of receipt of the written grievance to the employee and others directly involved in the grievance.

The department head will send a copy of his/her response to HR.

- Step 3) If the grievance has not been settled in Step 2, the employee may appeal in writing to the appointing authority within 5 working days after the response is due from the department head in Step 2. The appointing authority may hold an informal meeting to obtain information regarding the grievance and will respond to the grievant and to any other person involved within 10 working days of such meeting. This decision shall be final.

### **2F.0302 INFORMAL GRIEVANCE PROCEDURES**

Employees should always attempt to resolve job-related problems through and with their immediate supervisors.

Most questions and problems can be and generally are resolved by informal discussion. Some situations, including discipline or discrimination, have specific procedures, which are described in the Progressive Discipline Policy. If the problems persist or are a matter not under the authority of the immediate supervisor, employees are free to consult their department head and then HR to try to solve the problem formally.

## **2F.04 APPEALS BOARD**

Permanent employees in USS service have the right to appeal demotions, dismissal, and performance reviews. The ESU Appeals Board (referred to hereafter as Appeals Board) is responsible for hearing appeals of such actions.

### **2F.0401 BOARD GOVERNANCE**

The Appeals Board is composed of a 9 member board, 6 University Support Staff, and 3 unclassified professional/faculty/department head/dean who are permanent, full-time employees of Emporia State University with at least 5 years' service. Recommendations, based on nominations and volunteers with supervisor approval, for membership on the Appeals Board will be made by the University Support Staff Assembly, Faculty Senate, Unclassified Commission, and from members of the campus community at large to the Affirmative Action Officer, who appoints members based on such recommendations. If the Affirmative Action Officer does not find a sufficient number of acceptable nominees, the Affirmative Action Officer will request additional nominees from the respective governance organizations.

The chair and vice chair of the Appeals Board will be elected by the board members and officially appointed by the Affirmative Action Officer on an annual basis to serve a 1 year term. If the chair is unable to fulfill his/her duties, the vice chair will fill this role.

Appointments to the board are for 3 consecutive years with 3 members being replaced each year, with the exception of the first 2 years when 1 group of 3 will serve 1 year, and 1 group of 3 will serve 2 years to start the staggered terms.

Once appointment to the board is completed, members will not be eligible for reappointment for 3 years.

Example:     2 USS and 1 unclassified FY 14-15  
                   2 USS and 1 unclassified FY 14-16  
                   2 USS and 1 unclassified FY 14-17  
                   2 USS and 1 unclassified FY 15-18  
                   2 USS and 1 unclassified FY 16-19  
                   2 USS and 1 unclassified FY 17-20

The Board chair is responsible for selecting a panel of 3 members, plus 1 alternate member to hear a particular appeal. Both parties of the hearing will have an option of removing 1 board member with reasonable cause. The Board chair may also be part of the final panel. The panel will designate 1 member of the hearing panel to serve as the panel chair. The final panel must consist of at least 2 employees in University Support Staff service. The Board chair, or vice chair in the absence or recusal of a panel chair, will conduct appeal hearings. All panel members will have voting rights including the Board chair if he/she is serving on the panel.

### **Board Training**

Appeals Board members will be required to attend training presented by Emporia State University.

### **Office Responsibilities**

To be determined who will provide staffing for the Appeals Board and Appeals Board panels.

### **Conflict of Interest**

Members of the Appeals Board panel cannot be from the same department as those involved in the appeal. Prior to serving on a hearing panel, board members are expected to sign a statement confirming that nothing would preclude them from acting fairly and impartially in deciding the matter before the hearing panel and that they have no knowledge of the case.

### **2F.0402 APPEAL – DEMOTION AND DISMISSAL**

A USS employee with permanent status may appeal a demotion or dismissal to the Board up to 30 calendar days after the effective date of the disciplinary action. Appeals must be made in writing and delivered to HR. When a written appeal is received by HR, a copy of the appeal will be provided as soon as possible to all parties involved in the appeal.

Hearings should be scheduled by HR within 45 calendar days of the receipt of the appeal. Continuances will be considered by and may be granted by HR in consultation with the Appeals Board chair if received no later than 14 calendar days before the date of the hearing. Requests for continuance must be in writing to HR and state the reason for the request and show that the opposing party or his or her representative has been notified. The request must also contain alternative dates on which the requesting party is available for the hearing.

Parties involved in the hearing will also have the opportunity to indicate whether an Appeals Board panel member should be precluded from a particular hearing based on concerns about impartiality. The objecting party will have 5 calendar days from notice of Appeals Board panel appointment to notify HR of those concerns. HR, in consultation with the Appeals Board chair, will determine whether an alternate should be appointed.

All statements of facts, witness lists and exhibit lists, and exhibits must be received in the HR office at least 7 calendar days in advance of the hearing. Each party must provide in writing a statement of facts relevant to the matter, a list of all witnesses who are expected to testify, and a brief written statement of the anticipated testimony of each witness, showing the relevancy of the testimony, a list of identified exhibits and the exhibits themselves. Each party provides 1 original, and the HR office reproduces the necessary copies for the hearing participants. The appellant's and respondent's exhibits shall be marked.

The University supports every effort to accommodate the availability of witnesses for a hearing before the Appeals Board. Witnesses have a choice to participate in the hearing. Time away from work for witnesses appearing at the hearing must be approved by their department in

advance and in accordance with normal time off work notice procedures. Time to participate in the hearing for university employees is considered “work time” and is compensated as such. Witnesses will not be subjected to any form of intimidation or retaliation by any party for their decision to participate or to not participate in the hearing. Attempts at intimidation or retaliation should be reported to the Affirmative Action Officer. Any complaint alleging intimidation or retaliation will be appropriately investigated and appropriate disciplinary action will be taken if intimidation or retaliation is determined to have occurred. When a witness list has been provided to the University HR office by the parties to the hearing, HR, on behalf of the Affirmative Action Officer, will send an advisory letter to the University witnesses with a copy to their supervisors and department heads. The letter will advise the recipients of their rights and responsibilities as outlined above.

The appellant may, at his/her own expense, have representation and must provide the name of the representative and the phone number at which the representative may be contacted at the time of filing the appeal, or if not known at the time, not later than 14 calendar days prior to the date of the hearing.

All parties who testify at the hearing will be asked to swear or affirm as to the truthfulness of their statements before beginning their testimonies. A notary public will administer the oath to the witnesses.

The evidentiary phase of the hearing is only open to those directly participating in the hearing. After the evidentiary phase of the hearing, the Appeals Board panel will adjourn to a closed session to deliberate on the personnel matter of disciplinary action against the employee.

At the hearing, the burden of proof shall be upon the employee to establish that the Appointing Authority or his/her designee did not act reasonably in demoting or dismissing the employee, which means that the employee must prove by a preponderance of the evidence that the disciplinary action taken was arbitrary, unreasonable, or without factual basis.

All hearings of the Appeals Board panel shall be recorded by means of audio, coordinated solely by the office of Human Resources. All such recordings constitute part of the record of the hearing and shall be maintained by the HR office. Access to the audio shall be limited to the parties, their authorized representatives, and the members of the Appeals Board panel. Transcripts may be made of the contents of an audiotape at the sole expense of the requesting party or by other agreement of the parties.

The Chair of the Appeals Board panel has authority to conduct the hearing, and such authority shall include, but not be limited to, setting reasonable time limits for the presentation and cross examinations, and conducting the hearing in an orderly manner. Order of business and other procedural considerations will be developed and published in the University Procedures Manual. The panel may also call executive session as necessary to conduct the business of the panel.

Each party to the appeal shall have an equal opportunity to present arguments to the Appeals Board panel. Each party may present a 10-minute opening statement at the beginning of the hearing before calling witnesses for testimony. Each party may cross examine each witness

after his/her testimony, with an opportunity for the introducing party to redirect. Both parties may each present a 10-minute closing argument. The Hearing Board panel may question any party to the hearing, as well as ask questions regarding submitted evidence. At the close of the evidentiary phase, the Board will adjourn into a closed session to deliberate on their recommendation.

After deliberation in the closed session and when the hearing is reconvened with all parties present, the Chair will solicit a motion and second to recommend that the Vice President of Administration and Finance uphold, modify, or rescind the disciplinary action. Each Appeals Board panel member will vote in public on the motion. The vote will be determined by a majority. The Appeals Board panel will make every effort to render a decision on its recommendation at that time. If the Appeals Board panel cannot reach a decision because it has to deliberate for a greater length of time than available at the hearing, the Appeals Board panel will return to the hearing room and announce that more deliberation time is needed and that the findings of fact, the vote, and recommended determination will be sent by mail to the parties.

The Appeals Board panel shall prepare its findings of fact and recommended determination within 15 calendar days from the date on which the hearing was conducted. However, the Chair of the Appeals Board panel may extend this time limit for good cause. The Appeals Board panel will make findings based on the information presented by the parties at the hearing and recommend in writing to the Vice President of Administration and Finance whether the action to demote or dismiss the employee was reasonable and should be upheld, modified, or overturned. The written recommendations must be supported by statements of fact and conclusions based on the application of University rules regarding disciplinary process for university support staff. The findings of fact and recommended determination will include the names of the committee members making and seconding the motion, and the members' votes on the matter resulting in the findings and recommended determination.

After review of the recommendations, the Vice President for Administration and Finance will provide a written decision to both parties within 15 calendar days of receiving the Appeals Board panel's written recommendation. The Vice President of Administration and Finance may take into account any relevant evidence. It is anticipated that the Vice President of Administration and Finance will ordinarily follow the Appeals Board panel's recommendation. If the Vice President of Administration and Finance, based on his/her understanding of the matter or other relevant factors, does not follow the recommendations of the Appeals Board panel, the Vice President of Administration and Finance will meet with the Appeals Board panel to discuss his/her decision. The Vice President of Administration and Finance's decision is a final agency action, and judicial review of the decision is pursuant to the Act of Judicial Review and Civil Enforcement of Agency Actions (K.S.A. 77-601 et seq.).

### **2F.0403 Appeal – Performance Review**

Employees in the USS service with permanent status may appeal their performance review within 7 calendar days of receiving the review. Holidays and days the university is closed between the Christmas holiday and New Year's holiday will not be counted towards the 7 calendar days. The appeal should be in writing and addressed to the Affirmative Action Officer.

HR will coordinate the appeals hearing. When a written appeal is received by HR, a copy of the appeal will be provided as soon as possible to all parties involved in the appeal.

Within 7 days of receipt of the written appeal, HR in coordination with the Appeals Board Chair will select a panel to hear the appeal. The committee will consist of 2 USS employees and 1 unclassified employee. Hearings should be scheduled by HR within 14 calendar days of the appointment of the panel. Continuances will be considered by and may be granted by the Affirmative Action Officer or designee in consultation with the Appeals Board Chair.

Parties involved in the hearing will also have the opportunity to indicate whether an Appeals Board panel member should be precluded from a particular hearing based on concerns about impartiality. Due to the condensed time frame of the appeal, HR will determine an appropriate time frame in which parties may strike a panel member.

Witness lists and exhibits must be received in the HR office within the time frame designated by Human Resources, again, due to condensed time frames. Each party provides one original of the exhibits, and the HR office reproduces the necessary copies for the hearing participants. The appellant's and respondent's exhibits shall be marked.

Witnesses have a choice to participate in the hearing. Time to participate in the hearing for university employees is considered "work time" and is compensated as such. Witnesses are responsible for coordinating time away from work with their supervisor. Witnesses will not be subjected to any form of intimidation or retaliation by any party for their decision to participate or to not participate in the hearing. Attempts at intimidation or retaliation should be reported to the Affirmative Action Officer. Any complaint alleging intimidation or retaliation will be appropriately investigated and appropriate disciplinary action will be taken if intimidation or retaliation is determined to have occurred.

The appellant or supervisor may have a representative with them during the appeal and must provide the name of the representative within the time frame established by HR. This representative may not speak on behalf of the party, but may provide counsel to their party at any time. Performance Appeals are not legal proceedings, and as such, may not be recorded by any party. Order of business and other procedural considerations will be developed and published in the University Procedures Manual. The panel may also call executive session as necessary to conduct the business of the panel.

Within 14 calendar days of the hearing date the members of the committee will prepare and sign a review for the employee, which is not subject to further appeal. Unusual circumstances may warrant an extension of this time. The appeals committee shall give the rating to the Affirmative Action Officer, who, within 5 calendar days, shall send copies to the employee and the supervisor who originally reviewed the employee.

**2G. RECRUITMENT** (revised by Human Resources, 3/2006; approved by President 11/2013; approved by Board of Regents 1/2014)

**2G.01 VACANCY ANNOUNCEMENTS**

The University will continue to use its current practices when filling University Support Staff vacancies. New procedures and practices will be developed as needed to meet university hiring needs and to meet state and federal law.

All University Support Staff position vacancies will be posted on the ESU job website. Vacancies will also be posted to appropriate media to maximize qualified applicants. Vacancy notices will be posted in compliance with Memorandums of Agreement.

**2G.02 POSITION QUALIFICATIONS AND POSITION DESCRIPTIONS**

Based upon developed position descriptions, specialized qualifications may be developed to fit the specific departmental needs when filling a position. Updated position descriptions will be submitted to HR with the job vacancy request. Position descriptions will be reviewed for accuracy of classification and for posting.

**2G.03 SELECTION CONSIDERATIONS**

Current employees are encouraged to apply for promotion and/or transfer to vacant positions which are posted by HR. A promotion is a move to a higher level position. (Note: Reclassifications are not promotions.) Qualified internal candidates employed within the department or University will be given special consideration for vacancies. Any current employee meeting the advertised position qualifications will be extended an initial interview.

The following staff may apply for internal University Support Staff postings: regular staff, those on initial probation, and anyone currently working a temporary appointment.

ESU will continue to provide Veterans Preference to applicants in accordance with the State of Kansas Veterans Preference program. More information about the program may be found at the State of Kansas jobs website.

USS employees who lose employment with the University as a result of a layoff or elimination of a department will receive an employee preference for any ESU vacancy posting in which they meet minimum requirements and where the vacancy is at or below the classification previously held by the employee. ESU employee preference will generally follow the State of Kansas' program. ESU employees in USS are not eligible for the State of Kansas Employee Preference program.

ESU employees in USS service who are laid off may be eligible for reciprocal employee preference with other state universities in the Regents' system. HR will provide more information at the time of layoff. Other regent institutions may withdraw their participation at any time, with or without notice to affected ESU employees. It is the employee's responsibility to ensure that any reciprocal agreements are still in place at the time application is made. Employees exercising preference are responsible for being aware of and following the procedures of each reciprocal institution.

## **2G.04 INTERVIEW PROCESS**

HR will coordinate the application process for University Support Staff positions. Applications will be reviewed for preferences, qualifications and potential nepotism issues. Qualified applicants will be forwarded to the hiring department for screening and interviewing. Departments will be responsible for selecting interviewees using approved guidelines to be developed by HR. Applicant materials will be provided to recruiting department. Departments will notify HR of their selection and receive authorization from HR to provide a beginning salary level when it exceeds the minimum hiring range.

Before a final candidate is selected, the department shall contact references with approval of the candidate.

Departments will forward complete records of the interview process to HR for record keeping.

## **2G.05 PROMOTIONS AND TRANSFERS**

Lateral transfers (moves to different positions at the same level) are permitted. Employees covered under a Memorandum of Agreement will follow those lateral move requirements. Employees who accept a lateral transfer to another area will not receive an increase in salary nor be placed on probation from permanent status.

A promotion carries with it an increase in pay when funds are available. For promotion there is a probationary period of 3 months.

### **2G.0501 PROMOTION AND TRANSFER LISTINGS FOR OTHER STATE AGENCIES**

Job listings for other agencies in Kansas are available to view through the internet (<http://www.state.ks.us>) or you may contact the HR office.

## **2G.06 DEMOTION – VOLUNTARY**

A demotion occurs when an employee is reassigned to a lower pay class. An employee having permanent status may make a written request to HR for a voluntary demotion. The request will be considered as vacancies occur and may be withdrawn by the employee at any time prior to his/her appointment to a vacant position.

## **2G.07 REINSTATEMENT**

Former employees with permanent status who leave state service in good standing are eligible to return to state service. Good standing means that the employee left either through no fault of his/her own or voluntarily with proper notice. If rehired within 1 year of separation, any unused sick leave balance remaining at the time of separation also will be reinstated. Reinstated employees must serve a probationary period to regain permanent status.

## **2H. TERMINATION OF EMPLOYMENT**

### **2H.01 RETIREMENT**

Employees should contact HR approximately 60-90 days prior to their anticipated retirement date to select how benefits will be paid and to complete the required forms. Employees must provide appropriate documentation of name changes and marital status. Employees should contact Social Security and other retirement companies if they have contributed to voluntary tax-sheltered annuities.

### **2H.02 RESIGNATION**

Employees planning to leave University employment should submit a written resignation at least 2 weeks in advance to their supervisor. A notice of 1 month or more is preferable, especially for exempt (not eligible for overtime) positions. Giving ample notice of intention to resign will allow employment records to be processed and reported in good standing.

### **2H.03 TERMINATION OF EMPLOYMENT**

Permanent employees may be terminated from employment by the appointing authority for cause. A letter stating the reason(s) for the suggested termination must be presented to the appointing authority and the employee by the supervisor. Termination for cause means that only performance and discipline deficiencies will be considered. No employee can be dismissed for political, racial or religious reasons.

### **2H.04 JOB ABANDONMENT**

Any employee who is absent from duty for 5 consecutive work days without proper notification to and authorization by the supervisor shall be considered to have resigned his/her position.

### **2H.05 EXIT INTERVIEW**

Whenever an employee resigns or retires he/she should contact HR to arrange a meeting time to conduct an exit interview. The meeting should occur as close as possible to the last day of work. The purpose of the exit interview is to provide the employee with information about continuation procedures for benefits such as health insurance, to verify sick and review leave balances, and to answer questions the employee may have. An exit interview should also be scheduled when an employee retires.

After the employee's last day on campus, the information obtained on this short questionnaire is provided to the University President and appropriate vice president.

### **2H.06 TERMINATION CLEARANCE PROCEDURES**

The purpose of the Notification of Termination of Employment is to ensure that anyone leaving the University's employment has fulfilled all obligations to the University, returned any state property in his/her possession and to ensure that the employee has had the benefit of information available.

The notification memo is available online and should be initiated by the employee's supervisor or department secretary. The terminating employee should receive a copy of the form as a reminder of what items are considered University property.

## **2I. AFSCME LOCAL UNION AGREEMENT**

The University recognizes the AFSCME Local #1357 as the exclusive representative of employees in the appropriate unit for the purpose of meeting and conferring and the settlement of grievances. The Memorandum of Agreement covers all eligible service and maintenance employees in appropriate units. Human Resources can provide a specific list of position classifications eligible.

For additional information, employees should refer to the Memorandum of Agreement between the State of Kansas, Emporia State University, and the AFSCME Local #1357.

NOTE: Although some University employees may be members of other organizations, they are not recognized representatives on the ESU campus.

## CHAPTER 3: INSTITUTIONAL POLICIES

### 3A. LEAVE POLICIES AND HOLIDAYS

#### 3A.01 SABBATICAL LEAVE (FSR 407 approved by President 1/20/71; FSB 88018 approved by President 3/27/89; approved by BOR 6/24/00; FSB 13004 approved by President 4/24/2014; FSB 14003 approved by President 2/3/2015)

Sabbatical leave with pay is designed to improve the professional competencies of University faculty.

#### 1. Qualifications

Only tenured faculty members or administrators are eligible to request sabbatical leave. All leave requests are judged on the merits of the application, time limitations, and faculty priorities.

The applicant must have completed at least 12 consecutive semesters (fall and spring) of full-time service to the University with the rank of instructor or above prior to the time of the sabbatical leave. Service shall be deemed consecutive if interrupted by leave (e.g., sick leave, administrative leave, etc.) for one or more semesters, but the semester(s) on leave does not count in calculating the service requirement. Ordinarily, for purposes of this policy only, a semester is defined as at least twelve weeks.

A faculty member who is granted and who utilizes sabbatical leave may be granted another sabbatical leave after completion of at least 12 consecutive semesters (fall and spring) of full-time continuous service to the University following the termination of the preceding sabbatical leave. In the event a faculty member is granted sabbatical leave and is unable to utilize it, his/her failure to do so will not disqualify him/her from submitting another application the following year.

#### 2. Application for Sabbatical Leave

Applications for sabbatical leave reflect the specific nature of the proposed leave.

The procedure for submitting and processing applications for sabbatical leave is as follows:

- a. Prior to October 15 of the academic year preceding the proposed sabbatical leave, applications must be submitted to a departmental faculty committee charged with the responsibility of reviewing the applications, establishing an order of priority among the applicants, and making its recommendations to the department chair by October 31.
- b. Prior to November 8, the department chair reviews the report of the departmental committee and forwards the committee's report, along with his/her recommendations, to the dean of the school/college.

- c. The dean of the school/college review the departmental reports in terms of staff requirements and budget limitations and recommend an order of priority among the applicants. The recommendations of the deans of the respective schools/colleges, accompanied by the reports of the departmental committees and the recommendations of the respective chairs, are forwarded to the Vice President for Academic Affairs by November 15.
- d. The Vice President for Academic Affairs and the President review the applications and recommendations in terms of University-wide staff requirements, budget limitations, and institutional policy. The President will formulate a final report recommending sabbatical leaves for no more than 4% of the University faculty.
- e. All applicants for sabbatical leave shall be notified of the decision on their applications by December 15 of the year that they applied.
- f. The Board of Regents is notified of sabbatical leaves at the April meeting.
- g. No dates expressed in this policy are intended to preclude or reduce sabbaticals. Therefore, under extenuating circumstances, the Provost may extend deadlines with notification to all concerned.

### 3. Limitations

Leave will not be granted for a period of less than 1 semester nor a period of more than 1 year, with the reimbursement being made according to the following schedule:

- a. A faculty member on 9 month appointment will receive up to half pay for an academic year, or up to full pay for 1 semester.
- b. A faculty member on 12 month appointment will receive up to half pay for 11 months, or up to full pay for 5 months.

Sabbatical leaves will not ordinarily be granted to enable the faculty member or administrator to accept other employment. This does not preclude the acceptance of employment, whatever the compensation, consistent with the conditions of the application, provided such employment significantly advances the applicant's skills in his/her normal duties at the University. A scholarship, fellowship, or assistantship carrying a stipend for the support of study and research is not considered employment.

### 4. Accountability of Recipient

An individual who receives a sabbatical leave must agree in writing to return to the service of the University for a period of at least 1 year immediately following the expiration of the period of leave. Persons failing to return to ESU will refund all sabbatical pay. Those who fail to remain for the full year of service will refund that portion of their sabbatical pay represented by the portion of the year they fail to serve. Any repayment will be made within 2 years of the termination of service to the University.

It is the responsibility of the recipient to inform the Vice President for Academic Affairs of any change in the proposed program or financial support during the period of his/her sabbatical leave.

When an individual returns from a sabbatical leave, he/she must make a written report to the department chair regarding the nature of the studies, research, or the work undertaken while on leave. The chair will provide copies to appropriate administrative offices.

### **3A.02 VACATION LEAVE**

#### **3A.0201 UNCLASSIFIED** (BOR 11/15/01; Human Resources 5/13/03; BOR 09/21/06; Human Resources 6/07)

Persons appointed to regular 12 month positions or to full-time, less than 12 month unclassified non-instructional positions earn annual leave not to exceed 176 hours per fiscal year. Persons appointed to less than full-time 12 month unclassified non-instructional positions shall earn annual leave on a pro-rated basis.

Unclassified employees who are eligible to earn annual leave may accumulate a maximum of 304 hours of annual leave. Unclassified employees moving from a position earning annual leave to a faculty position for less than 12 months will receive payment for no more than 176 hours of annual leave.

When employment is terminated, all unused vacation hours (up to 176 maximum for resignation or 240 maximum for retirement) will normally be paid on the final paycheck. The employee, with the approval of the department chair, dean or appropriate vice president, may elect payout of vacation leave in one of two ways:

1. In the pay period in which the employee last actively works, any unused vacation leave may be paid in a lump sum and added to the final paycheck, or
2. Vacation leave hours may be used after the last active day at work to extend receipt of paychecks; however, this process may not be used to extend the maximum allowable number of vacation leave hours for which an individual may be paid per the above chart.

In both instances described above, vacation hours will not accrue after the last active day at work. Annual leave is not accrued while on sabbatical leave.

Unclassified faculty employees who are appointed for less than 12 months do not accumulate or earn annual leave. Their academic duties are closely related to the presence of students on campus. Student recesses offer the employee an opportunity to engage in research and perform other necessary professional duties. In consideration of the professional nature of a faculty position, faculty are expected to fulfill appropriate, professional and departmental responsibility throughout the academic year, including student recesses, exclusive of legal holidays. The academic year begins with student registration or similar duties in the fall and continues for the time appointed.

**3A.0202 UNIVERSITY SUPPORT STAFF** (revised 5/04; BOR 6/08; revised 2/09; revision approved by President 11/2013; approved Board of Regents 1/2014)

State law and regulations may not allow enhancement of leave benefits above those already provided to employees in the classified service. If statute and regulation allow enhanced leave benefits for those employees who convert to USS, we propose leave enhancements as follows: That all benefits eligible university employees will accrue the same standard of vacation leave, pro-rated based upon their full-time equivalent status and not to be reduced below current accrual rates for unclassified service. Maximum vacation leave accrual will remain compliant with Board of Regents Policies.

University Support Staff employees earn and accumulate annual leave privileges as follows:

<b>Non-Exempt Employees</b>	
Hours in Pay Status Per Pay Period	Hours Earned Per Pay Period
0-9	0.0
10-19	1.0
20-29	2.0
30-39	3.0
40-49	4.0
50-59	5.0
60-69	6.0
70-79	7.0
80-	8.0
Maximum Accumulation	304

<b>Exempt Employees</b>	
Appointment FTE	Hours Earned Per Pay Period
.75 - 1.00	8.0
.50 - .749	6.0
.25 - .499	4.0
Less than .25	2.0
Maximum Accumulation	304

Non-exempt and exempt USS employees who report any hours in pay status per pay period shall earn paid annual leave not to exceed 176 hours per fiscal year. For part-time employees, leave is prorated according to position percentage; however, the yearly maximum balance is not prorated.

Vacation leave cannot be granted until after it has been accrued. Exceptions may be granted for employees who are not assigned to work during a designated University closing, as determined by the University President.

Vacation leave should be scheduled at a time mutually agreeable to the supervisor and the employee. However, it may not always occur at the employee's accustomed time. A satisfactory schedule needs to be worked out so employees will not be deprived of vacation leave.

USS employees earning annual leave may receive, upon termination from employment or upon moving from a position earning annual leave to a faculty position for less than 12 months, payment for no more than 176 hours of accumulated but unused annual leave. Upon retirement or at termination of employment when retirement eligible, an employee may receive payment for up to 240 hours of accumulated but unused annual leave.

When employment is terminated, all unused vacation hours (up to the maximum permitted ) will normally be paid on the final paycheck. The employee, with the approval of the department chair, dean or appropriate vice president, may elect payout of vacation leave in one of two ways:

1. In the pay period in which the employee last actively works, any unused vacation leave may be paid in a lump sum and added to the final paycheck, or
2. The employee may request their separation date be extended to allow the use of vacation hours during that time.

### **3A.03 HOLIDAYS**

The following have been designated as legal holidays:

New Year's Day	Labor Day
Martin Luther King Day	Veterans Day
Memorial Day	Thanksgiving
Independence Day	Christmas
Discretionary Day (determined annually by the governor)	

Temporary employees are not eligible for holiday pay.

Some University offices may be closed between the Christmas holiday and the New Year's holiday at the discretion of the University President. During this time, some departments may need to be open, depending on their workload.

### **3A.04 DISCRETIONARY HOLIDAY**

Employees who work at least 6 months in a calendar year are entitled to 1 discretionary day as authorized annually by the Governor. Full-time employees receive one 8 hour day which must be used at one time in its entirety. Part-time employees receive a pro-rated discretionary day which must be used at one time in its entirety. Employees must schedule use of their discretionary day through the approved procedures in their areas. The discretionary day must be used or it is forfeited for the year. Carry-over is not permitted.

### **3A.05 SICK LEAVE**

Sick leave is earned at the rate of 3.7 hours each full pay period of service. Leave is prorated according to position percentage. Sick leave cannot be granted until after it has been accrued. Sick leave with pay can be granted only because of a personal or family illness, injury, or legal quarantine.

Faculty with assigned summer responsibilities earn sick leave at the same rate as the regular academic year. Sick leave will be granted when appropriate (e.g., when the date of the summer appointment has begun and the faculty member is engaged in teaching); however, faculty without assigned summer responsibilities for all (or part) of the summer would not be eligible for sick leave for days without assigned responsibilities. (FSB 03005 approved by President 3/30/04)

Use of sick leave is a privilege and should not be abused. A medical certificate from an attending physician may be required to verify the reason for sick leave usage. In the event that an employee is unable to report for work, the supervisor should be notified directly as soon as possible in order for arrangements to be made for someone else to handle the work.

Sick leave may be granted due to illness or disability (including pregnancy, childbirth, miscarriage and abortion) of a family member, when that illness or disability requires the employee to be absent from work.

Family member is defined as:

- 1) Persons related to the employee by blood, marriage, or adoption; and
- 2) Minors residing in the employee's home as a result of court proceeding pursuant to the Kansas Code for Care of Children or the Kansas Juvenile Offenders Code.

Unused sick leave is canceled when employment is terminated. Each former employee who had unused sick leave at the time of separation and who returns to state service in a regular position within a year, shall have the unused sick leave returned to the employee's credit. This provision shall not apply to a person who has retired from state service.

Inappropriate use of sick leave immediately prior to termination or retirement will result in the employee's being charged for vacation leave (or leave without pay) for the absence. Medical certification may be requested by the appointing authority in these situations. At retirement, employees will be paid for unused sick leave if they fall into one of the following groups:

- A. 30 days paid if:  
8 or more years of service and 800-1000 hours (100-125 days) accumulated
- B. 45 days paid if:  
15 or more years of service and 1000-1200 hours (125-150 days) accumulated
- C. 60 days paid if:  
25 or more years of service and 1200 hours (150 days) or more accumulated

The Kansas Civil Service Act (K.S.A.) 75-2949e(a)(5) indicates that employees may be suspended, demoted, or dismissed for habitual or flagrantly improper use of leave privileges. Emporia State University's progressive discipline policy (for USS employees) states that discipline should occur for improper use of sick leave.

### **3A.06 FAMILY AND MEDICAL LEAVE ACT** (revised 1/16/09)

The Family and Medical Leave Act (FMLA) of 1993 requires the University to provide up to 12 weeks of paid or unpaid, job-protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for the University for at least 1 year, and for 1,250 hours or more during the previous 12 months. Employees must use all sick leave and vacation leave balances before leave without pay will be considered.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. The employee should expect to return to his/her original or equivalent position with equivalent pay, benefits, and other employment terms.

Reasons for requesting such leave include:

- 1) for incapacity due to pregnancy, prenatal medical care or child birth;
- 2) to care for the employee's child after birth, or placement for adoption or foster care;
- 3) to care for the employee's spouse, son, or daughter, or parent, who has a serious health condition; or
- 4) for a serious health condition that makes the employee unable to perform the employee's job.

Military family leave provisions of up to 12 weeks during the normal 12-month period are available for eligible employees with a spouse, son, daughter, or parent on active duty or notice of impending call or order to active duty status in the National Guard or Reserves in support of a contingency operation. An additional provision permits eligible employees up to 26 weeks of leave, during a single 12-month period, to care for a covered service member who has a qualifying serious injury or illness incurred in the line of duty.

Any employee needing leave under FMLA should contact Human Resources (HR) to receive the appropriate forms for requesting leave and obtaining medical certification.

If leave is approved, the employee should remain in contact with his/her supervisor and HR to monitor leave balances and benefit coverage. Upon return to work, a physician's release may be required by HR and/or the supervisor.

**3A.07 BEREAVEMENT LEAVE** (revised by Human Resources and approved by the President 5/01/2012)

Employees may be granted bereavement leave with pay upon the death of a close relative. Bereavement leave cannot exceed 6 consecutive working days. The employee's relationship to the deceased, and the necessary travel time will be among the factors considered. A bereavement leave request form should be submitted to the supervisor.

The term close relative has been generally defined by the University to include spouse, children, parents, siblings, grandparents, grandchildren, aunts, and uncles including (half, step, in-law, or foster). Bereavement leave for others may be granted, taking into account the relationship to the deceased, as approved by the Human Resources (HR) Director.

When an employee requests bereavement leave for a person other than a close relative and the request is denied, the employee may be granted vacation leave. If the employee has no vacation leave, he/she may be granted leave without pay.

**3A.08 JURY DUTY**

Permanent or probationary employees shall be granted leave with pay for required jury duty or for certain required appearances as a witness before a court, board, commission, or legislative committee if the appointing authority considers the granting of leave with pay to be in the best interest of the State. A court document must be provided to Human Resources (HR) for verification. Employees will not be entitled to such leave if they are appearing on their own behalf or in an action in which they are a party.

Fees paid by the court for jury service may be retained by the employee.

**3A.09 MILITARY LEAVE** (updated 6/07)

An employee may be granted leave without pay to cover the length of required service in the military of the United States.

If a permanent or probationary employee is a member of a reserve component of the military service or the National Guard, the employee may be granted leave of absence with pay for the duration of any official call to emergency duty and for the period or periods of annual active duty for training.

The total amount of leave with pay for annual active duty for training shall be limited to a maximum of 15 working days in any calendar year. This does not include regular weekend guard duty. A copy of the military orders must be presented to Human Resources (HR). Employees in the Reserves or National Guard who are activated should contact HR immediately.

### **3A.10 LEAVE WITHOUT PAY**

#### **3A.1001 LEAVE WITHOUT PAY – UNCLASSIFIED**

According Board of Regents policy, a leave without pay for up to 3 years may be granted by the President of the University when such is judged by the President to be in the best interest of the institution. No leave may be granted to any employee who has accepted a permanent position with another postsecondary education institution.

Any extension of a leave without pay beyond 3 years requires the approval of the Board of Regents. Documentation shall be provided of extraordinary circumstances justifying the extension of such leave beyond 3 years.

Leaves without pay will not be regarded as a break in service; however, such leave will not count toward the earning of sabbatical leave nor will it count toward the tenure probationary period. During a leave of absence without pay, an employee's eligibility for health insurance will be determined by and be in accord with the policies, rules, and regulations of the State Employees Health Insurance Commission. Requests for medical leaves of absence are approved by the Director of Human Resources. Medical certification will be required.

#### **3A.1002 LEAVE WITHOUT PAY – UNIVERSITY SUPPORT STAFF AND UNCLASSIFIED SERVICE** (revision approved by President 11/2013; approved by Board of Regents 1/2014)

A permanent employee may be granted leave without pay (LWOP) for a period not to exceed 1 year for sickness, disability, or other good and sufficient reasons. A probationary employee may be granted leave without pay for a period not to exceed 60 days for the same reasons. The employee must submit a letter to his/her supervisor explaining the reasons for the leave before it will be granted. All sick leave accruals (and vacation leave accruals if appropriate) must be depleted before LWOP will be granted (excluding Christmas holiday provisions). Vacation leave and sick leave may accrue on a pro-rated basis, dependent on the number of hours worked (if any) each payroll period that the employee is on LWOP. The approval of the Human Resources (HR) Director is required. Exceptions to this policy may be approved by the Human Resources Director with support from the employee's supervisory chain.

Employees on LWOP may retain their health insurance by paying the entire premium. In certain LWOP situations, the University may continue its contribution toward health insurance for up to 12 weeks under FMLA.

**IMPORTANT NOTE:** An employee who is injured on the job and awarded workers' compensation shall be granted use of accumulated leave (vacation, sick, compensatory) upon his/her request. The University shall not require the employee to exhaust all leave accruals in conjunction with workers' compensation.

**3A.11 VOTING RELEASE TIME** (K.S.A. 25-418; revised 8/08)

Employees, who are entitled to vote at an election conducted by a county election officer in this state, are encouraged to exercise their voting privileges. An employee's work schedule normally permits adequate time to exercise voting privileges either before or after normal working hours. However, the University allows up to a maximum of 2 consecutive hours of time off with pay where an employee's ability to cast their vote during polling hours on Election Day cannot be accomplished during off-duty hours. Employees who require paid leave pursuant to this provision should request time off in advance from their supervisor.

**3A.12 SHARED LEAVE POLICY** (updated 2/2019)

When employees or their family members experience a serious, extreme, or life threatening illness which meets certain specific criteria, as defined in K.A.R. 1-9-23, they may be eligible for shared leave. Shared leave will not be granted for common illnesses, minor surgeries or routine surgery. Family member includes persons related to the employee by blood, marriage or adoption, and minors residing in the employee's residence as a result of court proceedings pursuant to the Kansas code for care of children or the Kansas juvenile offenders code. Procedures for administering the shared leave program are handled by HR.

**3A.1201 UNCLASSIFIED** (adopted by BOR 12/14/00)

All unclassified employees who accumulate sick leave shall be eligible for participation in the shared leave program of the state of Kansas. All unclassified employees who participate in the shared leave program may donate sick leave as long as the donation does not cause the accumulated sick leave balance of the donating employee to be less than 480 hours, unless the employee donates sick leave at the time of separation from service.

**3A.1202 UNIVERSITY SUPPORT STAFF**

University Support Staff employees must have been in a permanent position at least 6 months and have exhausted their paid leave including vacation leave, sick leave and compensatory time credits to receive shared leave from other USS and unclassified employees. Shared leave may be denied if it is determined that the requesting employee has a history of leave abuse.

A USS employee will be eligible to donate vacation leave or sick leave to another employee if:

- 1) the donation of vacation leave does not cause the leave balance of the donating employee to be less than 80 hours; and/or
- 2) the donation of sick leave does not cause the leave balance of the donating employee to be less than 480 hours.
- 3) if the donor is retiring or terminating employment, the minimum balance is waived.

If the request is determined to be ineligible for shared leave, the employee may submit a written request to Human Resources for Additional Paid Leave consideration.

## **3B. BENEFITS**

### **3B.01 HEALTH INSURANCE** (Revised 4/8/2011)

All employees in permanent positions are eligible to enroll in the group health insurance program. There is a minimum 30 day waiting period on new employees. Coverage begins the first pay period following the waiting period. Individual coverage under the group health insurance program is provided at minimal cost to full-time employees enrolled. Employees who are half-time or more but not full-time may elect group health coverage by paying a portion of the cost. All employees who elect group health coverage must pay the additional cost of family coverage, if desired. Dental coverage is automatically provided for employees and is optional for dependents who are covered by group health insurance. Prescription coverage is included in the health insurance benefit.

The 30 day waiting period may be waived if both of the following conditions are met:

1. a potential new employee is not eligible for continued health care coverage from existing or prior group coverage, and
2. a waiting period poses, or will pose, an obstacle to recruitment.

### **3B.02 RETIREMENT PLANS**

#### **3B.0201 MANDATORY RETIREMENT PLAN – UNCLASSIFIED** (excerpted from BOR 10-96; revised 6/07)

The Kansas Board of Regents established a mandatory retirement plan in accordance with K.S.A. 74-4925. The defined contribution plan includes the following approved companies for contribution options: ING and Teachers Insurance & Annuity Association/College Retirement Equities Fund (TIAA-CREF).

All faculty and unclassified employees, who are employed .5 FTE time or more, are eligible and will participate in the plan. Any faculty or unclassified employee who enters into the Phased Retirement Program, as authorized by K.S.A. 76-746, and who is employed at least .25 FTE or more, will participate in the mandatory retirement plan in the manner as prescribed by the law.

All employees, who are deemed eligible, will begin participation in and contribution to the retirement plan on the first day of the pay period coinciding with or next following the completion of 1 year of service in a benefits-eligible position. Failure of an employee to participate when eligible in the retirement plan will be cause for the immediate termination of the employee.

In lieu of participating in the retirement plan, eligible employees, having accrued retirement benefits under the Kansas Public Employees Retirement System (KPERs), may elect to continue participation in KPERs. Conversely, participants in the plan, transferred or reclassified to a position that qualifies for participation in KPERs, may elect to continue participating in the Board of Regents retirement plan. Only 1 such election may be made by an employee during an employee's lifetime.

K.S.A. 74-4925 provides a newly employed person, in an eligible position, may have the required 1 year waiting period waived and begin immediate participation in the Kansas Board of Regents Mandatory Retirement Plan, if the prospective employee provides acceptable documentation to the Human Resources Office by the effective date of appointment. Provisions to waive the 1 year waiting period are:

Participation must be in a retirement program resulting from employment with an institution of higher education located in the United States to which employer contributions have been made for 1 year (365 days) within the 5 year period immediately preceding employment with Emporia State University OR in a State of Kansas mandatory retirement plan (other than the KBOR plan) in which you served at least 1 year (365 days), including time in a waiting period, within the 5 year period immediately preceding employment with Emporia State University.

The required document is available in Human Resources.

### **3B.0201.01 PLAN CONTRIBUTION**

Contributions to the mandatory retirement plan will be made on a regular basis during years of participation and will be paid on the gross salary according the following schedule:

Plan Contributions as a Percent of Gross Earnings		
Employee Pays	University Pays	Total
5.5%	8.5%	14.0%

All of the money in the employee's retirement account is vested immediately. All accumulations must remain in the mandatory retirement account as long as the individual is employed in the university system governed by the Kansas Board of Regents.

Contributions are made on a pre-tax basis in accordance with Section 403(b) of the Internal Revenue code, which reduces federal and state taxes immediately.

### **3B.0201.02 RETIREMENT AGE**

There shall be no mandatory retirement age for eligible employees. For purposes of eligibility for certain statutory retirement benefits, such retirement shall not occur before the 55th birthday. However, individuals who seek to retire from age 55 to 59 must have 10 years of service in a benefits-eligible position at a Regents institution or with the Board of Regents staff.

**3B.0202 KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM****3B.0202.01 UNCLASSIFIED**

In lieu of participating in the Retirement Plan for Kansas Regents Institutions (the Plan), eligible unclassified employees, having accrued retirement benefits under the Kansas Public Employees Retirement System (KPERS), may elect to continue participation in KPERS. Conversely, participants in the Plan, transferred or reclassified to a position that qualifies for participation in KPERS, may elect to continue participation in the Plan. Only 1 such election may be made by an employee during an employee's lifetime.

Both the University and the employee contribute to KPERS. The employee contribution is 4.0% of wages earned in a pay period. The employee contribution is tax sheltered from federal taxes; however, the contribution is not tax sheltered from state taxes. The University's contribution rate is established annually by the KPERS Board of Trustees and varies each fiscal year based upon an actuarial cost method. An employee is fully vested in KPERS after 10 years of participating service in the retirement system.

An employee who terminates employment before retirement may apply to withdraw the employee contribution plus interest. Accumulated interest is credited to a member's account on June 30th of each year, based on accumulations through December 31st of the previous year.

**3B.0202.02 UNIVERSITY SUPPORT STAFF** (revision approved by President 11/2013; approved by Board of Regents 1/2014)

Participation in the Kansas Public Employees Retirement System (KPERS) is mandatory for all state University Support Staff employees who are employed in qualifying, permanent positions. KPERS is a State of Kansas program, and Emporia State University administers the program in compliance with state requirements. Additional information on KPERS is available through the ESU Office of Human Resources or the KPERS website.

**3B.0202.03 GROUP LIFE INSURANCE**

Employees in regular positions who are employed half-time or more have this coverage from the date of employment. The amount of this coverage is currently 150% of the employee's annual salary. Coverage continues until age 85, termination of employment, or retirement, whichever occurs first. This coverage may be converted to an individual policy at the option of the employee within 31 days of when group coverage ceases.

**3B.0203 KANSAS POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM**

The Kansas Police and Firefighters (KP&F) is a division of and fully coordinated into the administrative structure of KPERS. Membership in KP&F is mandatory for all University classified police officers who are employed in permanent positions which require at least 1,000 hours of work per year. There is no waiting period; membership is effective upon the date of hire.

Both the University and the employee contribute to KP&F. The employee's contribution currently is 7% of gross wages earned, and is a federally tax-sheltered deduction from the employee's check. The University's contribution rate is established annually by the KPERS Board of Trustees. The University makes a contribution to purchase death and disability insurance for each participating employee at no cost to the employee.

Vesting in KP&F is dependent on an employee's date of hire and length of service. Employees who are terminating employment before retirement may make application to withdraw their contributions plus interest; employer contributions would be forfeited. Accumulated interest is credited to accounts on June 30 of each year, based on accumulations through December 31 of the previous year.

Other items discussed under KPERS are also applicable to KP&F members, such as: Accidental Work-Related Death Benefit, Group Disability Insurance, Group Life Insurance, and Optional KPERS Group Life Insurance.

### **3B.0204 PHASED RETIREMENT – UNCLASSIFIED**

This program is available to faculty and unclassified employees who are benefit eligible, have attained the age of 55, and have completed 10 years of full time service with 1 or more of the Board of Regents institutions. The program provides a faculty member or unclassified employee the opportunity to phase retirement over a selected period of time not to exceed 5 years.

The participant's appointment must be at least .25 FTE but not more than .75 FTE in the phased retirement program. The participant's salary is reduced according to the FTE appointment, but benefits (health insurance, retirement contributions, death and disability coverage, leave earnings) remain at the full time rate. Participants may partially withdraw or annuitize their Board of Regents mandatory retirement plan while on the phased retirement plan. Participants must retire at the end of the agreement period.

Information regarding the Phased Retirement Program is available in Human Resources or in the Office of Vice President for Academic Affairs.

### **3B.03 SOCIAL SECURITY**

The University participates in the federal social security program. All employees are covered. Employees are required to contribute to social security and ESU matches the contributions.

The amount of tax withheld from the paycheck is in accordance with current rates and is matched by the state. For more information contact a Social Security branch office.

### **3B.04 VOLUNTARY TAX-SHELTERED ANNUITY PROGRAM**

Eligible employees may participate in a voluntary tax-sheltered annuity program (VoTSA) immediately upon employment. This program allows employees to set aside part of their salary and postpone the income tax liability on it until it is paid to them at some future date, such as retirement.

Employees may purchase an annuity with any company selected by the employee and approved by the Board of Regents. To receive a individualized maximum exclusion allowance calculation and for more information about the VoTSA plan, contact the Payroll Office.

### **3B.05 DEFERRED COMPENSATION**

A voluntary 457(b) tax-sheltered annuity plan is available to State employees. Contributions to the plan are administered by ING in Topeka. ING offers a choice of investment opportunities. Employees who are interested in this plan should contact the Payroll office for more information.

### **3B.06 UNEMPLOYMENT COMPENSATION**

All regular employees of the University are covered by unemployment compensation. If the employee is not, however, making social security contributions, then he/she is not eligible for unemployment compensation.

### **3B.07 WORKER'S COMPENSATION**

All employees of the University are covered by worker's compensation insurance for personal injuries due to work related accidents or illnesses. All such accidental injuries must be reported immediately to Human Resources by telephone, followed immediately with a standard accidental injury report form. The form is to be completed by the injured person. Should the individual be incapacitated to the extent that he/she is unable to complete the form, the form should be completed by the immediate supervisor. Failure to report an injury within 10 calendar days of the accident may result in denial of worker's compensation benefits.

For employees who are in a leave without pay situation while receiving worker's compensation, vacation and sick leave will continue to accrue. Health insurance premiums will continue to be paid as usual while on worker's compensation leave. Employees receiving worker's compensation pay are not required to use vacation or sick leave but must sign a waiver to that effect in Human Resources. Extended absences will be counted toward FMLA.

If medical treatment is needed as a result of an occupational injury or illness, employees must seek treatment with their primary care physician. If immediate medical treatment is needed because of a life-threatening injury, extreme pain or discomfort, the employee should either call 911 immediately for assistance or go immediately to the Newman Regional Health Center Emergency Room.

Self treatment of minor injuries is encouraged. The injury should be treated as it would if the injury had occurred at home. Such treatment would not preclude coverage under the Worker's Compensation program if medical treatment is needed later.

Bills for medical expenses arising from an occupational injury or illness may be sent to the Office of Human Resources. HR will forward the bills to the State Self Insurance Fund Office (Worker's Compensation) to determine if the claim is compensable.

### **3B.08 FLEXIBLE SPENDING ACCOUNTS**

KanElect includes a flexible spending account program which allows employees to pay either child/dependent care expenses and/or uncovered medical/dental expenses with tax-free dollars. The program allows employees to set up the accounts and direct a set amount of their salary into the account. The money passes from the employee's salary before any taxes - federal, state and social security - are withheld. Then, as employees incur expenses, they file a claim through a third party company and the money is paid out of the flexible spending account directly to the employee. Again, no taxes are withheld.

For employees with predictable expenses, the KanElect program permits very efficient use of their money. However, if an employee signs up for a flexible spending account and does not use all of the money in the account by the end of the calendar year, federal law states that the unused amount of money will be forfeited. For this reason, the KanElect program may only benefit certain employees at certain times. Employees should contact Human Resources to review their specific situations and possible benefits from the program.

### **3B.09 ACCIDENTAL WORK-RELATED DEATH BENEFIT**

In addition to an employee's life insurance, this benefit provides a lump-sum payment of \$50,000 and a monthly income benefit equal to 50% of the employee's salary paid to the surviving spouse until death or remarriage, and/or to dependent children to age 18, or to disabled children until they are no longer disabled or until death, in the case of an accidental work-related death.

### **3B.10 DISABILITY INSURED BENEFIT** (Revised by Human Resources 1/8/2019)

All employees who are eligible to participate in the Kansas Board of Regents mandatory retirement plan or in KPERS are provided coverage for a Disability Income Benefit at no cost to the employee. The disability insured benefit is effective on the appointment date. The disability benefit is based on 60% of the employee's annual compensation and reduced by primary Social Security, Workers' compensation, or any other disability income benefit by reason of employment, subject to a minimum disability income benefit of \$100 per month. To qualify for a disability benefit, the employee must be totally disabled and unable to work for 180 continuous days. Unclassified employees who are approved for the disability benefit shall have provided by the University both the employer's and employee's contributions at the rate specified by the plan.

### **3B.11 OPTIONAL KPERS GROUP LIFE INSURANCE**

This insurance is available immediately for all new employees who are working half-time or more in a benefits eligible position. Such employees must decide within 14 days of their appointment if they want this insurance or they must wait until the next open enrollment period. Open enrollment periods are announced by HR.

### **3B.12 EMPLOYEES ASSOCIATION INSURANCE**

Employees may purchase optional group life insurance coverage for themselves and family members through the Employees Association. Open enrollment is conducted annually in October. Contact HR for additional information.

### **3B.13 HEALTHQUEST EMPLOYEE ASSISTANCE PROGRAM** (revised 6/24/2010)

HealthQuest EAP is a confidential employee assistance program for active, benefits-eligible State of Kansas employees and family members. It provides short-term personal counseling and numerous other services. The HealthQuest Employee Assistance Program is available 24-hours day by calling toll free 1-888-275-1205.

### **3B.14 BUSINESS TRAVEL CARD** (revised 9/08)

University employees are eligible to apply for a corporate credit card for business travel. Application for the card may be made with the Controller's Office. The card is issued in the employee's name and all charges become the responsibility of the card holder. The University reserves the right to revoke the card at any time. The credit card will be canceled upon retirement, resignation, or dismissal of the employee.

### **3B.15 IDENTIFICATION CARD** (revised 3/2017)

Faculty, staff, and students may obtain an ESU identification card which may be purchased in the University ID Center in the Memorial Union. The card can be used as an event access card, an access card for controlled-access locations on campus, a library card, an on-campus debit card, an ATM card, and a declining balance card.

### **3B.16 EMERITUS STATUS** (FSB 85002 approved by President 11/5/85; #4 clarified by University President and President of the Faculty 1/02)

The criteria for being granted the status of emeritus must meet these 2 provisions:

1. the retiring faculty member must have served Emporia State University for at least 10 years; and
2. at the time of retirement must have the rank of associate professor or professor, or an administrative rank equivalent to either.

Exceptions to the above criteria may be granted by the President of Emporia State University for exceptional contributions to higher education. Such exceptional contributions may be made on the basis of outstanding teaching, scholarship, or other similar achievements.

A retiring faculty member named to emeritus status is entitled to the following:

1. Use of the library facilities.
2. Two free activity tickets to all University funded events.
3. Free parking in non-gated lots.
4. Free individual use of the University recreational facilities located in the HPER building.

Other emoluments may be granted when the retiring member submits a request for other needs and demonstrates why additional resources are needed. Such requests will normally involve a research project or similar project that will benefit both the University and the faculty member. Such a request and supporting documents are submitted to the President of the University. The President may consult and seek advice from the appropriate department/division in reaching a decision.

If such a request is approved the additional perquisites that may be granted include, but are not limited to:

1. office space, including clerical help, mail and telephone support, access to the e-mail system, and/or
2. access to laboratories, studio, and computer, and/or
3. any such other needs as are reasonable to pursue that particular endeavor.

These additional perquisites are subject to the needs of the proposed project and their availability, considering space needs and the University budget. A salary may not be granted solely for the status of professor emeritus.

### **3B.17 FEE WAIVER** (approved by President 7/28/98)

University employees in benefit eligible positions employed at least 50% time enrolled in courses will receive a waiver of the campus privilege fees for whatever number of hours are taken. Employees will be assessed tuition at the per credit hour rate up to the full time campus tuition rate. The tuition assessed at the per hour rate and the fee waiver is applicable only during the employee's appointment.

#### **3B.1701 ENROLLMENT IN COURSES – UNIVERSITY SUPPORT STAFF** (revision approved by President 11/2014; approved by Board of Regents 1/2014)

A USS employees enrolling in courses held during his/her normal work hours is limited to 6 clock hours per week and approval of the supervisor and department head is required. Employees will not be excused from the 40-hour work week required. A written revised daily work schedule must be approved by the supervisor and department head, in advance. HR reserves the right to request copies of revised work schedules. For those employees covered under the Memorandum of Agreement, enrollment in courses will follow the provisions of that agreement.

### **3B.18 DEFENSE OF STATE OFFICERS AND EMPLOYEES**

Kansas law provides for the defense of all state officers and employees when they are sued for damages for any alleged nonfeasance, misfeasance, or malfeasance of the duties of their office. The attorney general's office is authorized to provide for such defense if written notification of the filing of an action is received before the end of the 15th day after the filing date. The attorney general is not required to provide a defense when notification is received after the 15th day. Notification is transmitted through the President and the office of the Board of Regents.

### **3C. SALARY & COMPENSATION** (revision approved by President 11/2013; approved by Board of Regents 1/2014)

Holiday hours (the paid time for a holiday when it is not worked) count toward the calculation of overtime eligibility. No other forms of paid leave count toward the calculation of overtime eligibility, e.g., neither sick nor vacation leave. This does not affect other provisions of paying overtime in accordance with state and federal law and overtime will continue to be compensated with overtime pay or compensatory time for non-exempt employees.

#### **3C.01 PAY PERIODS**

Employees at the University are paid on a bi-weekly basis. Paychecks are issued every other Friday.

#### **3C.02 TIME AND LEAVE REPORTS** (revised 2/09 by Payroll)

Time sheets are generated centrally by the Payroll Office and distributed to each department's payroll designee. The Exempt Leave Form used to report leave taken by exempt employees may be found online in InfoPath. All time and leave documentation is due in Payroll at noon on Friday, the day before the end of the pay period.

Online time and leave reporting is processed for all employees by the payroll designee. Exception and positive time reporting will be updated each pay period. User access for reporting time and leave is established and authorized by Payroll.

#### **3C.03 PAYCHECK DISTRIBUTION/DIRECT DEPOSIT** (revised 11/10/2005 by Payroll; revised 2/09; revised 8/2010)

The State of Kansas, Department of Administration has implemented a policy of 100% direct deposit for employee payroll checks and travel and expense reimbursements. For payroll purposes, employees must have their paycheck deposited electronically to a designated financial institution or apply for Skylight One paycard.

Pay stubs are no longer printed. Employee paycheck information may be viewed through Buzz In on the Worklife tab, under the Banner Self Service Channel, in the Employee Folder.

#### **3C.04 SALARY DEDUCTIONS**

An employee's gross salary is subject to federal and state income tax withholding, social security (OASDI), and Medicare. Following the first year of employment, an employee will begin participation in a retirement program. Additional optional deductions include: group health insurance, savings bonds, United Way, deferred compensation, voluntary tax-sheltered annuities, optional group life insurance, employee organization dues, regent's payroll deductions, and flexible spending accounts.

Employees are counseled in the various options at the time of hire and during open enrollment periods. Other changes in benefits may occur due to changes in status. Emporia State University is obligated to honor any court-ordered garnishments and income withholding orders.

### **3C.05 REGENTS' PAYROLL DEDUCTION**

This service permits a voluntary election by the employee to pay fees, contributions, or payments to various organizations approved by Payroll. Eligible programs for this deduction include ESU Foundation, Athletic tickets, ESU Parking Permits, and Employees' Association optional group life insurance. Agreement forms must be completed with each service unit in accordance with the established guidelines. Payroll does not administer the programs but offers this opportunity for payroll deduction. By providing this service, ESU is not endorsing a particular service or product.

### **3C.06 SALARY PLAN**

#### **3C.0601 UNCLASSIFIED (FSB 75007 approved by President 5/13/76)**

It is the policy of the Board of Regents and the University to award salary increases on the basis of merit. Each department and school/college shall establish criteria for merit recognition recommendations in accordance with the following statement adopted by the Faculty Senate.

It is the prerogative of the President to establish campus-wide guidelines and dollar amounts for such matters as cost-of-living adjustments, inequity adjustments, and adjustments for promotions and newly-earned degrees. In addition to such campus-wide guidelines as may be established by the President, each department will establish explicit criteria for merit adjustments, based on the contribution of the faculty member to the discipline, the academic unit, and the institution, with full consideration to the standards and distinctiveness of each discipline. Five areas should be considered: 1) instruction and student-related activities, 2) scholarly activity and professional stature, 3) institutional involvement, 4) experience, and 5) professional relations with the community, with priority resting on the first three areas. The departmental criteria used to determine salary increases will be publicized within the unit.

#### **3C.0601.01 MERIT INCREASES**

Board of Regents policy dictates that all annual increases in salary funded by the State of Kansas be merit based. The performance of each unclassified employee is evaluated annually and salary increments given on the basis of merit. As such, in any given year there is no guaranteed minimum increase for any unclassified employee. For example, if the State of Kansas/Board of Regents approves a 2% increase in allocation, some unclassified employees would receive more than a 2% and some less than a 2% increase. Based on individual performance evaluations, some may receive no increase in salary.

#### **3C.0602 UNIVERSITY SUPPORT STAFF** revision approved by President 11/2013; approved Board of Regents 1/2014)

The compensation system is determined by university administration. The compensation system includes position descriptions, job titles, pay ranges, performance reviews and policies

for movement between and within pay ranges. At initial conversion to university support staff, each employee retains the same title and pay.

### **3C.0602.01 Salary and Title Management**

The University is responsible for the development and implementation of a new title management system in conjunction with a new salary system. Existing jobs and pay scales will be evaluated and a comprehensive system implemented over a 2-4 year period. The new salary administration plan will provide salaries equivalent or better than the current classified service. The current classified system will be used until the new system is defined and implemented. The current job classification system will also be used until the new title management system is defined and implemented.

### **3C.0602.02 Pay Increases**

Of salary increases, 2/3 of the total University Support Staff increase will be distributed across the board to USS employee's receiving satisfactory or above on their annual performance review with the remaining 1/3 of the total University Support Staff increase to be distributed through a merit process. Individuals appointed to a USS position will receive no more than 1% beyond the total university percentage increase approved for USS. *(For purposes of illustration, a 3% increase is approved by the University for USS. Employees receiving a satisfactory on their performance review will receive a 2% increase. The greatest increase an employee in a USS position would be eligible for would be 4%.)* Salary increases, both general and merit based must be funded within the total increase dollars allotted to the individual departments.

### **3C.07 LONGEVITY PAY – University Support Staff** (revised 6/07; revised 10/2012)

Employees in University Support Staff service with 10 years or more of service qualify for a longevity bonus. Longevity pay is added to base salary when calculating percentage for salary increases and benefits, but is distributed as a lump sum during the pay period of the employee's anniversary date. Longevity for eligible employees will be paid minimally at a rate of \$50 per year of benefits' eligible service with the State of Kansas, up to a maximum payment for 25 years of service. *(For purposes of illustration, an individual with 20 years of service would receive \$1,000 at the calculated \$50 per year. An individual with 30 years of service would receive \$1,250 at the calculated rate of \$50 per year [\$50 X the maximum 25 years of service].)* This eliminates the State of Kansas restriction of those who began service on/after June 15, 2008.

### **3C.08 ACCEPTANCE OF GIFTS** (revised 2/4/08)

Kansas law prohibits any state employee from accepting or requesting meals, gifts, entertainment, and travel with a few exceptions.

### What You Can Not Do

As a general rule, you are prohibited from soliciting or accepting free or discounted meals, the value of which exceeds \$25.00 unless a particular course of official action is expected to be followed, from a source outside state government.

Exceptions to the meal rule are:

- Meals motivated by a personal or family relationship,
- Beverages and snack foods not offered as part of a meal,
- Meals provided at public events which you attend in your state capacity,
- Meals provided to you when it is obvious the meal is not being provided because of your state position,
- Meals provided at the time you make a speech you provide in your state capacity,
- Meals provided to you at an event or meeting when your attendance at that event or meeting serves a legitimate state interest and your attendance is properly authorized by an appropriate ESU official.

As a state employee, you are prohibited from soliciting or accepting any gift because of your official position. This includes, but is not limited to pens, pencils, mugs, and flowers.

You may not designate a friend, family member, or entity (for example, a charity) to receive a gift that you cannot receive.

Exceptions to the gift rule are:

- Gifts valued at less than \$40 given at ceremonies or public functions attended in your capacity as a state employee,
- Gifts from relatives or personal friends,
- Gifts accepted on behalf of the state and which become state property.

You are prohibited from accepting gifts in the form of entertainment. Entertainment includes free or discounted tickets or passes to events such as plays, concerts, games, golf, hunting, fishing, and other recreational activities.

You may not receive discounted or complimentary registration fees to attend conferences and seminars from any person or company because of your official position unless ESU would be willing to pay for the registration fee.

You may not accept travel and/or lodging provided to you because of your official position by any person or company. An exception to this travel expense rule exists when the state agency would be willing to pay your expenses for travel, lodging, and related expenses.

## What You Can Do

The following can be accepted without violating the law:

- Gifts given to you by someone based on a personal relationship totally unrelated to your state duties.
- Soft drinks, coffee, or snack foods not offered as part of a meal.
- Awards and plaques with a value of less than \$40.00 presented in recognition of service to the community, etc. when presented at a public ceremony.
- Prizes given in truly random drawings.
- Rebates, discounts or promotional items available to any citizen or to all state employees.

### **3C.09 FURLOUGH POLICY – UNCLASSIFIED EMPLOYEES** (FSB 09012 passed by Faculty Senate 4/6/2010; approved by President 4/26/2010)

A furlough is the placement of an employee in a temporary leave without pay status for a specified number of days/hours within a specified time frame. A furlough is not a termination, layoff, or reduction in workforce.

This policy is applicable to unclassified academic personnel (non-exempt and exempt) and unclassified administrative personnel (non-exempt and exempt) appointed to regular, benefits-eligible (50% or greater) positions, except as excluded below. The Governor of Kansas and controlling State agencies may require ESU to implement mandatory furloughs of unclassified employees. Mandatory furloughs may also be an option that may be implemented by the University during times of budget constraints. In this case, it is the policy of the University that options other than mandatory furloughs shall be implemented first, and that mandatory furloughs are to avoid or delay layoffs and reductions in force due to budgetary constraints. The decision to implement a furlough shall be made by the President after consultation with the full Faculty Senate, which shall meet in executive session as appropriate. Any implemented furlough will be consistent with all Kansas State and Federal laws in force at the time of the furlough action.

A furlough period can be any time during a fiscal year, but it must end no later than the end of the fiscal year in which it was started. If another furlough period is necessary for the next fiscal year, then its implementation shall follow the full process of this policy. Mandatory furloughs shall be based on a specific, required budgetary reduction amount and shall be applied in order to achieve those temporary savings during a specified time period. The reduction amount may be modified during the period of budgetary constraint as the fiscal situation changes, resulting in a change to the required furloughs.

Furloughs shall be based on salary tiers. Faculty/staff making higher base annual salaries shall be assigned a larger proportion of the financial impact than those making lower salaries. The calculation of required furloughs days/hours associated with salary tiers shall be described in an implementation plan for the specific furlough period. The implementation plan shall be broadly disseminated prior to its execution. Employees shall be given as much advance notice as possible, but not less than 30 calendar days prior to implementation of the furlough plan.

To the extent possible during a furlough time period, faculty/staff shall be allowed to choose the timing of furlough days/hours. No form of paid leave can be substituted for furlough days.

Departmental supervisors/managers shall work with faculty/staff to identify in advance what furlough days/hours shall be taken during the furlough period and to maintain effective operations and services. Departmental supervisors/managers shall be required to plan staff furlough time in a manner that allows for essential services to be provided. The President, Provost, Deans, Directors, and Chairpersons are responsible for assuring that the requisite furloughs are taken within and reported for units reporting to them.

If unclassified exempt faculty/staff are required to take furlough days, then such faculty/staff members shall be considered as non-exempt for the work week in which the furlough occurs. They are not allowed to work during the furlough time chosen or to work overtime hours during the week in which the furlough time is taken. They shall report furlough days/hours taken through the same mechanism that they report leave taken.

In accordance with the provisions of the Fair Labor Standards Act, unclassified non-exempt (hourly) faculty/staff may take furloughs in appropriately sized increments (days, hours, fractional hours), and they shall record furlough time when reporting hours worked. Unclassified non-exempt staff are not allowed to work during the furlough days/hours chosen nor are they allowed to work overtime hours during the week in which furlough days/hours are taken.

The following provisions shall apply to employee benefits and University standing:

- University monetary contributions to employee benefit plans shall not be reduced due to a furlough action.
- University monetary contributions to employee retirement plans shall remain at pre-furlough levels. Employee and University contributions to employee retirement and Social Security plans may be reduced as required by applicable State of Kansas and/or Federal law.
- Unpaid furlough days shall be included for the purpose of calculating the amount of all leave as well as employee service credit that employees accrue.
- The percentage of an employee's work time reduction during a furlough shall be matched by an equivalent reduction of the employee's performance expectations for faculty recognition considerations.

#### Exclusions and Special Circumstances

The following categories of employees are excluded from mandatory furloughs: faculty/staff appointed to less than 50% regular positions, student employees, faculty/staff appointed to temporary positions, and faculty/staff with a visa type of H1-B. In addition, a minimum salary tier shall be established and faculty/staff whose annual base salary is within that minimum salary tier shall be excluded from mandatory furloughs.

Faculty/staff who are 100% grant funded are excluded from mandatory furloughs. Faculty/staff who are funded partially by federal grants, contracts or sponsored projects shall be excluded from mandatory furloughs for that portion of their appointment which is not funded by state funds. (Adjustment shall be made to the split-funded individual's payroll distribution for the furlough

impact, reducing state funding charges. The percentage level of effort charged against federally funded projects shall be increased to reflect the appropriate relative effort spent on such sponsored activity, in accordance with OMB Circular A-21 principles.)

### **3C.10 FINANCIAL EXIGENCY** (approved by BOR 9/21/79; 5/20/83)

#### 1. Definition

Financial exigency is the formal recognition by a Regents institution that known reductions in budget or authorized number of positions have required the elimination of nontenured positions and operating expenditures to such a point that further reductions in these categories would seriously distort the academic programs of the institution; hence, further budget or position reductions would require the nonreappointment of tenured members of the faculty or the failure to meet the standards of notice for nonreappointment of faculty. It is not a requirement of financial exigency that all nontenured positions throughout the University be first eliminated.

#### 2. Procedure

It shall be the responsibility of the chief executive officer of each Regents institution, in consultation with appropriate campus groups, to develop a plan for reductions in personnel as necessitated by conditions of financial exigency.

In the event that financial conditions at a Regents institution may warrant the declaration of financial exigency, the chief executive officer shall notify the Board of that fact and shall provide a complete statement of the circumstances that may warrant the declaration of financial exigency. The statement shall also include a review of all reasonable alternatives to financial exigency. If the Board and the chief executive officers concur as the existence of a financial exigency, it shall be the responsibility of the chief executive officer to so declare.

It shall be the responsibility of the chief executive officer to review the financially exigent condition with the Board at such times and with such frequency as the Board may specify.

### **3C.11 PERSONNEL RETRENCHMENT POLICY** (FSB 76008 approved by President 8/30/77; FSB 79003 approved by President 12/5/79; updated 9/2010; FSB 12010 approved by President 4/26/2013)

Decreases in enrollment, budget reductions, and/or a declaration of financial exigency may lead to personnel retrenchment and the elimination of faculty position at the University.

If it is necessary, for the reasons stated above, for Emporia State University to embark upon personnel retrenchment this action shall be in accordance with the criteria and procedures set forth herein.

For the purposes of this policy, personnel retrenchment may include the following actions:

- Lay-offs: Elimination of non-tenured and/or tenured faculty
- Lay-offs: Voluntary early retirement
- Decreased Appointments: Fractional appointments (e.g., half-time or 75% time)

#### I. Preliminary Procedures and Policies

A. In order for personnel retrenchment to include the elimination of tenured positions, a declaration of financial exigency must be declared in accordance with the Financial Exigency Policy found in the University Policy Manual.

B. In the event of a declaration of financial exigency or other circumstances warranting a personnel retrenchment, it shall be the responsibility of the President, in consultation with the University Personnel Retrenchment Committee, to develop a plan for reductions in personnel.

#### C. General Criteria for Personnel Retrenchment Plan

When it is necessary to eliminate positions and thus terminate faculty, the criteria to be considered follow in order of priority:

1. The ability of the University to accomplish its stated mission and to continue the quality of its mission and services shall be maintained in making any determination regarding the elimination of faculty.
2. First, unfunded or vacant positions will be eliminated. Second, positions occupied by individuals holding temporary appointments will be eliminated. (For purposes of this policy, tenured faculty members who participate in a phased retirement program are not considered to be holding a temporary appointment.) Next, graduate teaching assistants in unclassified positions will be eliminated.
3. When personnel retrenchment decisions affect only individuals in academic probationary positions (i.e., tenure-track faculty), because no declaration of financial exigency has been made, the elimination of positions shall be made in accordance with the following considerations, in order of priority:
  - a. competencies, as defined by AAUP and as needed by the department, and the individual's performance evaluation;
  - b. compliance with the affirmative action/equal opportunity policies of the University;
  - c. length of service at ESU.

4. When retrenchment decisions may affect all faculty, because a declaration of financial exigency has been made, the elimination of positions shall be made in accordance with the following consideration, in order of priority:
  - a. Contingent faculty (i.e., those neither tenured nor in the tenure track) shall be released before tenure-track faculty.
  - b. Tenure-track faculty shall be released before tenured faculty.
  - c. No termination should be made which would prevent any unit of the University from performing the tasks considered essential.
  - d. Terminations should not be based on the decreasing demand for the services of any unit over less than a 3-year historical period.
  - e. Terminations within a given unit should ordinarily be made according to rank, and within rank according to years of service at ESU.
  - f. Termination should comply with the affirmative action/equal opportunity policies of the University.

#### D. Consideration of Alternatives to Elimination of Positions

In developing the personnel retrenchment plan, the President shall minimize the number of positions to be eliminated, to the extent possible, by considering other options including, but not limited to, the implementation of one or more of the following:

1. Voluntary early retirement or phased retirement options may be developed and/or encouraged by the University.
2. The Deans of the various schools/colleges and other administrative heads may be encouraged to make genuine efforts to transfer tenured faculty members partially or wholly to other positions in which they can perform competently.
3. Sabbaticals and leave without pay for retraining should be encouraged to develop new competencies even if they cause temporary weakness (e.g., some essential courses may not be offered for a brief time such as a semester or even a year).

## II. The Initial Personnel Retrenchment Plan

A. The President shall present to the University Personnel Retrenchment Committee his/her proposed Initial Personnel Retrenchment Plan (Initial Plan) and the criteria and data upon which it is based. His/her Initial Plan shall include the following:

1. The number of faculty positions to be eliminated from each of the academic schools/college;

2. The timeline to be followed in processing the cutbacks; and
  3. Such other information as is necessary for the Committee to make a responsible review of the Initial Plan to determine whether it conforms with the personnel retrenchment criteria in this document and serves the best interests of the University.
- B. The standards of due notice of non-appointment stated in the University Policy Manual shall not be violated even during periods of declared financial exigency. Any faculty affected by this policy who so desired may avail himself/herself of the due process procedures of Emporia State University as set forth in the University Policy Manual.
- C. The University Personnel Retrenchment Committee shall submit in writing to the President any recommendations, along with reasons for those recommendations, the committee may have regarding the Initial Plan.
- D. The President shall respond in writing to the University Personnel Retrenchment Committee stating his/her acceptance or rejection of the committee's recommendations and the reasons for this decision.

### III. Development of the Final Personnel Retrenchment Plan

- A. The President shall present to the Provost and vice presidents of the University, as well as the academic deans, the Final Plan and inform them how it would specifically affect their respective colleges, schools, and/or administrative units.
- B. Each dean shall present to his/her School/College Retrenchment Committee his/her proposed plan for personnel retrenchment. The dean's strategy shall include the following:
1. The number of positions to be eliminated from each of the departments.
  2. The timeline to be followed in processing the cutbacks; and
  3. Such other information as is necessary for the committee to make a responsible review of the plan.

(The Dean of the School of Library and Information Management shall also present a proposed personnel retrenchment strategy except that, inasmuch as the school does not have separate departments, the dean shall work directly with the school's personnel committee.)

- C. Each School/College personnel Retrenchment Committee shall submit in writing to its dean any recommendations, along with reasons for those recommendations, the committee may have regarding its personnel retrenchment plans.
- D. Each dean shall respond in writing to his/her School/College Personnel Retrenchment Committee's recommendations, stating the reasons for acceptance or rejection of the committee's plan.

E. Each dean shall announce to the college's department/division chairs the positions to be eliminated in each department/division and the timeline to be followed in processing the cutbacks.

F. Each department chair shall do the following:

1. Consult with the faculty in the department/division, or a representative committee thereof, according to the procedures used in making of recommendations for tenure;
2. Notify in writing each individual involved of the intention to recommend him/her for termination, and inform him/her of the right to be heard before the department committee prior to the forwarding of a recommendation to the dean;
3. Arrange for each faculty member whose position is to be terminated an opportunity to be heard before the department committee if he/she so requests; and
4. Finally, send to the dean a written statement of the department's recommendations, setting forth both the names of those individuals involved and the reasons pertaining to each recommendation.
5. A department may propose a plan for fractional appointments and/or voluntary leave without pay as an alternative to the release of any faculty member. Such a plan may be recommended to the President of the University only if all faculty members in the unit who are to participate have agreed to do so. Faculty members who accept a fractional appointment in the event of retrenchment shall retain their full benefits, such as insurance and retirement benefits, and privileges as if they were full-time faculty members.

G. Each dean shall do the following:

1. Consult with the School/College Personnel Retrenchment Committee regarding the recommendations of the departments;
2. Make such revisions in the school/college's personnel retrenchment plan as may be necessary;
3. Provide each faculty member whose position is to be terminated an opportunity to have his/her case reviewed by the School/College Personnel Retrenchment Committee; and
4. Submit his/her personnel retrenchment plan to the President of the University.

H. The President shall consult with the University Personnel Retrenchment Committee, review with the Committee the plans of the various schools/colleges, and solicit the Committee's comments and criticisms. The President shall then prepare the Final Personnel Retrenchment Strategic Plan in its final form. The University Personnel Retrenchment

Committee shall be given the opportunity to state in writing if it differs with the President's Retrenchment Strategic Plan in any substantial way and the reasons for its disagreement.

- I. Any individual affected by modifications in any committee's proposed personnel retrenchment plan has the same right to review at the proper level as those individuals who were affected by recommendations before modifications were made.
- J. The President of the University shall respond in writing to the University Personnel Retrenchment Committee regarding its recommendations.
- K. The President of the University shall formally announce to the Faculty Senate the Final Personnel Retrenchment Strategic Plan of the University and shall proceed to implement the program in accordance with the Personnel Retrenchment Policy and Procedures founds in the University Policy Manual and other relevant operating procedures of the University.

#### IV. Retrenchment Committees

- A. The University Retrenchment Committee. This committee shall have the following membership:
  - 1. The members of the Executive Committee of the Faculty Senate, excluding the President of the University, and any non-faculty employees, shall be members. (The designation of the Executive Committee is only for the purpose of establishing the membership of the University Personnel Retrenchment Committee. The actions of the Personnel Retrenchment Committee shall not be considered actions of the Faculty Senate.)
  - 2. The Affirmative Action Officer of the University shall be a member.
  - 3. In addition to the Executive Committee, one elected representative from each of the following, the School of Business; the School of Library and Information Management; the Teachers College; the University Libraries and Archives; and the College of Liberal Arts and Sciences, shall be members.
  - 4. When the committee is considering actions relating to the potential personnel retrenchment of non-tenured personnel, at least 1 non-tenured, tenure-track faculty shall be a member.
- B. The School/College Personnel Retrenchment Committee(s). The Schools of Business and Library and Information Management; The Teachers College, the University Libraries and Archives, and the College of Liberal Arts and Sciences each shall select a committee of its faculty by a procedure adopted by its faculty. The following stipulations shall apply to the selection procedure:
  - 1. The dean and associate dean of the school/college and department chairs shall not be a member.

2. A representative of the Affirmative Action Officer of the University shall be a member.
3. When the committee is considering action relating to the potential personnel retrenchment of non-tenured, tenure-track faculty, at least 1 non-tenured person shall be a member.

#### V. Recall Procedures

Positions added to the University after a period of retrenchment are to be assigned to units on the same basis as other new positions, with the following exceptions:

- A. Special consideration will be given to units which have released tenured faculty members or have adopted a substitute plan to reduce positions by fractional appointments.
- B. The University should make “every effort” to find another suitable position within the institution for the affected faculty member. The position of a tenured affected faculty member “will not be filled by a replacement within a period of 3 years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.
- C. After 3 years, but if within 5 years after termination of tenured faculty an academic unit is granted permission to recruit to fill a new or vacated position, and before the position is advertised, the Provost shall formally invite all former tenured faculty members to apply for the position. Former faculty members who held tenure shall be offered such positions, when qualified. A reasonable time (at least 30 days, but not to exceed 60 days) shall be given in which they may accept or decline the position. It is the faculty member’s responsibility to keep the University informed of current contact information in order to receive an invitation to apply.
- D. If an academic unit is reallocated a position after a period of personnel retrenchment and there are no qualified tenured faculty members whom have been released from that unit because of personnel retrenchment, then non-tenured, tenure-track faculty shall have reinstatement rights. If, upon notification, such an individual applies for the reallocated position, and the unit recommends that person for reappointment, the individual shall be offered the position and given up to 2 additional years in building toward tenure if requested by the faculty member. It is the faculty member’s responsibility to keep the University informed of current contact information.
- E. Faculty shall be reinstated at their former rank and tenure status and at a salary no less than the existing salary at the time of personnel retrenchment unless salary reductions were implemented across the University.

### **3C.12 TIES BETWEEN CLASSIFIED SERVICE AND UNIVERSITY SUPPORT STAFF** (approved by President 11/2013; approved Board of Regents 1/2014)

Because of the historical ties between classified service and USS, when changes are made to the State of Kansas classified service, ESU shall consider changes to similarly affected USS positions. These considerations may include, but not necessarily be limited to:

- Retirement Incentive Programs
- Market Adjustments
- Changes to Recruitment Programs and Preferences
- Longevity Pay
- Leave Programs

### **3D. CONDUCT EXPECTATIONS**

#### **3D.01 AFFIRMATIVE ACTION PLAN** (revised by Affirmative Action Officer 2/03; revised by Affirmative Action Officer 1/04)

##### **3D.0101 POLICY STATEMENT**

It is the policy of Emporia State University to guarantee equal employment opportunity, equal educational opportunity and non-discrimination in the operation and administration of all of its programs and services. The University makes its decisions regarding the recruiting, employing, promoting, and processing of all personnel matters without discrimination on grounds of race, color, creed or religion, national origin, sex, sexual orientation, disability status, or other factors which cannot lawfully be considered.

The University also reaffirms its policy of non-discrimination in all of its relationships with its students and with the various publics which it serves. All of its programs, services, and benefits will be administered in a manner sensitive to the needs of its students and free of discriminatory practices on the basis of race, color, creed or religion, national origin, sex, sexual orientation, disability status, and other factors which cannot lawfully be considered.

All supervisory personnel shall endeavor to create and promote a working and learning environment that is free of unwelcome sexual advances, sexually or racially harassing language, unwanted sexually suggestive remarks or any other sexually or racially harassing action. Similarly, employees are encouraged to develop respectful and harmonious working relationships with their fellow employees.

Emporia State University will intensify its effort to identify areas on campus in which women and minorities are underutilized. It will continue to make good faith efforts to eliminate factors which contribute to underutilization and to emphasize those factors which will permit its departments and schools to realize their goals and timetables. The University will act forthrightly and responsibly in making new appointments. As a public employer, each supervisor and administrator at Emporia State University has the duty and responsibility to adhere to the letter and spirit of the law in achieving this agency's affirmative action goals and shall encourage all staff to support the achievement of these goals.

Persons with questions concerning the policy may contact the Affirmative Action Officer.

### **Compliance with Laws**

Through the policies and programs set forth in this plan, Emporia State University strives to comply fully with all federal, state, and local laws relating to equal opportunity, equal employment opportunity, and affirmative action.

This plan specifically addresses Emporia State University's obligations under Title VI and VII, The Civil Rights Acts of 1964, as amended; Executive Order 11246, as amended, Revised Order No. 4; the Equal Pay Act of 1963, The Rehabilitation Act of 1973; The Americans with Disabilities Act of 1990; The Vietnam Era Veterans Rehabilitation Act of 1974; and Title IX of the Education Amendments of 1972.

### **Implementation Responsibilities**

Ultimate responsibility for implementation and monitoring as required by the provision of this plan rest with the President of Emporia State University. However, management responsibilities are shared by heads of the largest to the smallest units. Over-all responsibility for implementation of this plan is delegated by the President to the Affirmative Action Officer. Such responsibilities include but are not limited to: (1) developing policy statements for Affirmative Action programs internal and external communication techniques; (2) identification of problem areas; (3) assisting in arriving at solutions to problems; (4) designing and implementing audit and reporting systems that: a. measure the effectiveness of this plan; b. indicate need for remedial action; c. determine the degree to which goals and objectives have been attained; (5) serve as liaison between Emporia State University and enforcement agencies and all protected groups; (6) periodic audit of training programs, hiring and promotion patterns to remove impediments to the attainment of goals and objectives; (7) regular discussions with supervisors and employees to be certain that Emporia State University's policies are being followed; (8) review of the qualifications of all employees to ensure that all individuals in protected group classes are given full opportunities for transfers and promotions; (9) career counseling for all employees; (10) periodic audits to ensure that each location is in compliance in areas such as: a. posters properly displayed; b. equitable facilities; c. equal opportunity for participation in educational, training, recreational and social activities; (11) making supervisors aware that work performance is evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria; (12) advise supervisors of their responsibilities to take actions to prevent embarrassment of employees placed through affirmative action efforts.

### **3D.0102 DISSEMINATION OF PLAN**

Copies of the Affirmative Action Policy are distributed to the Faculty Senate, the Student Senate, and all advisory personnel. Copies are also available for the campus at large in the University's library.

The fact that Emporia State University is an equal opportunity employer has been made known to all employees, to prospective employees, and the community in the following ways:

1. Publicity in campus and community news media
2. Meetings and seminars with administrators and supervisory personnel

3. Meetings with employees to discuss and explain the program
4. Discussing the program in orientation and training seminars
5. Advising union officials of the program
6. Including non-discrimination clauses in all union agreements and review of all contractual provisions to insure that they are non-discriminatory
7. Publish articles covering EEO programs, progress reports, promotions, etc.
8. Post policies on bulletin boards
9. Inform all recruiting sources verbally and in writing of ESU's policy on equal employment opportunity
10. Incorporate the phrase An Equal Opportunity Employer on University stationery and publications
11. Notify minority, disabled, Vietnam Era Veterans, and women's organizations of our program
12. Advise prospective employees of our program and where it can be read
13. Make copies of our program available to all our subcontractors

### **Audit of Employment Practices**

Emporia State University conducts continuous reviews of all of its employment practices in order to identify and eliminate any practices which may contribute to underutilization of minorities and women or discrimination based on factors not pertaining to job performance.

These reviews include but are not limited to:

- The initial application and interview procedure;
- The application forms and related materials;
- The content of job descriptions, in terms of its possible adverse effect on minorities or women;
- Any written pre-employment and promotional tests;
- All job qualifications, including requirements for experience and education;
- All criteria, such as arrest records, marital status, garnishments, and others, which may be used as disqualifying factors for employment; and
- All procedures and programs such as requirements or prior notice to current supervisors, distribution of training benefits, and others, which bear upon opportunities for advancement within Emporia State University.

Such employment practices are reviewed by the Affirmative Action Officer in consultation with the Human Resources Director, Affirmative Action Advisory Council, and heads of the various units within the institution.

### **3D.0103 AFFIRMATIVE RECRUITMENT**

Emporia State University recognizes that preferential hiring on the basis of minority status, sex or protected group is unlawful, even as a means of addressing underutilization.

Accordingly, the institution undertakes a vigorous program of affirmative recruitment for minority group members and women in all job categories in which they are found to be underutilized.

In all positions, regardless of whether or not such underutilization exists, Emporia State University pursues a program of open recruitment to avoid the possible discriminatory effects on informal job networks and similar systems. Emporia State University's affirmative recruitment program includes but is not limited to the following specific actions:

- Review of existing recruitment procedures, identification of any procedures which may have an unjustifiable adverse effect on minorities or women, and elimination of procedures which do;
- Development of search strategies for minorities and women for appointments;
- Open posting of vacancy announcements;
- Broad public announcement of vacancies;
- Contracting sources of minority and women applicants;
- Affirmative recruitment file; and
- High-level monitoring of each recruitment effort for appointments at all levels.

### **Nepotism**

See Nepotism Policy

### **Job Qualifications and Testing**

Emporia State University does not select individuals for employment or promotion on the basis of job qualification, written tests, or other criteria which screen out minorities, women, disabled or Vietnam Era Veterans at a greater rate than others and which are not conclusively demonstrated to be related significantly and directly to job performance.

Even those selection criteria which are so related to job performance but which also have adverse impact on the employment opportunities of protected group members will be eliminated and replaced by other valid selection criteria which do not have adverse effect, if such can be accomplished without unreasonable cost or burden to the operations of the institution. Retention, change, or abolishment of selection criteria which create adverse impacts shall be in accordance with Title 41 CFR 60-3 (published by the U.S. Department of Labor).

Job classifications are analyzed in terms of the actual tasks performed, the frequency and difficulty of performance, and the relative importance of specific employee traits and skills needed to perform those tasks.

Such qualifications may include but are not limited to:

- Educational requirements;
- Requirements for specific job experience; and
- Requirements for, and weight given to, personal references particularly those from people to whom minorities and women are likely to have less favorable access than others.

### **Career Development**

Emporia State University recognizes that to some extent achievement of equitable distribution of minorities, women, disabled and Vietnam Era Veterans throughout all job classifications in the institution will be the result of initial assignments, subsequent transfers, promotions, and training.

To assure that protected group individuals are given access, affirmatively, to all positions and lines of progressions within the institution, the following policies are considered.

1. Initial referrals for job interviews in operating units are made solely on the basis of valid job qualifications and not in any way on the basis of stereotypical beliefs regarding appropriate positions or units for various classes of persons.
2. All employees are permitted to apply through transfer, promotion, or otherwise for higher or more favorable positions in the institution without advance approval by or notice to the present supervisor. However, employees are expected to give adequate notice of a change, as would be the case in accepting a position outside the institution.
3. All employees who apply and are not selected for such positions are so advised in writing. The applications of protected group individuals who meet the valid qualifications for positions but are not selected are placed on the affirmative recruitment file, if underutilization of those groups has been found to exist in the positions for which the applicants have applied.
4. The institution does maintain specific career ladders as a generally sound procedure in personnel management as well as a measure to help assure that protected group individuals will not be improperly relegated to dead end jobs.
5. In-house training programs are periodically reviewed for possible modification or expansion to better achieve the purposes of this plan.

### **3D.0104 EXTERNAL RELATIONSHIPS: UNION, EMPLOYMENT AGENCIES, CONTRACTORS**

Nothing in this plan should be interpreted as invalidating any lawful provision of any contract which exists between Emporia State University and a union or other duly established bargaining agent of institution employees. Conversely, Emporia State University will not be a part of any collective bargaining agreement, or any provision thereof, which violates equal employment opportunity laws and regulations to which Emporia State University is subject. The appropriate officials of all unions and other bargaining agents with which the institution has contracts will be provided copies of this Affirmative Action Plan and advised of the responsibilities of all employees, including union members.

All agencies through which Emporia State University recruits applicants are advised in writing of the institution's policy of non-discrimination and that applicants must be referred without discrimination on prohibited grounds.

Under procedures developed by the Affirmative Action Officer, in consultation with Human Resources, the Affirmative Action Advisory Council and the operating units at Emporia State University, the following records in support of this plan are kept:

1. Applicant flow data, by race, sex, national origin, physical disability, Vietnam Era Veteran, and source of applicants (e.g., word-of-mouth, advertising in journals);

2. Hires, any race, sex, national origin, physical disability, Vietnam Era Veteran;
3. Initial payment or assignment after hired, by race, sex, national origin, physical disability, Vietnam Era Veteran, unit to which assigned, and position;
4. Transfers and promotions by race, sex, national origin, physical disability, Vietnam Era Veteran, position and unit from which transferred or promoted and position and unit to which transferred or promoted; and
5. Voluntary and involuntary terminations, by race, sex, national origin, physical disability, Vietnam Era Veteran, type of termination, and reason thereof.

The Affirmative Action Officer reviews all of the above records at least annually to assure compliance with all aspects of this plan and prepares an annual report for the President regarding compliance with the plan and progress toward its objectives. This report includes recommendations and changes that the Affirmative Action Officer believes are necessary for the program to better achieve its purposes. Also, included in this report is a review of goal achievement and reasons for failure(s); if any exist.

### **3D.0105 EQUAL EDUCATIONAL OPPORTUNITY**

Emporia State University does not discriminate on grounds of age, race, color, religion, gender, marital status, national origin, handicap or disability, status as a Vietnam Era Veteran, sexual orientation, or any other factors which cannot lawfully be considered in providing any educational or other benefits or services of Emporia State University. Emporia State University is committed to the proposition that the proportions of minorities and women in its student population should be increased in specific areas of study in order to assure their adequate representation in future labor markets—both within the institution and elsewhere—for positions which are desirable with respect to career potential.

Emporia State University undertakes a practice of vigorous affirmative recruitment for minority and women students through such procedures as visiting schools that have large concentrations of those groups in their student bodies.

Individual acts of unlawful discrimination by faculty or administrative personnel in Emporia State University's treatment of students in the teacher/student relationship and otherwise is regarded as actionable under the grievance procedures set forth in this plan. Such acts include, but are not limited to, defamatory statements made by faculty members in class or by other employees in the course of their work which demean or insult individuals because of their race, sex, national origin, physical disability, Vietnam Era Veteran, or other covered characteristic. People are not prohibited in any way from holding or expressing an opinion nor is their mere holding or expressing of an opinion grievable under the grievance procedure set forth in this plan.

Emporia State University is committed to providing equal athletic opportunity to both males and females in, but not limited to, the following areas: quality of equipment and supplies, scheduling of games and practice time, travel and per diem allowances, opportunity to receive

coaching and academic tutoring, assignment and compensation of coaches and tutors, provisions of locker rooms, practice and competitive facilities, provision of medical and training facilities and services, provision of housing and dining facilities and services, publicity.

### **Utilization Analysis**

To determine if minorities and women are being properly utilized at Emporia State University a Utilization Analysis is conducted each year. This is done by conducting a workforce analysis, an analysis of the availability of minorities and women in the labor market, and an underutilization analysis.

### **Workforce Analysis**

The first step is to list each position as it appears in the department's payroll record, ranked from lowest paid to highest paid. If there are separate work units or lines of progression within a department, a separate list must be drawn up for each unit or line. (For example, if there are both official and non-official staff in the same department with different lines of progression, a separate line must be drawn for each.) For lines of progression, the order of jobs in the line through which an employee could move must be listed. If there are no formal lines of progression, the order of jobs in the line through which an employee can move must be listed. If there are no formal lines of progression or promotional sequences, job titles should be listed by department, job family, or job discipline, in order of salary range of wage rate.

Totals for each job title must be listed for the following: the total number of current job-holders; the total number of male and female job-holders in each of the following groups—white, black, Hispanic, Native American and Asian American. The wage rate or salary range for each job title must be listed. All jobs, including managerial and executive titles, must be listed.

### **Availability Analysis**

After job groups have been identified, minority and female availability data must be analyzed separately for each job group. A separate analysis should be done for minorities and women. In determining minority and women availability analysis departments should compile data on: 1) the minority and women population and their employment in the national labor force; 2) percentage of minorities and women in the total national workforce; 3) availability of minorities and women with requisite skills in the national labor force, and in areas in which departments can reasonably recruit.

### **Underutilization Analysis**

The final step in the Utilization Analysis process is the comparison of the availability analysis data with current utilization in each job group identified in the department's workforce. This comparison is designed to determine if there is an underutilization of minorities and/or women. Underutilization means having fewer minorities or women in a particular job classification than would reasonably be expected by their availability. Whenever the percentage of total minorities or women in a job or group of jobs is lower than the percentage of minorities or women available in the applicable labor force, the Affirmative Action Program must specifically state that underutilization of minorities and women exists.

In determining underutilization, the departments should also examine the following: 1) the availability of promotable and transferrable minorities and women in Emporia State University's

own workforce; 2) the existence of training programs (internal or external); and 3) the degree of training the departments can undertake.

### **Goals and Timetables**

Departments must set up specific goals, timetables, and affirmative action programs to correct any deficiencies spotted in the utilization analysis. The goals and timetables, and other relevant programs, must be included as part of Emporia State University's Affirmative Action Program. If departments do not have goals, explanations as to why must be given.

Goals and timetables must be set separately for minorities and women. If numbers and percentages are relevant, they should be included. All goals and timetables must be backed up by data and analyses.

Goals. Where underutilization exists, annual and ultimate percentage goals which are not less than the availability percentage, must be established for each underutilized job group. If opportunities are anticipated, an annual numeric goal must also be set if underutilization is equal to one-half person or more.

Timetables. A specific timetable should be established for reaching the goal specified for each job group. This timetable should be determined by the minimum feasible time period necessary to reach the ultimate goal established. The year for ultimate goal achievement must be established for a time not more than 6 years in the future.

Guidelines for goal-setting. In developing goals and timetables to correct underutilization, the department should: 1) involve Affirmative Action Officer, department chair and dean in the process; 2) set goals that are significant, measurable and attainable; 3) make goals specific for planned results; and 4) avoid rigid and inflexible quotas that must be met; instead goals should be attainable if all good faith efforts are made.

### **Graduate Assistantship Announcements (2/09; revised 2/2019)**

In order to assure equal opportunity of employment for graduate students seeking assistantships, the following procedures have been adopted:

1. The Graduate office develops, annually, an Assistantship Opportunities Booklet. The assistantship opportunities are available on the Graduate School web site (<https://www.emporia.edu/grad/graduateassistants/gradassistantareas.html>). Includes the following information: (a) the hiring departments/areas; (b) a brief job description; (c) type of assistantship available (teaching, research, or administrative); (d) stipend/salary information; (e) application deadline (if applicable); and (f) contact information.
2. Prospective students inquiring about available graduate assistantships are referred to this document on the Graduate web site and their major department.

**3D.0106 HARASSMENT, SEXUAL VIOLENCE, DISCRIMINATION PREVENTION POLICIES AND PROCEDURES** (approved by President 4/04; revised, approved by President 6/17/09; revised, approved by President 10/09/2014) [This policy is subject to modification as necessary to remain in compliance with the spirit of anticipated federal regulations applicable to this policy, as well as with the final regulations once published and effective.]

Emporia State University seeks to create an atmosphere that recognizes and protects an environment of acceptance and inclusion for all members of the university community, including, but not limited to, faculty, staff, and students. Emporia State University prohibits all forms of discrimination including all types of harassment, sexual violence, and all other types of violence. Federal law and university policy (see Explanations section) protect a number of groups from unlawful discrimination. The University makes all decisions with reference to employment status and student status without regard to age<sup>1</sup>, race<sup>2</sup>, color<sup>2</sup>, religion<sup>3</sup>, gender<sup>4</sup>, sex<sup>4</sup>, marital status<sup>5</sup>, national origin<sup>2</sup>, disability status<sup>6</sup>, veteran status<sup>7</sup>, sexual orientation<sup>8</sup>, parental status, gender identity, gender expression and genetic information<sup>9</sup> (“gender” refers to a person’s identity or expression as a male or female, regardless of their sex), ethnicity or any other factors which cannot lawfully be considered, to the extent specified by applicable federal and state laws. Moreover, the university regards inappropriate behavior, unfair treatment, acts of sexual violence, or harassment of any individual to be inconsistent with its goal to provide an environment in which members of the university community can develop intellectually, professionally, personally, and socially. This policy applies to employees, students, applicants for employment or admission, contractors, vendors, visitors, guests, and participants in University sponsored programs or activities, both on and off campus.

Emporia State University prohibits all forms of harassment and violence including domestic violence, dating violence, sexual assault and stalking. The institution has educational and training programs designed to prevent such offenses. Educational/prevention programs designed for students are generally developed within the Wellness Center. Training programs directed toward faculty and staff focusing on prevention are generally implemented by Human Resources and Student Affairs.

Through the use of web-sites, brochures, and direct dialogue, the University makes victims aware of the procedures to be followed in the event of a sex offense, domestic violence, dating violence, sexual assault, or stalking. Information related to services for victims such as:

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<sup>1</sup> Age Discrimination Act of 1975, Age Discrimination in Employment Act of 1967

<sup>2</sup> Title VI & VII of the Civil Rights Act of 1964

<sup>3</sup> Title VII of the Civil Rights Act of 1964

<sup>4</sup> Title VII of the Civil Rights Act of 1964, Equal Pay Act of 1963, Pregnancy Discrimination Act of 1978, Title IX of Education Amendments of 1972

<sup>5</sup> Emporia State University Equal Employment & Educational Opportunity and Non-Discrimination Policy

<sup>6</sup> Americans with Disabilities Act of 1990, Sections 503 & 504 of the Rehabilitation Act of 1973

<sup>7</sup> Vietnam Era Veteran’s Readjustment Act of 1974, Uniform Services Adjustment and Re-Adjustment Act of 1994

<sup>8</sup> Kansas Board of Regents Policy and Procedures Manual, Policy on Affirmative Action and Equal Opportunity

<sup>9</sup> Genetic Information Nondiscrimination Act “sex” refers to whether a person is a male or female

counseling, health, mental health, victim advocacy, legal assistance, both on campus and within the community will be made available to students and employees as described above.

The University will make available, when requested by victims, assistance with changing academic schedules, living arrangements, transportation, and working situations. Such reasonable accommodations shall be available whether, or not, the victim chooses to report the crime to campus police or local law enforcement.

The Executive Director of Human Resources and Affirmative Action serves as the University Title IX Coordinator and has been designated to handle inquiries regarding **HARASSMENT, SEXUAL VIOLENCE, AND DISCRIMINATION** policies. Contact the Executive Director of Human Resources and Affirmative Action in the Office of Human Resources, phone 620-341-5379. This position is also responsible for implementation of a campus-wide harassment training program for faculty and staff. This training shall be mandatory for University employees and appropriate training records will be maintained.

This University has adopted a policy on the Use of Controversial Material in Instruction, Including the Use of Sexually Explicit Materials in Instruction (University Policy Manual 4E.0301) that complies with the Kansas Board of Regents' policy on this issue. The harassment, sexual violence, and discrimination policies and procedures described herein shall be followed for the reporting, investigation, handling, and disposition of all complaints by any person regarding University Policy 4E.0301.

### **3D.0106.01 EXPLANATIONS**

The Age Discrimination in Employment Act of 1967 prohibits discrimination against individuals who are at least 40 years of age. Discrimination is prohibited in all terms and conditions of employment including: hiring, firing, compensation, job assignments, shift assignments, discipline, and promotions.

Age is also addressed in the Age Discrimination Act of 1975. Under this act no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Employment discrimination based on race, color, religion, sex, or national origin is prohibited under Title VII of the Civil Rights Act of 1964. It is unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment.

Under Title VI of the Civil Rights Act of 1964 no person on the basis of race, color, or national origin be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Equal Pay Act of 1963 prohibits discrimination on the basis of sex in the payment of wages or benefits, where men and women perform work of similar skill, effort, and responsibility for the same employer under similar working conditions.

The Pregnancy Discrimination Act of 1978 is an amendment to Title VII of the Civil Rights Act of 1964. Therefore, discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated the same as other applicants or employees with similar abilities or limitations.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex. Individuals cannot, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination, sexual harassment, or sexual violence, under any program or activity receiving Federal financial assistance.

The Americans with Disabilities Act of 1990 prohibits an employer from discriminating against a qualified applicant or employee because of his/her disability. To be protected individuals need to be qualified and able to perform the job with or without reasonable accommodations from the employer.

Discrimination based on disability in any program or activity receiving Federal financial assistance is prohibited under Sections 503 and 504 of the Rehabilitation Act of 1973.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 prohibits discrimination based on veteran status in federally assisted programs and it requires affirmative action to employ and advance in employment of veterans. Veterans protected by this act are Vietnam era veterans, special disabled veterans, and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.

**Gender Identity:** The gender that a person claims for oneself – which may or may not align with the gender at birth.

**Gender Expression:** How a person behaves, appears, or presents oneself with regard to societal expectations of gender. This may include clothing, hairstyle, facial make-up, vocal inflection, posture, and behavior regardless of the individual's biological sex.

### **3D.0106.02 DEFINITIONS**

#### **3D.0106.02.01 SEXUAL HARASSMENT AND SEXUAL VIOLENCE**

Emporia State University prohibits sexual harassment as defined below. Sexual harassment is a form of sex discrimination that is illegal under Title VII of the Civil Rights Act of 1964 for employees, under Title IX of the Education Amendments of 1972 for students, and the Kansas Acts Against Discrimination. Retaliation against an individual for making a complaint of sexual harassment is also considered to be sex discrimination and is therefore likewise illegal. No member of the university community shall engage in sexual harassment. For the purposes of this policy sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

**Sexual Harassment:** “Sexual Harassment” means behavior, including physical contact, advances, and comments in person, through an intermediary, and/or via phone, text message, email, social media, or other electronic medium, that is unwelcome; based on sex or gender stereotypes; and is so severe, pervasive and objectively offensive that it has the purpose or effect of substantially interfering with a person’s academic performance, employment or equal opportunity to participate in or benefit from University programs or activities or by creating an intimidating, hostile or offensive working or educational environment. Sexual Harassment may include but is not limited to:

1. unwelcome efforts to develop a romantic or sexual relationship;
2. unwelcome commentary about an individual’s body or sexual activities;
3. threatening to engage in the commission of an unwelcome sexual act with another person;
4. stalking or cyberstalking;
5. engaging in indecent exposure, voyeurism, or other invasion of personal privacy;
6. unwelcome physical touching or closeness such as unnecessary touching, patting, hugging, or brushing against a person’s body;
7. unwelcome jokes or teasing of a sexual nature or based upon gender or sex stereotypes; and
8. sexual violence, as defined below.

**Sexual Violence:** “Sexual violence” means any physical act which is sexual in nature that is committed by force or without the full and informed consent of all persons involved. Sexual violence may include but is not limited to rape, sexual assault, sexual battery, and sexual exploitation. Sexual violence can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual violence can be committed by men or by women, and it can occur between people of the same or different sex.

**Sexual Misconduct:** Any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can occur between persons of the same or different sex and is represented by a continuum of conduct from forcible rape and sexual assault to non-physical forms of pressure that compel individuals to engage in sexual activity against their will. It includes any physical contact of a sexual nature that is committed either by force, coercion, intimidation, or manipulation or through the use of a person’s mental or physical incapacity, including incapacitation caused by the use of drugs or alcohol.

**Consent:** A freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions. It is the responsibility of the initiator of the sexual activity to ensure he or she has the other person’s consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that he or she no longer consents to the continuing activity.

Consent may never be:

- a. obtained through the use of force, coercion, intimidation, or manipulation or if the individual is mentally or physically disabled or incapacitated, including through the use of drugs and/or alcohol, or
- b. assumed because of the existence of a dating relationship between the persons involved or due to the existence of a current or previous sexual relationship between the persons.

**Dating Violence:** Violence that occurs between individuals who are in a dating relationship. For the purposes of this definition, “dating relationship” means a social relationship of a romantic nature. In addition to any other factors the university may consider the following when making a determination of whether a relationship exists or existed: nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.

**Sexual Assault:** Includes any physical contact of a sexual nature that is committed either by force, coercion, intimidation, or manipulation or through the use of a person’s mental or physical incapacity, including incapacitation caused by the use of drugs or alcohol.

The following definitions, adapted from the Kansas Statutes, are used by university personnel when conducting an investigation of sexual misconduct. To access the original statute, please refer to <http://kslegislature.org/li/>.

**Domestic Violence (K.S.A. 21-5111)** The act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.

“Family or household member” means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

**Sexual Intercourse (K.S.A. 21-5501)** “Sexual intercourse” means any penetration of the female sex organ by a finger, the male sex organ or any object. Any penetration, however slight, is sufficient to constitute sexual intercourse.

**Sodomy (K.S.A. 21-3501)** “Sodomy” means oral contact or oral penetration of the female genitalia or oral contact of the male genitalia; anal penetration, however slight, of a male or female by any body part or object; or oral or anal copulation or sexual intercourse between a person and an animal.

**Rape (K.S.A. 21-5503)**

1. Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances:
  - a. when the victim is overcome by force or fear; or
  - b. when the victim is unconscious or physically powerless;
2. Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender;
3. Sexual intercourse with a child who is under 14 years of age;
4. Sexual intercourse with a victim when the victim’s consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or
5. Sexual intercourse with a victim when the victim’s consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender’s authority.

**Acquaintance Rape:** Rape which occurs by someone the victim knows.

**Stalking (K.S.A. 21-5427)** (a) Stalking is:

1. Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person’s safety, or the safety of a member of such person’s immediate family and the targeted person is actually placed in such fear;
2. Engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person’s safety or the safety of a member of such person’s immediate family; or
3. After being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A. 2013 Supp. 21-5924, and amendments thereto, that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f)(1) that violates the provisions of the order and would cause a reasonable person to fear for such person’s safety, or the

safety of a member of such person's immediate family and the targeted person is actually placed in such fear.

### **3D.0106.02.02 RACIAL AND/OR ETHNIC HARASSMENT**

Racial and/or ethnic harassment is a form of discrimination that is illegal under Title VII of the Civil Rights Act of 1964. No member of the university community shall engage in racial or ethnic harassment. Retaliation against an individual for making a complaint of racial and/or ethnic harassment will be treated as a violation of the racial and/or ethnic harassment policy. For the purpose of this policy, racial and/or ethnic harassment is defined as ethnic slurs and other verbal or physical conduct relating to race, ethnicity, or racial affiliation that:

1. has the purpose or effect of creating an intimidating, hostile, or offensive work or academic environment;
2. has the purpose or effect of unreasonably interfering with an individual's work performance, academic performance, living environment, if residing in University housing, or participation in any university-sponsored activity;
3. otherwise adversely affects an individual's academic or employment opportunities;  
or
4. is not legitimately related to the subject matter of a course.

Racial and/or ethnic harassment may be blatant or subtle. Examples of the conduct that is prohibited include, but are not limited to:

- ▶ derogatory name calling or language based on cultural stereotypes;
- ▶ incidents or behaviors which are derogatory to a racial or ethnic group; or
- ▶ repeated ignoring or excluding of one's presence or existence in a University setting.

### **3D.0106.02.03 OTHER HARASSMENT**

No member of the university community shall engage in harassment on the basis of age, color, religion, marital status, national origin, disability status, veteran status, sexual orientation, or on any other factor that violates state or federal discrimination law. For the purposes of this policy, such aforementioned harassment is defined as unwelcome verbal and/or physical conduct which:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work or academic environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance, academic performance, living environment, if residing in University housing, or participation in any university-sponsored activity;
3. Otherwise adversely affects an individual's academic or employment opportunities;  
or,
4. Is not legitimately related to the subject matter of a course.

### **3D.0106.03    ROLE OF THE AFFIRMATIVE ACTION OFFICER AND TITLE IX COORDINATOR**

The Affirmative Action Officer will assist in the complaint process, however, is not permitted to be an advocate for either party and is obligated to assure fairness to both parties and to protect the University's interests.

The Title IX Coordinator will oversee investigations when the university receives a complaint regarding a violation of Title IX.

For inquiries regarding Affirmative Action and/or Title IX, contact the Executive Director of Human Resources and Affirmative Action in the Office of Human Resources, phone 620-341-5379.

### **3D.0106.04    AFFIRMATIVE ACTION ADVISORY COUNCIL**

The Affirmative Action Advisory Council (hereafter referred to as the "Council") includes seven representatives appointed annually by the President of Emporia State University. Representatives, except for students, are appointed to serve 3 year terms with at least one representative completing his/her term each year. Student representatives are appointed to serve 1 year terms. However, a reappointment to serve consecutive terms may be considered with the approval of the Affirmative Action Officer and the President of the University.

The representatives will be appointed as follows: two faculty representatives, one professional staff representative from Student Affairs, one professional staff representative at-large, one representative from university support staff, and two representatives from the student body. The Affirmative Action Officer meets with the Council and serves as an ex-officio member.

If a Council member has a conflict of interest he/she may request to be excused from the meetings and hearing pertaining to the specific complaint(s). These requests should be made to and discussed with the Affirmative Action Officer.

The Council meets at least once a semester and more often as circumstances warrant. The purpose of the Council is to assist and advise the Affirmative Action Officer in the planning, development, and implementation of the program and to review Emporia State University's affirmative action policy and recommend changes as needed. The Council will also serve as the grievance committee when formal complaints alleging harassment and/or discrimination are filed.

### **3D.0106.05    GRIEVANCE PROCEDURES FOR FACULTY, STAFF, AND STUDENTS**

Procedures for the resolution of complaints should be thorough yet expeditious to the extent possible. These procedures are specifically designed to process complaints which fall within the purview of the university's affirmative action and harassment and/or discrimination policies and which involve university personnel or students as principals. Complaints filed

under these grievance procedures involve discrimination and/or harassment and shall not be used in addition to other existing university grievance procedures.

Emporia State University has an informal (except for sexual misconduct) and formal means to resolve complaints of harassment and/or discrimination. Informal complaints may be reported either in writing or orally whereby a resolution is agreed upon by both parties through informal means. Formal complaints must be reported in writing and result in a formal investigation, as described below. All complaints of harassment or discrimination should be reported to the Affirmative Action Officer.

#### A. Procedures

##### 1. Discrimination Complaint Resolution Process

Any complaint that includes allegations of sexual violence, which also includes other forms of discrimination and/or harassment, shall be treated as sexual violence for all purposes. Emporia State University will resolve discrimination complaints in a timely and effective manner and provide prompt corrective action if discrimination is believed to have occurred. The discrimination complaint resolution process is intended to provide effective resolution for complaints of discrimination on the basis of race (including racial harassment), religion, color, sex (including pregnancy, sexual harassment, and sexual violence), disability, national origin, ancestry, age, status as a veteran, sexual orientation, marital status, parental status, gender identity and gender expression. Affected persons, including students, faculty, staff, community members or others involved in University events or programs, may utilize the process to address complaints of discrimination related to University hiring and selection procedures, employment practices, conditions of employment, personnel actions, or University educational programs and activities.

##### 2. Who may Utilize the University Discrimination Complaint Procedures

Any person claiming to be aggrieved by a prohibited discriminatory practice at Emporia State University may contact Human Resources, phone 620-341-5379.

Individuals who may use this procedure include, but are not limited to: individuals applying for enrollment or employment with the university; students; faculty, including those with visiting appointments; teaching or research assistants; university support staff; unclassified employees; university administrators; and other persons receiving university services or participating in university programs. A person in the university community may ask the Office of Human Resources to initiate an investigation of a specific matter. The Office of Human Resources may also initiate an investigation when it has reason to believe that discriminatory or retaliatory action, has, or is occurring.

### 3. Complaint Resolution Actions and Procedures

The process for resolving discrimination complaints may include some or all of the following actions: informal inquiry and discussion, mediation (except in cases of sexual harassment), disciplinary action, or other appropriate action. If the subject matter or issue of the complaint does not fall within the jurisdiction of this policy, Human Resources staff will advise the complainant of other available procedures.

In many cases, individuals will take appropriate corrective action when they are made aware of how their actions or behaviors are being perceived. If the complainant is comfortable doing so, he or she may bring the concerns to the attention of the person responsible for the behavior or action. Complainants who choose not to address the discrimination directly on their own or through other informal processes may seek the assistance of the Office of Human Resources, phone 620-341-5379.

### 4. Who Must Report Discriminatory Actions

Responsible employees serving in leadership roles in the University are responsible for nondiscrimination in their employment, academic environments, and co-curricular living and learning environments. Deans, directors, chairpersons, or other administrators or supervisors, including faculty members, graduate teaching assistants, and academic advisors shall contact the Office of Human Resources to initiate an investigation within their area of responsibility if they know or have reason to believe that discriminatory practice(s) may have occurred.

Responsible employees are obligated to report complaints of harassment, sexual violence and/or discrimination to the Affirmative Action Officer and/or Title IX Coordinator. In some instances the responsible employee may have addressed the complaint; however the obligation to report to the Affirmative Action Officer/Title IX Coordinator still exists. Complaints must be filed within 180 calendar days of the alleged behavior, remain confidential, and will not be disclosed to anyone who does not have a need to know, to the extent possible to resolve.

All other complaints containing an allegation of sexual violence may be made at any time without limitation.

#### **Responsible Employees**

Any employee of Emporia State University who a student could reasonably believe to have the authority or duty to take action to address sexual violence excluding any employee bound by privilege and confidential relationships, such as licensed counselors or legal counsel.

An employee who has been given the duty of reporting incidents of sexual violence or any other misconduct by students, faculty, staff, and others to the Title IX Coordinator or other appropriate school designee.

## 5. Informal Resolution for Harassment and Discrimination (Excluding Sexual Violence)

- a. The individual making the complaint ("the complainant") should first discuss the allegation(s) with the individual(s) perceived as harasser(s). It is understood that in some circumstances this step would not be possible or advisable.
- b. If the discussion does not lead to a resolution or the complainant elects not to exercise the first step, the complainant may elect to discuss the allegation(s) with the department chair or director (hereafter referred to as the "responsible administrator") supervising the faculty, staff, or student alleged to be engaging in the discriminatory or harassing behavior. For students with complaints of harassment or discrimination by other students, the responsible administrator would be the Dean of Students.
- c. The responsible administrator should conduct an inquiry into the matter. If a reasonable basis is determined, an attempt will be made to bring about a resolution to which both the complainant and the respondent(s) agree. If the responsible administrator is already aware of the behavior that is the subject of the complaint, the complainant should contact the Affirmative Action Officer. It is expected that informal resolution will be handled expeditiously and completed within a reasonable length of time. The Affirmative Action Officer is available for assistance in this process.
- d. If a mutually satisfying resolution is not reached, or if the complainant elects not to pursue the informal resolution process, a formal complaint may be filed to begin the Formal Resolution process.

## 6. Formal Resolution for Harassment and Discrimination (Excluding Sexual Violence)

- a. The complainant should file a complaint with the Office of Human Resources. The complainant will complete a Formal Complaint form providing the basis of the alleged harassment and/or discrimination, a description of the incident(s) related to the alleged discrimination, and the remedy desired. The Affirmative Action Officer will conduct an interview with the complainant to clarify and get a thorough understanding of the complaint. A formal complaint should generally be resolved within 60 calendar days, though extensions may be generated for good cause at the discretion of the Affirmative Action Officer.
- b. The Affirmative Action Officer will meet with the respondent as soon as possible and give him/her a verbal explanation and a written statement of the complaint. The respondent will then have the opportunity to respond. The respondent will be cautioned about retaliation and a follow-up meeting to discuss his/her response will be scheduled. Following the initial meeting the respondent will have 5 working days to give his/her formal, written response to the complaint.
- c. At the follow-up meeting with the respondent, the Affirmative Action Officer will review the respondent's written response and conduct an interview to clarify and get a thorough understanding of his/her response.

- d. In addition to interviews with the complainant and the respondent, the Affirmative Action Officer may interview other parties who have specific knowledge about the alleged incident(s). Individuals who are interviewed will be informed that confidentiality must be maintained and the fact that an investigation is underway should not lead to any conclusions or assumptions. These interviews will be conducted within 30 calendar days of receipt of the complaint. However, this timeframe may be extended based on factors such as, but not limited to, schedule and availability of witnesses, holidays or semester breaks including summer break, and complexity of the complaint. If an investigation cannot be completed within 30 days of receipt of the complaint, then the investigator(s) will notify the complainant and respondent of that fact and provide a timeframe for completing the investigation.
- e. The Affirmative Action Officer will meet with the Council to share the details of the complaint. The Affirmative Action Officer will define the area of harassment and/or discrimination involved in the complaint and clarify the review criteria for evaluation of evidence. The Council will be given a verbal explanation and/or written statement of the complaint, the response, and the findings of the Affirmative Action Officer's investigation and will be provided with the opportunity to review the written materials or evidence. At the discretion of the Affirmative Action Officer, the Council may be provided with the services of an attorney for the purpose of consultation.
- f. A time and place convenient for all concerned parties will be set for the hearing by the Affirmative Action Officer. Both the complainant and the respondent will have the opportunity to bring witnesses to testify. A list of witnesses and any other evidence needs to be submitted to the Affirmative Action Officer at least 5 working days before the hearing date. The complainant and the respondent have the right to invite another individual to serve as an advisor during the hearing. The advisor is present solely to advise the represented party. The advisor shall not directly address or communicate with the Council or other parties involved in the hearing, nor shall he/she speak on the behalf of the individual being advised.
- g. The Affirmative Action Officer will facilitate the hearing. The complainant will present his/her testimony and/or evidence followed by the respondent. Council members have the right to question all parties involved, while the complainant and respondent have the right to question witnesses. The complainant and respondent will both be given the opportunity to respond to comments made by the other.
- h. Following the hearing the Council has 20 working days to submit a written report of its recommendation, signed by all members, to the Affirmative Action Officer. This report will include a recommendation concerning the disposition of the complaint. A Council member(s) may append to the report a dissent or non-concurrence with the majority opinion.
- i. The Affirmative Action Officer will provide the report and recommendation made by the Council to the Provost and Vice President for Academic Affairs. Within 5 working days of receiving the report, the Vice President will

consider the recommendations and communicate to the parties the action(s) to be initiated.

- j. If either the complainant or respondent do not believe the resolution is satisfactory, a review may be requested. A written appeal of the final recommendation must be received in the President's Office within 30 days of the individual's receipt of the recommendation from the Provost and Vice President for Academic Affairs. The President will respond within 30 days after receiving the written appeal.

## 7. Formal Resolution Process for Sexual Violence Complaints

### a. Title IX Investigation

When the University receives any report of sexual misconduct, the University's Title IX Coordinator will be immediately notified of the allegation by the office receiving the report. The Title IX Coordinator will promptly begin an investigation to determine what occurred. The University will investigate all complaints. If the victim requests confidentiality or asks that the complaint not be pursued, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a victim insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the University's ability to respond may be limited.

Emporia State University prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision of this policy and/or provisions of the Campus Sexual Violence Elimination (SaVE) Act.

### b. Prohibition Against Retaliation

Retaliation against persons who file discrimination complaints or persons who participate in an investigation of a complaint, whether by an individual directly involved or by his/her associates, is a violation of University and Board of Regents policy as well as State and Federal law. Complainants who utilize these procedures or persons who participate in an investigation of a complaint should not be subjected to retaliation. Retaliation may take the form of unwanted personal contact from the respondent or giving additional assignments that are not assigned to others in similar situations, poor grades or unreasonable course assignments. Phone calls, email or other attempts to discuss the complaint may be perceived as retaliation under certain circumstances. Disciplinary action, harassment, unsupported evaluations, or other adverse changes in the conditions of employment or the educational environment may also constitute retaliation. Retaliation will not be tolerated and could result in suspension, reassignment, salary reduction, termination, expulsion or other disciplinary action.

c. Complaint

An individual who believes that he or she has been the subject of discrimination or retaliation, or a dean, director, chairperson or other supervisor or administrator who has reason to believe that discrimination or retaliation may have occurred, should contact the Office of Human Resources to initiate the filing of a complaint. A complaint should include the following, to the extent known and available:

- ▶ Name and contact information (address, telephone, email) for the complainant;
- ▶ Name of person(s) directly responsible for the alleged discrimination or retaliation;
- ▶ Date(s), time(s), and place(s) of the alleged violation(s);
- ▶ Nature of the alleged violation(s); i.e., race, sex, disability discrimination or retaliation, etc.;
- ▶ Detailed description of the specific conduct that is the basis of the alleged violation(s);
- ▶ Copies of any documents or other tangible items pertaining to the alleged violation(s);
- ▶ Names and contact information for any witnesses to the alleged violation(s);
- ▶ Any other relevant information.

Upon receiving a complaint, the Office of Human Resources will provide the complainant with an acknowledgment of receipt within 7 working days and will include in that acknowledgment the web address where the Discrimination Complaint Resolution Process can be found.

d. Complaint Evaluation

Upon receiving a complaint, the Office of Human Resources will conduct an initial evaluation of the merits of the complaint and determine the appropriate investigatory action required. The Office of Human Resources will contact the dean, director, administrator, supervisor, or chairperson responsible for the unit to inform them of the filing of the complaint. When necessary, appropriate administrator(s) or faculty member(s) may be designated by the President, Provost, Vice Presidents, Dean, Director, or Chairperson or by the Executive Director of Human Resources, to participate in the evaluation of the complaint and to facilitate necessary action.

e. Investigation

A formal investigation will be initiated if a complaint is complete, timely, within the scope of this policy and articulates sufficient facts, which if determined to be accurate, would support a finding that the University's discrimination policies have been violated. Investigators assigned to conduct

an investigation will be impartial. In conducting investigations into violations of the University's policies, the Office of Human Resources will use a preponderance of the evidence standard in making factual determinations. A preponderance of the evidence standard means the fact(s) in issue is more probably true than not.

f. Investigation Timeframe

The University will strive to complete discrimination complaint investigations, including issuance of a report of findings to the complainant and respondent, in as timely and efficient a manner as possible within 60 calendar days of receipt of a complaint. However, this timeframe may be extended based on factors such as, but not limited to, schedule and availability of witnesses, holidays or semester breaks including summer break, and complexity of the complaint. If an investigation cannot be completed within 60 calendar days of receipt of the complaint, then the investigator(s) will notify the complainant and respondent of that fact and provide a timeframe for completing the investigation.

g. Access to Information

Emporia State University will control access to information pertaining to reports, investigations, and outcomes of sexual violence complaints by means appropriate to the circumstances. The institution follows all local, state, and federal mandates regarding privacy and confidentiality.

h. Investigation Procedure

The investigation will include the following steps:

(1) Notice to Respondent

The respondent will be provided with a statement of the complaint in writing, and the complainant will be provided a copy of this notification. The respondent will be provided an opportunity to meet with the investigator(s) investigating the complaint and to respond to the allegation. Respondents may respond in person or in writing within a reasonable time to be determined by the investigators. If a respondent chooses not to participate or refuses to answer a complaint, his/her nonparticipation will not prevent the investigation from proceeding and could result in a finding based solely on the information provided by the complainant.

(2) Notice Regarding Retaliation

All parties to a complaint (complainant, respondent, witnesses, and appropriate administrators or supervisors) will be informed that

retaliation by an individual or his/her associates against any person who files a complaint or any person who participates in the investigation of a complaint is prohibited. Individuals who engage in retaliation are subject to disciplinary action, regardless of the disposition of the underlying complaint.

(3) Contact with Complainant

If the investigator did not speak with the complainant at the time that the complaint was received by the Office of Human Resources, the investigator will meet or speak with the complainant at the start of the investigation. In all investigations, the investigator will meet with the complainant throughout the investigation as appropriate.

(4) Representation

In any meeting with the investigators, the parties to the complaint (complainant and the respondent) may bring a representative/advisor to the meeting. The complainant and the respondent have the right to invite another individual to serve as an advisor during the hearing. The advisor is present solely to advise the represented party. The advisor shall not directly address or communicate with the investigator or other parties involved in the investigation and/or hearing, nor shall he/she speak on the behalf of the individual being advised.

(5) Information Relevant to Investigation

The parties to a complaint (complainant and respondent) will be informed that they have the opportunity to identify witnesses, present witness statements, and any other evidence they believe relevant to resolution to the complaint. The investigator(s) will interview other persons whom the investigator(s) in his/her discretion determines to be necessary to gather relevant information. The investigator will review any written materials, emails or other media that as determined by the investigator in his/her discretion may provide relevant information regarding the complaint.

(6) Findings of Investigation

The investigator(s) will provide a written summary of their findings to the respondent and the complainant within a reasonable time following the conclusion of the investigation. In addition, the investigator(s) will provide a written report of the investigation findings and recommendations to the appropriate administrators within the University who will determine the appropriate action to be taken in light of the investigation findings and recommendations.

The administrators will have 20 working days from receipt of the investigation findings and recommendations to determine, in consultation with the Office of Human Resources, an appropriate resolution(s). Upon making a decision, the administrator(s) will simultaneously provide written notification of the decision to both the respondent and complainant.

#### I. Sanctions

Behaviors and actions that violate this policy, including sexual harassment, can be subject to investigation and sanctions. Sanctions can include: warning, restitution, fine, disciplinary probation, campus/community service, student suspension, student expulsion, employee suspension, employee termination.

#### j. Appeals – Finding of Discrimination or Retaliation with Imposition of Discipline

- (1) Respondent: If formal disciplinary action is imposed as a result of a finding of violation of the University's policies prohibiting discrimination, sexual harassment, and/or retaliation, the respondent may appeal.
- (2) Complainant: If formal disciplinary action is not imposed as a result of not finding a violation of the University's policies prohibiting discrimination, sexual harassment, and/or retaliation, the complainant may appeal.
- (3) Appeals Process: Appeals by either respondent or complainant are presented to the Vice President for Administration and Fiscal Affairs, or in the case of a student, the Vice President for Student Affairs within 10 working days of the date of the notice of the investigator's findings. The request for an appeal must be a signed, written document articulating why the investigator's conclusions and findings and/or process were erroneous. The Vice President(s) will respond to the request for appeal within 20 working days of receiving the appeal. The Vice President(s) decision on appeal will constitute final agency action and there will be no further appeal within the University.

#### B. Administrative Closure of a Complaint without Investigation

The University may not proceed with a complaint investigation under a variety of circumstances, for instance:

- ▶ A complainant, even after contact and follow up with an investigator, fails to describe in sufficient detail the conduct that is the basis of the complaint;

- ▶ The conduct alleged in the complaint is not covered by this policy;
- ▶ The complaint is untimely;
- ▶ The complainant refuses to cooperate with the University's investigation;
- ▶ The complainant is anonymous.

If it is determined that the University will not proceed with investigation of a complaint, the Office of Human Resources will notify the complainant (if not anonymous) in writing explaining the reasons why the complaint is not being investigated. The notification letter will include a statement notifying the complainant that he or she may appeal the determination not to proceed with an investigation of the complaint to the Vice President for Administration and Fiscal Affairs, or if a student, the Vice President for Student Affairs within 10 working days of the notice. The request for an appeal must be a signed, written document articulating why the decision to administratively close the complaint without an investigation was in error. The appropriate Vice President will respond to the request for appeal within 20 working days of receipt of the appeal. If the decision to administratively close the complaint without an investigation is overturned, the complaint will be sent back to the Office of Human Resources for investigation in accordance with this procedure. If the decision to administratively close the complaint without an investigation is upheld, then that decision will constitute final agency action and there is no further appeal within the University.

#### C. Extensions of Time

The Office of Human Resources will make every reasonable attempt to adhere to the time limits set forth in these procedures. However, it is recognized that circumstances may necessitate an extension of time. Therefore, the Executive Director of Human Resources may extend the time limits set forth in these procedures.

#### D. Abuse of the Discrimination Complaint Resolution Process

The University takes all discrimination complaints seriously. However, knowingly filing a false complaint is considered serious misconduct and is also subject to sanction. An individual who establishes a pattern of repeatedly filing frivolous complaints that harass colleagues and/or abuse the complaint resolution process may lose the right to file complaints for a specified period of time.

#### E. Confidentiality

It is the responsibility of the Affirmative Action Officer and the responsible administrator to whom a complaint is brought to maintain confidentiality while still allowing for an investigation, providing a remedy for individuals injured by discrimination or harassment, and allowing respondents to reply to complaints. Individuals involved in the investigation or hearing are also obligated to maintain confidentiality. The University cannot guarantee complainants, respondents, or witnesses absolute confidentiality because the University is obligated to investigate complaints.

## F. Accommodations

Reasonable accommodations will be made for persons with documented disabilities. Involved parties with disabilities should contact the Affirmative Action Officer at least 3 days prior to the hearing so that accommodations can be made during the process. Students may contact the Director of Student Accessibility and Support Services and/or the Affirmative Action Officer at least 3 days prior to the hearing so that accommodations can be made. All communication between students, the Office of Student Accessibility and Support Services, and the Affirmative Action Officer will be strictly confidential.

### **3D.0107 SEARCHES, SCREENING, AND APPOINTMENTS FOR UNCLASSIFIED PERSONNEL: RECRUITMENT AND HIRING PROCEDURES** (revised by Affirmative Action Officer 7/02; 09/05; revised by Affirmative Action Officer 10/16/2018)

Although primary responsibility for enforcing policies and procedures will rest with the deans when filling vacancies for unclassified employees, other University personnel (e.g., faculty, chairpersons, other administrators) will be expected to assume their roles and/or responsibilities as set forth in this document. Any modifications or variations will be undertaken only with the permission of the President or designee (e.g., vice president) in consultation with the Affirmative Action Officer.

## I. FACULTY AND ADMINISTRATIVE/PROFESSIONAL STAFF

The appropriate vice president will be informed of any open faculty or administrative professional positions within a department. The following is a statement of the procedures to be followed in recruitment to fill the position.

### A. Procedures for approval of a position description

A position description and justification must be filed with the vice president by the dean or other hiring administrator. The position description should include the following information:

1. Title of position.
2. Rank (if applicable).
3. Qualifications for applicants stating degree preference and any teaching, research, professional or administrative experience necessary to qualify.
4. A statement of duties and responsibilities that includes a description of the expected teaching, research, service, or administrative activities to be performed.
5. Date to begin review of applications.
6. Effective date of appointment.
7. Name and address of person to contact.
8. A line stating that An AA/EOE institution, Emporia State University encourages minorities and women to apply.

The position description, accompanied by a completed Request to Fill a Vacant Unclassified Position (Form A), must be reviewed and approved by the appropriate vice president and Affirmative Action Officer before recruitment procedures are initiated.

Special approvals for recruitment to fill underutilized positions. (Underutilization is defined as having fewer minorities or women in a particular job group than would reasonably be expected by their availability in the potential applicant pool.)

A study will be made by the Affirmative Action Office to establish the probable availability ratio of women and minorities in the applicant pool. This information will be furnished each fall to vice presidents, deans and department chairs. If the advertised position is one in which either minorities or women are underutilized, the unit head must submit to the vice president's office proposed procedures for recruitment, screening, selection and potential availability of minorities and women. The vice president's office will review the proposed procedures and availability data. The vice president's office will determine whether the procedures are approved or whether deficiencies exist that must be corrected.

## B. Suggested advertising procedures

### 1. Local advertising

- Web, Roundtable and Placement Office - All position descriptions that have been approved will be sent by the Office for Equal Opportunity to Public Affairs and Marketing for local announcement.
- State/Area Newspapers - Advertising for The Emporia Gazette plus other publications which appropriately cover the desired population (e.g., Topeka, Wichita, Manhattan, Kansas City) will be placed by the Office for Equal Opportunity.
- A minimum of 2 weeks should be allowed between the date that a vacancy notice appears and the deadline for application.

### 2. Regional or national advertising

- Chronicle of Higher Education may be used when appropriate and the placement of these ads will be the responsibility of the Office for Equal Opportunity.
- Appropriate professional journals (e.g., CUPA, NCAA) or discipline journals may be used. The Office for Equal Opportunity will coordinate placement of these ads with appropriate publication information and ample lead time.
- A minimum of 4 weeks should be allowed between the date that a vacancy notice appears and the deadline for application.

Department chairs will be responsible for the following further contacts:

- Circulate notices of positions at appropriate national or regional professional meetings.
- Circulate notices of positions to business, industrial and professional groups whose members might be qualified.
- Circulate notices and make telephone calls to universities or colleges.
  - a. With faculty members in similar programs.
  - b. With degree programs likely to graduate people with appropriate qualifications.
  - c. That have predominately minority or women faculty and students. (Contact the Office for Equal Opportunity for assistance.)

- Circulate notices to minority and women caucuses of professional associations. (Contact the Office for Equal Opportunity for assistance.)
- Search past files for applicants whose files remain active.

## C. Selection Procedures

### 1. Search Committee

For most positions, an appointed search committee should seek out and recruit, review, and recommend qualified candidates. If possible, a search committee should include among its members minorities, women and men. If 1 of these categories is unavailable from the unit, the balance may be attained by adding a member from outside the unit or the Affirmative Action Officer may be selected to serve in the search process.

The committee should meet early in the search process to receive its charge and to formulate strategies for seeking outstanding candidates, including qualified women and/or minorities. The search process should be an active one. Normally the search will be at least four weeks, although a shorter search period may be approved by the appropriate vice president and the Affirmative Action Officer for a temporary or emergency vacancy, or for a local or internal search.

Either the hiring administrator or designated chairperson of the search committee should acknowledge receipt of all applications and, when appropriate, letters of reference and resumes should be requested from applicants who have not already provided such material.

Each applicant should be sent a Pre-employment Data Form provided by the Office for Equal Opportunity. This form is required by the U.S. Equal Opportunity Commission and will provide information on race, sex, veteran status, and disability status of the applicant. The chair of the search committee (or some other designated member of that committee) will make him/herself cognizant of the Equal Employment Opportunity guidelines and constraints pertaining to employee searches and serve as Equal Employment Opportunity monitor.

The EEO monitor will contact the Office for Equal Opportunity for input about pertinent data from the pre-employment forms and will otherwise serve as liaison with that office. After the date for beginning review of applications, the search committee should meet to screen applicants. Discussions by the committee should be confined to qualifications related to the position. Discussions may not relate to race, marital status, color, creed or religion, ancestry, national origin, gender, sexual orientation, age, disability status or appearances except in the context of meeting affirmative action goals.

The search committee should work with the appropriate administrative officer to identify the most qualified applicants. Normally a dean or director as well as the appropriate vice president will review search procedures and curricula vita of qualified applicants prior to scheduling interviews. A completed Request for Authorization to Interview (Form B) must receive the necessary approvals. Term appointments with a non-instructional title

and visiting appointments with an academic title may not require an interview if approval is granted by the dean.

## 2. Screening Committee

On searches for which the unit administrator(s) take(s) responsibility for the active part of the search (i.e., advertising, professional contacts) a screening committee may be appointed. Such committee will review applications and forward to the administrative head a list of recommended candidates with a review of each candidate's strengths and noted areas of concern. A completed Request for Authorization to Interview (Form B) must receive the necessary approvals prior to issuing invitations to interview.

### D. Candidate Interview Procedures

Only well-qualified candidates who are seriously interested in the position should be brought to campus. In general, no more than 2 candidates will be interviewed. The normal expenses of the candidates will be reimbursed by the Office for Equal Opportunity. Expenses for spouses are not included.

Additional candidates may be interviewed with the approval of the appropriate vice president.

Background data for the candidate should be made available to appropriate interviewing personnel prior to the scheduled interview. Some appropriate form by which the evaluation of the candidate can be communicated to the department will also be furnished by the chair of the search or screening committee at that time.

The evaluations of all those who interviewed a candidate should be taken into account in making a recommendation for appointment.

#### 1. Academic Units

In addition to the interview session with the search committee, a candidate for an academic appointment will be interviewed in the department, by the appropriate dean, and by other pertinent individuals and groups.

Candidates for appointment to administrative positions, such as department chair, center director, assistant or associate dean, or dean must also be interviewed by the Vice President for Academic Affairs. The President will interview candidates for appointment at and above the level of dean.

Human Resources has the responsibility for explaining ESU fringe benefits to all candidates for unclassified positions of .5 or more FTE.

#### 2. Non-Academic Units

The search committee chair will formulate and coordinate the itineraries for the candidate interviews. Care should be given to insure contact with the candidate by representatives of pertinent units of the campus.

## E. Special Considerations

### 1. Special approvals for candidate interviews of underutilized positions.

If the position is one in which minorities and/or women are underutilized, and there are no minorities and/or women included in the pool from which interviews will be scheduled, the appropriate vice president and the Affirmative Action Officer will review with the appropriate administrators the adequacy of recruitment efforts for such positions and maintain a written record of this review. If, in the opinion of the vice president, recruitment efforts have been inadequate, then further recruitment efforts shall be undertaken.

If originally hired into a temporary position via a regional or national search (whichever is appropriate), females and minorities may be considered for permanent status without an additional search if such an appointment is consistent with the department's or unit's goals and timetable statement on correcting underutilization records. These goals and timetables will be set annually in a meeting of Affirmative Action Officer, vice presidents, deans, and directors. Conversion to permanent status may not occur for persons other than females or minorities without an appropriate search unless that department has met the utilization goals.

### 2. Special approvals for hiring candidates for underutilized positions.

In instances in which a minority or woman is within the pool of applicants and is not the choice for an underutilized position, the unit must provide to the vice president written justification as to why a minority or woman is not to be selected for interview; if interviewed, as to why they are not selected for hire. The unit will not make any offer pending approval of the justification by the vice president.

### 3. Special mentoring for underutilized minorities.

So long as there remains an under-representation of minorities in the Emporia State University faculty, the search for suitable candidates will include a review of high-caliber minority master's degree students. Should such students be located, efforts to encourage pursuit of doctoral study will be made.

### 4. Special search waiver for a unique project.

A search may be waived (by only the appropriate vice president and/or the President) in instances in which a singular person has the qualities required for a special project. The Notice of Appointment offered under this waiver will be temporary, non-renewable, and for a period of 1 year or less.

### 5. Employment of non-citizens. (revised 9/05 by Affirmative Action Officer)

Unclassified non-citizen employees are individually responsible for applying for and maintaining the appropriate documentation permitting them to work in the United States.

6. Spoken English Language Competency. (approved by BOR 6/27/96; 1-20-05; 2-16-06; 11/20/08; 12/17/08)

a. Faculty

All prospective faculty members of state universities, except visiting professors on exchange for one year or less, must have their spoken English competency assessed prior to employment through interviews with not fewer than 3 institutional personnel, 1 of whom shall be a student. Faculty shall include all full-time or part-time personnel having classroom or laboratory instructional responsibilities and/or direct tutorial or advisement contact, other than for courses or sessions conducted primarily in a foreign language. An oral interview shall be conducted either face-to-face or by mediated means. To be eligible for an appointment without spoken English language remediation, prospective faculty found to be potentially deficient in speaking ability shall be required to achieve a minimum score of 50 on the Test of Spoken English (TSE), or a score of 250 on the Speaking Proficiency English Assessment Kit (SPEAK), or equivalent, or a minimum score of 22, set by Board staff in consultation with the Council of Chief Academic Officers and with the approval of the Board Academic Affairs Standing Committee, on the Speaking section of the Test of English as a Foreign Language internet Based Test (TOEFL iBT). A report detailing the process for interviewing prospective faculty, including the composition of the interview team and scores from the TSE or SPEAK for each candidate, will be submitted to the President/CEO of the Board every other year.

b. Graduate Teaching Assistants

All prospective graduate teaching assistants of the state universities shall have their English competency assessed prior to being considered for any employment having classroom or laboratory instructional responsibility and/or direct tutorial responsibilities. The following shall be used to implement this policy:

- (1) All prospective graduate teaching assistants, whose first language is not English, must be interviewed and have their competency in spoken English assessed by no fewer than 3 institutional personnel, 1 of whom shall be a student. An oral interview shall be conducted either face-to-face or by mediated means.
- (2) To be eligible for an appointment without spoken English language remediation conditions, all prospective graduate teaching assistants, whose first language is not English, shall be required to achieve a minimum score of 50 on the Test of Spoken English (TSE), or a score of 250 on the Speaking Proficiency English Assessment Kit (SPEAK), or equivalent, or a minimum score of 22, set by Board staff in consultation with the Council of Chief Academic Officers and with the approval of the Board Academic Affairs Standing Committee, on the Speaking section of the Test of English as a Foreign Language internet Based Test (TOEFL iBT).

- (3) All prospective graduate teaching assistants who do not meet the above requirements shall not be assigned teaching responsibilities nor other tasks requiring direct instructional contact with students.
- (4) An exception will be made for courses taught in sign language.
- (5) A report detailing the process for interviewing graduate teaching assistants, whose first language is not English, including the composition of the interview team and scores from the TSE or SPEAK for each candidate, will be submitted to the President/CEO of the Board every other year.

c. General

State universities shall develop implementing policies and procedures for the administration of this policy and shall report to the Board as to the effectiveness of such policy; and may adopt standards that exceed or are additional to those contained herein.

F. Finalizing a Search.

Results of interviews and recommendations relative to the decision to offer, or not to offer, the position must be available to the appropriate vice president upon request. The Unclassified Appointment Form (Form C) must be approved by the appropriate vice president before any offer of position is made. After favorable review by the vice president, the offer of a position may be made.

If 1 of the applicants accepts an offer and is hired, all other applicants should be notified that the position has been filled and that they no longer are being considered for the position.

At the completion of the above steps, the department chair in collaboration with the Office for Equal Opportunity will complete the Recruitment Record for Unclassified Personnel form.

All records of each search, including records regarding all applicants, shall be marked Confidential and retained by the department for 3 years and shall be available upon request by the appropriate vice president or Affirmative Action Officer.

**3D.02 NEPOTISM POLICY** (Senate Bill 533 approved 5/21/92)

No state officer or employees shall advocate or cause the employment, appointment, promotion, transfer, or advancement to any office or position of the state, of a member of such officer's or employee's household or family member.

No state officer or employee shall participate in action relating to the employment or discipline of a member of the officer's or employee's household or family member.

Family member means (a) spouse, parent, child, or sibling; (b) sibling as denoted by the prefix half; (c) parent, child, or sibling as denoted by the prefix step; (d) foster child; (e) uncle, aunt, nephew, or niece; (f) any parent or child of a preceding or subsequent generation as denoted by the prefix of grand or great; or (g) parent, child, or sibling related by marriage as denoted by the suffix of in-law.

Household member means a person having legal residence in, or living in, the state officer's or employee's place of residence.

The provisions of this bill do not apply to any action involving employment, appointment, promotion, transfer, or advancement of any officer or employee occurring prior to the effective date of this act.

**3D.03 CONSENSUAL AMOROUS RELATIONSHIP POLICY** (FSR 93022 approved by President 5/16/94; FSR 18003 passed by Faculty Senate 10/16/2018; Policy approved by President 2/22/2019)

**Purpose**

Consensual intimate or sexual relationships (collectively referred to as amorous relationships) create a conflict of interest when they occur between a faculty member, supervisor, or other member of the University community and any employee or student *when direct evaluative or supervisory authority exists between them*. Amorous relationships may compromise or be perceived as compromising the fairness and impartiality of a supervisor's/faculty member's conduct toward the subordinate, student or to others in subordinate positions. Further, there is a potential negative impact on the work and academic environment within the department and within the University, as well as potential damage to the supervisory individual's or faculty member's own credibility and standing.

**Definitions**

*Amorous Relationship.* An Amorous Relationship includes an *Intimate Relationship* or a *Sexual Relationship*.

*Intimate Relationships.* A romantic relationship between individuals that is determined by the facts of each case, including but not limited to, the length of the relationship, the type of the relationship, the frequency of interaction between the two individuals involved in the relationship, and how the persons involved in the relationship describe themselves as they relate to the other person in the relationship. This term does not include casual relationships or an ordinary fraternization between two individuals in a business or social context.

*Sexual Relationships.* A relationship between individuals that is characterized by sexual activity of any type.

*Marriage.* A legally recognized union between spouses as defined by Kansas state law, which include common law marriage. A Marriage is not an Amorous Relationship under this policy.

*Familial Relationships.* A relationship between persons who are related as defined in UPM Nepotism Policy. Familial Relationships are not Amorous Relationships under this policy.

*Direct Evaluative or Supervisory Authority.* Direct Evaluative or Supervisory Authority in an Amorous Relationship exists when there is either a *Professional Power Differential* or an *Educational Power Differential* between the persons in the relationship.

*Professional Power Differential.* A situation in which one person in a relationship has, or appears to have, at least some supervisory responsibilities, decision-making authority and/or input into the evaluation of academic or research performance, compensation, work assignments, annual employee performance evaluations, or other employment matters over the other person in the same relationship.

*Educational Power Differential.* A situation in which one person in a relationship has, or appears to have, at least some supervisory responsibilities, decision-making authority and/or input in the evaluation of academic or research performance, or other academic matters over the other person in the same relationship.

*Responsible Administrator.* A department chair, dean, vice president, or other designated supervisor of the faculty member or employee involved in a relationship defined by this policy.

### **Policy**

The existence of Direct Evaluative or Supervisory Authority, either directly or indirectly, over a student or employee with whom a faculty or staff member has or plans to have an Amorous Relationship is prohibited. To assure this prohibition, such relationships or potential relationships will be reported in a timely manner by the faculty or staff member to their appropriate Responsible Administrator. A management plan must then be developed which removes the Direct Evaluative or Supervisory Authority.

The Responsible Administrator must approve a management plan for the persons in the relationship that ensures neither person has Direct Evaluative or Supervisory Authority over the other. The management plan may include changes to duties or roles in order to eliminate an actual or potential conflict of interest or other actual or potential adverse impact to the student or subordinate employee. The Director of Human Resources may be contacted for guidance as to the appropriate management plan protocols. Every effort will be made to protect the privacy interests of individuals involved in a manner consistent with the need for a thorough, reliable, prompt, fair and impartial management plan.

### **Enforcement**

The existence of a relationship as contemplated by this policy shall be determined by the use of a preponderance of the evidence standard. Individuals who are found to have violated this policy will receive disciplinary consequences appropriate to the violation(s) and in consideration of any prior disciplinary, performance and/or behavioral issues while employed at the University. Sanctions for violation of this policy shall be adjudicated through the preponderance of the evidence standard, which will supersede the evidentiary standard of any other applicable or affected policy.

### **3D.04 PROFESSIONAL ETHICS (FSR 411 approved by President 5/2/72)**

Members of the campus community have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. All members share the obligation to respect:

- I. The fundamental rights of others as citizens. As citizens, members of the campus community enjoy the same basic rights and are bound by the same responsibilities to respect the rights of others, as are all citizens.

Among the basic rights are freedom of speech, freedom of press, freedom of assembly and association, freedom of political beliefs, and freedom from any personal force and violence, threats of violence, and personal abuse.

Freedom of press implies the right of freedom from censorship in campus newspapers and other media, and the concomitant obligation to adhere to the canons of responsible journalism.

It should be made clear in writings and broadcasts that editorial opinions are not necessarily those of the institution or its members.

The campus is not a sanctuary for the general law. The educational institution does not stand in loco parentis for its members.

Each member of the campus community has the right to organize his/her own personal life and behavior, so long as it does not violate the law or agreements voluntarily entered into, and does not interfere with the rights of others or the educational process.

Admission to, employment by, and promotion within the campus community shall accord with the provisions against discrimination in the general law.

- II. The rights of others based upon the nature of the educational process.

All members of the campus community have other responsibilities and rights based upon the nature of the educational process and the requirements of the search for truth and its free presentation. These rights and responsibilities include:

Obligation to respect the freedom to teach, to learn and to conduct research and publish findings in the spirit of free inquiry. Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom.

Obligation to scholarship to examine and state the truth as one sees it; to develop and improve scholarly competence; to practice intellectual honesty.

Obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. Freedom to teach and to learn implies that the teacher has the right to determine the specific content of his/her course, within the established course definition, and the responsibility not to depart significantly from his/her area of competence or to divert significant time to

material extraneous to the subject matter of his/her course. Free inquiry further implies that the results of research shall be communicated. The campus community should foster a climate of free inquiry.

Obligation not to interfere with the freedom of members of the campus community to pursue normal academic and administrative activities, including freedom of movement.

Obligation not to infringe upon the right of all members of the campus community to privacy in offices, laboratories, and dormitory rooms and in the keeping of personal papers, confidential records and effects, subject only to the general law and to conditions voluntarily entered into. Campus records on its members would contain only information which is reasonably related to the educational process or safety of the campus.

Obligation not to interfere with any member's freedom to hear, to study, and to express opinions concerning unpopular and controversial views on intellectual and public issues.

Obligation to respect the right to hold public meetings in which members participate, to post notices, and to engage in peaceful, orderly demonstrations.

Obligation to establish and respect reasonable and impartially applied rules, designed to reflect the educational purposes of the institution and to protect the safety of the campus, regulating the time, place and manner of activities and allocating the use of facilities.

Obligation to afford recourse if another member of the campus community is negligent or irresponsible in performance of his/her responsibilities, or if another member of the campus community represents the work of others as his/her own.

Obligation to afford freedom to determine the amount and character of the work one does outside the institution provided such outside interests never seriously hamper or compromise the paramount responsibilities to the institution.

Obligation to insure the right to be heard and considered at appropriate levels of the decision-making process about basic policy matters of direct concern.

Members of the campus community who have a continuing association with the institution and who have substantial authority and security with an especially strong obligation to maintain an environment conducive to respect for the rights of others and the fulfillment of academic responsibilities.

Tenured faculty should maintain the highest standards in performance of their academic responsibilities.

Governing boards have a particular responsibility to protect the integrity of the academic process from external and internal attacks and to prevent the political or financial exploitation of the campus by any individual or group.

### III. The rights of the institution.

The institution, and any department or agency which exercises direct or indirect authority for the institution, has rights and responsibilities of its own. The rights and responsibilities of the institution include:

Right and obligation to provide an open forum for members of the campus community to present and debate public issues.

Right to prohibit individuals and groups who are not members of the campus community from using its name, its finances, or its physical and operating facilities for commercial or political activities.

Right to prohibit members of the campus community from using its name, its finances, or its physical and operating facilities for commercial activities.

Right and obligation to provide members of the campus community the use of meeting rooms, under the rules of the campus, for purposes including the meeting of official clubs, but to prohibit the use of campus rooms by individual members or groups of members on a regular or prolonged basis as free headquarters for political campaigns, and to prohibit the use of the name of the institution, its finances, and its office equipment and supplies for any political purpose at any time.

Right and obligation not to take a position, as an institution, in electoral politics or on public issues, except on those issues which directly affect its autonomy, the freedom of its members, its financial support, and its academic freedom.

Right and obligation to protect the members of the campus community and visitors to it from physical harm, threats of harm, or abuse; its property from damage and unauthorized use; and its academic and administrative processes from interruption.

Right to require that persons on the campus be willing to identify themselves by name and address, and state what connection, if any, they have with the campus.

Right and obligation to set reasonable standards of conduct in order to safeguard the educational process and to provide for the safety of members of the campus community and the institution's property.

Right to deny pay and academic credit to members of the campus community who are on strike; and the concomitant obligation to accept legal strikes legally conducted without recourse to dismissal of participants.

### IV. The rights of members to fair and equitable procedures for determining when and upon whom penalties for violation of campus regulations should be imposed.

All members of the campus community have a right to fair and equitable procedures for determining the validity of charges of violating campus regulations.

These procedures shall be structured so as to facilitate a reliable determination of the truth or falsity of charges, to provide fundamental fairness to the parties, and to maintain necessary order in an effective manner.

All members of the campus community have a right to know in advance the range of penalties for violations of campus regulations. Definition of adequate cause for separation from the campus should be clearly formulated and made public.

All members of the campus community have an obligation to observe the state regulations of the institution, provided these regulations do not contravene academic freedom, while maintaining the right to criticize and seek revision of the regulations.

Charges of minor infractions of regulations penalized by small fines or reprimands which do not become part of permanent records may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal.

When charged with infractions of regulations which may lead to notation in permanent records, or to more serious penalties, such as suspension or expulsion, members of the campus community have a right to formal procedures with adequate due process, including the right to appeal.

Members of the campus community charged or convicted of violations under general law may be subject to campus sanctions for the same conduct, in accord with campus policies and procedures, when the conduct is in violation of a campus rule essential to the continuing protection of other members of the campus community or to the safeguarding of the educational process.

V. The rights and obligations of academic responsibility.

Every member of the academic community has the obligation to respect the concept of freedom and the equally demanding concept of responsibility.

He/She is a citizen, a member of a learned profession, and a member of an educational institution. When he/she speaks or writes as a citizen, he/she should be free from institutional censorship or discipline, but his/her special position in the community imposes special obligations. As a person of learning he/she should remember that the public may judge his/her profession and institution by his/her utterances. Hence at all times he/she should exhibit accuracy, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he/she is not an institutional spokesperson.

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**3D.05 INTERFERENCE WITH CONDUCT OF THE INSTITUTION** (approved by BOR 1986)

Actions by faculty, staff, students, or visitors which unnecessarily and unreasonably obstruct or interfere with the teaching, scholarly activity (research), or learning functions or other normal and necessary activities of a Regents institution, or which create an imminent threat of danger to persons or property, may constitute grounds for suspension, dismissal, or termination, or permanent exclusion from the campus.

## Regulations.

1. A person having any association with any of our state educational institutions may participate in or have any association with any demonstration at any of the institutions under the control of the Board of Regents only when such activities do not exceed the bounds of free assembly and lawful advocacy.
2. Persons participating in a demonstration shall not engage in any unlawful acts which cause or imminently threaten injury to persons or property, or which in anyway obstructs or interferes with the normal and necessary activities of an institution.
3. Persons having a formal association with any of our state educational institutions shall not engage in conduct that unreasonably obstructs teaching, research and learning.
4. Persons having a formal association with any of our state educational institutions shall not unreasonably obstruct free access to members or guests of any of the institutions or to any of the institutional buildings.
5. Persons having a formal association with any of our state educational institutions shall not damage institutional property or injure members or guests of the institution.
6. Persons having a formal association with any of our state educational institutions shall not disobey the general rules of conduct of the University or of the regulations promulgated by the state Board of Regents.
7. Persons having a formal association with any of our state educational institutions shall not cause any disturbance or breach of the peace or in anyway violate any of the rules and regulations of residence halls or other places or in any building in which students or faculty members assemble.
8. Persons having a formal association with any of our state educational institutions shall not use profane or vulgar language in a threatening or disruptive manner nor engage in rude or challenging behavior in or upon any of the institutional properties, including residence halls and organized living groups.
9. The term formal association as used in these regulations shall mean enrolled students, faculty members and other employees.

The President of ESU will take such action as is necessary to carry out the purport of the rules and regulations promulgated by the State Board of Regents or any rule and regulation governing the conduct of any and all students, faculty members and other employees of the respective institutions by suspension or other disciplinary action as appropriate, such to be in accordance with procedures established within each institution for the government of students, faculty members and other employees.

In order to insure due process any student, faculty member or other employee suspended, or who might receive other disciplinary action on the grounds of violating any of the premises of these regulations, as well as all other rules and regulations established by the Board of Regents, as well as those established by the institutions, shall have at his/her discretion the right of review of the action by the governing board constituted at each institution to handle disciplinary matters.

### **3D.06 WHISTLEBLOWER POLICY** (approved by President 4/9/2012)

The university encourages good-faith disclosure of violations of law, Kansas Board of Regents, or university Policy to University administration without reprisal as articulated in K.S.A. 75-2973. University employees are required to comply with applicable state and federal law, university policies, and Kansas Board of Regents policies. An employee cannot be compelled by university officials or their supervisor to violate these provisions. University employees who have knowledge of specific acts which they reasonably believe violate the law or policy must report those acts to the appropriate university official.

No employee shall take retaliatory action against any individual for reporting, or causing to be reported, suspected wrongdoing, or for assisting in an authorized investigation of alleged wrongdoing. Retaliation, if confirmed, will result in disciplinary action. Individuals who believe they have been retaliated against in violation of this policy should notify the University Internal Auditor or the University General Counsel. In follow up, a written complaint to the University Internal Auditor is considered appropriate. Policy does not protect an individual who files a report knowing it to be false or with reckless disregard for truth or falsity or subject to confidentiality or lawful privilege. If it is determined an employee knowingly made false reports they may be subject to discipline. The Kansas Whistleblower Act, K.S.A. 75-2973, is available to all employees on the University Internal Audit web page and posted on employee bulletin boards.

### **3D.07 USE OF UNIVERSITY PROPERTY FOR FREE EXPRESSION ACTIVITIES** (revised by Facilities Council; approved by President 5/24/06; updated 2/09; updated 6/10; revised by Facilities Council; approved by President 3/19/2012; approved by President 9/30/2014; approved by President 8/6/2018)

As a state educational institution of Kansas, the buildings, facilities and grounds of the University are dedicated to education and the fulfillment of the University's approved mission to provide high quality instruction and make original contributions to the knowledge and human understanding of its students. Emporia State University recognizes and supports the rights of individuals and groups to engage in free expression. These time, place, and manner regulations are intended to balance the University's responsibility to fulfill its mission as a state educational institution of Kansas with the interests of constitutionally protected speech, assembly, and expression.

The United States and Kansas Constitutions guarantee all individuals the right to the freedom of expression, including but not limited to: informational picketing, petition circulation, distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, mass protests, meetings to display group feelings or sentiments and/or other types of constitutionally protected assemblies to share information, perspective or viewpoints.

### **3D.0701 FREE EXPRESSION ACTIVITIES POLICY**

1. As used in this policy the following terms shall be defined as:
  - a. Individuals – groups of 10 or fewer
  - b. Groups – groups of 11 or more
2. **Use of Campus.** Individuals and groups may use the campus for activities guaranteed by the First Amendment of the U.S. Constitution subject to the regulations and requirements of the current University Policy Manual.
3. **Scheduling.** In order to ensure that a free expression zone is available at a time when individuals or groups desire, Emporia State University affiliated or not, the scheduling procedures identified in this policy shall be followed.
  - a. Individuals
    - The scheduled use of a free expression zone supersedes any unscheduled use of that location.
    - Subject to reasonable time, place, and manner restrictions, individuals may make use of a free expression zone, or other public area, when otherwise not in use or scheduled.
  - b. Groups
    - Each group's event will be scheduled on a first-come, first served basis, with priority, in the case of a scheduling conflict, being given to University sponsored events.
    - In order to make sure a particular time and/or location is not monopolized, all events, whether or not sponsored by a University group, must be scheduled one at a time.
4. **Location**
  - a. No free expression activities may occur inside any University building, arena, or stadium.
  - b. The event shall not obstruct access in or out of University facilities and will remain a minimum of 30 feet from all University building or stadium entrances, except in the Free Expression Zone identified as Union Square.

- c. Individuals may spontaneously gather to engage in non-disruptive expression on all traditionally public areas such as lawns, quads, and green spaces.
- d. Groups must provide a Notification of Intent Form to the University's Conference & Scheduling Office (Memorial Union) no later than 72 hours prior to the event. The Notification of Intent form must include all of the following information:
  - Name, address, and telephone number of primary contact, group, entity, or organization;
  - Date and time of event;
  - Indicate Free Expression Zone location (map available upon request):
    - ▶ Union Square
    - ▶ Phipps Sunken Garden
    - ▶ Open quad between Beach Music Hall, King Hall, Memorial Union, and Roosevelt Hall
  - Nature and purpose of the event;
  - Type of sound amplification devices to be used (if any);
  - Estimated number of people expected.
- e. The use of amplification devices is limited to Free Expression Zones. In all cases, the volume of any amplification device may not be so loud that it disrupts or disturbs the normal use of University facilities or events (i.e., classroom, laboratories, assembly areas, stadiums, offices, etc.).

## 5. Restrictions and Obligations

- a. Signs no larger than 3' x 5' are permitted.
- b. One sign per person
- c. The event shall not last longer than 4 hours and shall be scheduled between the hours of 8:00 a.m. and 9:00 p.m.
- d. Written and/or oral views may be expressed as long as they are not obscene, libelous, or advocating unlawful conduct.
- e. Leaflets shall not be placed on vehicles or left unattended due to the creation of excessive trash.
- f. The University campus and grounds shall be cleaned up and left in its original condition and may be subject to inspection by a University Facility manager. Reasonable charges may be assessed against the sponsoring party and/or responsible contact for the costs of extraordinary clean-up or for repair of damaged property.
- g. All life safety and sanitation regulations applicable to the event must be addressed and in compliance.

- h. All temporary utilities, sanitation, and accessibility requirements are the responsibility of the sponsoring party. The University will not provide these items.
- I. The event shall not obstruct vehicular, pedestrian, or other traffic.
- j. The event shall not obstruct access in or out of University facilities and will remain a minimum of 30 feet from all University building and stadium entrances, except in the Free Expression Zone identified as Union Square.
- k. The event shall not create safety hazards to participants, students, employees, or guests of the University.
- l. The event shall not infringe on the rights and privileges of students, employee, and guests of the University.
- m. The event must be in compliance and in accordance with applicable University policies and regulations, Kansas Board of Regents policies and regulations, local laws and regulations, and/or state or federal statutes and laws.
- n. Any person and/or organization found to be non-compliant with this policy, by either the Director of the Memorial Union and/or the Director of University Facilities, is subject to an order from the University Policy & Safety Department to leave the campus. Person(s) failing to comply with this order are subject to arrest for criminal trespass.

## **6. Presidential Authorization**

- a. The Emporia State University President (or designee) may authorize free expression activities which are reasonably determined not to cause disruption of the University mission or activities despite a literal violation of this policy. Such determination will be made without consideration of the content or message of the free expression activities.
- b. The Emporia State University President (or designee) may prohibit, cancel or terminate an event if, after a proper inquiry, it is determined the event constitutes a clear or potential danger to the University's normal and orderly operations.

### **3D.08 STUDENT CONDUCT (FSB 01011 approved by President, 4/29/02)**

Excessive absenteeism is defined as a number of absences beyond which the faculty member has determined on his/her syllabus that a student cannot complete the course without the academic integrity of the course being compromised.

Emporia State University is committed toward development of sensitive and responsible individuals and believe this goal is best achieved through a sound educational program and reasonable policies concerning student conduct, both in and out of the classroom. Operating from this concept, recognition is given to the importance of an honest approach to learning which ideally is shared by the instructor and the student. Faculty members may make the disposition of any cases of disruptive behavior, excessive absenteeism, or academic dishonesty within their classes as they deem

appropriate. Following such cases, the faculty member shall make available to the chair of the department and to the office of the Vice President for Student Affairs a record of such student absenteeism or disruptive behavior and the action taken by the faculty member. (This information will be helpful in dealing with those students who may have had similar problems in other classes or departments.) If the problem is not settled between the faculty member and the student, assistance will be given from the office of the Vice President for Student Affairs. If the problem cannot be resolved at this point the student may request a hearing. This request must be in writing. If a case of dishonesty, excessive absenteeism, or disruptive behavior also involves a disagreement regarding a grade, the student may be referred to the committee which hears academic appeals.

If the behavior is such that broader disciplinary action by the school/college is recommended, a hearing board shall be established by the President of the University to make disposition of the case. (In all cases of disciplinary action the office of the Vice President for Student Affairs is available for assistance.)

At any point where student conduct directly interferes with the health, safety, or well being of individuals in the campus community, the University may apply sanctions or take other appropriate action. Since the University is responsible for the subsidiary duties of maintaining property, keeping records, providing living accommodations, and sponsoring a variety of nonclassroom activities, it is necessary that a climate supportive of such duties be maintained.

Student status will not be a basis for any special consideration from the University when a community, state, or national law has been violated, although every effort will be made to assist with the rehabilitation of a student violating such laws. This is done by working with law enforcement or other agencies, and ordinarily further sanctions are not applied after such a case is closed.

No disciplinary sanction as serious as suspension, probation, or adverse notation on permanent records (available to other than official personnel of the college) will be imposed without proper notification given to the student in writing. This notification will state the charges and will give the accused the opportunity to appear alone, or with appropriate representation before the proper committee, judicial council, court, or official. Included will be the nature and source of evidence and the encouragement for the student to present evidence in turn. Following this review final disciplinary action will be taken by the University. Students may also request that such appearance before committees, councils, courts, or officials be waived and the case be determined in conference with appropriate campus officials.

The University conduct policy commits all individuals serving on any of the above named groups dealing with student problems to a code of confidence. Failure to comply may lead to sanctions from student, faculty, or administrative governing bodies, or officials. Students, faculty, and administration shall have the opportunity to participate fully in the formulation of policies and rules and their enforcement. Penalties for men and women shall be based equally; like penalties following like violations.

**3D.0801 ACADEMIC DISHONESTY POLICY** (FSB 95002 approved by President 1/31/96; FSB 03002 passed by Faculty Senate 1/20/04; approved by President 2/9/04; FSB 05002 passed by Faculty Senate 1/17/06; approved by President 2/7/06; title update approved by President of the Faculty 8/22/2010; FSB 10007 passed by Faculty Senate 3/15/2011; approved by President 3/21/2011; updated 10/2/2013; FSB 17005 approved by President 8/6/2018)

Academic dishonesty, a basis for disciplinary action, includes but is not limited to activities such as cheating, plagiarism, or any other academically unethical activity as defined in the course syllabus by the faculty member and based on standards of the academic discipline.

The faculty member in whose course or under whose tutelage an act of academic dishonesty occurs has the option of failing the student for the academic hours in question, or for any components or requirements for that course. If the student fails the course as a result of academic dishonesty, a course grade of XF may be assigned by the instructor of record to the student's transcript to indicate the failure in the course was due to academic dishonesty, provided the Academic Dishonesty Committee authorized the "X" part of the grade as outlined below.

Departments, schools, and colleges, or the university may have provisions for more severe penalties. Emporia State University may impose penalties for academic dishonesty up to and including expulsion from the student's major or from the University. In addition, acts of academic dishonesty shall be grounds to deny admission to a department or program.

In addition to the penalties above, the faculty member shall notify in writing the department chair and the registrar of the infraction. The notification to the department chair should include documentation of the academic dishonesty infraction and the course of action the faculty member takes. All documentation must be provided within 10 business days after the discovery of academic dishonesty. The department chair shall forward the report of the infraction to the Provost and Vice President for Academic Affairs. The registrar shall block the student from withdrawing from the course to avoid the penalties that result from the infraction. The Provost and Vice President for Academic Affairs shall act as the record keeper for student academic infractions. The Provost and Vice President for Academic Affairs will notify the student in writing that an infraction has been reported and inform the student and the faculty member of their rights to be heard by the Academic Dishonesty Committee; furthermore, such communication will indicate the right to appeal and of the appropriate appeal procedures.

The Provost and Vice President for Academic Affairs shall notify the student, the department chair, and the faculty member that initiated the proceedings, of any additional action taken beyond those already imposed by the faculty member or the Academic Dishonesty Committee. Should a single infraction be so egregious, or should a student have a record of multiple infractions, the Provost and Vice President for Academic Affairs may impose additional penalties, including expulsion of the student from the University.

Once the Provost and Vice President for Academic Affairs receives the documentation associated with an XF grade designation, the Provost and Vice President for Academic Affairs will forward the documentation to the Academic Dishonesty Committee. The Academic

Dishonesty Committee shall decide whether the “X” portion of the XF grade designation is warranted, and then notify the Provost and Vice President for Academic Affairs and the office of the Registrar of the committee’s decision. The Academic Dishonesty Committee shall be focused on the alleged dishonesty.

The Academic Dishonesty Committee shall consist of 5 members with a minimum of 1 tenured faculty member from each School/College. New members of the committee will be assigned within 30 days of the start of the academic year for a 2-year term. Committee members from the College of Liberal Arts and Sciences, the School of Library and Information Management, and the at-large member will be selected in odd years, and members from The Teachers College and the School of Business will be selected in even years. All members of the Academic Dishonesty Committee are assigned to the committee by the Committee for Campus Governance via a random selection process. The committee shall designate its own chair. No member of the committee shall abstain from voting on a decision, unless that member is the same faculty member in whose course or under whose tutelage the act of academic dishonesty occurred, in which event the committee member shall be recused, and a temporary substitute member from the same School/College as the recused committee member shall be appointed by the Faculty Senate Executive Committee.

The student and the faculty member each have the right to be heard by the Academic Dishonesty Committee. Moreover, each has the right to appeal the charge of academic dishonesty (see Academic Appeals section). If after an appeal it is found that the student did not commit an act of academic dishonesty, no penalties will be imposed on the student.

A student (current or former) who has received a grade of XF may present a written request to the Provost and Vice President for Academic Affairs for the removal of the X from the student’s transcript. Two years must pass before the request may be submitted. Granting the removal of the X designation on a student’s transcript is at the discretion of the Provost and Vice President for Academic Affairs provided the student has no additional academic dishonesty violations.

A chair of a department or director of a program may request from the Provost and Vice President for Academic Affairs a list of all currently enrolled ESU students within that major or program who have committed acts of academic dishonesty. This request may be a standing request to be filled automatically during each semester until the request is rescinded by the chair or director. In addition, a chair of a department or director of a program may submit to the office of the Provost and Vice President for Academic Affairs a list of applicants to a program or major and the chair or director may be informed if any of the applicants has committed any acts of academic dishonesty.

Prior to the beginning of the next academic year, the office of the Provost and Vice President for Academic Affairs shall send to the Chair of the Academic Affairs Committee of the Faculty Senate a list containing nonspecific student identifiers, such as Student 1, Student 2, etc., their specific academic infraction(s) reported to the Provost’s office, the total number of infractions that have been reported for each student, and any actions taken by the Provost and Vice President for Academic Affairs.

### **3D.09 VOLUNTARY OR INVOLUNTARY WITHDRAWAL FROM THE UNIVERSITY FOR SERIOUSLY DISRUPTIVE BEHAVIORS** (approved by the President, 7/21/2011)

When a student engages in behavior that violates the ESU Student Code of Conduct or Academic Dishonesty Policy, those policies and procedures should be followed. However, at times students engage in seriously disruptive behavior that requires swift intervention. “Seriously disruptive behavior” is defined as behavior that is disruptive to the maintenance of the academic environment, destructive to University property, or constitutes a threat to the well being of the student or others. In such cases, the procedures outlined below should be followed.

#### **3D.0901 RESPONSES TO SERIOUSLY DISRUPTIVE BEHAVIOR** (updated 10/02/2013)

A. When a student has voiced intent and/or exhibits behaviors that require immediate intervention (e.g. active suicidal or homicidal threat or behavior, etc.), these steps should be taken:

1. Contact 911 for life threatening situations. The concerned party will notify ESU Police & Safety to assure safety and to initiate appropriate action.
2. ESU Police & Safety will notify administration according to the ESU Emergency Operations Plan (“EOP”). This will include, if deemed appropriate, notifying the Dean of Students or other members of the CARE Team.
3. Upon receipt by the Dean of Students, or designee, will evaluate and determine the appropriate response(s), including but not limited to:
  - a. Referral for review by the Vice President for Student Affairs
  - b. Referral to the CARE Team
  - c. Referral under the Student Code of Conduct
4. Upon receipt by the CARE Team, the CARE Team will evaluate and refer the matter in accordance with this policy and, if necessary, in conformity with requirements of the University EOP.

B. When a student evidences behaviors that are seriously disruptive, but not of immediate risk of harm to self or others, these steps should be followed:

1. The concerned party will notify the Dean of Students, or designee, or a member of the CARE Team in accordance with University Policies.
2. Upon receipt by the Dean of Students, or designee, in the interests of timing and sensitivity to the immediate needs of all parties, the Dean of Students will evaluate and determine the appropriate response, including but not limited to:
  - a. Referral to Vice President for Student Affairs for administrative review
  - b. Referral to the CARE Team
  - c. Referral under the Student Code of Conduct

3. Upon receipt by the CARE Team, the CARE Team will evaluate and refer the matter in accordance with the University Policies.

If during these processes the Dean of Students or the CARE Team has reason to believe the seriously disruptive behavior may be related to a diagnosable mental disorder or other condition, the following procedures should be followed:

**3D.0902 VOLUNTARY WITHDRAWAL FROM THE UNIVERSITY** (updated 10/2/2013)

- A. The matter will initially be referred to the Dean of Students who will keep the Vice President for Student Affairs notified of activities and recommendations on the proper course of action.
- B. The Dean of Students, or designee, and the student will explore referral to appropriate community resources, reasonable accommodations that would eliminate or sufficiently reduce the disruption, and/or explore a voluntary withdrawal of the student. Parents/guardians/spouses or others identified by the student may be present during this discussion.
- C. Upon voluntary withdrawal, the University will provide conditions and requirements necessary for reinstatement.
- D. Steps may be taken to minimize potential financial and academic loss.

**3D.0903 INVOLUNTARY WITHDRAWAL FROM THE UNIVERSITY** (updated 10/2/2013)

If a student does not withdraw under conditions described in the section on Voluntary Withdrawal from the University and the Dean of Students or the CARE Team has reason to believe the seriously disruptive behavior may be related to a disabling condition, the student may be considered for involuntary withdrawal (as opposed to dismissal pursuant to the Student Code of Conduct). In this case, the following procedure should be followed:

- A. The Dean of Students, or designee, may refer the student for evaluation to a mutually agreed upon and appropriately credentialed medical or mental health professional to determine the effect of the medical or mental health issue on the behavior, and the prognosis for continuation of such behavior.
  1. The cost of this evaluation shall be borne by the University.
  2. The student will be informed of this mandatory referral for evaluation in writing and will also be provided with a copy of this policy.
  3. The Dean of Students, or designee, in consultation with the Provost, may require an interim suspension pending the result of this evaluation.
  4. The evaluation should be completed within 10 University business days from the date of receipt of the referral letter.

5. The student will sign a release permitting all relevant information to be provided to the Dean of Students, or designee.
- B. Should the evaluation result in a determination that there is no apparent threat to the safety of self or others, no inability or refusal to fulfill personal, medical or mental health needs that might lead to serious physical circumstances or death within a short period of time, and no apparent threat to property, to the lawful activities of others, or to the educational processes and orderly operations of the University, further procedures under this policy may cease. The Dean of Students, or designee, may determine no further action under this policy is necessary, and may refer the matter for action under another University policy.
  - C. If the determination of Section B above is based on the student's continued compliance with treatment, the student will be required to meet with the Dean of Students, or designee, and CARE Team if necessary, to develop an administrative resolution with behavioral expectations.
  - D. Should the evaluation result in a determination by the Dean of Students, or designee, that it is in the best interest of the student and/or the University community that the student is involuntarily withdrawn from the University, the Dean of Students, or designee, may make such recommendation to the Vice President for Student Affairs, or designee. Should the student be involuntarily withdrawn, the Vice President for Student Affairs, or designee, will issue a determination letter to inform the student in writing of the involuntary withdrawal and of the student's right to an appeal under section 3D.0804 below. Failure to file a timely appeal constitutes a waiver of any right to an appeal. The circumstances regarding the student's involuntary withdrawal are not noted on the student transcript.
  - E. The University may permit the student to withdraw voluntarily at any time prior to the conclusion of the involuntary withdrawal process.
  - F. If the student is unable or unwilling to cooperate in the mandatory evaluation process, the University will make its decision based on the best available information.
  - G. Where the University seeks to involuntarily withdraw a student who is an otherwise qualified individual with a disability on the basis that the student poses a "direct threat" within the meaning of the ADA and amendments thereto, the University will make an individualized assessment as follows:
    1. Direct threat analysis will be made on an individualized assessment from the current medical evidence, or best available objective evidence: 1) the nature, duration, and severity of the risk; 2) the probability that the potential injury will actually occur; and, 3) whether reasonable modifications to policies, practices, or procedures, or the provision of auxiliary aids and services, will mitigate the risk. If necessary, the University will consult with individuals with in-depth knowledge and experience in the area of disability as part this assessment.
    2. Where there is an immediate safety concern, the University may set interim conditions on the student while completing the assessment. The University will give the student notice of the University's actions and will provide minimal due process.

3. If the University determines that a student poses a direct threat to others, the University may condition the student's future receipt of a benefit or service upon the student's provision of documentation showing that the student is no longer a threat. Such evidence may include, but not be limited to, a treatment plan or periodic reports from an appropriately credentialed medical or mental health professional. The University will not, however, condition the provision of a benefit or service upon a showing by the student that he or she has eliminated behaviors that are a manifestation of a disability, unless such behavior significantly contributed to the direct threat.
4. The Dean of Students, or designee, may recommend to the Vice President for Student Affairs, to deny or rescind admission or suspend or dismiss a student who is determined to be a direct threat to the health or safety of self or others. The Vice President for Student Affairs will notify the student of the determination and provide a copy of this policy and explain the appeal procedure.

### **3D.0904 APPEAL**

A student may request a meeting with the Vice President for Student Affairs to appeal the determination that he or she be involuntarily withdrawn. If the student wishes to appeal, the following provisions will apply:

- A. The student must submit a written request to the Vice President for Student Affairs within 3 University business days from the date of receipt of the determination letter; or in cases of hospitalization or incarceration, the student may submit the written request to appeal within 3 University business days of release.
  1. The meeting date will normally be set within 5 University business days following the receipt of the request.
  2. Pending completion of the meeting, the student is subject to interim involuntary suspension, but may be allowed to be on the campus to attend the meeting or for other necessary purposes, as authorized in writing in advance by the Vice President for Student Affairs or designee.
- B. The student will be requested to authorize the Vice President for Student Affairs or designee and other meeting participants to have access to relevant materials deemed necessary for the meeting. If the student declines to grant access to the records, the meeting will proceed without the requested information.
- C. The student shall be informed in writing of the Vice President for Student Affairs' or designee's final decision and reasons for decision, within 5 University business days following the meeting. The decision of the Vice President for Student Affairs or designee is effective upon being conveyed to the student and is final.

**3D.0905 UNIVERSITY ACTION AFTER AN INVOLUNTARY WITHDRAWAL BECAUSE OF BEHAVIOR CONCURRENT WITH A DIAGNOSED MEDICAL OR MENTAL HEALTH DISORDER**

- A. Upon involuntary withdrawal because of behavior concurrent with a diagnosed medical or mental health disorder, the University will provide conditions and requirements necessary for reinstatement.
- B. Reasonable efforts should be made to refer the student for appropriate medical or mental health services.
- C. Reasonable steps may be taken to minimize potential financial and academic loss in conformity with other applicable ESU policies.

**3D.0906 REINSTATEMENT AFTER A VOLUNTARY OR INVOLUNTARY WITHDRAWAL FROM UNIVERSITY (updated 10/2/2013)**

A student who has been withdrawn for reasons of disruptive behavior concurrent with a diagnosed medical or mental disorder may be reinstated only with the approval of the Vice President for Student Affairs, or designee. Applications for reinstatement may be made once per semester.

Reinstatement requirements will be tailored to each student's needs and related to the issue(s) that necessitated the withdrawal. The reinstatement process includes the following steps:

- A. Former student will submit a letter to the Dean of Students requesting reinstatement, and include a copy of a recent evaluation by a licensed mental or medical health professional showing that the disruptive behaviors leading to the withdrawal are being adequately managed. The evaluation would be initiated and paid for by the student, not by the University.
- B. The Dean of Students, or designee, will review the letter and the evaluation results, as well as the conditions and requirements for reinstatement, to determine whether the conditions and requirements have been met. The Dean of Students, or designee, in consultation with the CARE Team, will make a recommendation to the Vice President for Student Affairs based on consideration of this information.
- C. The Vice President for Student Affairs will make a decision based on consideration of this information and will notify the student and CARE Team of this decision and any conditions within 5 University business days. The Vice President for Student Affairs, or designee, will notify appropriate academic departments the student is reinstated and permitted to enroll or re-enroll.
- D. The student may be placed on probation for a period of no less than 1 semester after reinstatement. If the student fails to meet the preconditions for reinstatement he or she may be subject to withdrawal. The student's probationary status will be monitored by the CARE Team and will not be reflected on his or her academic transcript.

- E. If the student successfully completes the probationary period, the CARE Team will evaluate returning the student to regular status, and make recommendations to the Vice President for Student Affairs to end the probationary period. The student will receive written notification of the decision to return to regular status within 5 business days of the Vice President for Student Affairs' determination.

Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.

Note: Emporia State University acknowledges the consultation, use, and adaptation of portions of this policy from Kansas State University found online at:

<http://www.k-state.edu/osas/Documents/2008/2008-09%20handbook.pdf>

### **3D.10 STUDENT BILL OF RIGHTS (revised 10/98)**

Viewing the University as a community, we, the Associated Students of Emporia State University, believe that the entire community should share the responsibility for shaping standards of conduct and the character of services to be provided.

It is recognized that we, as members of this community, must conduct ourselves in a manner which does not violate the rights and freedoms of others. All members of this community, student, faculty and staff of Emporia State University, have the responsibility to uphold the principles within this statement policy.

With this understanding, we establish this Bill of Rights for students.

#### **Article I Rights of the Individual**

##### **Section 1.**

The rights enumerated herein, shall not be construed as to nullify or limit any other rights possessed by students.

##### **Section 2.**

Any individual shall have the right to be admitted to Emporia State University in accordance with University admissions policy without regard to age, race, color, religion, gender, marital status, national origin, handicap or disability, status as a Vietnam Era Veteran, or sexual orientation.

##### **Section 3.**

A student shall be exempt from disciplinary action or dismissal from the University except for academic failure, failure to pay a University debt, or violation of a student or University rule or regulation. Rules and regulations shall be established and clearly stated prior to any charge of violation. The University shall have no legal authority over a student when he is outside University jurisdiction. A student shall be subject to local, state and federal regulations.

## **Article II Rights of the Student**

### **Section 1. Academic Rights**

1.1 The student has the right to legitimate classroom discussion and to recommend consideration of alternative opinions to those presented in the classroom.

1.2 The student has the right to appropriate use of University facilities in pursuing an academic career.

1.3 The student has the right to entrance to any academic field of study available at the University in accordance with the requirements of the academic program of that field.

1.4 The student has the right to have an instructor present within reasonable limits, during all designated class meetings.

1.5 The student has the right to remain enrolled in a course for its duration, in accordance with faculty policy, as long as academic dishonesty is not involved and as long as other students' rights are not violated.

1.6 The student has the right to evaluate individual courses and faculty according to procedures established by the departments/divisions.

1.7 For purposes of granting academic credit, the student will be evaluated on the basis of knowledge and academic performance, and not on the student's personal or political beliefs.

1.8 The student shall have the right, if dissatisfied with a grade in a class and if satisfactory negotiations with the instructor are not accomplished, to be referred to the academic appeals policy available in the Associated Student Government office.

### **Section 2. Campus Community**

2.1 The student has the right to have access to all rules, rates, and regulations deriving from contractual agreements with the University before signing any contract. Contracts shall be written in language University students can readily understand.

2.2 While on campus the right of privacy against unauthorized search and seizure will be protected as guaranteed by the U.S. Constitution. However, students are bound by policies stated in contractual agreements that they sign (i.e., leases, residence hall contracts, and other University policies).

2.3 Students have the right to invite and hear speakers of their choice on subjects of their choice. Approval will not be withheld by the University officers for the purpose of censorship.

2.4 Students have the right to have their views and welfare considered in the formation of University policy, through consultation by or representation on University committees which affect students as members of the University community.

2.5 Associated Student Government, through the actions of the Student Senate, shall have the right to be informed and the right to express the concerns of students on any proposed changes of University policies on fees.

2.6 Recognizing that freedom requires order, discipline and responsibility and further recognizing the right of all faculty and students to pursue their legitimate goals without interference in accordance with University policy, students are free to assemble, to demonstrate, to communicate and to protest.

2.7 Students shall not be denied equal employment opportunity on account of age, race, color, religion, gender, marital status, national origin, handicap or disability, status as a Vietnam Era Veteran, or sexual orientation. Students have the right to be interviewed on campus for any position for which they meet the qualifications specified by any prospective employer permitted to recruit on campus.

2.8 The established policy of the Board of Regents of the State of Kansas prohibits discrimination on the basis of sex, race, religious faith or national origin within the institutions under its jurisdiction. All fraternal and campus-related organizations shall follow this policy for the selection of their members, except the prohibition against sex discrimination shall not apply to social fraternities and sororities which are excluded from the application of Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

### Section 3. Organizations

3.1 Students are free to form, join and participate in any group for intellectual, religious, social, economic, political or cultural purposes.

3.2 The University student has the right individually or in association with other individuals to engage in off-campus activities, provided he/she does not in any way purport to represent the University.

3.3 Students are free to use Memorial Union facilities for meetings or organizations, recognized by Associated Student Government, subject to uniform regulations governing the use of the facility.

### Section 4. Publications

4.1 Publication and dissemination of student views will be free from censorship as long as these are not represented as the views of Emporia State University.

4.2 Official publications of the University, The Bulletin and the Sunflower shall obey the provisions set forth in the Constitution of the Student Publication Board.

4.3 A student or student organization has the right to publish and distribute written material on campus without the approval of the administration unless University facilities are used: further, the administration shall make no effort to suppress such publications unless such distribution disrupts the regular and essential operation of the University.

4.4 Publications shall not bear the name or logo of the University or purport to issue from it without University approval.

### **3D.11 BOARD POLICY ON STUDENT ORGANIZATIONS AND ACTIVITIES (BOR 9/24/65; 1/21/77; 6/27/02)**

The established policy of the Board of Regents of the State of Kansas prohibits discrimination on the basis of age, race, color, religion, sex, marital status, national origin, physical handicap or disability, status as a Vietnam Era Veteran, sexual orientation or other factors which cannot be lawfully considered, within the institutions under its jurisdiction. All fraternal and campus-related organizations shall follow this policy in the selection of their members, except the prohibition against sex discrimination shall not apply to social fraternities or sororities which are excluded from the application of Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

The right of organizations to establish standards for membership is acknowledged, provided that all students are afforded equal opportunity to meet those standards. Just as all students have the right to choose those with whom they would associate on the campus, an organization shall have the right to select its members subject to these principles. Nothing in this policy shall be interpreted as imposing a requirement which would violate the principle of selection on the basis of individual merit.

The responsibility for compliance with this policy lies with each organization. In discharge of this responsibility, each organization shall acknowledge its understanding of this policy. Such acknowledgment shall assure that there exist no restrictions on membership, either local or national, which violate this policy.

#### **3D.1101 DETERMINATION OF APPROPRIATE STUDENT ACTIVITIES AND FEES**

The chief executive officer shall be ultimately responsible for reviewing proposed expenditures from fees required of every student as a condition of enrollment and as determining whether such expenditures are in support of an appropriate student activity.

### **3D.12 UNIVERSITY STUDENT COMPLAINTS (approved by President 11/7/2014)**

The Kansas Board of Regents requires each state university to establish and enforce explicit procedures to address student grievances and complaints alleging university activity, or a university employee act of omission, that is proscribed by Board or institutional policies. Each state university is required to create, maintain and advertise a single point of contact to assist students in determining the appropriate university procedure for initiating a particular complaint or grievance.

The single point of contact to assist students in determining the appropriate university procedure for initiating particular complaint or grievance at Emporia State University is the Dean of Students. To

address complaints for which there is no other applicable institutional procedure, upon written, formal and signed complaint, the Vice President for Student Affairs will evaluate and in accordance with the Board of Regents policy entitled “Complaint Process” manage such complaint.

If it is impossible for the complaint to be resolved by the Vice President through administrative channels, the issue shall be referred to the President who shall appoint an appropriate institutional committee to hear the complaint.

The hearing committee shall forward its recommendation to the President for review. The President shall accept, reject, or modify the recommendation of the hearing committee.

### Final Summary Area

This procedure shall not negate any other policy relating to the processing of claims or charges of proscribed conduct which may be made by person directly involved with or affected by the operation and management of the university.

If after exhausting all available institutional grievance or complaint processes a student’s complaint remains unresolved, the student may make a complaint to the Kansas Board of Regents office, in writing, by completing and submitting such forms as may be required by the Board. (See [http://www.kansasregents.org/students/university\\_student\\_complaints](http://www.kansasregents.org/students/university_student_complaints))

#### Contact Information:

Dean of Students  
260 Memorial Union  
620-341-5269

Vice President for Student Affairs  
260 Memorial Union  
620-341-5269

## **3E. RESEARCH AND DEVELOPMENT**

### **3E.01 RESEARCH AND CREATIVITY POLICY** (FSR 221 approved by Faculty Senate 3/6/73; updated 9/2010; updated 2/2011)

#### Basic Policy

1. Research and creativity are recognized as necessary to the mission of the University and as a part of the academic responsibilities of individual faculty members.
2. Research and creativity are a part of the evaluation and reward system of the University. This system is not intended to create a publish-or-perish policy nor should it be construed as endorsing such a policy.
3. The faculty and administration assume a positive attitude toward research and creativity in defining the role and mission of the University to the regents, the legislature, other state colleges and universities, and the public.
4. Individual faculty members and departments are especially encouraged to undertake research and creative functions which involve students, and particularly graduate students.

5. Individual departments are encouraged to give reasonable support to research and creativity within the framework of their allocated budgets.
6. A major portion of sabbatical leaves is to be used for the support of research and creative activities.

### Implementation of Policy

ESU encourages its faculty to pursue research, creative projects, and other scholarly activities. The primary center for such encouragement is the Graduate School Office, one of the functions of which is the support of scholarly activity and the handling of grants for the institution. The faculty research and creativity committee, a faculty committee for which the dean of the graduate school acts as executive secretary, is the body primarily responsible for this function.

In addition to its general charge of encouraging research and other scholarly activity, the faculty research and creativity committee awards grants for support of the following activities:

small seed grants in support of scholarly and creative endeavors; Faculty Support in Search of Funds Program, to which faculty members may apply for travel assistance which will aid them in obtaining support from outside sources; and research assistantships. Further information about these programs is available in the Research and Grants Center.

The Research and Grants Center lends all possible assistance to faculty members in seeking support from outside agencies. It maintains information on the latest federal legislation affecting educational and scholarly support. It provides advice and assistance in preparing and submitting proposals for grants and contracts. All such proposals must be submitted through the Research and Grants Center.

### **3E.0101 RESEARCH AND GRANTS CENTER**

The Research and Grants Center has responsibility for the orderly submission of grant proposals and the fiscal administration of funded projects, including grants and contracts. Faculty seeking external funds for research or other projects submit their applications through the Research and Grants Center. After an award is made, the center maintains the financial records and supervises the receipt and disbursement of grant/contract funds. The Research and Grants Center also advises faculty as to sources of external funding, works with faculty in the development of proposals, and coordinates the University's allocation of internal awards for research and creativity.

The process of submission of a proposal for an external grant or contract begins when a faculty member notifies the Research and Grants Center of intent to submit. This should be as early as possible, so that the center may render all assistance possible to the principal investigator. The faculty member should consult with the center during proposal development, particularly in regard to budgetary and administrative concerns. The principal investigator should allot adequate time for proposal review by the administration and should inquire at the Research and Grants Center in regard to procedures for administrative sign-off.

Procedures for the submission of proposals to the faculty research and creativity committee, which awards internal grants for research and creative activity, are spelled out in the annual solicitation issued by the committee through the Research and Grants Center.

Upon receipt of an external or internal grant or contract, the project director receives guidelines for administration of the award from the Research and Grants Center. The center notifies the project director of the account number assigned to funds for the grant, maintains ledgers on grant accounts, and submits the financial reports required by granting agencies.

### **3E.02 RESEARCH INVOLVING HUMAN SUBJECTS** (revised 2/08/2011)

The policies and procedures on research involving human subjects are consonant with those of the federal government and include research done by faculty and/or ESU students. The policies and procedures are aimed at safeguarding the rights and welfare of the subject, the investigator, and the University.

When research involving human subjects is conducted by students (e.g., thesis, research problem, independent study) it is the responsibility of the faculty directing the research to ensure that clearance is obtained through the Institutional Review Board for Treatment of Human Subjects.

In general, subjects at risk are protected. This phrase is interpreted to mean any individual who may be exposed to the possibility of injury, including physical, psychological, or social, as a consequence of participation as a subject in any research, development, or related activity which departs from the applications of those established and accepted methods necessary to meet his/her needs, or which increases the ordinary risks of daily life, including the recognized risks inherent in a chosen occupation or field of service.

The Research and Grants Center has responsibility for review of all research involving human subjects. Each researcher will file a protocol statement detailing the proposed research and will obtain approval by the Review Board. Before approval to use human subjects can be provided, individuals must review the IRB Training Module and receive a score of at least 80% on the Human Subjects Training Quiz. Details regarding the format of the protocol statement and other matters relating to research involving human subjects, including classes exempt from review, may be obtained from the Research and Grants Center or available at its website.

### **3E.03 POLICY ON ANIMAL CARE** (Developed by Graduate Dean, approved by Vice President for Academic Affairs, 1973)

The use of cats, dogs, guinea pigs, hamsters, rabbits, nonhuman primates, and certain other warm-blooded animals other than humans in all activities under the purview of ESU faculty, staff members, and students is to be carried out in compliance with the federal Animal Welfare Act, as amended. A 5 member University committee on the Care and Use of Laboratory Animals has been designated to review the use of animals in experimentation or teaching and to certify compliance with appropriate regulations to the United States Department of Agriculture and other agencies. Information regarding the appropriate animal care regulations can be obtained from the Research and Grants Center or at <http://www.emporia.edu/grad/research/animal/htm>.

**3E.0301 GUIDELINES FOR FORMING AND OPERATING THE UNIVERSITY-WIDE ANIMAL CARE AND USE COMMITTEE** (FSB 01008 approved by President 12/10/01; updated 9/2010; updated 10/2/2013; approved by COCG 10/25/2016)

Name: Animal Care and Use Committee

Short Statement of Function: To promote the best practices in safe and ethical handling and use of animals. The establishment of this committee is required by the Animal Welfare Act of 1966 and its subsequent amendments to review and approve research proposals involving the use of animals that are submitted for federal funding. The Animal Care and Use Committee will also review and approve all other University projects that require the use of animals.

Reports to: The President of the University

Copies of minutes and annual report sent to:

1. President's Office
2. Provost and Vice President for Academic Affairs
3. Vice President for Administration and Finance
4. Faculty Senate Office for maintaining records
5. Chair of the Committee on Campus Governance
6. Graduate School

Membership Selection:

1. By whom: President
2. Guidelines for selection: The committee will include designated representatives from the Department of Biological Sciences, the Department of Psychology, an additional faculty member outside these 2 departments, a veterinarian chosen from the community, a community representative from outside the University, and a designated representative from the University physical plant. The chair of the committee will be the designated representative from either Biological Sciences or Psychology and will rotate annually to the other department's representative.
3. Length of terms: annual appointments, renewable without restriction of number of terms.
4. Voting members: All members of the Committee will be voting members except in situations where research or a project of 1 of the members of the committee is being reviewed. In such a case, the person whose research or project is being considered will not have the right to vote for or against approval of the item being reviewed but may give input to the Committee.

**3E.04 POLICY FOR RESPONDING TO ALLEGATIONS OF SCIENTIFIC MISCONDUCT**  
(approved by President 3/99)

All faculty, staff, and administrators at Emporia State University are expected to contribute to the maintenance of an atmosphere of honesty and integrity in the conduct of research and scholarly activity.

Individual researchers, whether faculty, staff, or students are expected to maintain high standards of integrity in their work. This includes concern for quality of published work, bestowing appropriate credit upon cooperators and colleagues for their contributions, and a willingness to defend published work. It also entails restricting coauthorship to individuals who have made a significant contribution of the investigation and have a thorough knowledge of it.

It is the responsibility of all divisions and administrative units to develop and disseminate to employees information regarding professional integrity appropriate to the discipline. Faculty members are responsible for teaching proper scientific and academic conduct to their students, and for leading by example.

The administration is responsible for articulating to all university employees a clear statement that the university will not tolerate fraudulent or dishonest conduct, and the consequences of such misconduct.

This policy and the associated procedures apply to all individuals at Emporia State University engaged in research that is supported by or for which support is requested from PHS. The PHS regulation at 42 C.F.R. Part 50, Subpart A applies to any research, research-training or research-related grant or cooperative agreement with PHS. This policy applies to any person paid by, under the control of, or affiliated with the institution, such as scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators at Emporia State University.

The policy in its entirety may be found on the Research and Grants Center website at <http://www.emporia.edu/dotAsset/abf69774-a557-4d1d-9c7c-2d8d6cc22a48.pdf>.

### **3E.05 INTELLECTUAL PROPERTY POLICY, PATENT, AND COPYRIGHTABLE SOFTWARE POLICY** (FSB 99012 approved by President 5/31/00; FSB 12005 approved by President 12/7/2012; FSB 13006 approved by President 3/16/2014)

The purpose of Emporia State University's Intellectual Property Policy is to foster the creation and dissemination of knowledge and to provide certainty in individual and University rights associated with ownership and the distribution of benefits that may be derived from the creation of intellectual property. The policy is intended to be a broad statement to provide uniformity while allowing flexibility. This policy applies to all full- or part-time employees, including student employees, creating intellectual property while under contract at Emporia State University. Student employees and staff members of official student publications shall be exempt from this policy to the extent set forth in the publication's related guiding documents and the terms and conditions of their employment for that publication. When revenues are to be shared, the creator(s) shall obtain his/her share only after Emporia State University has recouped any direct costs incurred for equipment, materials, and costs paid to third parties. The portion of the revenues to be shared among multiple creators shall be shared equally unless otherwise agreed in writing by the creators. Finally, this policy implements the Board of Regents Intellectual Property Policy (BORIPP).

The following are definitions of specific terms used in this policy:

1. "Course material" means the substantive content of a course as created, compiled, and/or organized by the instructor including lecture notes, outlines and slides; assignments and

examinations; reading and reference materials; and audio and video materials embedded in the course.

2. “Employee” shall mean a full or part-time employee of the University including student employees.
3. “Mediated courseware” means a content delivery methodology that meets all of the following criteria:
  - a. Enables employees to rely exclusively or substantially on non-classroom contact hours for instruction;
  - b. Makes extensive use of technology, including but not limited to video conference, streaming media, and similar technologies, and
  - c. Permits geographically dispersed individuals to access courses.
4. “Self-initiated mediated courseware” means mediated courseware created by the employee without specific direction by the University, i.e., not University-directed mediated courseware.
5. “Substantial use” means that the creator of intellectual property receives more than normal support for the project or receives time and/or resources specifically dedicated to the project.
6. “University-directed mediated courseware” means mediated courseware created pursuant to a specific assignment and the University provides the employee with materials and time to develop the mediated courseware.

### **Intellectual Property Rights Retained Exclusively by Creator**

The University has no rights in any intellectual property that is created solely as a result of the employee's own creative and intellectual effort, time, resources, and money. In addition, notwithstanding the use of University resources or the “work for hire” principle, a faculty member retains exclusive intellectual property rights in his or her course material, regardless of the delivery methodology (e.g., via mediated courseware), except that course materials developed pursuant to a specific appointment to create a course to be delivered via mediated courseware shall be the property of the University. For purposes of this policy, an appointment to teach a course during the summer or intersession terms shall not be considered a “special appointment” to which this exception applies. In cases of a specific appointment, when the University expressly directs the creation of a course to be delivered via mediated courseware in an appointment specific to that purpose, and provides materials and time to develop the course and compensates the employee specifically for this purpose, the University shall have the right to revise and decide who will utilize the course materials for the purpose of instruction, and has the right to decide on the sharing of revenue and control, if any.

## Copyright Policy

The ownership of the various rights associated with copyright is dependent upon the specific type of intellectual property. The University shall assert limited ownership of some of the various rights as set forth below. Because the University has a fiduciary responsibility for the appropriate use of state funds, unless otherwise provided for under this policy, all rights associated with works produced as “work made for hire” or other works that make “substantial use” of institutional resources belong to the University.

For any State or Federal agency which has separate statutory authority regarding rights in copyrightable materials, ownership of intellectual property developed in the course of work for that agency shall be determined pursuant to the authorizing statute. Ownership of other work shall be determined pursuant to this policy.

1. Mediated Courseware. the University shall have limited ownership or control rights for mediated courseware as specified below:
  - a. Self-initiated mediated courseware. When employees develop mediated courseware without specific direction by the University, unless otherwise agreed, the ownership of the courseware shall remain with the employee. Normally, no royalty, rent or other consideration shall be paid to the employee when that mediated courseware is used for instruction at the University and such mediated courseware shall not be used or modified without the consent of the creator(s). The mediated courseware shall not be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of the University unless that transaction has received the approval of the Provost. Should approval be granted to offer the course outside of the University, the creator shall reimburse the University for substantial use of University resources from revenues derived from the transaction offering the course.
  - b. University-directed mediated courseware. When the University specifically directs the creation of mediated courseware by assigning one or more employees to develop the mediated courseware and supplies them with materials and time to develop the mediated courseware, the resulting mediated courseware belongs to the University and the University shall have the right to revise it and decide who will utilize the mediated courseware in instruction. The University may specifically agree to share revenues and control rights with the employee.
2. Scholarly and Artistic Works

Notwithstanding any use of University resources or “work made for hire,” the ownership of textbooks, scholarly monographs, trade publications, maps, charts, articles in popular magazines and newspapers, novels, nonfiction works, supporting materials, training materials, artistic works, and like works shall reside with the creator(s) and any revenue derived from their work shall belong to the creator(s), unless otherwise agreed in writing. Except for textbooks, the University shall have royalty-free use of the work within the University, unless otherwise agreed in writing, pursuant to the employee’s appointment with the University.

3. Manuscripts for Academic Journals
  - a. Notwithstanding any use of University resources or “work made for hire”, the ownership of manuscripts for publication in academic journals shall reside with the creator(s) and any revenue derived from their works shall belong to the creator(s).
  - b. If the manuscript is to be published, the creator(s) shall request the right to provide the University with a royalty-free right to use the manuscript within the University in its teaching, research, and service programs, but not for external distribution, and, if successful, the creator(s) shall grant such right to the University.
  - c. Upon the establishment of national governmental or nonprofit entities whose purpose is to maintain in an electronically accessible manner a publicly available copy of academic manuscripts, the Kansas Board of Regents will review each entity and upon determination that providing the manuscripts will not jeopardize the publication of articles or infringe on academic freedom, require the creator(s) to provide to the appropriate entity a limited license for the use of each manuscript.
4. Copyrightable Software (see Patent and Copyrightable Software Policy below)

#### **Patent and Copyrightable Software Policy**

Patents obtained on inventions resulting from University sponsored research or the ownership of copyrightable software with an actual or projected market value in excess of \$10,000 annually shall be retained by the University or may be assigned to an organization independent of the University and created for the purpose of obtaining patents on inventions, receiving gifts, administering or disposing of such patents, and promoting research and the development of intellectual property at the University by every proper means. The following policies shall be followed with respect to inventions or software:

1. Anyone who conceives an invention resulting from a research project sponsored by the University or who develops copyrightable software that is not included in mediated courseware shall report the matter to the appropriate research administrator at the University.
2.
  - a. If the University decides that the invention does not warrant patenting, the inventor is free to patent it. In such case, however, the University does not relinquish its right to publish any of the data obtained in the research project.
  - b. If the University patents the invention but decides not to further the use of the copyrightable software, it shall assign the rights therein to the creator(s) within 3 years of the date of the patent.
3. When any revenue is obtained by or on behalf of the University from the development or assignment of any patent or from royalties, license fees or other charges based on any patent or copyrightable software, not less than twenty-five (25) percent of revenues shall be paid to the inventor or creator(s). Revenue sharing shall begin only after the University recoups costs as set forth in this policy.

4. The remainder of any revenue mentioned in Paragraph 3 shall be used to sponsor further research and research-related activities in the University.
5. In case of cooperative research sponsored in part by an outside corporation or individual, a written contract shall be made between the University and the cooperating agency. This contract should include a statement of policy substantially equivalent to that outlined below:

“It is agreed by the parties to this contract that all results of experimental work, including inventions, carried on under the direction of the scientific staff of the University, belong to the University and to the public and shall be used and controlled so as to produce the greatest benefit to the public. It is understood and agreed that if patentable inventions or copyrightable software grow out of the work and such inventions or software have commercial value, the cooperating agency shall receive preferential consideration as a prospective licensee, with a view to compensating said cooperating agency in part for the assistance rendered in the work.”

“It is further agreed that the name of the University shall not be used by the cooperating agency in any advertisement, whether with regard to the cooperative agreement or any other related matter.”

6. In case of a research project where it is proposed that all costs including overhead, salary of investigator, reasonable rent on the use of equipment, etc., are to be paid by an outside party, the University shall negotiate with the outside party the appropriate disposition of any resulting patent or copyrightable software rights prior to the provision of any funding by the outside party. “Appropriate disposition” shall include an option to negotiate a license to any resulting intellectual property. The University shall reserve a royalty-free right to publish all data of fundamental value to science and technology and to use the patent or copyrightable software rights for teaching, research or other educational and academic purposes.
7. Changes in the above policies may be made by the University to conform to the requirements of the United States Government when contracting with the United States Government or a Federal Government Agency.

### **Trademark Policy**

The University maintains a trademark policy that provides for the protection of the trademarks and service marks of the University (see University Names, Logos, and Marks).

### **Institutional Procedures**

The University shall establish procedures to accomplish the approval by the Provost to allow mediated courseware to be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of the University. The University shall establish reporting procedures to monitor creation of University-directed mediated courseware. The institution shall establish procedures, which are separate from this policy that require employment contracts and course catalogs or syllabi to state that the employee or student is subject to this policy and to resolve questions concerning intellectual property rights and any disputes that develop under this

policy. Final decisions on disputed matters will be made by the Chief Executive Officer or designee and shall constitute final agency action.

### **3E.06 USE OF COPYRIGHTED MATERIAL (FSB 06026 approved by President May 7, 2007)**

It is the mission of Emporia State University to foster freedom of inquiry and expression through educational opportunities in a collegial atmosphere, the institution intends that all members of the community abide by the copyright law. Individuals should make sure that the use of copyrighted materials is allowed by copyright law, fair use guidelines, a license agreement, or the permission of the copyright owner. Proper acknowledgment of sources must be performed, but does not remove the responsibility to adhere to copyright law by following fair use guidelines or obtaining permission. If copyright law is modified, the affected section of the university policy will be modified correspondingly following the appropriate protocol for policy modifications.

The University Copyright Committee shall develop, maintain and publish guidelines on the appropriate use of copyrighted materials. University Libraries and Archives will assist in submitting requested and required permissions for use and may be consulted regarding the duplication of print or non-print materials for such purposes as classroom instruction, reserving materials for student use, or for academic research. The Copyright Committee will work with University Libraries and Archives to provide educational experiences on copyright. The University General Counsel will provide advice to University Libraries and Archives and to individual University faculty and staff regarding complex copyright questions.

#### **3E.0601 DIGITAL MILLENNIUM COPYRIGHT ACT – INTERIM POLICY (approved by Administrative Team 12/19/05; updated 10/2/2013)**

##### **Policy Objectives**

This policy sets forth University policy with regard to the Digital Millennium Copyright Act (“DMCA”) and specifically 17 U.S.C. Section 512(c). Emporia State University respects the rights of holders of copyrights, their agents and representatives and implements appropriate policies and procedures to support these rights without infringing upon the legal use, by individuals, of those materials.

##### **Policy**

It may be a violation of copyright law to copy, distribute, display, exhibit or perform copyrighted works without authority of the owner of the copyright. It is ESU policy that users of Internet services and equipment provided by ESU are responsible for their compliance with all copyright laws pertaining to information they place on or retrieve from the Internet. Information on copyright law and these rights can be found in a number of places, but general information can be found by visiting the following sites:

- United States Copyright Office ([www.copyright.gov](http://www.copyright.gov))
- Digital Millennium Copyright Act

**Designated Agent**

ESU's Designated Agent to receive notifications of alleged infringement under the DMCA is:

Information Security Officer  
Emporia State University  
1200 Commercial Campus Box 4018  
Emporia, KS 66801-5087  
Voice 620-341-1200  
Fax 620-341-5662  
Email [iso@emporia.edu](mailto:iso@emporia.edu)

Upon receipt of proper notification of claimed infringement, ESU will follow the procedures outlined herein and in applicable law.

**Complaint Notice Procedures for Copyright Owners**

The following elements, as set forth in 17 U.S.C. 512(c)(3), must be included in the DMCA copyright infringement claim:

1. An electronic or physical signature of the copyright owner or a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
2. Identification of the copyrighted work claimed to have been infringed, or if multiple copyrighted works at a single online site are covered by a single notice, a representative list of such works at that site.
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit ESU to locate the material.
4. Information reasonably sufficient to permit ESU to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
6. A statement that the information in the notice is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Failure to include all the above information may result in a delay of the processing of the DMCA notification.

## **Responsibilities**

All individuals who use ESU Internet services are responsible for their compliance with copyright laws. All instances of reported copyright violations will be reported to the appropriate University authority in accordance with the ESU Policy Manual and the Acceptable Use Policy for possible disciplinary actions.

## **Notice and Takedown Procedure**

Upon the Designated Agent's receipt of proper notification of claimed copyright infringement, the Designated Agent will attempt to notify the user and Information Technology (IT). IT shall respond expeditiously by removing, or disabling access to, the material that is claimed to be infringing or to be the subject of infringing activity. ESU will comply with the appropriate provisions of the DMCA in the event a counter notification is received.

## **Repeat Infringers**

Under appropriate circumstances, IT may, at its discretion, terminate authorization of users of its system or network who are found to intentionally or repeatedly violate the copyright rights of others.

## **Scope**

This policy applies to all users of the Internet Services provided by ESU.

## **Enforcement**

The Information Security Officer is responsible for monitoring and reporting compliance with this policy.

## **Exceptions**

The President or designee must approve exception to this policy.

### **3E.07 EXPORT CONTROLS POLICY (approved by President 6/20/2013)**

Export controls, set forth in regulations administered by several federal agencies, impose access, dissemination, and participation restrictions on the transfer and retransfer of "controlled" software code and information and on the export and re-export of tangible items. An export is defined as the shipment of tangible items and the transmission or transfer of software code or information to another country, while a "deemed export" is the disclosure of controlled software code or information to foreign nationals in the US. The US Commerce Department must issue an export license or provide an exception to or exclusion from license requirements before any controlled tangible item, software or information in the US on the Commerce Control List (CCL) may be exported or re-exported. Likewise, if a tangible item, software or information is on the US Munitions List (USML), the US State Department must issue an export license or provide for an exception to

or exclusion from licensing requirements. Emporia State University will comply with all applicable export controls, as established by federal regulations.

Export controls restricting a foreign national's participation in university research within the United States, i.e., "deemed export" restrictions, generally do not apply to the conduct or results of fundamental research. Emporia State University conducts only fundamental research as defined by the export control regulations - namely, openly-conducted basic and applied research that is not subject to access, dissemination, or participation restrictions. Fundamental research conducted outside of the US, however, remains subject to export controls. Because fundamental research conducted on US soil is excluded from export control regulations, research and other scholarly activities involving foreign nationals at Emporia State University do not trigger the need to obtain export licenses before they may proceed. However, in the case of shipments of certain tangible items, software or information outside the U.S., Emporia State University has the responsibility to either:

1. Obtain an export license;
2. Document an express determination that an exception to export licensing requirements applies;  
or
3. Document an express determination that no license is needed.

Of primary concern are transactions involving proprietary or confidential export-controlled information provided to Emporia State University researcher by third parties, such as corporate vendors, subcontractors, or government collaborators. These may generate disclosure restrictions that may only be acceptable if they fall within the narrow exceptions provided by the Openness in Research Policy and qualify for treatment under an exemption (ITAR) or license exception (EAR) in the export control regulations.

In all of these cases, there are related recordkeeping requirements that must be observed.

## I. Definitions

### A. Export

"Export" means to send or take controlled tangible items, software or information out of the United States in any manner, to transfer ownership or control of controlled tangible items, software or information to a foreign person, or to disclose information about controlled items, software or information to a foreign government or foreign person. The controlled tangible item, software or information being sent or taken out of the United States is also referred to as an "export."

### B. Re-Export

"Re-export" means an actual shipment or transmission of controlled tangible items, software or information from one foreign country to another foreign country. The export or re-export of controlled tangible items, software or information that will transit through a country or countries, or will be unloaded in a country or countries for reloading and shipment to a new country, or are intended for re-export to the new country, are deemed to be exports to the new country.

### C. Deemed Export

“Deemed Export” is a term used by the Commerce Department to describe the situation where a foreign national on US soil may be exposed to, or have access in any manner to, an export-controlled item or export-controlled software or information. Although the State Department does not use this term, but rather includes this concept in its definition of export, Emporia State University will use the term “deemed export” when discussing access by foreign nationals to controlled information on our soil, without regard to which agency may have cognizance over the transaction.

### D. US Person/Foreign Person

A “US person” is a citizen of United States, a lawful permanent resident alien of the US, (a “Green Card” holder), a refugee or someone here as a protected political asylee or under amnesty. US persons also include organizations and entities, such as universities, incorporated in the US. The general rule is that only US persons are eligible to receive controlled items, software or information without first obtaining an export license from the appropriate agency unless a license exception or exclusion is available.

A “foreign person” is anyone who is not a US person. A foreign person also means any foreign corporation, business association, partnership or any other entity or group that is not incorporated to do business in the US. Foreign persons may include international organizations, foreign governments and any agency or subdivision of foreign governments such as consulates.

### E. Fundamental Research

The concept of “fundamental research” was established by [National Security Decision Directive 189](#) (NSDD 189), which establishes a national policy with regard to how such research shall be treated for purposes of the various export control regimes.

NSDD 189 defines fundamental research as:

*basic and applied research in science and engineering where the resulting information is to be shared broadly within the scientific community.*

NSDD 189 provides that the conduct, products, and results of fundamental research are to proceed largely unfettered by deemed export restrictions. It also states that the government must determine – before releasing a research opportunity – whether the research should be classified or otherwise kept secret. Research that carries access, participation, or dissemination restrictions will not qualify as fundamental research for purposes of the export control regulations.

Because export regulations expressly recognize that fundamental research is excluded from deemed export controls, no export license or other authorization is needed to involve foreign nationals in fundamental research activity at Emporia State University. However, such research may give rise to export issues if the primary research is to be conducted outside of the US or if it requires exposure of foreign nationals to proprietary or confidential export controlled information provided by third parties such as corporations, commercial vendors or government collaborators.

## II. Regulations

### A. State Department – International Traffic in Arms Regulations (ITAR) 22 CFR 120-130

The US Department of State, Directorate of Defense Trade Controls (DDTC), is responsible for items and information inherently military in design, purpose, or use. Referred to as "defense articles," such items are found on the US Munitions List, 22 CFR 121. Spacecraft and satellites, even if not for military use, are on the Munitions List, along with their associated systems and related equipment. Information related to Defense Articles is referred to as "technical data."

### B. Commerce Department – Export Administration Regulations (EAR) 15 CFR 700-799

The US Department of Commerce, Bureau of Industry and Security (BIS), has export jurisdiction over every thing in the United States, although BIS does not require a license for every export. BIS controls goods and information having both civilian and military uses by including them on the Commerce Control List, 15 CFR 774, also known as the "Dual Use List." BIS uses the term "technology" when referring to information about the goods on the Commerce Control List.

### C. Treasury Department – Office of Foreign Assets Control (OFAC) CFR 500-599

The US Department of the Treasury oversees US economic sanctions and embargoes through its Office of Foreign Assets Control (OFAC). Empowered by the *Trading with the Enemy Act* and the *International Emergency Economic Powers Act*, OFAC enforces trade, anti-terrorism, narcotics, human rights and other national security and foreign policy based sanctions prohibiting the provision of anything of value, either tangible or intangible, to sanctioned countries, organizations or individuals. The pertinent regulations provide OFAC with broad authority to block or interdict vaguely defined "prohibited transactions" involving restricted destinations or parties.

The export control regulations summarized here each impose severe monetary and criminal penalties for failure to comply with their requirements.

## III. Export Licenses for Overseas Shipments

The Commerce Department has export jurisdiction over all goods and all "technology" (Commerce Department term for information) in the United States, unless some other agency has expressly been given such authority. However, this does not mean that a license must be obtained before any item or piece of information can be shipped.

In order to determine whether it is necessary to obtain an export license from the relevant federal agency to send tangible items or to transfer or transmit software code or information outside the United States, the researcher preparing the shipment or transfer needs to consider:

- whether the software code or information is proprietary or disclosure-restricted and thus possibly export controlled, or whether it resulted from fundamental research to which export controls do not apply,

- the description of the tangible item, software or information,
- the technical characteristics and specifications of the item, software or information,
- its intended end-use and end-user, and
- its destination.

All tangible items, software code and information not on a US export control list may be shipped or transmitted to any country, individual or entity that is not sanctioned, embargoed or otherwise restricted for export. Such items, code and information may be exported under "No License Required" (NLR) provisions. Questions about the applicability of NLR to a proposed export should be directed to the Dean of the Graduate School, who is designated as the University Export Control Officer.

Certain overseas shipments or transmissions being handled on a "No License Required" basis will require an explanation and justification for that classification.

Note also that specific training and documentation is needed whenever you are shipping chemicals, biologicals or other dangerous materials.

#### IV. Accepting a Third Party's Controlled Items or Data

The conduct and results of fundamental research may proceed openly and be shared freely with foreign nationals in the United States without concern for deemed export restrictions. Export-controlled items, software code or information provided by a third party, however, may not be openly shared with certain foreign nationals, even though those individuals may be important contributors to the performance of the fundamental research. Proprietary or restricted information that is *required* for the development, production or use of export-controlled equipment is itself export-controlled. It carries with it export control requirements that must be honored by the researcher who agrees to be a recipient of such information.

Before a researcher decides to accept such information, he or she must review the conditions of the University's [Openness in Research Policy](#). If the receipt of such information is in compliance with University policy, the researcher must complete a [Certification on the Handling and Use of Third-Party Export Controlled Information](#). Should the researcher have a need to share export-controlled information with others, the researcher must then determine a proposed recipient's eligibility under export control regulations. This is done by notifying the University Export Control Officer of the need to share the export-controlled information before it is shared in order to assure proper determination of export control eligibility. If the proposed recipient is determined to be a foreign national, and eligible to receive the export-controlled information, the primary researcher must document the available license exclusion or license exception.

##### A. University Openness in Research Policy

The *Openness in Research Policy* expresses our institutional commitment to "the principle of freedom of access by all interested persons to the underlying data, to the

processes, and to the final results of research." This policy does not forbid nondisclosure agreements, but such a commitment may relate only to such information that is substantially remote from the intellectually significant portions of the research. A promise not to disclose export-controlled information may be appropriate, so long as keeping the confidentiality of that information will not disadvantage any other researchers on the same project AND receipt of that information is not conditioned on submitting to restrictions on the right to publish. Once it is determined that the nondisclosure commitment does not violate the *Openness in Research Policy*, it must be determined that the intended recipient is in fact "eligible" under the regulations.

#### B. Export Controls on Individual Eligibility as a Recipient

Generally, federal regulations require that only US persons may be provided with export-controlled items, software code or information without having to obtain an export license. Nonetheless, there are some specific exemptions (ITAR) and license exceptions (EAR) available to those within the University community that may be useful. It is extremely important to keep them in mind should it become necessary to share any export-controlled items, software code or information beyond the original recipient.

For questions regarding the use of "No License Required," Non-Disclosure Agreements, or license exceptions and exemptions, please contact the University Export Control Officer. In addition, records must be kept in order to demonstrate compliance (see below).

#### V. Recordkeeping Requirements

Each of the relevant export control regulations contain specific recordkeeping requirements that must be satisfied. In addition, the university maintains its own recordkeeping requirements in order to document its commitment to, and compliance with, export control regulations generally. Departments or programs must keep soft or hard copies of all export documentation, including financial records, shipping documentation (Commercial Invoices, Shipper's Export Declarations), and appropriate Emporia State University Certifications in their research project files for a period of five years from the date of the export, re-export or controlled deemed export. For assistance in determining which Certifications apply to a proposed shipment or transfer, please contact: Export Control Officer.

Inquiries concerning the applicability of the export control regulations to any specific set of facts should be directed to the Export Control Officer.

#### **Export Controls Decision Tree**

1. Are you sharing, shipping, transmitting or transferring Emporia State University-developed, non-commercial encryption software in source code or object code (including travel outside the country with such software)?
2. Do you know or have any reason to believe that the item, information or software to be shared, shipped, transmitted or transferred will support the design, development, production, stockpiling or use of a nuclear explosive device, chemical or biological weapons, or missiles?

3. Was the item, information or software to be shared, shipped, transmitted or transferred developed under a sponsored agreement imposing publication restrictions beyond a brief review (up to 90 days) for patent protection and/or inadvertent release of confidential/proprietary information?
4. Did an external sponsor, vendor, collaborator or other third party provide, under a Non-Disclosure Agreement or a Confidentiality Agreement, the item, information or software to be shared, shipped, transmitted or transferred?
5. Is the item being shared, shipped, transmitted or transferred a defense article other than information or software on the ITAR's US Munition List (USML)?
6. Is the information or software being shared, shipped, transmitted or transferred technical data on the ITAR's US Munition List (USML)?
7. Are you shipping or transferring items on the Commerce Control List (CCL) of the Export Administration Regulations (EAR)?
8. Are you sharing, transmitting or transferring technology (information) or software code on the Commerce Control List (CCL)?
9. Is the disclosure, shipment, transmission, or transfer to an entity or person in a country subject to US economic or trade sanctions or identified by the US Department of State as a "State Sponsor of Terrorism," namely Iran, Cuba, Sudan, Syria, or North Korea?

A "Yes" answer to any question above means an export license if required. A "No" answer to all 9 questions above means you do not need to obtain an export license. You may ship or share when you have confirmed that you recipient and their affiliated organization is not a restricted party (as defined by federal regulation).

## VI. Amendment

The provisions of this Export Controls Policy may be amended from time to time in order to remain compliant with U.S. and other applicable laws and regulations, to reflect changes in activities at Emporia State University subject to this policy, or otherwise as deemed appropriate. Any such amendment will become effective upon approval and publication in the University Policy Manual of Emporia State University.

### **3F. EMPLOYMENT OF FOREIGN NATIONALS** (Approved by President 8/02/2010; updated 10/2/2013; revised 9/30/2014)

Emporia State University assists, as set forth in this policy, full time faculty and administrative employees in acquiring and maintaining lawful status and eligibility to work at ESU. This policy sets forth departmental responsibility for activities related to this employment eligibility, the use of outside counsel, and the payment of related expenses. Cases which are not covered by this policy will be determined at University discretion on a case by case basis. This policy is to be applied in

conformity with state and federal law and any conflicts shall be decided in favor of the controlling law.

1. ESU will not knowingly employ or continue to employ, individuals who do not meet the requirements of federal laws pertaining to immigration and naturalization. All employees must complete a Form I-9, Employment Eligibility Verification, in the presence of a designated ESU representative on or before the date of hire as required by law. The failure of an employee to properly complete Form I-9 within the requisite time period will result in termination of employment.
2. ESU will select the best qualified applicant without regard to age, race, color, religion, gender, marital status, national origin, handicap or disability, status as a Vietnam Era Veteran, sexual orientation, or any other factors which cannot lawfully be considered, to the extent specified by applicable federal and state laws.
3. Federal law regulates the employment of foreign nationals in the United States. The Office of Human Resources is designated with the authority to sign applications and petitions to be filed with United States Citizenship and Immigration Services (“USCIS”), Department of Labor (“DOL”), or other immigration-related government agencies on behalf of the University related to the employment of foreign national faculty and administrative employees. The Office of International Education is designated as the department responsible for handling required documents related to students. Nothing in this policy abrogates the President’s signature authority. Responsible departments and offices should be contacted for specific procedures.
4. The Office of General Counsel must review applications and petitions under this policy before the University submits them to the appropriate government agency. No employee may sign documents on behalf of Emporia State University related to an immigration filing without the specific authorization of the Office of General Counsel, except for Student and Exchange Visitor Information System (SEVIS) activities. Services rendered to, and on behalf of, foreign national employees under any aspect of this policy are at the discretion of ESU. No right or entitlement accrues to any employee by virtue of this policy, or by virtue of having received any services under this policy.
5. This policy does not relieve any employees of their responsibilities in maintaining their immigration status, nor does it limit the employee’s right to be represented independently by competent legal counsel.

### **3F.01 NON-IMMIGRANT VISAS AND IMMIGRANT PETITIONS**

1. **Non-Immigrant Visas.** A non-immigrant visa may enable foreign national faculty or administrative employees to enter the United States and begin offered employment. Such Visa petitions are generally handled by the Office of Human Resources. Except for fees required to be paid by the employer by federal law, associated costs are the responsibility of employee.

Non-immigrant visa classifications relevant to this policy include:

- a. **F-1.** Required for foreign national students admitted to the United States in an approved educational program. Foreign national students at Emporia State University must have either an F-1 visa or a J-1 visa.
  - b. **J-1.** Required for foreign national exchange visitors, including: students; faculty; researchers; and, scholars eligible to conduct duties as delineated by their status and program sponsor. Foreign national students at Emporia State University must have either a J-1 visa or an F-1 visa.
  - c. **H-1B.** Required for foreign national specialty occupation professional who have been petitioned by an employer for a position that requires a bachelor degree or its equivalent as a minimum for entry into that position. The initial H-1B visa period of stay may be for up to 3 years. A 3 year extension of this initial term may be granted for a maximum period of stay of 6 years. The foreign national employee may not begin working in the United States until an approval notice has been issued granting the H-1B classification with valid starting and ending dates. If the employee already holds an H-1B visa from another U.S. position, the “portability privilege” may apply. This is the visa required for most foreign national faculty or staff employed at Emporia State University.
  - d. **TN.** Required for a foreign national who is a citizen of either Canada or Mexico who has been petitioned by an employer for a position listed in the North American Free Trade Agreement. This would apply to foreign national faculty or staff at Emporia State University whose position meets eligibility requirements for this visa.
  - e. **O-1.** Required when a foreign national is considered to be a top expert in their profession or field of endeavor. This would apply to a foreign national hired into a key staff or faculty position at Emporia State University.
2. **Immigration Petitions for Permanent Residency (“Green Cards”).** Foreign nationals appointed to positions that are permanent in nature as defined by federal law and University policy, may work with their department and the Office of Human Resources if they wish to pursue permanent residency. Employment based Permanent Residency applications are generally handled by outside counsel and reviewed and approved by University General Counsel. Emporia State University will only be responsible for related expenses required by law to be paid by the employer. All other associated costs and expenses, which are not the obligation of the employer under law, are the responsibility of the employee.

Foreign nationals in positions which are defined as temporary by ESU are not eligible for an employment based Permanent Residency petition. Hiring units should not promise permanent residence to a foreign national as the process is complex and uncertain.

3. **Self-Petitioned Immigration Applications.** ESU cannot provide advice to individuals and shall not be involved in personal immigration petitions. ESU only supports qualifying employment based applications and petitions as set forth in this policy.

### 3G. COLLECTION, USE AND PROTECTION OF SOCIAL SECURITY NUMBERS (Approved by President 1/8/09)

Emporia State University is committed to the protection of personal information of all University community members. This policy addresses the collection, storage, use and disclosure of the Social Security Numbers (“SSNs”) of all Emporia State University students, faculty, staff, alumni, and other officially associated individuals. In the creation of this policy, Emporia State University acknowledges the consultation of policies from Kansas State University, 8/18/2006; Mississippi State University, 4/2/2006; University of Minnesota, 3/17/2005; and University of Illinois, 4/13/2004.

#### **Policy Scope**

This policy applies to all Emporia State University colleges/schools, departments, administrative units, and other entities or persons officially associated with Emporia State University.

#### **Policy**

The SSN is not used as a personal identifier. SSNs are collected and used for the following purposes:

- **Employment** – The SSN is required of all employees for matters such as, but not limited to, tax withholding, FICA, Medicare or travel re-imbusement.
- **Federal Financial Aid** – The SSN is required for all students applying for student aid through the use of the Federal Free Application for Student Assistance (FAFSA). Students are also required to provide the SSN when applying for student educational loans.
- **Tuition Remission** – The SSN is required for Kansas reporting of taxable tuition remission benefits received by employees and graduate assistants.
- **Benefits Management** – The SSN may be required for verifying enrollment, processing, and reporting of benefit programs, such as veterans’ programs, medical benefits and health insurance claims.
- **Student Insurance** – The SSN is required for students participating in the Kansas Board of Regents managed Student Insurance Program.
- **IRS Reporting Purposes** – The SSN is required for federally required reporting of all IRS programs associated with all taxable and non-taxable scholarships, grants, and tuition payments.
- **Information Exchange** – The SSN may be used as a student identifier for the exchange of information from student academic records between appropriate institutions, including other colleges and universities or certification and licensure programs.

SSNs shall not be displayed or encoded on University identification cards. SSNs shall not to be displayed or used in other mediums as part of other procedures that violate this University policy. The SSN shall not be used for regular identification or routine person authentication purposes. A

unique individual identification number is to be assigned permanently to each individual associated with Emporia State University. This number serves as the alternate to the SSN.

Access to SSNs is limited to authorized individuals for authorized purposes. Emporia State University does not disclose the individual SSN to anyone outside the institution except as allowed by law or upon proper written permission of the individual. The University Registrar is designated as a University SSN officer and oversees the security of the SSN within the Emporia State University computer systems and makes related day-to-day decisions to implement SSN usage policies related to all student records. The Director of Human Resources is designated as a University SSN officer and oversees the security of the SSN within the Emporia State University computer systems and makes related day-to-day decisions to implement the SSN usage policies related to all employment records. Review of procedures for SSN and conformity with this policy and procedures is maintained in the Registrar and Human Resource Offices. Emporia State University legal council will review and provide advice on questions concerning SSNs.

No individual will be denied services within the institutional operations except as required by law.

### **Policy Compliance**

All Emporia State University employees and affiliated entities will abide by the provisions of this policy and will act to ensure the security of SSNs and other confidential information.

## **3H. IDENTITY THEFT PREVENTION PROGRAM** (Approved by President 11/9/09; FSB 14008 approved by President 4/15/2015)

### **I. Program Adoption**

The President has been delegated authority by law and the Kansas Board of Regents to adopt policies and procedures related to the management and operation of the University. The President recognizes that some activities of the University are subject to the provisions of the Fair and Accurate Credit Transactions Act (FACT Act) and its “Red Flag” rules. Therefore, the President, after drafting and approval by the University Task Force on Red Flag rules, hereby adopts this Identity Theft Prevention Program (“Program”) pursuant to the Federal Trade Commission’s (“FTC”) Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. After consideration of the size and complexity of the University’s operations and account systems, and the nature and scope of the University’s activities, the President and Task Force determined that this Program is appropriate for the University, and therefore the President approved this Program on November 9, 2009.

### **II. Program Purpose**

Under the Red Flags Rule, the University is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each Program must contain reasonable policies and procedures to detect, identify, and mitigate identity theft in its covered accounts. The University must incorporate relevant Red Flags into the Program to detect and respond to potential identity theft. The University must ensure the Program is updated periodically to reflect changes in risks to customers, students, creditors, or the University from Identity Theft.

### III. Responsible University Official

The President shall designate a senior University official to serve as Program Administrator and who will Chair the Identity Theft Committee. The Program Administrator shall report regularly to the President on the Program and appropriate and effective oversight activities.

### IV. Definitions

Pursuant to the Red Flag regulations at 16 C.F.R. §681.2, the following definitions apply to this Program:

1. “Identify Theft” is a fraud committed or attempted using the identifying information of another person without authority.
2. “Red Flag” is a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.
3. “Covered Account” includes all customer or student accounts or loans that are administered by the University.
4. “Program Administrator” is the individual designated with primary responsibility for oversight of the program. See Section IX below.
5. “Identifying information” is “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, student identification number or computer’s Internet Protocol address.

### V. Identification of Red Flags

In order to identify relevant Red Flags, the University considers the types of accounts that it offers and maintains, methods it provides to open its accounts, methods it provides to access its accounts, and its previous experiences with Identity Theft. The University identifies the following items could be considered potential Red Flags in each of the listed categories, which employees should be aware of and monitor for:

#### A. Notifications and Warnings from Credit Reporting Agencies

- Report of fraud accompanying a consumer report;
- Notice or report from a consumer agency of a credit freeze on a customer or applicant;
- Notice of report from a consumer agency of an active duty alert for an applicant;
- Receipt of a notice of address discrepancy in response to a consumer report request; and
- Indication from a consumer report of activity that is inconsistent with an applicant’s usual pattern or activity.

## B. Suspicious Documents

- Identification document or card that appears to be altered or forged;
- Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- Other document with information that is not consistent with existing customer or student information; and
- Application for service that appears to have been altered or forged.

## C. Suspicious Personal Identifying Information

- Identifying information presented that is inconsistent with other information the customer or student provides (e.g., inconsistent birth dates);
- Identifying information presented that is inconsistent with other sources of information (e.g., an address not matching an address on a loan application);
- Identifying information presented that is the same as information shown on other applications there were found to be fraudulent;
- Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- Identifying numbers, i.e., Social Security numbers, student ID numbers, international documents or other identifying information presented is the same as one given by another customer or student;
- An address or phone number presented that is the same or similar to the address or phone number submitted by an unusually large number of other persons;
- A person fails to provide complete personal identifying information on an application when reminded to do so; and
- A person's identifying information is not consistent with the information that is on file with the University.

## D. Suspicious Covered Account Activity or Unusual Use of Account

- Change of address for an account followed shortly by a request to change the customer or student's name;
- Payments stop on an otherwise consistently up-to-date account;
- Account used in a way that is not consistent with prior use;
- Mail sent to the customer or student is repeatedly returned as undeliverable;
- Notice to the University that a customer or student is not receiving mail sent by the University;
- Notice of the University that an account has unauthorized activity;
- Breach in the University's computer system security; and
- Unauthorized access to or use of customer or student account information.

## E. Alerts from Others

- Notice to the University from a student, Identity Theft victim, law enforcement or other person that the University has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

## VI. Detecting Red Flags

### A. New Accountings (including Student Enrollment)

In an effort to detect any of the potential Red Flags identified above associated with establishing a new Covered Account and including enrollment of a student, University personnel will take the following steps to obtain and verify the identity of the person opening the account:

- Require certain identifying information such as name, date of birth, academic records, home address, or other identification;
- Verify the individual's identify at time of issuance of identification card (review of driver's license or other government-issued photo identification); and
- Independently contact the customer or student.

### B. Existing Accounts

In an effort to detect any of the potential Red Flags identified above for an existing Covered Account, University personnel will take the following steps to monitor transactions on an account;

- Verify the identification of individuals if they request information in any format and no response should be made via email or other insecure method;
- Verify the validity of requests to change billing addresses by mail or email and provide the individual a reasonable means of promptly reporting incorrect billing address changes; and
- Verify changes in banking information given for billing and payment purposes.

### C. Consumer ("Credit") Report Requests

In an effort to detect any of the potential Red Flags identified above for an employment or volunteer position for which a consumer or background report is sought, University personnel will take the following steps to assist in identifying address discrepancies:

- Require written verification from any applicant that the address provided by the applicant is accurate at the time the request for the consumer report is made to the consumer reporting agency;
- In the event that notice of an address discrepancy is received, verify that the consumer report pertains to the individual for whom the requested report was made and report to the consumer reporting agency an address for the individual that the University has reasonably confirmed is accurate.

## VII. Preventing and Mitigating Identify Theft

In the event University personnel detect any identified Red Flags, such personnel shall respond by taking one or more of the following steps, depending on the degree of risk posed by the Red Flag:

- Notify the Program Administrator for determination of the appropriate step(s) to take;

- Continue to monitor a Covered Account for evidence of Identify Theft;
- Contact the customer, student, or applicant (for which a credit report was run);
- Change any passwords or other security devices that permit access to Covered Accounts;
- Not open a new Covered Account;
- Close an existing Account;
- Provide the customer or student with a new customer or student identification number;
- Notify law enforcement, KBOR, or other entities and individuals as appropriate;
- File or assist in filing a Suspicious Activities Report (“SAR”); or
- Determine that no response is warranted under the particular circumstances.

In order to further prevent the likelihood of Identity Theft occurring with respect to Covered Accounts, the University will take the following steps with respect to its internal operating procedures to protect customer and student identifying information:

- Ensure that its information systems and website are secure or provide clear notice that the website or systems are not secure;
- Ensure complete and secure destruction of paper documents and computer files containing an individual’s account information when a decision has been made to no longer maintain such information in compliance with appropriate controlling law, rules, regulations and policy;
- Ensure that office computers with access to Covered Account information are password protected;
- Avoid use of social security numbers (See University Collection, Use, and Protection of Social Security Numbers Policy);
- Ensure computer virus protection is up-to-date; and
- Require and keep only the kinds of customer and student information that are necessary for University purposes.

#### VIII. Hornet Card Changes of Address

University personnel who receive notification of a change of address for a cardholder, and, within a short period of time afterwards, receive a request for additional or replacement cards on the same account will not issue a new card until the University:

- Notifies the cardholder of the request; or
- Otherwise assesses the validity of the address change.

The Hornet Card Office is responsible for developing, implementing and maintaining additional procedures in conformity with these policies and submitting said policies to the Identity Theft Committee and Program Administrator for review and inclusion in the approval process (Section IX).

## IX. Program Administration

### A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee (“Committee”) for the University. The Committee is chaired by a Program Administrator. Two or more other individuals appointed by the President of the University or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for ensuring appropriate training of University staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

### B. Staff Training and Reports

University staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags and the responsive steps to be taken when a Red Flag is detected. University staff shall be trained, as necessary, to effectively implement the Program. University employees are expected to notify the Program Administrator once they become aware of an incident of Identity Theft or of the University’s failure to comply with this Program. At least annually or as otherwise requested by the Program Administrator, University staff responsible for development, implementation, and administration of the Program shall report in writing to the Program Administrator on compliance with this Program. The report should address such issues as effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening and maintenance of Covered Accounts, service provider arrangements, significant incidents involving identity theft and the University staff’s response, and recommendations for changes to the Program.

### C. Service Provider Arrangements

In the event the University engages a service provider to perform an activity in connection with one or more Covered Accounts, the University will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of Identity Theft.

- Require, by contract, that service providers have such policies and procedures in place; and
- Require, by contract, that service providers review the University’s Program and report any Red Flags to the Program Administrator or the University employee with primary oversight of the service provider relationship.
- Must have a Red Flag Program in place as required by law.

### D. Non-Disclosure of Specific Practices

For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices may need to be limited to the Identity Theft Committee and to those employees with a need to know them. Any documents that may have

been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered “confidential” and should not be shared with other University employees or the public. The Program Administrator shall inform the Committee and those employees with a need to know the information of those documents or specific practices which should be maintained in a confidential manner.

#### E. Program Updates

The Committee will periodically review and update this Program to reflect changes in risks to customers or students and the soundness of the University from Identity Theft. In doing so, the Committee will consider the University's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in technology, changes in legal requirements, and changes in the University's business arrangements with other entities. After considering these factors, the Committee and Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted.

The Program Administrator and Committee will confer with all appropriate University staff as necessary to ensure compliance with the Program. The Program Administrator shall annually report to the President on the effectiveness of the Program. The Program Administrator shall present any recommended changes to the Program to the President for approval. The President's approval shall be sufficient to make changes to the University Identity Theft Program.

Note: Emporia State University acknowledges the consultation, use, and adaptation of portions of programs adopted by the University of Massachusetts online at: <http://media.umassp.edu/massedu/policy/Identity%20Theft%20Prevention%20Program.pdf> (05/1/09).

### **3I. BACKGROUND CHECK** (Approved by President 8/27/08; revised 9/19/08; revised 8/2013)

In addition to verifications required by law, employment offers for all permanent positions and limited term positions of more than six months shall be contingent upon a successful criminal background check facilitated by the Office of Human Resources. Temporary and student hourly employees are excepted unless the position duties require background verifications. The University may perform, or require, criminal and other background verifications on candidates regardless of duration of employment or student, volunteer, independent contractor, vendor, or intern status as required by law or University policy, upon a determination by Human Resources the position requires such background check.

The Office of Human Resources is responsible for development and implementation of procedures related to this policy, processing background checks, monitoring the hiring process for consistency, and associated training.

Criminal history checks shall include felony and misdemeanor convictions at county and federal levels of every jurisdiction in which the candidate resides or has resided within the last seven years. Sex offender registry checks shall be conducted at the county and federal levels in every jurisdiction where the candidate currently resides or has resided. Background information will be used only for the purpose of evaluating candidates for employment in designated positions and shall in no way

be used to discriminate on the basis of age, race, color, religion, gender, marital status, national origin, handicap or disability, status as a Vietnam Era Veteran, sexual orientation, or any other factors which cannot lawfully be considered, to the extent specified by applicable federal and state laws. This policy does not automatically exclude from consideration for employment all individuals with criminal convictions.

Verifications shall be made as required by law for specific positions. The following background checks relative to the specific position shall be completed as a condition of employment.

- A. Employment verification, completed by search committee before offer of employment extended to candidate,
- B. Educational verification, completed by search committee before offer of employment extended to candidate,
- C. License verification, coordinated by Human Resources after acceptance of conditional offer by candidate,
- D. Criminal history check, coordinated by Human Resources after acceptance of conditional offer by candidate,
- E. Sex offender registry check, coordinated by Human Resources after acceptance of conditional offer by candidate, and
- F. Other background checks as required by law or as necessary for particular positions, coordinated by Human Resources after acceptance of conditional offer by candidate.

Credit history checks will be completed on candidates for senior administrators of the university and positions with extensive authority for committing financial resources and/or direct access to cash, checks, property disbursements, or receipts, as determined by Human Resources.

Appropriate notice of this background check policy will be provided. All positions requiring a background check will be identified in the job announcement. Appropriate releases will be obtained from the candidates prior to background checks.

Offers of employment, verbal and written, will include the following statement: "This offer is contingent on verification of credentials and other information required by law and Board of Regents and University policies, including but not limited to completion of a criminal history check."

No individual subject to a background check will be allowed to begin working until the results have been received and cleared. Decisions regarding withdrawal of an employment offer resulting from a background check are final and not subject to appeal.

### **3J. INFORMATION TECHNOLOGY**

#### **3J.01 SECURITY POLICY DEFINITIONS** (revised by Information Security Officer, 9/4/09; updated 10/2/2013)

##### 1. Authorized Access

Authorized access is access to ESU information given to authorized users.

2. Authorized Use  
Authorized use of ESU-owned or operated information resources is use consistent with the education, research, and service mission of the University, and incidental personal use, provided that such use does not interfere with ESU operations, does not generate incremental identifiable costs to ESU, and does not negatively impact the user's job performance.
3. Authorized Users  
Authorized users are (1) current faculty, staff, students, and affiliates of the University and (2) others whose temporary access furthers the mission of the University. Authorized users gain access to University resources through the hiring process, the student admissions process, designation as a University "affiliate", or as a guest or vendor upon approval by a University administrator.
4. Connection  
The physical point where a direct or virtual path (wired or wireless) is established between a device and the University network.
5. Department  
Department includes academic and administrative organizational entities at ESU.
6. Enterprise System or Server  
A computing device used campus-wide by multiple, if not all, campus entities.
7. ESU Technology Environment  
The ESU computing technology used by various units including infrastructure equipment, telephony equipment, server equipment, desktop equipment, printers and various other technologies in use.
8. Event  
An event logged is anything which modifies the system or configuration; errors; logon and logoff; unsuccessful authorization attempts.
9. Immediate Supervisor  
The person an employee reports to for supervision.
10. Information Assets  
Information assets include any information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage, transmission and use of information. This definition includes but is not limited to electronic mail, voice systems, local databases, externally accessed databases, CD-ROM, motion picture film, recorded magnetic media, photographs, or digitized information. This also includes any wire, radio, electromagnetic, photo optical, photo electronic or other facility used in transmitting electronic communications, and any computer facilities or related electronic equipment that electronically stores such communications.

11. Information Custodian  
Employees designated by the University to be responsible for maintaining the safeguards established by the Owner.
12. Information Owner  
The senior manager, vice president or other senior university official who has responsibility over a department or division where the information is created or who is the primary user of that information. Owners are responsible to:
  - a. Identify the classification level of the information according to one of the classification levels;
  - b. Define and implement the appropriate safeguards to protect the confidentiality, integrity, and accessibility of information;
  - c. Monitor the safeguards to ensure compliance and report any non-compliance issues to the Information Security Officer (ISO);
  - d. Develop a system of authorization for personnel requiring business access to that information and the procedures of the removal of access once it is no longer needed;
  - e. Monitor the business need of the information and adjust the classification as necessary.
13. Information Protected by Privacy Laws and Rights  
Information which must be protected due to Federal and State regulations as well as State and ESU policies regarding: FERPA, SSN, HIPAA, RHEA, and other relevant regulations.
14. Infrastructure or Infrastructure Devices  
Hardware utilized for creating and managing the University Network.
15. Limited Access Environment  
Secure space that is accessed by only necessary employees.
16. Removable Media  
Media used on computing equipment which is easily disconnected or removed such as USB drives, optical media (CD, DVD), floppy disks, and tapes.
17. Secure(d)  
Information, device or technology which has been assessed for risks and have security controls in place.
18. Security Control  
Something put into place to mitigate security risks which may include policies, procedures, standards, technology enforcements like firewalls, password requirements, traffic shaping devices or network access controlling devices.
19. Security Incidents  
Security incidents include any actions that have the potential to pose a serious risk to campus information system resources or the Internet. Examples include, but are not limited to, creating and propagating viruses and/or worms, obtaining or allowing unauthorized access to University resources, deliberate attempts to degrade the performance of a computer system or network,

deliberate attempts to deprive authorized personnel of access to any University computer system or network, or otherwise intentionally disrupting services or damaging equipment, software, files, or data.

20. Shared Resources

Shared network storage device.

21. Transmitting

An action taken to send data from one system to another primarily through the use of FTP, email (whether in the body of the message or an attachment) or upload to/download from a website.

22. Unit

Academic and administrative organizational entities at ESU.

23. Unit Head

Chair, director, or supervisor of a unit.

24. Unit Support Personnel

Employees designated by the unit to be responsible for maintaining the safeguards established by IT Support Personnel. Unit Support Personnel are responsible to:

- a. Implement the appropriate safeguards defined by IT to protect the confidentiality, integrity, and accessibility of technology asset;
- b. Monitor the safeguards to ensure compliance and report any non-compliance issues to the ISO.

25. User

Any person who utilizes the University network for transmitting and/or receiving information.

26. VPN

Virtual Private Network allowing secure connection between remote computer and University Network.

27. Vulnerability Scan

Vulnerability Scan is done using software that searches for devices on the University Network that have open exploits, possibly leading to a threat of a security incident.

28. Wired and Wireless Device

Any device that is connected to the University network for the purpose of transmitting and/or receiving information, including but not limited to, computers, printers, servers, telephone instruments, and video equipment such as television sets and conferencing systems.

29. The University Network, ESU Network, or ESU Computing Environment

The University Network, ESU Network, or ESU Computing Environment is an infrastructure of electronic and optical distribution hardware, control software, and wired and wireless media. The University network utilizes various technologies to transport voice, video, and data. The University network begins at the point where an end-user device (located on University-owned

or leased property) gains access to this infrastructure and ends at the point where the University network attaches to external non-ESU networks.

End-user devices that indirectly connect via a third-party telecommunications provider (a connection made to the ESU network via a home broadband or dial up connection for example) are not considered part of the University network or ESU Computing Environment.

Two separate network domains comprise the University network: Campus Network and ResNet. Each domain consists of different types of networks including, but not limited to, the University packet switched data network, the University circuit switched voice network, and the University non-switched cable TV (CATV) network. These domains with their constituent network types will henceforth collectively be referred to as The University Network.

a. Campus Network

Campus Network comprises the networking infrastructure that allows direct connection of end user devices via:

- a wired network path centrally managed by ESU IT;
- a wireless network path centrally managed by ESU IT;
- a path provided by a third-party telecommunications provider contracted by ESU IT;
- a dial-up connection centrally managed by ESU IT.

Users with direct connections will have an ESU-assigned IP address, telephone number, or other ESU address descriptor. End-user devices may also have an indirect connection to Campus Network via a third party telecommunications provider (e.g., broadband, cable).

b. ResNet

ResNet begins at the point where an end-user device located on University property and managed by the University Residential Life Department (all residence halls) gains access to the University network and ends at the point where the network attaches to external non-ResNet networks.

Additional to these two network domains the University network also includes connections that provide service to users under specific special agreements.

**3J.02 INFORMATION SECURITY** (FSB 06009 passed by Faculty Senate 10/03/06; approved by President 10/20/06; FSB 09001 passed by Faculty Senate 10/6/09; approved by President 10/13/09)

**Policy Objectives**

Emporia State University understands that some information provided to it by students, faculty, staff, or gained by other means is an important asset that needs to be protected. Measures must be taken to protect the information assets from unauthorized access, use, modification, destruction, or disclosure whether accidental or intentional as well as to assure its confidentiality, integrity, and availability. As a University that prides itself on the free exchange of knowledge and ideas, other information created or maintained by the University can and should be shared with the public.

This policy sets out to develop confidence in ESU's business practices for securing the information assets it owns, controls, or manages.

ESU has made substantial investments in both human and financial resources to create a computing environment that enables both our students and employees to access information specific to the function of their position as well as the global body of information called the Internet.

This policy and all policies derived from it have been established in order to:

- Protect this investment;
- Safeguard the information contained within this environment;
- Reduce business and legal risk;
- Establish confidence about ESU's business practices to current and prospective students, faculty, and staff.

### **Policy**

ESU will set a clear policy direction and demonstrate support for, and commitment to, information security by:

- Appointing an Information Security Officer (ISO) to lead information security efforts;
- Issue and maintain a set of information security policies, procedures, standards, and guidelines;
- Apportion budgets that support information security efforts;
- Establish and maintain a process to periodically review the information policies, procedures, standards, and guidelines and amend as needed;
- Establish and maintain a process to audit periodically Information Security controls and perform security audits for compliance.

### **Responsibility**

The ISO has the responsibility to:

- Develop and maintain written policies, procedures, standards, and guidelines;
- Perform Information Security Audits per the Information Security Audit Procedures;
- Provide appropriate support and guidance to assist students and employees to understand and fulfill their responsibilities under published policies.

Unit Heads have a responsibility to:

- Ensure all employees are aware of comply with all published policy;
- Create appropriate performance standards, control practices, and procedures designed to provide reasonable assurance that all employees observe these policies.

### **Scope**

This policy applies to all individuals utilizing information technology infrastructure.

## **Enforcement**

The President or designee is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.03 INFORMATION TECHNOLOGY USAGE** (FSB 05010 passed by Faculty Senate 4/18/06; approved as interim policy by President 5/8/06; revised interim policy approved by President 12/11/09; FSB 09010 passed by Faculty Senate 3/2/2010; approved by President 3/10/2010; updated 10/2/2013)

## **Policy Objectives**

The purpose of this policy is to outline the acceptable uses of computing and information technology resources at Emporia State University.

## **Policy**

It is University policy to provide computing and information technology resources to faculty, staff, students, official University affiliates, and others in support of the education, research, and public service missions of the University.

Users of University computing and information technology resources are responsible for using these resources only as allowed by law and in connection with the University's core teaching, research, service, and other identified missions. Users must abide by the following standards of acceptable use:

- Users shall abide by applicable state and federal laws, all University and Board of Regent policies, and all applicable contracts and licenses.
- Each user is responsible for the activities that occur while they are using the computing and technology resources assigned to them and will use only those resources for which the individual has authorization and only in the manner and extent authorized.
- Users shall respect the copyright and intellectual property rights of others and ensure the legal use of copyrighted material.
- Users shall use computing and information technology resources in a manner that does not interfere with, compromise, or harm the University's technology resources.

Uses of University computing and information technology that do not significantly consume resources or interfere with other users may also be acceptable, but may be restricted by Information Technology (IT) upon advice of the University President, or his/her designee. Under no circumstances shall members of the University community or others use University information technology resources in ways that are illegal, that threaten the University's tax-exempt status, or that interfere with reasonable use by other members of the University community.

Access to University computing and information technology resources requires appropriate permission and access to resources is not guaranteed.

The extension of these privileges is predicated upon the user's acceptance of and adherence to the corresponding user responsibilities detailed in this policy and other applicable policies and laws. The University reserves the right to limit, restrict, or extend access to information technology resources without prior notice in order to protect University resources.

### **Confidentiality and Privacy**

Communications made using University computing and information technology resources are considered to be non-confidential communications. There is no expectation of privacy regarding such communications, which may be subject to access and disclosure under the Kansas Open Records Act (KORA). Confidential information should not be sent using email transmissions unless encrypted using a University supplied encryption product. Examples of such confidential information include but are not limited to records and data subject to the Family Educational Rights and Privacy Act (FERPA) and implementing regulations.

In general, information stored on University owned equipment and resources will be treated as confidential. However, the user of University owned equipment should have no expectation of personal privacy or confidentiality of documents and messages stored on University owned equipment and resources. Additionally, information stored on University networks may be accessed by the University for purposes related to security management, security operations, and legal compliance.

### **Reporting Violations**

Users and departments will report any discovered unauthorized access attempts or other improper usage of University computing and technology resources to the Chief Information Officer (CIO), the Information Security Officer (ISO), or other appropriate administrator as per the Information Security Incident Reporting Procedures.

### **Consequences for Violations**

Persons in violation of this policy are subject to the full range of sanctions, including but not limited to, the suspension of system privileges.

At the time, if disciplinary procedures are initiated, in accordance with published policies and rules of conduct, the person alleged to be in violation of the policy will be notified of the alleged violation.

Suspension of system privileges for students may also be handled according to the procedures outlined in the Student Code of Conduct.

## Responsibility

The CIO will be responsible for:

- Determining and posting operational policies, networking standards and procedures in consultation with University governing bodies so as to implement the principles outlined in this policy.
- Reviewing and updating this policy in consultation with the relevant University governance structure.

IT has the responsibility to protect shared information technology services. In the event of hardware or software failure, or in the event of an attack by malicious user(s), designated IT staff will quarantine any technology resources necessary to solve the problem, to protect the system or systems connected to the network, and the information the system contains.

The ISO is responsible for working with IT and Unit Support personnel to implement a network logon banner using the Logon Banner Standards.

Authorized users of University computing and information technology resources are responsible for reviewing and following published Information Security policies and procedures.

## Scope

This policy applies to faculty, staff, students, official University affiliates, and any other individual who uses University computing and information technology resources.

## Enforcement

The CIO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## Exceptions

The President or designee must approve any exceptions to this policy.

**3J.04 SYSTEM REQUIREMENTS ANALYSIS AND SPECIFICATION** (FSB 06014 passed by Faculty Senate 10/03/06; approved by President 10/20/06; FSB 08019 passed by Faculty Senate 4/21/09; approved by President 4/24/09; updated 10/2/2013)

## Policy Objectives

Emporia State University is committed to maintaining the confidentiality, integrity, and availability of the information assets it owns or controls. To assist in this effort, policies, standards, and guidelines will be developed and promulgated throughout the ESU community.

Retrofitting a process or system to meet university adopted policies is an expensive endeavor. This policy sets out to ensure that information security is considered early in the development cycle for all new business processes.

## **Policy**

It is the policy of ESU to include information security in all aspects of new information systems being implemented in our environment. Therefore:

- Security specifications must be identified at the requirements phase of all projects and justified, agreed upon, and documented as part of the overall business case for the project;
- Appropriate controls and audit trails or activity logs must be designed into new applications, including both commercial-off-the-shelf and in-house-developed applications;
- An annual risk analysis will be performed on all information systems.

## **Responsibility**

The project manager is responsible for engaging the Information Security Officer (ISO) during the requirements phase of the project.

Appropriate Information Technology (IT) staff will be assigned to consult on all projects, to ensure that the appropriate controls and audit trails or activity logs are activated, and perform the appropriate risk assessments.

The ISO or designee will document the security assessment and specifications as part of the project using the Security Specifications Procedures.

## **Scope**

This policy applies to all information systems created by or used within ESU.

## **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.05 INFORMATION TECHNOLOGY RISK ASSESSMENT** (FSB 09002 passed by Faculty Senate 10/06/09; approved by President 10/13/09; updated 10/2/2013)

## **Policy Objectives**

Information Technology (IT) security assurance is the degree of confidence with which managerial, technical, and operational security controls protect the information assets of Emporia State University. Administrators must understand the current status of the systems' security controls in

order to make informed decisions and investments that appropriately mitigate Information Security risks to an acceptable level.

### **Policy**

ESU will conduct formal risk assessments of enterprise wide IT systems, information management processes, and information practices annually and as needed using methods identified in the Risk Assessment Procedures. The risk assessment findings, the controls identified, and a risk rating will be developed into the Information Security Assessment report for review by the Chief Information Officer (CIO) and the system administrator to determine risk mitigation and information security measures.

### **Responsibility**

The Information Security Officer has the responsibility to:

- Develop and maintain formal Risk Assessment Procedures;
- Work with Information Technology (IT) and Unit Support personnel to identify risks of the institution's information systems and infrastructure and the controls required to mitigate identified tasks;
- Work with the CIO to determine the risk ratings;
- Develop the Information Security Assessment report.

When investments in controls are warranted:

- IT will be responsible for implementing the controls on systems managed by IT;
- Unit Support Personnel will be responsible for implementing the controls on systems they manage.

### **Scope**

This policy applies to all technology related infrastructure devices including but not limited to: servers, workstations, routing and switching devices, and telephone systems owned or maintained by ESU.

### **Enforcement**

The CIO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

### **Exceptions**

The President or designee must approve any exceptions to this policy.

### **3J.06 CHANGE CONTROL** (FSB 09003 passed by Faculty Senate 10/06/09; approved by President 10/13/09; updated 10/2/2013)

#### **Policy Objectives**

Emporia State University understands inappropriate introduction of upgraded software can impact the integrity and confidentiality of computing systems, the services they provide, and the data that resides within them. In addition, an improperly prepared or implemented change to infrastructure or systems can significantly impact availability of key systems. A change is defined as, but not limited to:

- Upgrade to software or hardware of an enterprise system or server;
- Enhancement or deployment of new server or server functionality;
- Upgrade of network infrastructure or telephone system.

This policy outlines ESU's commitment to adopt standard methods and procedures when altering the information technology environment in order to minimize the risk of negative impacts to information and technology services offered and managed by Information Technology (IT).

#### **Policy**

Formal Change Control Procedures must be followed for installation and modification of any information technology infrastructure or enterprise system managed by IT, including but not limited to servers, software, telecommunications, and network infrastructure.

#### **Responsibility**

Unit Support Personnel are encouraged to follow the Change Control Procedures developed by IT on systems they manage.

The Information Security Officer (ISO) has the responsibility to:

- Work with IT teams to develop, support, and maintain formal Change Control Procedures for university systems and infrastructure managed by IT;
- Advise Unit Support Personnel to consider adopting formal Change Control Procedures.

IT personnel have the responsibility to:

- Identify the need for changes and originate a Request for Change (RFC) as per the Change Control Procedures and provide input for the IT management team and stakeholder groups as needed for review of request;
- Review, test, communicate, and implement approved changes to affected stakeholders.

#### **Scope**

This policy applies to all information technology services, servers, and infrastructure managed by IT and Unit Support Personnel.

## Enforcement

The CIO or designee is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## Exceptions

The President or designee must approve any exceptions to this policy.

**3J.07 SECURITY AWARENESS** (FSB 06013 passed by Faculty Senate 10/03/06; approved by President 10/20/06; FSB 16008 passed by Faculty Senate 4/4/2017; approved by President 4/17/2017)

## Policy Objectives

To help reduce the risk of human error, theft, fraud, or misuse of Emporia State University's information assets, all persons having access to those assets should be aware of the role they play in helping maintain the security of those assets. This policy sets out to ensure that everyone is aware of their role and to ESU's overall commitment to protecting our information assets.

## Policy

It is the policy of ESU to ensure that all system account holders will receive security awareness training within the following requirements:

- All employees must complete Security Awareness training within the first 90 days of hire and on an annual basis thereafter.
- Security Awareness training shall address the following topics at a minimum:
  - ▶ Passwords including creation, changing, aging, and confidentiality
  - ▶ Privacy and proper handling of sensitive information
  - ▶ Physical security
  - ▶ Social engineering
  - ▶ Identity theft avoidance and action
  - ▶ Email usage
  - ▶ Internet usage
  - ▶ Viruses and malware
  - ▶ Software usage, copyrights and file sharing on Portable devices
  - ▶ Proper use of encryption devices
  - ▶ Reporting of suspicious activity and abuse

In addition:

- The Information Security team shall retain a form of acknowledgment of training completion.

- The Information Security team will review security awareness training materials annually or more frequently as needed.

## **Responsibility**

The Information Security Officer (ISO) is responsible for development or acquisition of relevant training courses, maintaining training records, and setting training deadlines.

Information Custodians are responsible for ensuring that third parties or vendors follow this policy.

Supervisors are responsible for ensuring employees under their supervision complete the Security Awareness training by the deadline set by the ISO.

## **Scope**

This policy applies to all persons that are granted access to any ESU information assets classified above the Public/Unclassified level.

## **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

Failure to complete Security Awareness training will result in user account suspension until training is completed.

## **Exceptions**

The President or designee must approve any exceptions to this policy. Any exceptions must be documented and a copy maintained by the ISO.

**3J.08 INCIDENT RESPONSE** (FSB 06007 passed by Faculty Senate 10/03/06; approved by President 10/20/06; FSB 08017 passed by Faculty Senate 4/21/09; approved by President 4/24/09; updated 10/2/2013)

## **Policy Objectives**

The ability to react quickly and calmly to an incident is a trait that is helped only with documented procedures and practice. As Emporia State University is committed to the confidentiality, integrity, and availability with the information it is entrusted, the ability to respond to all forms of security incidents must be established.

## **Policy**

It is the policy of ESU to respond to security incidents that may affect the confidentiality, integrity, or availability of university information assets in an effective and productive manner.

ESU faculty, staff, and students are to report incidents to the Information Security Officer (ISO) as per the Information Security Incident Reporting Procedures.

The Computer Security Incident Response Team (CSIRT) is responsible for managing the response to information security related incidents. This team is comprised of individuals from the University community involving Administration, Human Resources, IT staff, University police, a faculty member, system owners, and led by the ISO. Other groups may be represented on the CSIRT (e.g., Public Affairs and Marketing) as necessary.

## **Responsibility**

It is the responsibility of the ISO to:

- Develop the IS Incident Reporting Form and Procedures
- Communicate regularly with students, faculty, and staff about the IS Incident Reporting Procedures located on the Information Security website
- Coordinate the CSIRT efforts and to obtain help from the appropriate personnel as denoted in the CSIRT Procedures.

It is the responsibility of the various units to allocate resources to the CSIRT as needed and defined in the CSIRT Procedures.

## **Scope**

This policy applies to all information technology related incidents.

## **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.09 PASSWORD POLICY** (FSB 06025 passed by Faculty Senate 04/03/07; approved by President 4/06/07; SB 09007 passed by Faculty Senate 10/06/09; approved by President 10/13/09; updated 10/2/2013; FSB 16009 passed by Faculty Senate 4/4/2017; approved by President 4/17/2017)

## **Policy Objectives**

A user ID and password is a key granting access to various systems and applications and the information assets they protect. As ESU is committed to protecting the confidentiality, integrity, and availability of the information it owns or controls, passwords must be created and protected in a manner that minimizes the likelihood of unauthorized access to such assets. If a password is hared,

account holders can be held responsible for any activity performed with their account. Passwords should be unique and must not be shared.

## **Policy**

Passwords created by any person granted access to ESU information assets must meet the following guidelines:

- Passwords must be changed at least every 180 days;
- Default account passwords that are included in many applications and systems must be changed immediately;
- Initial passwords must be changed immediately upon first log-in;
- Passwords shall not be changed more frequently than once every 15 days without system administrator intervention.
- Passwords shall be significantly different from the previous 10 passwords..
- Passwords shall not be viewable in clear text except by account holder.
- Passwords shall not be transmitted or electronically stored in clear text.

Password complexity and length must meet the following guidelines depending on if the system can enforce password complexity or not.

### **Passwords with complexity enforced**

- A minimum of 10 characters in length;
- Shall not contain user ID;
- Contain at least 3 of the following 4 groups of characters:
  - ▶ Uppercase alphabetic characters (A-Z)
  - ▶ Lowercase alphabet characters (a-z)
  - ▶ Numbers (0-9)
  - ▶ Special characters (i.e., #, &, \*...)

### **Passwords without complexity enforced**

- A minimum of 16 characters in length

## **Responsibilities**

It is the responsibility of account holders:

- To create a password for each application as required by the application;
- To not share passwords;
- To protect passwords from unauthorized use;
- To change passwords at intervals specified by the policy or as required by the application;
- To immediately notify the IT Help Desk if they believe their password has been compromised.

It is the responsibility of System Administrators to keep the system administrator password secure, yet available in case of emergency. IT System Administrators will refer to the System Password Procedures for systems managed by IT.

### **Scope**

The policy applies to any person granted access to an ESU information asset that requires a user ID and password.

### **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

### **Exceptions**

The President or designee must approve any exceptions to this policy. Any exceptions must be documented and a copy maintained by the ISO.

### **3J.10 USER IDENTIFICATION POLICY (FSB 08015 passed by Faculty Senate 4/21/09; approved by President 4/24/09; updated 10/2/2013)**

#### **Policy Objectives**

Emporia State University maintains information systems for business and academic use. User security addresses the ability to ensure the user accessing data and systems is in fact who they say they are, present the necessary credential information for access, and have access only to those resources to which they are authorized. In order to assure that ESU maintains the confidentiality and integrity of its information assets as well as follow legal requirements in respect to information and auditing, this policy will cover access to those assets through the use of a User Id.

#### **Policy**

Users accessing ESU information systems which require authentication will be properly and uniquely identified through the use of an assigned User Id. User Id's may not be used by more than one person. User Id's should use a standard format across all platforms to ensure uniformity.

#### **Responsibility**

Information Technology (IT) will be responsible for administering the access to ESU information systems it manages.

Unit Support Personnel will be responsible for administering the access on servers they manage following the Unique Identifiers Standards.

## Scope

This policy applies to all ESU employees, students, and persons grants appropriate access.

## Enforcement

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## Exception

The President or designee must approve any exceptions to this policy.

**3J.11 NETWORK CONTROLS** (FSB 06011 passed by Faculty Senate 10/03/06; approved by President 10/20/06; updated 10/2/2013)

## Policy Objectives

Emporia State University is committed to maintaining the confidentiality, integrity, and accessibility of the information it owns or controls.

Access to these assets is provided by several avenues. These include: wired network, wireless network, dialin, and VPN. The avenues that ESU provides for access are protected by policies, standards, guidelines and other security measures including, but not limited to, firewalls and intrusion detection devices.

As our external defenses get stronger, crackers look for easier ways to infiltrate our network. One example of accomplishing this is called War dialing; where crackers dial every number associated with an organization looking for a modem to answer. Once they find a modem on our network that may have weak controls, they have access to other areas of our network putting University information at risk.

This policy sets out to ensure that all avenues into our network are approved and properly secured.

## Policy

Network access devices not approved and managed by Information Technology (IT) are forbidden. Examples of such devices include but not limited to:

- modems;
- wireless access points;
- network switches and hubs.

## Responsibility

All users are responsible for taking the steps necessary to protect University information. This includes:

- Using only approved and authorized means to connect to ESU's network;
- Obtaining proper approval before connecting any access device to ESU's network;
- Notifying the Information Security Officer (ISO) of any variance to this policy.

IT is responsible for monitoring compliance with this policy.

### **Scope**

This policy applies to all network access devices connected to the ESU network.

### **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

### **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.12 ENCRYPTION** (FSB 09006 passed by Faculty Senate 10/06/09; approved by President 10/13/09; updated 10/2/2013)

### **Policy Objectives**

Emporia State University maintains information for business and academic use which at times might need to be transmitted. When transmitting sensitive data, data encryption techniques should be used to control access to the information, protect the integrity of transactions, and protect ESU's information assets.

### **Policy**

ESU users transmitting information protected by privacy laws and rights will use encryption when transmitting to off-campus entities.

### **Responsibility**

Information Technology (IT) will be responsible for identifying appropriate encryption methodologies for transmission of information protected by privacy laws and rights. Encryption methodologies include, but are not limited to:

- Virtual Private Network (VPN);
- Secure Socket Layer (SSL)
- Public Key Infrastructure (PKI) (e.g., digital id's for secure email)
- Encryption Software.

Units may be responsible for the licensing cost of third party solutions as necessary.

Users transmitting information protected by privacy laws and rights are responsible for contacting the Information Security Officer (ISO) regarding the type of encryption which should be used.

The ISO will be responsible to raise awareness about when encryption should be used to help educate the ESU community.

### **Scope**

This policy applies to all persons granted access to ESU's information systems when transmitting protected information to off-campus entities.

### **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

### **Exceptions**

The President or designee must approve any exceptions to this policy.

## **3J.13 CONTROLS AGAINST MALICIOUS SOFTWARE (FSB 06002 passed by Faculty Senate 10/03/06; approved by President 10/20/06; updated 10/2/2013)**

### **Policy Objectives**

Emporia State University is committed to maintaining the confidentiality, integrity, and accessibility of the information assets it owns or controls. One threat to ESU's information assets is malware, otherwise known as viruses, trojans, worms, and spyware. Should a self-propagating worm like CodeRed gain access to our network all legitimate network traffic would be brought to a standstill. While worms like CodeRed take up bandwidth making normal network communications difficult, other malware may destroy critical data or make it easy for unauthorized access to our resources. The risks to ESU's information can be greatly reduced if all workstations have active anti-virus software and the software is kept up to date.

This policy sets out to ensure that computing devices within the ESU network environment are protected from malware to the best of our ability.

### **Policy**

All workstations connecting to the ESU network environment must have approved anti-virus software installed and running. Virus definitions for that software must be updated weekly or as directed by Information Technology (IT) staff.

Procedures for obtaining approved software and for updating anti-virus definitions can be found in the Controls Against Malicious Software Standards.

## **Responsibilities**

It is the responsibility of each user to ensure that the workstation they are using has an approved copy of anti-virus software installed and running with automatic updates enabled.

It is the responsibility of IT staff to provide a licensed copy of approved anti-virus software to each ESU owned and maintained workstation and to periodically audit for compliance with this policy.

Students who do not own approved anti-virus software must obtain a licensed copy.

## **Scope**

This policy applies to all wired and wireless workstations connecting to the University network.

## **Enforcement**

Workstations found to be out of compliance with this policy may be blocked from the network until such time as they become compliant. The Information Security Officer is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.14 MOBILE COMPUTING DEVICES** (FSB 08003 passed by Faculty Senate 11/18/08; approved by President 12/4/08; updated 10/2/2013)

## **Policy Objectives**

The growth of mobile computing has enabled University computer users great flexibility in performing their work. Mobile computing devices are such devices as laptop computers, tablet PCs, handheld devices, USB keys, flash drives, thumb drives, sticks, or any other such device or media that may be used to store or transport information have allowed people to take their work with them to places such as a park, a café, a hotel, or even home. With the added ease at which individuals are able to perform their work comes added responsibility to protect University information.

In the work setting, policies are in place to protect data stored on shared resources, traffic flowing across the network is managed (e.g., packet managing peer to peer, spam protection, intrusion detection), infrastructure equipment is locked away in a controlled room, and procedures are in place to back up centrally stored data.

Special security issues that relate to mobile devices include:

- Any malware (viruses, worms, Trojans) that infects the device can bypass the University's security and spread rapidly to other devices once connected back to our network;

- If data stored on a mobile device is not backed up by the user it could be completely lost if the device is stolen or mechanically fails;
- Any confidential data stored on a mobile device would be compromised should it be stolen or lost.

This policy sets out to ensure that all Emporia State University protected information stored on mobile devices is secured from unauthorized disclosure, destruction, and/or modification. Protected information is defined as information that is specifically protected by federal or state law or is designated as private information by the policies of the Kansas Board of Regents or Emporia State University.

### **Policy**

- University owned or controlled mobile computing devices must be used for University approved business according to Acceptable Use Policy;
- All reasonable measures must be taken to prevent the theft of the mobile devices;
- All University information protected by privacy laws and rights stored on a mobile computing device must be afforded the same level of security as information maintained within the ESU network;
- University information protected by privacy laws and rights stored on mobile devices must be backed up to an appropriate University device or network drive;
- Encryption software must be used for all University information protected by privacy laws or rights. To make the request from Information Technology (IT) for the Encryption software, the faculty or staff member will provide a list of ESU information protected by privacy laws and rights which will likely be stored on the device. The list will need to be submitted each fall, spring and summer semester to the Information Security Officer (ISO).

### **Responsibilities**

All users are responsible for taking the steps necessary to protect University information protected by privacy laws and rights according to Guidelines and Standards.

### **Scope**

The policy applies to all persons authorized to access, modify, or create University information protected by privacy laws or rights.

### **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

### **Exceptions**

The President or designee must approve any exceptions to this policy.

### **3J.15 CLEAR DESK AND CLEAR SCREEN** (FSB 08004 passed by Faculty Senate 11/18/08; approved by President 12/04/08; updated 10/2/2013)

#### **Policy Objectives**

Emporia State University is committed to maintaining the confidentiality, integrity, and accessibility of the information assets it owns or controls. To assist in this effort, policies, standards, and guidelines will be developed and promulgated throughout the ESU community.

These information assets can be in many forms. They can range from a piece of paper or a Post-It® note to digital forms such as data stored on a hard-drive or University information accessible from computer workstations.

When a work area is left unattended, anyone passing by could have access to all information left on or around the desk as well as all electronic information that a user has access to if that user remained logged on their workstation.

This policy sets out to ensure that all forms of information used in and around a work area is protected from unauthorized viewing or altering while that area is unattended.

#### **Policy**

University information protected by privacy laws and rights should not be left visible to visitors in a work area, whether the information is in electronic or paper form.

#### **Responsibility**

All users are expected to protect the information for which they are responsible. This includes:

- Configuring a screensaver password as per Screensaver Standards
- Paperwork containing information protected by privacy laws and rights will not be left in full view of unauthorized personnel.

#### **Scope**

This policy applies to all persons entrusted with access to information protected by privacy laws and rights.

#### **Enforcement**

Supervisors are responsible for ensuring that their employees follow this policy. IT is responsible for monitoring ESU workstations for compliance with this policy. In all cases, information will be disclosed as required by controlling law.

#### **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.16 SECURE AREAS** (FSB 09005 passed by Faculty Senate 10/06/09; approved by President 10/13/09)**Policy Objectives**

Emporia State University maintains data and information critical to the operations of the University in paper and electronic form. In order to ensure ESU maintains the confidentiality and integrity of its information assets and follows all legal requirements with respect to protected information, this policy addresses securing areas which are used to store information protected by privacy laws and rights.

**Policy**

Areas storing ESU information protected by privacy laws and rights, whether in paper, electronic form, or other format, must be secured from unauthorized access.

**Responsibility**

The Information Security Officer (ISO) is responsible for raising awareness about securing such areas.

The unit heads are responsible to:

- Ensure offices and areas storing such information have appropriate locking mechanisms to secure from unauthorized access;
- Define and manage who should have access to those offices and areas;
- Individuals are responsible for securing their own areas when leaving the building.

**Scope**

This policy applies to all facilities storing ESU protected information.

**Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

**Exceptions**

The President or designee must approve any exceptions to this policy.

### 3J.17 INFORMATION CLASSIFICATION (FSB 06008 passed by Faculty Senate 10/03/06; approved by President 10/20/06)

#### Policy Objectives

Emporia State University understands that some information provided to it by students, faculty, staff or other means is an important asset that needs to be protected. As a University that prides itself on the free exchange of knowledge and ideas, other information created or maintained by the University can and should be shared with the public. This policy sets out to define the classes of this information so proper resources can be applied efficiently to protect it.

#### Policy

All information used within and by ESU will be classified according to one of the levels below. This information will be protected from the time of its creation to the time of its destruction in a manner commensurate with its level regardless of where it resides, what form it takes, how it is handled, or what purpose it serves.

- Registered Confidential: Information this if improperly disclosed could jeopardize the legal standing of ESU;
- Confidential: Information intended solely for use within ESU and limited to authorized individuals with a business need-to-know;
- Private: Information that can be disclosed to the information owner, anyone that the owner may authorize, or as required by law;
- For Internal Use: Information that is intended for use within the ESU community. Such information may be shared outside of ESU if there is a legitimate business need;
- Public/Unclassified: Information that may or may not be published but otherwise available to members outside the ESU community (e.g., brochures, course schedules, news releases, and similar publications).

#### Responsibility

All ESU employees, students, and any other person granted access to University information have the responsibility to protect that information from unauthorized access, modification, destruction, or disclosure, whether accidental or intentional. The following three levels have been established to help protect that information: Owner, Information Custodian, and User.

##### 1. Owner

The senior manager, vice president or other senior university official who has responsibility over a department or division where the information is created or who is the primary user of that information. Owners are responsible to:

- a. Identify the classification level of the information according to one of the classification levels;

- b. Define and implement the appropriate safeguards to protect the confidentiality, integrity, and accessibility of information;
- c. Monitor the safeguards to ensure compliance and report any non-compliance issues to the Information Security Officer (ISO);
- d. Develop a system of authorization for personnel requiring business access to that information and the procedures of the removal of access once it is no longer needed;
- e. Monitor the business need of the information and adjust the classification as necessary.

## 2. Information Custodian

Employees designated by the University to be responsible for maintaining the safeguards established by the Owner.

## 3. User

Any person authorized by the Owner to access the information using the safeguards established by the Owner.

## Scope

This policy applies to all information created by or used within ESU.

## Enforcement

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## Exceptions

The President or designee must approve any exceptions to this policy.

## **3J.18 EMPLOYEE TERMINATION AND REASSIGNMENT** (FSB 06004 passed by Faculty Senate 10/03/06; approved by President 10/20/06; updated 10/2/2013)

## Policy Objectives

Emporia State University maintains information critical to the operations of the University. Various positions within the University require access to information.

In order to assure that ESU maintains the confidentiality and integrity of its information assets as well as follows all legal requirements in respect to information, this policy will cover access to those assets should an employee be terminated or reassigned.

## **Policy**

ESU will maintain records with respect to information accessible by position, levels of access, and current employee holding that position. Should a person leave ESU, all access previously granted will be revoked on his/her termination effective date. If the employee is reassigned, new access will be granted based on the needs of the new position.

## **Responsibility**

The Information Security Officer (ISO) is responsible for creating procedures for granting and removing access.

It is the responsibility of the information owner(s) to follow and maintain a system of granting and removing access to their information and ensuring that this procedure is followed.

Information Technology (IT) will be responsible for administering the access on servers it manages.

Unit Support Personnel will be responsible for administering the access on servers they manage.

## **Scope**

This policy applies to all ESU employees, including student and temporary employees, whose position requires the granting of access to any ESU information asset.

## **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.19 SECURE DISPOSAL AND REUSE** (FSB 09004 passed by Faculty Senate 10/06/09; approved by President 10/13/09; updated 10/2/2013)

## **Policy Objectives**

Emporia State University maintains data and information critical to the operations of the University; most of which is stored electronically on computing devices. In order to ensure ESU maintains the confidentiality and integrity of its electronic information assets and follows all legal requirements with respect to protected information, this policy addresses secure disposal and secure reuse of computing equipment utilized to maintain information protected by privacy laws and rights.

When equipment or media is disposed of, secure disposal is necessary to prevent the recovery of data files. When equipment is reused, secure reloading of equipment is necessary to update software and remove data stored by previous users.

## **Policy**

ESU-owned computing equipment to be disposed of or to be reassigned to another user must first be sent to Information Technology (IT) to ensure compliance with University policy and procedures (e.g., ESU software licenses removed or updated, confidential data removed). Disposal will include recycling e-waste when possible.

Removable media storing ESU information protected by privacy laws and rights must be rendered unusable prior to disposal.

Non ESU-owned computing equipment storing ESU information protected by privacy laws and rights must be rendered unusable prior to disposal.

## **Responsibility**

ESU employees are responsible for destroying their removable media which might have stored information protected by privacy laws and rights prior to disposal.

The Information Security Officer (ISO) is responsible for:

- Working with IT personnel and Unit Support Personnel to create Media Sanitization Procedures for disposal and reuse of computer equipment and to provide training on such procedures to ensure compliance;
- Raising awareness in the ESU community in secure disposal of media;
- Working with ESU's Green Team to recycle e-waste when possible.

## **Scope**

This policy applies to all technology related devices including but not limited to: desktop and laptop computers, servers, CD or DVD's, flash drives, routing and switching devices, telephone systems and cellular phones storing ESU protected information.

## **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

### **3J.20 SYSTEM DOCUMENTATION** (FSB 06015 passed by Faculty Senate 10/03/06; approved by President 10/20/06; updated 10/2/2013)

#### **Policy Objectives**

Documentation is a critical part of any information technology system to assist in any recovery efforts should they be needed. Critical information allows the Information Technology (IT) team to properly plan their management activities.

This policy will ensure that the requested information is in place so that anyone with the proper credentials can gather information about a given system without having to search through that system.

#### **Policy**

The IT Support Personnel or Unit Support Personnel will maintain information for each infrastructure device. This information will include but not limited to:

- Description and use
- Original justification
- Date placed in service
- Contact and general configuration information
- Classification levels of data managed by this device
- Security measures in place to protect that data
- How this device interacts with other devices
- Change log

It will also contain system specific information for business continuity efforts and incident response.

#### **Responsibility**

IT Support Personnel or Unit Support Personnel are responsible to maintain information.

#### **Scope**

This policy applies to all technology related infrastructure devices including but not limited to: servers, routing and switching devices, and telephone systems.

#### **Enforcement**

The Information Security Officer is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

#### **Exceptions**

The President or designee must approve any exceptions to this policy.

### **3J.21 SYSTEM PATCHING** (FSB 06016 passed by Faculty Senate 10/03/06; approved by President 10/20/06; updated 10/2/2013)

#### **Policy Objectives**

All software requires regular maintenance to maintain its peak functionality. As vendors are made aware of problem areas in their product(s), they release a patch, update, or service pack. These 'patches' can range from fixing simple cosmetic problems (low impact) to resolving an issue that would allow full control of the system from an unauthorized source (critical impact).

As Emporia State University is committed to protecting the information with which it is entrusted, this policy will help contribute to the overall security posture.

#### **Policy**

It is the policy of ESU to maintain University computing resources at a level that helps protect the information assets within its control. To help facilitate this, all wired and wireless devices connecting to the ESU network must be updated with vendor provided patches.

#### **Responsibility**

Information Technology (IT) will monitor vendor's websites as well as other resources for information about updates to all ESU owned or controlled systems and applications.

Patches will be distributed and applied per the System Patching Guidelines and Standards.

IT will periodically perform a vulnerability scan on the systems attached to the network. Systems not having the proper patch level will be reported to the Information Security Officer (ISO) for further action.

Owners will be responsible for applying system patches to personally owned devices connecting to the ESU network.

#### **Scope**

The scope of this policy encompasses all installed software and wired and wireless hardware devices connecting to the ESU network.

#### **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

#### **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.22 EVENT LOGGING** (FSB 06006 passed by Faculty Senate 10/03/06; approved by President 10/20/06; FSB 08018 passed by Faculty Senate 4/21/09; approved by President 4/24/09; updated 10/2/2013)

### **Policy Objectives**

Knowing what changes are made to the University information assets, who made those changes, and when those changes were made are important steps in maintaining the confidentiality, integrity, and availability of the information assets Emporia State University owns or controls.

This policy will ensure that important information is gathered to permit support personnel to properly maintain ESU systems and permit audit personnel to verify ESU information assets remain secure.

### **Policy**

It is the policy of ESU to monitor systems for compliance with adopted policy. To assist in this effort, an audit trail of system activity will be maintained for each system, for each type of user, including system administrators. This information will be reviewed regularly.

The information gathered includes but is not limited to:

- Date, time, type, and any applicable error condition of the event;
- The ID of the user who caused the event;
- The application and device that created the event;
- Logon and logoff events.

The types of events that should be recorded will be documented in the Event Logging Standards for a given system or application.

### **Responsibility**

Information Technology (IT) is responsible to ensure logging is enabled and to maintain an accurate record of system activity on systems it manages.

Unit Support Personnel are responsible that their systems meet the Event Logging Standards.

### **Scope**

This policy applies to all technology related infrastructure devices including but not limited to: servers, routing and switching devices, and telephone systems as well as applications that process ESU information assets. This policy does not include any device on ESU's premises not owned or maintained by ESU.

**Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

**Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.23 NETWORK LOGON BANNER** (FSB 06012 passed by Faculty Senate 10/03/06; approved by President 10/20/06; updated 10/2/2013)

**Policy Objectives**

Emporia State University is committed to maintaining the confidentiality, integrity, and accessibility of the information assets it owns or controls. To assist in this effort, policies, standards, and guidelines will be developed and promulgated throughout the ESU community.

This policy is to ensure that ESU devices contain a network login banner that is the electronic version of a “No Trespassing” sign.

**Policy**

Every login process for ESU systems, multi-user computers, and infrastructure devices must include a standard University banner.

**Responsibility**

The University will develop a standard banner to be used for all systems reflecting the Acceptable Use Policy.

Information Technology (IT) will be responsible for applying the banner on systems it manages.

Unit Support Personnel will be responsible for applying the banner on systems they manage.

All devices shared between multiple areas within the University will be considered to be owned by the Chief Information Officer and IT will be responsible for applying the banner.

**Scope**

This policy applies to all computers owned or controlled by ESU including but not limited to: servers, workstations and infrastructure devices.

For those devices that allow multiple avenues for logging in, this banner must be present at each avenue (e.g., server that allows desktop access as well as FTP access from the network).

## **Enforcement**

The Information Security Officer is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.24 DISASTER RECOVERY AND BUSINESS CONTINUITY** (FSB 06003 passed by Faculty Senate 10/03/06; approved by President 10/20/06; FSB 08016 passed by Faculty Senate 04/21/09; approved by President 4/24/09; updated 10/2/2013)

## **Policy Objectives**

Emporia State University is committed to maintaining the confidentiality, integrity, and availability of the information assets it owns or controls. To assist in this effort, policies, procedures, standards, and guidelines will be developed and promulgated throughout the ESU community. This policy sets out to ensure ESU has the means to continue operations in the event of a loss of critical systems.

## **Policy**

It is the policy of Emporia State University to continue critical operations in the event of a disaster or security failure.

## **Responsibility**

It is the responsibility of the information owner to classify their information and applications that manage information into the following categories:

1. Critical – A University wide system that stops ESU from continuing to conduct business or classes (e.g., Banner, Blackboard) and must not be unavailable for more than 1 business day.
2. Serious – A system or service that hinders ESU’s ability to conducting business or classes (e.g., Email, www.emporia.edu, phone system) and must not be unavailable for more than 3 business days.
3. Non-critical – A system or service that does not hinder University business or classes (e.g., individual workstations or phones).

It is the responsibility of Information Technology (IT) staff to:

- Backup ESU information assets as per Backup Standards
- Develop, implement, and maintain a Power Protection Plan for infrastructure devices (e.g., network equipment, servers) supporting systems classified as critical or serious
- Develop procedures to be followed for various disaster scenarios that may affect any system deemed critical or serious to the function to ESU.

It is the responsibility of the Unit Support Personnel for non-campus wide applications to:

- Classify information assets as critical, serious, or non-critical
- Backup information assets as per Backup Standards.

It is the responsibility of the Information Security Officer (ISO) to do periodic risk assessments of technology assets.

The University is responsible for funding disaster recovery and business continuity to the best of its ability.

### **Scope**

This policy applies to all information systems created by or used within ESU. This policy does not include any device on ESU's premises not owned or maintained by ESU.

### **Enforcement**

The ISO is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

### **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.25 INTRUSION DETECTION** (FSB 06010 passed by Faculty Senate 10/30/06; approved by President 10/20/06; updated 10/2/2013)

### **Policy Objectives**

Emporia State University is committed to maintaining the confidentiality, integrity, and accessibility of the information assets it owns or controls. To assist in this effort, policies, standards, and guidelines will be developed and promulgated throughout the ESU community.

Monitoring areas of the network for signs of sabotage or cracking is necessary to help ensure that our information assets remain secure.

This policy sets out to ensure that network traffic within the ESU environment is examined for compliance to published policy and any traffic deemed to be contrary is logged and investigated.

### **Policy**

It is the policy of ESU to have tools in place to examine traffic to, from, and within the ESU computing environment to avoid unauthorized access to ESU systems.

Unauthorized monitoring or packet capturing tools used by students or employees are forbidden.

## **Responsibility**

Information Technology (IT) is responsible for implementing the necessary technology to examine traffic within the ESU environment. This may include both network and host based intrusion detection devices.

The person(s) responsible for monitoring these intrusion detection device(s) are responsible for following all written policy and standards for handling sensitive information.

In the case of academic needs, IT will work with faculty for using a monitoring or packet capture tool in a controlled test environment.

## **Scope**

This policy applies to all network traffic traveling within the ESU computing environment.

## **Enforcement**

The Information Security Officer is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.26 EQUIPMENT SECURITY** (FSB 06005 passed by Faculty Senate 10/03/06; approved by President 10/20/06; updated 10/2/2013)

## **Policy Objectives**

Emporia State University is committed to protecting the confidentiality, integrity, and accessibility of its information assets through its technology resources. These resources include items such as servers, applications and an intricate network which allows users to connect to ESU's local network, ESU's Intranet and the Internet.

This policy sets out to protect ESU's technology assets from unauthorized physical access.

## **Policy**

It is the policy of ESU to protect access to sensitive infrastructure devices from unauthorized individuals. Therefore, all information technology infrastructure devices critical to the operations of ESU will be physically located in a limited access, secured area. Examples of such areas may include:

- ESU's Computing Center located in Cremer Hall
- Wiring closets located in buildings
- Equipment racks with locked doors

Access to these areas must be controlled. Infrastructure devices located in a shared environment such as a computer lab, must be placed in a secured rack or cabinet with limited access. For network devices, unused ports must be administratively turned off.

All access to these secured areas must be approved by Information Technology (IT).

## **Responsibility**

Individuals authorized to use ESU technology assets will assist in safeguarding these resources. This includes protecting the resource from unauthorized access, modification, destruction or disclosure. The following levels have been established to help protect each technology asset: IT Support Personnel or Unit Support Personnel.

### 1. IT Support Personnel

IT employees designated by the University to be responsible for maintaining the University's technology assets. IT Support Personnel are responsible to:

- a. Define and implement the appropriate safeguards to protect the confidentiality, integrity, and accessibility of technology assets.
- b. Monitor the safeguards to ensure compliance and report any non-compliance issues to the Information Security Officer (ISO).
- c. Develop a system of authorization for personnel requiring business access to technology assets and a means of the removal of access once it is no longer needed.
- d. Verify user access to information with owner annually and adjust as necessary.
- e. Manage the day-to-day operations of technology assets.

### 2. Unit Support Personnel

Employees designated by the unit to be responsible for maintaining the safeguards established by IT Support Personnel. Unit Support Personnel are responsible to:

- a. Implement the appropriate safeguards defined by IT to protect the confidentiality, integrity, and accessibility of technology assets.
- b. Monitor the safeguards to ensure compliance and report any non-compliance issues to the ISO.

If a given technology resource is shared among multiple University areas its owner will be the CIO.

## Scope

This policy applies to all technology related infrastructure devices including but not limited to: servers, routing and switching devices, and telephone systems.

This policy does not include any ESU owned and maintained workstations unless those workstations are deemed critical to the function of the overall system nor does it include any device on ESU's premises not owned or maintained by ESU.

## Enforcement

IT is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## Exceptions

The President or designee must approve any exception to this policy.

**3J.27 TRUST RELATIONSHIPS** (FSB 06017 passed by Faculty Senate 10/03/06; approved by President 10/20/06; updated 10/2/2013)

## Policy Objectives

Emporia State University is committed to maintaining the confidentiality, integrity, and accessibility of the information assets it owns or controls. To assist in this effort, policies, standards, and guidelines will be developed and promulgated throughout the ESU community.

Some of this information is more sensitive due to legal responsibilities or it is critical in nature to the operations of the University. Therefore systems that contain or manage this type of information require more stringent safeguards.

This policy sets out to ensure that all systems containing sensitive University information are kept in a secured computing environment.

## Policy

All systems managing or containing information classified as Private, Confidential, or Registered Confidential must:

- Be located in a secured, limited access environment;
- Be hardened in accordance to the Secure Server Baseline Standards;
- Have no shared authentication with other systems (e.g., the ability to log onto the system without specifically authenticating to a system such as Internet Native Banner).

## **Responsibility**

Information Technology (IT) is responsible for ensuring that all affected IT managed systems are in compliance with this policy.

Unit Support Personnel are responsible to ensure all systems not managed by IT meet the Secure Server Baseline Standards.

## **Scope**

This policy applies to all servers managing or containing information classified as Private, Confidential, or Registered Confidential.

## **Enforcement**

The Information Security Officer is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

**3J.28 VENDOR MANAGEMENT** (FSB 06018 passed by Faculty Senate 10/03/06; approved by President 10/20/06; updated 10/2/2013)

## **Policy Objectives**

There are times where the University contracts with a third party or vendor to provide services to the University. Our commitment to the confidentiality, integrity, and accessibility of our information assets must extend to any and all information that a third party or vendor may access or manage.

Therefore this policy ensures that any University information asset that a third party or vendor may access remains as secure as if the third party or vendor were a University employee.

## **Policy**

Third parties or vendors with access to any University information not classified as public must sign a Non- Disclosure agreement.

Vendor agreements that include access to any University information not classified as public must be reviewed annually to ensure they meet all legal, regulatory, and business needs.

Vendors that manage or have access to information that is classified as Confidential or Registered Confidential must provide proof that their handling of that data meets or exceeds the University security practices. This can be accomplished either by a security review by IT staff or by a third-party SAS-70 audit.

## **Responsibility**

The owner of the information asset has the ultimate responsibility for the protection of the information. The owner or designee must be informed of any access to information that is protected by privacy laws or rights.

The Information Custodian has the responsibility to carry out requests by the owner including the granting of access to the owner's information and ensuring that the access meets all University information security policies, standards and guidelines.

The University legal counsel has the responsibility to review all vendor agreements.

## **Scope**

This policy applies to all third parties or vendors that require access to University information as part of their agreement with the University.

## **Enforcement**

The Information Security Officer is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

### **3J.29 EMAIL USAGE POLICY (approved by President 4/30/2015)**

#### **Policy Objectives**

The purpose of this policy is to ensure the proper use of Emporia State University's email systems, both located on the University's servers and used by faculty, staff, student workers, and volunteers, and the email accounts for undergraduate and graduate students, retired faculty, and alumni using the University's domain name pursuant to the agreement between the University and Google, Inc. Email is a tool provided by the University to supplement traditional forms of communication and improve education and administrative efficacy. It is the responsibility of the users to use this resource in an efficient, effective, ethical, and lawful manner. Violations of the policy may result in account restrictions and/or other appropriate disciplinary action.

#### **Policy**

##### **1. Ownership of Email Data**

The University owns both the locally hosted email system and the Gmail accounts maintained in the domain name pursuant to the agreement between the University and Google, Inc. Subject to underlying copyright and other intellectual property rights under applicable laws and University policies, the University also owns data transmitted or stored using the University Email Accounts.

## 2. Privacy and Right of University Access

While the University will make every attempt to keep email messages secure, privacy is not guaranteed and users should have no general expectation of privacy in email messages sent through a University Email Account or through a Gmail Account. It may be necessary for the IT staff or other appropriate University officials to access University Email Accounts or Gmail Accounts under certain circumstances. These circumstances include, but are not limited to, maintaining the system, investigations or security or abuse incidents, investigating violations of University policies and Google's Acceptable Use Policy or the University's contract with Google. Such emergency circumstances resulting in access without expressed consent of the individual user, must be authorized, in advance, by the appropriate Vice President, or designee. In the instance where the University Email Account holder will not or cannot access the University Email Account for any reason, such as death, disability, illness or separation from the University for a period of time or permanently, ESU IT staff may have to access the account to continue University business. Such access will be on a case-by-case basis and any email accessed will only be disclosed to those individuals with a need to know or as required by law. Google also retains the right to access Gmail Accounts for violations of its Acceptable Use Policy.

## 3. Appropriate Use

When using email as an official means of communications, students, faculty and staff should apply the same professionalism, discretion, and standards that they would use in written business communication. Furthermore, students, faculty and staff should not communicate anything via email that they would not be prepared to say publicly. Users of email shall not disclose information about students or employees in violations of University policies or laws protecting the confidentiality of such information.

No private personally identifiable information about University faculty, staff, students, alumni or other University members should be transmitted via email or stored in an unencrypted format. This includes but is not limited to Social Security number, bank account information, tax forms, or other sensitive data.

Students who are employed by the University should not store information relating to their employment on their Gmail Account.

Approval for access to Global Distributions Lists must be obtained from the Executive Director of Marketing or be a designee represented in the Global Distribution List guidelines.

## 4. Inappropriate Use

All Gmail accounts are subject to Google's Acceptable Use Policy ([http://www.google.com/a/help/intl/en/admins/use\\_policy.html](http://www.google.com/a/help/intl/en/admins/use_policy.html)). In addition, any inappropriate email usage, examples of which are described below and elsewhere in this policy, is prohibited. Users receiving such email should immediately contact ESU's IT Help Desk.

a. Inappropriate email usage includes the exchange of email content that:

- Generates or facilitates unsolicited bulk commercial email
- Infringes on another person's copyright, trade, or service mark, patent, or other property right or is intended to assist others in defeating those protections
- Violates, or encourages the violation of, the legal rights of others or federal and state laws
- Is for any unlawful, infringing, malicious, or fraudulent purpose
- Intentionally distributes viruses, worms, Trojan horses, malware, corrupted files, hoaxes, or other items of a destructive or deceptive nature
- Alters, disables, or interferes with the use of the email services, or the equipment used to provide the email services, by customers, authorized resellers, or other authorized users
- Tests or reverse-engineers the email services in order to find limitations, vulnerabilities or evade filtering capabilities
- Constitutes, fosters, or promotes pornography
- Is excessively violent, incites violence, threatens violence, or contains harassing content
- Creates a risk to a person's safety or health, creates a risk to public safety or health, compromises national security, or interferes with an investigation by law enforcement
- Improperly exposes trade secrets or other confidential or proprietary information of another person
- Misrepresents the identity of the sender of an email

b. Other improper uses of the email system include:

- The use of attempt to use the accounts of others without their permission
- Collecting or using email addresses, screen names information or other identifiers without the consent of the person identified (including, without limitation, phishing, Internet scamming, password robbery, spidering, and harvesting)
- Use of the service to distribute software that covertly gathers information about a user or covertly transmits information about the user
- Any conduct that is likely to result in retaliation against the University's network or website, or the University's employees, officers or other agents, including engaging in behavior that results in any server being the target of a denial of service attack (DoS)

These guidelines provide examples of permitted or prohibited use of email. This list is not intended to be exhaustive but rather to provide illustrative examples.

### **Responsibility**

All users are responsible for taking the steps necessary to protect University information.

## Scope

This policy applied to faculty, staff, students, official University affiliates, and any other individual who uses University email resources.

## Enforcement

The CIO, or designee, is responsible for monitoring and reporting compliance with this policy. In all cases, information will be disclosed as required by controlling law.

## Exceptions

The President or designee must approve any exceptions to this policy.

### **3J.30 BRING YOUR OWN DEVICE (BYOD)** (approved by President 8/7/2017)

#### **Policy Objectives**

Emporia State University recognizes the need for students, faculty, staff, and visitors to bring their own electronic devices onto ESU campus, networks, and systems. Such devices include laptops, smart phones and tablets, and the practice is commonly known as “bring your own device” or BYOD. In recognition of this need, ESU is setting guidelines for these devices to ensure the protection of sensitive information, university assets, and services. These guidelines will provide the owner of the devices with information on how to secure their devices to protect ESU’s property as well as their own information and assets.

#### **Policy**

Important: This policy is an addition to the Information Technology policies outlined in the University Policy Manual. Under no circumstance does this policy substitute or suspend any other established Information Technology policy.

BYOD owners and users have the responsibility for their devices and how they use them. ESU recommends the following guidelines be followed for these devices.

- Familiarize yourself with the device and its security features.
- Apply relevant security features for the device.
- Regularly apply patches and upgrades to the device in a timely manner.
- Ensure the device is not used for any purpose that is noncompliant with the University’s Information Technology Usage Policy (section 3J.03 in the University Policy Manual).
- Read and be aware of what installed apps and software have access to on the device.
- Install and maintain appropriate anti-virus and malware protection on the device.
- Do not store University information on the device itself. Refer to Information Classification Policy (section 3J.17 in the University Policy Manual) for more information on University information types and examples.

## **Responsibility**

Device owners and users are responsible for maintaining the security posture of their devices and following the set guidelines within this policy.

## **Scope**

This policy applies to all persons who access or use any of ESU's information or services.

## **Enforcement**

The Information Security Officer (ISO) is responsible for maintaining and reporting compliance with this policy.

In all cases, information will be disclosed as required by controlling law.

## **Exceptions**

The President or designee must approve any exceptions to this policy.

### **3K. INTERNAL AUDIT (approved by President 4/9/2012)**

University Internal Audit is a continuous independent appraisal activity authorized by the President and the Board of Regents to direct a program of review throughout Emporia State University. University Internal Audit shall have full, free and unrestricted access to any and all University functions, records, files, property, and personnel necessary to accomplish their responsibilities. University Internal Audit will review controlled affiliated corporations, as defined by Board of Regents policy, IRS Form 990 with a focus on potential conflicts of interest and transactions between the University and its controlled affiliated corporations. The University Internal Audit Charter may be obtained from the University Internal Auditor.

The University Internal Auditor reports directly to the President and administratively to the Vice President for Administration and Fiscal Affairs. University Internal Audit shall report directly to the Kansas Board of Regents Board Fiscal Affairs and Audit Committee any situation wherein the auditor perceives a conflict of interest with or on the part of the President's involvement with the subject of an audit. University Internal Audit shall report as prescribed by the Board of Regents.

### **3L. INSPECTION OF PERSONNEL RECORDS**

#### **3L.01 UNCLASSIFIED**

Personnel files for unclassified employees are maintained by Human Resources, the appropriate vice president's office, the dean's office of the appropriate school or college, and the employing department. These confidential records contain information regarding the employee's personal history, previous experience, and complete history of employment at the University. Employees may allow representatives on their behalf to review their files, by providing a written release.

Employees or former employees, with proper identification, may request to inspect their personnel records. Inspections are done at a mutually agreed upon time given the following conditions:

1. a reasonable amount of time will be given for the inspection;
2. a representative of the office will be present;
3. records will not be altered or removed from the file;
4. access may be limited if requests become excessive; and
5. appointments to review files should be made in advance and accommodated as quickly as possible.

If employees believe there is incorrect or incomplete information in the file or wish to bring their records up to date, they should submit a written request to change, amend, or delete information to their supervisor, with a copy to the appropriate vice president's office.

The following fee will be charged if copies of more than 10 pages are requested:

1. 50¢ per page
2. Full postage

In response to external phone inquires concerning personnel file information, only information about an employee regarding name, title, employment date, and status will be released. If a form letter is received from a company with the employee's signed authorization to release personal information, the requested information will be released. If an employee's signature is not on the reference request form or employment verification form, the information will not be released.

### **3L.02 UNIVERSITY SUPPORT STAFF**

Personnel files for USS employees are maintained by Human Resources (HR) and by the employing department. These confidential records contain information regarding each employee's benefits, payroll records, and employment history. Employees may have supplemental personnel files, depending on their circumstances. Information on medical conditions or disciplinary situations will be maintained in separate files, but will be considered to be a part of and located with the official personnel file. Information on grievances will be maintained in a separate location, to provide greater security for the employee, and will not be considered to be a part of the employee's official personnel file. When employees request to see their official personnel files, they may receive up to three separate files.

Employees may allow representatives on their behalf to review their files by providing a written release to HR. When giving written authorization for a representative to review their files, employees should state which specific files are authorized for review.

Employees or former employees, with proper identification, may request to inspect their personnel records. Inspections are done at a mutually agreed upon time given the following conditions:

- 1) a reasonable amount of time will be allowed for the inspection;
- 2) a representative of HR will be present;
- 3) records will not be altered or removed from the file;
- 4) records will not be rearranged within the file;

- 5) HR reserves the right to limit access if requests become excessive; and
- 6) HR reserves the right to request that appointments to review files be made a reasonable amount of time in advance.

If employees believe there is incorrect or incomplete information in the file or wish to bring their records up to date, they should submit a written request to change, amend, or delete information to their supervisor, with a copy to HR.

Employees may request copies of documents in their personnel files. The following fees will be charged if copies of more than 10 pages are requested:

- 1) 50¢ per page
- 2) full postage

In response to inquiry by any individual, HR will only verify information by telephone about a current employee regarding name, title, employment date, pay rate, and status. If a form letter is received from a company with the employee's signed authorization to release personal information, HR will provide the above information in addition to evaluation and job history information. Information on an employee's performance, personal attributes or other information of a personal nature (e.g., punctuality, attendance) will not be released unless provided by K.A.R. 1-13-1a & K.S.A. 45-215.

### **3M. TRAVEL**

The University may reimburse employees, within prescribed limitations, for all necessary and actual travel expenses incurred during travel on official state business. Travel may be to fulfill official duties or other professional or educational activities benefitting the University.

The attendance by state employees at funerals is not authorized as official state business and a state vehicle may not be used to attend a funeral. Employees will not receive reimbursement for use of a private vehicle.

#### **3M.01 IN-STATE TRAVEL (revised 4/04)**

In-state travel can be approved verbally by the employee's supervisor or the head of the budgetary unit. Reimbursement will be in accordance with the policies and rates established by the Kansas Department of Administration Division of Accounts and Reports in the booklet on travel policies titled *Employee Travel Expense Reimbursement Handbook* (<http://da.state.ks.us/ar/employee/travel/travbkSMART11.htm>). Meals will not be reimbursed without an overnight stay. No reimbursement will be made if lodging and/or meal expenses are incurred within 30 miles of home or Emporia State University.

#### **3M.02 OUT-OF-STATE TRAVEL**

Employees desiring reimbursement for official out-of-state travel should submit an Out-of-State Travel Expense Requisition/Authorization form through electronic channels. (Instructions may be found at <http://www.emporia.edu/busaff/departamental-information/travel-procedures.html>.) Prior

to the beginning of the trip, a signed copy approving the travel will be returned to the department funding the trip. Travel will be reimbursed according to guidelines established by the state and Emporia State University as to the amount limited by the department. Airline, hotel reservations, and car rental may be made through the State Travel Center by calling 1-800-748-7400.

### **3M.0201 STATE TRAVEL CENTER** (revised 11/05; revised 09/08)

Using the State Travel Center is optional. The State of Kansas has contracted with Shorts Travel to operate the State Travel Center:

State Travel Center -- 785-368-6625 or toll-free 1-800-255-3507  
(After hours emergency numbers and access codes are listed at the bottom of the itinerary.)

If the State Travel Center is used, ticket transaction fees will be assessed.

### **3M.03 AIRLINE TRAVEL** (revised 11/05)

To make domestic airline reservations, the traveler may contact the State Travel Center (instructions may be found at <http://www.emporia.edu/busaff/departmental-information/travel-procedures.html>) or may book reservations through any other source using a personal credit card or by calling the ESU Controller's office and using the University's Business Travel Account (BTA) card. VISA provides \$500,000 travel accident insurance coverage when used for the purchase of air or rail tickets. For airfare charged to personal credit cards, travelers will not be reimbursed prior to the completion of the related travel. In addition, the out-of-state travel request must be submitted and approved prior to travel for the traveler to be reimbursed.

When charging airfare to a personal credit card, the expense will be charged to the same fiscal year as all other expenses related to the trip. The only way a department may have an airline ticket paid out of the fiscal year prior to the trip is by using the University's BTA card.

### **3M.0301 KCI PARKING** (revised 7/04)

When flying from KCI, travelers must use economy lots. If a more expensive parking lot is used, the traveler can claim only the cost of economy parking.

### **3M.04 STATE VEHICLES** (revised 7/04; revised 9/08; revised 11/08; revised 7/09; revised 1/2010; revised 7/2011; revised 7/2012; revised 3/2013; revised 7/2013; revised 7/13/2016)

The University maintains a fleet of vehicles for use by University personnel as needed. The University maintains liability insurance only. No medical insurance is carried on the driver or passengers. Departments are billed for the usage of these vehicles on a per mile basis plus any turnpike tolls charged on the K-Tag assigned to each vehicle.

Employees are expected to use the state motor pool vehicles for official state business. The motor pool consists of the following vehicles and rates:

13 Automobiles (5-6 passenger) – \$0.60 per mile

- 4 Minivans (7 passenger) – \$0.67 per mile
- 2 Vans, 15-passenger (12 passenger capacity) – \$0.77 per mile

In an effort to avoid reservations being made and not utilized, there is a “no cancellation fee”. If a reservation is not canceled prior to four hours after the beginning time of the reservation a “no cancellation fee” will be added to the monthly bill in most circumstances. The fees are \$15 for autos and \$20 for both minivans and 15-passenger vans. Once the four hour window has passed and the vehicle reservation has not been canceled or picked up by the driver, the reservation will automatically be deleted. At that point the vehicle will be available for another reservation.

State policy allows an employee to use a state-owned vehicle for commuting between the employee’s residence and the employee’s official work station only on the evening of the work day immediately preceding the date of travel or on the evening of the work day in which travel is completed. Driving the vehicle home may not increase the total one-way trip mileage between the official work station and the destination by more than 10 miles.

An employee’s commuting use of a state-owned vehicle is a taxable fringe benefit. The taxable fringe benefit income is \$1.50 per one-way trip and must be reported on a W-2. To report the commuting use of a state-owned vehicle, complete the Statement of Personal Usage form and send to the Controller’s Office. It is University policy to discourage the keeping of a University vehicle overnight at an individual's place of residence. Vehicles may be picked up and returned to the motor pool, 24 hours a day, 7 days a week.

Only the driver in whose name the vehicle is reserved will be allowed to pick up a vehicle. All state vehicles are picked up at the east door of the Power Plant. The Power Plant personnel will require the driver to sign a reservation form. Vehicles should be returned to the Power Plant and parked in the spaces reserved for state vehicles on the east side of the Power Plant. Return the keys, credit card, any turnpike or gasoline receipts, and the ending mileage to a Power Plant employee.

Each car is issued a credit card that is to be used only for expenses related to the state car to which it is assigned. Under no circumstances is it to be used to purchase gasoline or other products for a private vehicle. The date and time the vehicle was returned and the ending mileage should be recorded by the Power Plant employee. If the driver uses any personal funds to pay for gasoline, oil, or other expenses related to the state vehicle, the Physical Plant should be contacted to obtain a Vehicle Reimbursement Claim form. The form should be completed and submitted with the receipts.

Every individual driving a state vehicle must be a state employee and must have a valid driver’s license. Only the driver(s) listed on the reservation may operate the vehicle. No one is allowed in a state vehicle unless on official state business.

Employees are accountable for the state vehicle they are assigned, how it is driven, where it is driven, and where it is parked. The driver will be personally responsible for any and all traffic or parking citations, tickets or fines received while operating the state vehicle. State law requires drivers and passengers in passenger vehicles to wear seat belts.

Employees may park their personal vehicles in the University parking lots east of the Stormont Maintenance Center. A temporary parking permit is available from Power Plant personnel and will allow for free parking while the individual is driving a state vehicle.

Reservations for a state vehicle must be made by a department and a departmental account number must be used for the reservation. An organization may only use a state vehicle for academic purposes and it must be reserved with a departmental account number. Vehicles should not be picked up prior to the reserved time.

### **3M.0401 ACCIDENT REPORTING REQUIREMENTS**

If an accident occurs involving a privately owned or state-owned or leased motor vehicle being used for official state business, the following action should be taken:

1. The vehicle operator or some other reliable person should immediately report the accident to the highway patrol or other law enforcement agency.
2. Immediately notify the employee's supervisor of the accident. If the employee is unable to do so, then the first employee having knowledge of the accident should make the notification.
3. The supervisor will notify the vice president of the affected area and ESU Police and Safety.
4. Statements should not be made to anyone except law enforcement officers, Power Plant personnel, or University administration.
5. Identifying information of other parties involved in the accident should be obtained.
6. The employee involved in the accident is responsible for protecting state property from theft or further damage. If the employee is not able to do so, then the employee's immediate supervisor or first employee having knowledge of the accident should do so.
7. Damaged vehicles shall be towed to state property to avoid storage charges.
8. Notify the Director of Administration and Facility Maintenance in University Facilities for liability insurance purposes if damage to other property was involved.
9. All copies of information should be forwarded to the Controller's Office. The Controller's Office will report to the State Department of Administration as appropriate.

A copy of the accident reporting requirements will be kept in each vehicle with the vehicle registration and proof of insurance.

### **3M.0402 15-PASSENGER VAN POLICY** (Approved by President 6/22/01; revised 7/19/02; revised 7/13/2016)

1. All van usage must be in compliance with applicable municipal, state and federal requirements.
2. Van drivers must employees of the University and be at least 21 years old.
3. Prior to driving a van, drivers must complete a National Safety Council class on van driving and safety.
4. No driver shall operate a van more than 10 hours in any 24 hour period.

5. The van driver must take a mandatory 30 minute rest break every 4 hours.
6. The van driver will be personally responsible for any and all traffic or parking citations, tickets or fines received while operating a van.
7. All occupants of the van must use a seat belt at all times of operation.
8. No van will be used to transport or carry more than 12 passengers (including the driver) at any one time.
9. No luggage may be stored on top of a van.
10. This policy is applicable to the usage of all vans, whether owned, rented or leased by the University.

**3M.0403 25-PASSENGER BUS POLICY** (Approved by President 7/13/2016)

1. All bus usage must be in compliance with applicable municipal, state, and federal requirements.
2. Drivers must have a current Class B Commercial Driver License (CDL) and a current Medical card. A copy of the CDL license and Medical card must be on file in the Controller's office before a reservation for the individual is approved.
3. Bus drivers must be employees of the University and at least 21 years old.
4. No driver shall operate a bus more than 10 hours in any 24 hour period. The bus driver must take a mandatory 30 minute rest break every 4 hours.
5. The bus driver will be personally responsible for any and all traffic or parking citations, tickets or fines received while operating a bus.
6. No bus will be used to transport or carry more than 25 passengers (including the driver) at any one time.
7. No luggage may be stored on top of a bus.
8. Whenever seat belts are available, all occupants of the bus must use a seat belt at all times of operation.
9. This policy is applicable to the usage of all buses, whether owned, rented or leased by the University.

### **3M.05 RENTAL CAR AND OTHER TRAVEL SERVICES** (revised 11/05; revised 9/06; revised 7/2012)

A rental car may be reserved through the State Travel Center or Enterprise for a fee or by the individual. Upgrades and optional insurance benefits are not allowed.

All in-state business related vehicle rentals through Enterprise must be put on ESU's Business Travel Account (BTA) card. By using the BTA card each rental will automatically be covered with collision damage waiver insurance. When renting a vehicle, an out-of-state travel request form must be filled out and submitted as usual.

When making out-of-state rental arrangements not on the BTA card, collision and comprehension insurance should be purchased. These charges are reimbursable.

Because liability insurance is covered by the State, it should not be purchased in either in-state or out-of-state travel.

Aircraft charter or bus charter reservations are not required to be made through the State Travel Center. The traveler must contact the Controller's Office to make arrangements as restrictions apply.

### **3M.06 CONFERENCE REGISTRATION** (revised 4/04)

Conference registration fees are included in the total cost for travel. The conference fee may be paid in advance.

If a department wishes to prepay a conference or seminar registration fee with a credit card, a registration purchase order should be completed and submitted to the Controller's Office. If the registration is paid as money with order, submit purchase order to Accounts Payable.

### **3M.07 HOTEL/MOTEL RESERVATIONS** (revised 4/04)

Lodging reservations may be made by the employee. For a fee, out-of-state hotel/motel reservations may be booked through the State Travel Center. State reimbursement rates apply.

### **3M.08 MEALS/PER DIEM** (Revised 7/2010)

Meals will be reimbursed at a per diem rate only with an overnight stay. The allowed meals are based on the time in which the employee travels. Meal allowances on the day of departure are reimbursed as follows:

<u>Departure:</u>	<u>Meals allowed:</u>
12:01 a.m. – 6:00 a.m.	Breakfast, Lunch, Dinner
6:01 a.m. – 12:00 noon	Lunch, Dinner
12:01 p.m. – 6:00 p.m.	Dinner
6:01 p.m. – 12:00 midnight	No meals allowed

Meal allowances on the day of return are reimbursed as follows:

<u>Return:</u>	<u>Meals allowed:</u>
12:01 a.m. – 6:00 a.m.	No meals allowed
6:01 a.m. – 12:00 noon	Breakfast
12:01 p.m. – 6:00 p.m.	Breakfast, Lunch
6:01 p.m. – 12:00 midnight	Breakfast, Lunch, Dinner

When a meal is included in the event attended, a reduction is made for the provided meal whether or not the meal is consumed.

### **3M.09 TRAVEL REIMBURSEMENT**

After the traveler returns, a Travel Detail Voucher form must be completed, signed by the traveler, and have the proper department approval signature (instructions may be found at <http://www.emporia.edu/busaff/departmental-information/travel-procedures.html>). Attach all original receipts and forward to Accounts Payable within 30 days.

Mileage using a personal car must be by the usually traveled, most direct route and will be reimbursed at the University current automobile mileage rate. If a rental car is used, the traveler must attach a memo stating the reason. The rental car receipt must be itemized.

Meal and lodging allowances will be reimbursed as stated *Employee Travel Expense Reimbursement Handbook* (<http://da.state.ks.us/ar/employee/travel/travbkSMART11.htm>). List any meals included in the registration fees. Make sure room rate and taxes are listed separately on receipts. Receipts are no longer required for taxi, shuttle, turnpike tolls, KCI parking, and tips.

### **3N. FINANCIAL POLICIES**

#### **3N.01 PURCHASING** (revised 9/22/04; revised 10/15/2010; revised 10/01/2014)

The Kansas Board of Regents (KBOR) has stated that each State University shall develop and be guided by procurement policies and procedures that:

- Focus on the stewardship of public funds;
- Advance and support the mission of the institution;
- Promote a competitive and fair procurement environment; and
- Are open and transparent, including adherence to the Kansas Open Records Act.

KBOR encourages state universities “to engage in cooperative purchasing opportunities with other public universities or other state agencies to achieve the lowest competitive price, including purchasing from current State central purchasing contracts, state travel services, and products pursuant to the Prison Made Goods Act, if it is in the best interest of the state university.”

ESU Controller/Director of Purchasing has as its primary goal to help departments conserve financial resources while maintaining the highest possible integrity, broad based competition, and fair and equal treatment of the business community.

### **3N.0101 GENERAL PURCHASING GUIDELINES**

All current ESU established contracts are in effect until renegotiated or expired, i.e., food service, bookstore, banking, snack vending, and beverage contracts. Check the State purchasing website for a listing of exclusive use vendors.

The purchase, lease, and/or license of computers, printers, scanners, cameras, other devices containing internal memory or memory cards or other devices, all related equipment, peripherals, hardware, software, and other information technology must be approved by the ESU IT department on a purchase requisition to ensure the item is in compliance with and can be supported by ESU's technology architecture and information security policies and procedures. The IT department may from time to time publish lists of pre-approved items that can be relied upon when purchasing, leasing, and/or licensing information technology. IT policies and procedures can be found at <http://www.emporia.edu/it/about/policies.html>.

All promotion and publicity of the University requires the approval of ESU Marketing and Media Relations on a purchase requisition to ensure compliance with the required standards/guidelines. It is ESU Marketing and Media Relations' responsibility to establish and maintain the required standards/guidelines for the use in promotion, publicity, and/or marketing materials of ESU trademarks and service marks, institutional names, designs, logos, graphics, video files, audio files, text, photographs, and other materials. Promotion or publicity of a specific school, college, department, or organization (including Recognized Student Organizations "RSOs") must comply with these standards/guidelines for all promotion, publicity, and/or marketing of the respective school, college, department, or organization. All promotion, publicity, and/or marketing of the University shall have final approval by ESU Marketing and Media Relations. Standards/Guidelines can be found at <https://www.emporia.edu/marketing/styleguide>.

State use items such as toner cartridges, binders, and other selected office supplies must be purchased from designated state use vendors.

Professional and consultant service contracts costing \$10,000 and above shall be bid by the University Purchasing Office unless determined to be a sole source.

The University retains the ability to use State contracts for any and all purchases. The University should use such contracts if it provides the desired quality of goods at the lowest possible price. A complete list of State contracts can be found at <http://www.admin.ks.gov/>.

Travel transactions, including registration, lodging, airfare, etc. follow established guidelines, per the Travel Expense Reimbursement Handbook located at [www.da.ks.gov/ar/](http://www.da.ks.gov/ar/).

Subscriptions, memberships, and other non-commodity items follow established guidelines.

The Business Procurement Card (BPC) can be used for purchases. Technology as well as promotion, publicity, and/or marketing purchases must be approved prior to using the BPC. Indication of a BPC order can be made on the PR by checking the applicable box.

Lease of Real Property between a state educational institution and any other party for vacant space that is less than 10,000 square feet or between a state educational institution and any other party for a term not to exceed 24 months should be executed in accordance with K.S.A. 76-769. See Lease/Rental of Space for additional information.

Certain departments within the Physical Plant, including grounds operations, plumbers, electricians, motor pool, and carpenters will be responsible for purchasing within that trade or department and maintaining an inventory of regularly purchased items to satisfy the daily needs of the staff within the particular trade.

The University Purchasing Program does not include capital improvement, renovation, new construction, or any other project that currently requires review by the Office of Facilities and Procurement Management, a department within the Department of Administration.

IT projects may also require review by the Kansas Information Technology Office (KITO) as outlined in the Kansas Statutes.

When vendors contact ESU staff about their products, state employees must comply with applicable ethics laws, Kansas Ethics Commission opinions and guidance, ESU and KBOR policy by not accepting gifts.

Documentation of informal bid results must be submitted to the Controller/Director of Purchasing for reporting potential savings. The University may be required to report the savings to the Kansas Board of Regents.

Vendors will be provided information on how and where to access information concerning formal bids, i.e., the ESU Purchasing website, the Kansas Register, or local media.

The University reserves the right to modify these policies and procedures.

### **3N.0102 GUIDELINES ON DOLLAR AMOUNT OF PURCHASE**

#### **3N.0102.01 PURCHASES OF ANY DOLLAR AMOUNT**

Items purchased from State of Kansas and/or ESU contracts can be purchased pursuant to the terms of the applicable contract. Consortium agreements that have been approved through the Purchasing Office, such as E& I, MHEC, NJPA, etc., are considered ESU contracts. If an item is available from a State of Kansas and/or ESU contract but is purchased from another source, a prior authorization form must then be submitted to support the off-contract purchase. ESU requires a minimum savings of \$100 for off-contract purchases.

#### **3N.0102.02 PURCHASES TOTALING \$0 – \$4,999**

Goods and services that have a total purchase price of \$4,999 or less, are not subject to any bidding process. “Total purchase price” means the total of all installment payments or a

lump sum payment. Splitting a purchase into two or more transactions in order to keep the “total purchase price” at or below \$4,999 is a violation of ESU Procurement Policies.

### **3N.0102.03 PURCHASES TOTALING \$5,000 – \$9,999**

Goods and services that have a total purchase price of \$5,000 to \$9,999 are subject to the informal bidding process. “Total purchase price” means the total of all installment payments or a lump sum payment. Splitting a purchase into two or more transactions in order to keep the “total purchase price” within the \$5,000 to \$9,999 range is a violation of ESU Procurement Policies.

### **3N.0102.04 PURCHASES TOTALING \$10,000 AND OVER**

Goods and services that have a total purchase price of \$10,000 and over are subject to the formal bidding process. “Total purchase price” means the total of all installment payments or a lump sum payment. Splitting a purchase into two or more transactions in order to keep the “total purchase price” at or below \$9,999 is a violation of ESU Procurement Policies.

### **3N.0103 SIGNATURE AUTHORITY ON PURCHASES**

All signature delegations must be on file with the ESU Business Office.

#### PURCHASES TOTALING \$0 – \$4,999

The Vice President, Dean, Chair, or Director can delegate signature authority for single expenditures.

#### PURCHASES TOTALING \$5,000 – \$9,999

Requires the signature of the Vice President, Dean, Chair, or Director.

#### PURCHASES TOTALING \$10,000 AND OVER

Requires the signature of the Dean or Vice President of that unit.

### **3N.0104 LEASE/RENTAL OF SPACE**

All space that is to be rented must go through the contracting process. A formal bid process must be done.

“Lease of real property” means an agreement to lease real property: (a) between the University and any of its affiliated corporations; (b) between the University and a municipality; (c) between the University and any other party for vacant space that is less than 10,000 square feet; or (d) between the University and any other party for a term not to exceed 24 months. The term, “lease of real property” also includes any agreement to lease real property from the University and any agreement to lease real property to a University.

Any lease of real property may be entered into by the University in accordance with policies adopted by the Board of Regents and shall not be subject to K.S.A. 75-1005 [when division of printing must print paperwork], 75-3737a through 75-3741b [director of purchases], 75-3842 through 75-3744 [execution and approval of contracts], and 75-37,130 through 75-37,134 [procurement of professional services]. The applicable policies of the Board of Regents are at Board Policy Manual, Chapter II Section E.11.a.i-v; and Chapter II Section E.11.e-I-iii.

### **3N.0105 PURCHASES REQUIRING ESU CONTRACT**

It is anticipated that the University may initiate purchasing agreements/contracts that would specify a particular vendor for specific products and/or services for an established period of time. For purposes of this policy, a “contract” is any agreement or promise which purports to obligate the University to perform some responsibility or to take some specific action(s).

All University contracts must be in writing and must be in the name of Emporia State University. Colleges, individual schools, division and departments do not have authority to enter into contracts. As set forth in the Kansas Board of Regents policy, additional requirements or requirements that conflict with this section may be required for contracts that purport to sell, lease, or purchase real property, contracts between the University and other state agencies, or contracts that require the expenditure or transfer of an amount greater than one million dollars (\$1,000,000).

The President, the Vice President for Administration and Fiscal Affairs, and the Associate Vice President for Fiscal Affairs are the only individuals authorized to contractually bind the University by the execution of a contract. Contracts made on behalf of the Emporia State University Foundation shall not be binding on ESU. The President, the Vice President for Administration and Fiscal Affairs, or the Associate Vice President for Fiscal Affairs may further delegate authority to execute contracts (and thereby legally commit) on behalf of the University. A list of additional parties authorized to execute contracts on behalf of the University can be obtained from the Vice President for Administration and Fiscal Affairs.

Authorized signatories may delegate their authority at their discretion. Any such delegation must be in writing and must state: to whom authority is being delegated; any limitations on the delegated authority; the term during which the delegated authority shall be effective; and, signed by the official delegating their authority. Any official delegating his/her authority is responsible for the delegate’s exercise of the delegated authority. All persons to whom contract authority is delegated must be a full time employee of ESU who is subordinate to the official delegating the contract authority.

All officials are responsible for the exercise of contract authority by their subordinates, whether the subordinate has actual or delegated contract authority.

The following contracts shall be reviewed by the University’s General Counsel prior to their execution:

1. Contracts involving an expenditure of funds, either by or to the University, in the amount of \$5,000 or more;

2. Any contract that may expose ESU to a greater than normal risk of liability;
3. Any contract that agrees to the laws or jurisdiction of another state; or
4. Any contract where ESU agrees to take on, limit, or waive the liability of another party (a/k/a indemnification, waiver, or limitation of liability clauses).

### **3N.0106 MEMORANDUM OF UNDERSTANDING (MOU) AND MEMORANDUM OF AGREEMENT (MOA)**

As ordinarily used by ESU and its affiliated entities, both MOU's and MOA's are contracts (with rare exceptions) pursuant to Kansas contract law. However, these agreements/understandings are not typically used for the purpose of purchasing goods and services. Instead, they are used to describe collaboration between the parties, which often includes student internships. MOU's and MOA's are subject to Purchases Requiring ESU Contract above. In addition, any agreement made for the purpose of creating a student internship, regardless of the format of the agreement, is subject to Purchases Requiring ESU Contract.

### **3N.0107 NOTICE OF APPOINTMENT (NOA)**

Notices of Appointment are used by Emporia State University to confirm the employment of both faculty and staff. Notices of Appointment are not covered by these procurement policies.

For additional information see the Procurement Policies effective 10/01/2014 at <http://www.emporia.edu/busaff>.

### **3N.02 INVENTORY (revised 11/19/2012)**

University equipment is recorded and accounted for through annual physical inspections. All equipment with a purchase price of \$5,000 or more is labeled with an identification number. University property may be removed from campus only for conducting University business and is not to be used to conduct private business or for profit activities.

When a piece of equipment is lost, stolen, or destroyed, ESU Police and Safety should be notified immediately and appropriate documents completed. For additional details, see Property Management and Inventory Control Procedures (<http://www.emporia.edu/busaff/departmental-information/property-management-and-inventory-control-procedures-.html>)

### **3N.0201 TRANSFER OR DISPOSAL OF PROPERTY (revised 11/19/2012)**

All University property must be disposed of according to guidelines established by the State Surplus Property Program. University personnel have no authority to dispose of state property without prior approval of the Inventory Office or the Controller of this University. This includes disassembling an item and using it for parts.

Any property being transferred from one department's inventory to another department's inventory must be approved by the Inventory Office.

Contact the University Inventory Office for proper procedures and questions at 620-341-5137.

### **3N.0202 TRANSFER OF GRANT PURCHASED ITEMS**

State owned inventory purchased from an externally sponsored research project or other external funding source may be transferred to a unit, where title to the property vests with the State of Kansas. This must be accompanied by formal recommendation from the current institution, including certification that:

1. The project investigator is moving to another academic institution and the principal investigator's financial support is also transferred by the granting agency without interruption;
2. The granting agency approves the transfer to the new institution of equipment purchased wholly by grant funds;
3. Such equipment was specialized in nature, acquired specifically for the investigator for this particular program, and is essential to continuance of the program without undue interruption in the work;
4. The originating institution does not need the equipment in its current related research program; and
5. The entire cost of physical transfer of the equipment will be borne by the granting agency or the recipient institution.

### **3N.03 COLLECTING FEES AND HANDLING CASH**

State law requires that all tuition, fees, and other charges (e.g., workshop fees, fees collected for performances, charges for materials/items sold) collected by any Emporia State University unit be deposited as state funds with the University Cashier's Office. Deposits should be delivered directly to the Cashier's Office and not sent through the campus mail. Receipts in small amounts may be accumulated up to \$50 but must be deposited weekly.

The State of Kansas policy requires that change funds are to be established exclusively for the making of change when receiving amounts due. These funds are not to be used for check-cashing, loan purposes, or to make payments of any kind. Monies may not be withheld from deposits to be used as a change or petty cash fund. Money for a change fund must be applied for through the Controller's Office.

#### **3N.0301 Sales Tax (House Bill No. 2005)**

Retail sales of goods and services are subject to both state and local sales tax. Only sales to wholesalers or educational institutions are exempt from sales tax. Exempt individuals or organizations must furnish a tax exemption certificate at the time of the sale, if one has not been supplied previously, or pay the sales tax. The University unit must maintain a file of the tax exemption certificates to substantiate sales when sales tax was not collected.

Examples of taxable sales include, but are not limited to: T-shirts, admission tickets, plants, fruit, books and pamphlets, paper, computer disks, computer software programs, pens, pencils, paint, brushes, other art supplies, subscriptions, printing, pictures, photographs, test materials, test grading services, and prepared meals. The Controller's Office will provide guidance on the taxability of specific sale items upon request.

Tuition and workshop registration fees are sales tax exempt. Registration fees for a conference are sales tax exempt. However, any items sold at the conference must have sales tax added. Registration fees related to providing services such as a credential service are sales tax exempt. Transcript fees are sales tax exempt. Contact the Controller's Office if have additional questions.

Effective July 1, 2003, a “destination-based” sourcing rule will apply. The rate of sales tax due will be the sales tax rate in effect where the customer takes delivery/possession of the purchased item(s). Under this new rule, the seller will continue to collect the sales tax rate in effect at the seller’s “place of business” for over-the-counter transactions. However, if the item(s) is shipped or delivered to the purchaser, the seller will collect the combined sales tax rate in effect at the location where the purchaser receives the item(s). This will be the location where the seller delivers the item(s) to the purchaser, or if the seller ships the item(s), it will be the “customer’s shipping address”. The sales tax rate table for the various cities and counties can found on the Kansas Department of Revenue’s website: <http://www.ksrevenue.org/salesratechanges.htm>.

The purchase price can either include sales tax or the sales tax can be added to the purchase price. The formula for calculating the sales tax varies depending upon the practice followed. The sales tax formulas are:

#### PURCHASE PRICE DOES NOT INCLUDE SALES TAX

Purchase Price times current tax rate of the Destination City equals Sales Tax.

Item is delivered/shipped to purchaser:

Example: Taxable sales of \$35.00 (delivered/shipped to Andover, KS)

Sales tax = \$35.00 x .063 = \$2.21

(To find Andover’s tax rate, go to website, find Andover and you will see the tax rate is 6.3%)

Purchase Price times current tax rate equals Sales Tax.

Item is purchased over-the-counter (Emporia’s tax rate is 6.8%)

Example: Taxable sales of \$35.00

Sales tax = \$35.00 x .068 = \$2.38

#### PURCHASE PRICE INCLUDES SALES TAX\*

Purchase Price divided by 1 plus appropriate current tax rate equals Cost of Merchandise.

Purchase Price less Cost of Merchandise equals Sales Tax.

Item is delivered/shipped to purchaser:

Example: Sales including tax of \$50.00 (delivered/shipped to Andover, KS)

Taxable sales =  $\$50.00/1.063 = \$47.04$

Sales tax =  $\$50.00 - \$47.04 = \$2.96$

Item is purchased over-the-counter (Emporia's tax rate is 6.8%)

Example: Sales including tax of \$50.00

Taxable sales =  $\$50.00/1.068 = \$46.82$

Sales tax =  $\$50.00 - \$46.82 = \$3.18$

\*For tax-exempt organizations, departments must compute the sales tax for the goods delivered or shipped to the tax-exempt entity and decrease the purchase price by that amount. In the example above, the sales tax was \$2.96, thus the purchase price would be \$47.04 (\$50.00-2.96).

### **3N.0301.01 DEPOSIT SLIP PROCEDURES**

When sales tax is collected on over-the-counter sales, the amount of the sales tax is to be entered as a separate item on the deposit slip. Also on these transactions, a "T" needs to be placed in the box reflecting the sale as taxable. When sales tax is collected on delivered/shipped items, the purchase price and the amount of sales tax is added together and recorded in the amount box on the deposit slip. Do not mark a "T" in the taxable sales box. For these sales, please note the sale was delivered/shipped in the description box. For all delivered/shipped sales, you must file a sales tax log sheet. (Sample log sheets are available from the Controller's office.) Please complete the sales tax log sheet and remit with the deposit slip. The source codes will remain the same for both types of deposit. Monthly, Accounting Services will transfer the sales tax amount on goods delivered or shipped into the sales tax account. Accounting Services will send documentation to the departments concerning these transfers. The Accounting Office will accumulate all collected sales tax and transfer it monthly to the Kansas Department of Revenue.

Out-of-state sales do not require that sales tax be collected. They will be recorded the same way as a delivered/shipped sale and will need to be marked on the sales tax log sheet as out-of-state.

Tax exempt sales do not require that sales tax be collected but do require tracking. They will be recorded the same way as a delivered/shipped sale and will need to be marked on the sales tax log sheet as tax exempt.

If sales tax is not collected and it is determined later that the sale was taxable, the University unit making the sale will be liable for the tax and any penalty assessed by the Department of Revenue. Consult the Controller's Office on sales where the taxability is uncertain.

**3N.0302 PAYMENT CARD INDUSTRY DATA SECURITY STANDARD** (approved by President 6/15/2010; updated 10/2/2013)

**Policy Objectives**

Critical payment information is defined as the 16 digit payment card number, the payment card expiration date, the payment card 3 digit security code, or the account number of a checking or savings account. Critical payment information must be protected and the handling of this information must follow industry standards. If these standards are not adhered to, consequences include loss of trust with students, employees, and the community, fines, remediation costs to handle notification, costs associated with external audits, and other penalties. Measures must be taken to protect payment card information from unauthorized storage, access, and processing. This policy establishes a commitment to following published standards with regards to payment card and banking information.

**Policy**

All payment card processing activities and associate technologies must comply with the Payment Card Industry Data Security Standard (PCI-DSS) in its entirety. Card processing activities must be conducted in accordance with the Emporia State University PCI-DSS Standards and Procedures. No activity may be conducted nor any technology employed that might obstruct compliance with any portion of the PCI-DSS.

**Responsibility**

The Controller's office has responsibility to:

- keep a current copy of the PCI-DSS in their office for reference;
- develop, implement, and maintain the Emporia State University PCI-DSS Standards and Procedures to be used and referenced by University employees;
- educate the campus community regarding PCI-DSS and its impact.

Information Technology (IT) has responsibility to implement necessary technology-related controls as necessary.

The Information Security Officer is responsible for assisting the Controller's office with the education of the campus community regarding the University's PCI-DSS Policy.

University employees reviewing contracts related to handling University payment card data are responsible for ensuring language for vendors, contractors, and business partners to include language which requires a Report on Compliance (ROC).

University employees handling payment card data must review and follow the University's PCI-DSS Standards and Procedures.

**Scope**

This policy applies to employees and representatives working for ESU that have responsibility for handling critical payment information.

**Enforcement**

The President or designee is responsible for monitoring and reporting compliance with this policy.

In all cases, information will be disclosed as required by controlling law.

**Exceptions**

The President or designee must approve any exceptions to this policy.

**3N.04 SOLICITATION POLICY** (revised by Facilities Council; approved by President 5/24/06; revised by Facilities Council; approved by President 3/19/12)

**3N.0401 CREDIT CARDS**

In accordance with the policy of the Kansas Board or Regents, no solicitation of credit card applications from Emporia State University students shall take place on campus during the week before and the two weeks following the first day of each semester. Educational material on the proper use of credit shall be included in the orientation programs for incoming students. During the times when credit card solicitations are permitted on campus, the credit card issuer shall provide to students information on the responsible use of credit cards and the risks of credit card use.

Retail vendors located in the Memorial Union building may provide credit card applications on the premises it leases from the Union, as consistent with its lease.

Credit card solicitation shall be limited to the Memorial Union, Welch Stadium and Trusler Sports Complex in compliance with Memorial Union policies and regulations or Intercollegiate Athletic Department policies and regulations as applicable or University Alumni Association contracts with credit card vendor.

**3N.0402 ON-CAMPUS SALES OR COMMERCIAL ACTIVITIES BY OUTSIDE BUSINESSES**

The display, promotion, marketing, or sale of products or services on the University campus by individuals, partnerships, corporations or other such entities not associated with, related to or specifically authorized by or on the behalf of the University is prohibited.

The Memorial Union is exempt from this restriction. Compliance to the Union's policy regarding outside solicitation by outside businesses is required.

### **3N.0403 FUNDRAISING**

Individuals and/or organizations who are not affiliated with or a recognized student or employee organization are not permitted to solicit money on campus. Student or employee group fundraising activities, (e.g., bake sales, candy bar sales, raffle tickets) will be conducted in a centralized location in each building, to be approved by the building manager. Solicitors shall not conduct office-to-office sales and disrupt the work of University employees.

This restriction is not intended to prohibit, restrict or discourage University/Community Fundraising or Emporia State University Advancement fundraising programs and activities authorized by the President.

### **3N.05 PROFESSIONAL FEES** (revised 9/22/04)

Honorariums and similar payments for State of Kansas employees will be paid as additional salary. State employees may be reimbursed for official travel at current rates.

### **3N.06 MEMBERSHIP FEES**

State funds may be used to pay institutional memberships only. The University does not pay for individual membership fees. Memberships can only be paid in the fiscal year in which they begin.

### **3N.07 OFFICIAL HOSPITALITY AND FOOD/BEVERAGE** (9/24/04; revised 9/18/2014; revised 9/18/2014)

Emporia State University often conducts activities where it becomes necessary to provide hospitality. Hospitality expenditures shall be in accordance with good business practices that include sound business justifications for, and adequate documentation of, expenditures. Reasonableness and fiduciary responsibility must guide expenditures for hospitality relative to the operations of the University.

1. "Official hospitality" expenditures assist an agency in fulfilling an objective or goal which bears a valid relationship to the powers and functions of the state agency.
2. Official hospitality expenditures must be paid from funds as appropriated and designated for official hospitality by the legislature.
3. Official hospitality expenditures may include food, lodging, transportation, official gifts and favors, official entertainment or directly related miscellaneous expenses provided to official guests or provided for an official function.
4. It is recommended that official hospitality expenditures have supporting documentation noting the following information:
  - a. the name or description of the group and the number of official guests;
  - b. the nature and the objective or goal of the official function; and
  - c. details of the expenditures and charges.

5. The University expending funds for official hospitality purposes should also be aware of the rules issued by the Kansas Governmental Ethics Commission regarding acceptance of meals and gifts by State employees and information contained in Policy Manual 3,104, Gifts and Awards for State Employees.
6. The Controller's office may refer expenditure requests deemed to be questionable or beyond the authorization of this policy to the appropriate vice president for review and decision.
7. Meals may be paid from OOE accounts or restricted use funds when they meet Official Hospitality guidelines. Meals may be paid from restricted use funds if fees or funds have been collected for this purpose.
8. The "Detail for Official Hospitality/Food" form must be completed and attached to each request for payment or reimbursement of such expenditures.
9. The State General Fund, General Fees Fund (Tuition) and Restricted Fees Fund have been approved to pay for any expenditure considered to be "Official Hospitality."
10. The Sodexo catering contract applies to **all** events held at ESU Facilities. Sodexo has exclusive rights to all University catering. According to the State contract "Food may not be brought into University facilities by any group or individuals for group consumption. Exceptions to this policy may be granted by the Director of the Memorial Union and should be limited to such items as wedding cakes, pre-packaged ethnic foods, and refreshments for university administrative staff. To better meet the needs of the University, the Contractor (Sodexo) will be expected to prepare ethnic cuisine as requested from international student groups for catered events. Sack lunches may be brought in by members of the University community for individual consumption."
11. Auxiliary funds including Housing System Operation, Parking, Student Health Fees, and required Campus Activity Fee Funds are used for the purpose of administering various student programs. These funds may pay for food/beverages for official events or gatherings specifically covered by their mission.
12. Food/beverages may be purchased from grant or sponsored funding only if food/beverages are specifically allowed as an appropriate expenditure by the funding entity (granting agency or sponsor).
13. This policy does not pertain to faculty, staff or students who are traveling for official University business and will be reimbursed following travel policy per diem guidelines.
14. This policy does not apply to agency funds, including student organizations, in which ESU serves a fiduciary role in managing the disbursements on behalf of an organization.
15. This policy does not pertain to expenditure of Memorial Union Corporation or Emporia State University Foundation Funds, unless transactions are processed as reimbursements to university funds.

16. Allowable costs include the following:

- a. Food/beverages supporting an official business setting (conference, workshop, training session) as documented on the Official Hospitality/Food Form.
- b. Food/beverages which includes a conference registration fee, banquet fee, etc. as documented on the Official Hospitality/Food Form.
- c. Examples of allowable costs:
  - All-day or half-day workshops/training sessions
  - Business meetings with external parties over meal hour
  - ESU staff meetings over meal hour due to limited schedule availability  
(Note: Business purpose is justified in that the meeting would not have occurred if staff were not provided opportunity to eat lunch and not all staff have the ability to bring a sack lunch.)
  - Conference meals funded from registration fees
  - Employee recruitment
  - Student recruitment
  - Student focus/retention groups (Note: Business purpose justified as food is incentive to get students to participate.)
  - ESU Campus-wide Staff Appreciation Events

17. Unallowable costs include the following:

- a. Food/beverage provided in a largely social unstructured setting, such as reception, parties, gatherings which do not serve a clear official business purpose.
- b. Food/beverages provided as incidental to normal meetings (staff meetings, committee meetings, etc.) on which the success of the meeting does not depend. Typically involving predominantly employees, the food/beverage serve no essential business purpose.
  - The costs of these events should not be borne by State funds; however, if funds exist in Emporia State University Foundation that allows for these expenditures, expenditures can be submitted directly to the Emporia State University Foundation for consideration of payment.
- c. Examples of unallowable costs:
  - ESU department staff meetings throughout the business day (e.g., a monthly department staff meeting that lasts 1 – 2 hours and occurs during the morning or afternoon.)  
(Note: In comparison to a meeting over the meal hour, food or beverage for this type of meeting is a “nice to have” but not a necessity in order to have a successful meeting.)

**3N.08 CAPITAL FINANCING POLICY** (approved by President 6/27/2014; approved by President 10/18/2017)

Capital debt may be incurred by Emporia State University, when consistent with the University’s strategic plan and campus master plan. All University capital debt must be in conformance with Chapter II, Section D 12 and E of the Policy and Procedure Manual of the Kansas Board of Regents, utilizing definitions prescribed in that Section for: Authorization; Types of Debt; Uses of Debt; Debt Period; Pledge of Revenues; and Refunding.

Disclosure obligations as required by KBOR, federal and state authorities, rating agencies, the Kansas Development Finance Authority, and other interested parties are to be fulfilled as required at least annually. In most cases, the issuance of capital/financial debt requires the collection and dissemination of appropriate disclosure information. The University president or designee and other officials of the University are charged with the responsibility for accuracy of all information being disclosed. Likewise, there is an obligation to disclose all material matters which could have an impact on the overall financial condition of the University. This responsibility remains for the life of the issuance of the debt and an annual certification for each obligation is the norm.

The University Vice President for Administration and Finance is responsible for overall issuance and management of capital debt. The University Controller is designated as the Bond Compliance Officer. The University will annually prepare a debt capacity plan, consistent with instructions and metrics issued by the Kansas Board of Regents.

### **3N.09 MOVING EXPENSE REIMBURSEMENT** (approved by President 8/22/2014)

Moving expenses are not permitted by State Board of Regents, except as authorized by K.S.A. 76-727. The statute is available at:

[http://kansasstatutes.lesterama.org/Chapter\\_76/Article\\_7/76-727.html](http://kansasstatutes.lesterama.org/Chapter_76/Article_7/76-727.html).

K.S.A. 76-727 states the following:

“Reimbursement for moving expense may be made to applicants for positions in the unclassified service under the Kansas civil service act as state educational institutions other than chief executive officers in accordance with this section if such reimbursement is from private funds provided to the state educational institutions by the endowment associations or other affiliated corporations of such state educational institutions.”

Moving and relocation expenses are reimbursable for in-state and out-of-state unclassified applicants (new hires). Departments responsible for reimbursement of moving expenses must ensure that:

- The applicant is required to sign an agreement that if the applicant leaves the position of employment within one year from the beginning date of employment, the applicant will reimburse Emporia State University the full amount paid for moving expenses. (Form DA-22 – Agreement for Reimbursement of Moving Expenses)
- Reimbursement for mileage will be at the state mileage rate. Actual gas receipts will be accepted for reimbursement.
- The amount to be paid for moving expenses shall not exceed the amount of the actual moving expenses verified by receipts.
- All reimbursements will be paid through the university’s Accounts Payable process. All reimbursements will be reported to the Payroll Office.
- Reimbursements that have a tax consequence will be reported as fringe benefits subject to tax withholding.
- Reimbursements that do not have a tax consequence will be reported to Payroll so the amount can be reported in Box 12 of the W-2. This will ensure the appropriate reporting of moving expenses.

The following expenses are considered **non-qualified moving expenses** that may be reimbursed and will be included as a taxable fringe benefit through Payroll. The move must be at least 30 miles.

- Expenses related to one pre-move trip to look for a new residence.
- Meal allowance while en route from the old residence to the new residence.
- Subsistence expenses while occupying temporary quarters for a period of 30 days.
- The excess mileage reimbursement of the standard state rate over the IRS standard mileage rate.

The following items are also considered **non-qualified moving expenses** that may be reimbursed and will be included as a taxable fringe benefit through Payroll when the new work location is less than 50 miles further from the former residence that was the former place of work. The move must be at least 30 miles.

- Lodging en route from the old residence to the new residence.
- Cost of moving personal effects.
- One-way mileage at the standard state rates.
- Temporary storage (defined as 30 days or less).

When the work location is at least 50 miles further from the former residence that was the former place of work, the following moving expenses are considered **qualified moving expenses** that are paid through Accounts Payable and also reported through Payroll and are not taxed.

- Cost of moving personal effects.
- Mileage (at IRS rate per Publication 521) and lodging en route while moving from the old residence to the new residence.
- Temporary storage (defined as 30 days or less).

All requests for reimbursement will be submitted to Accounts Payable via the OnBase Invoice processing system. The ESU Foundation reimbursement box must be checked and the ESU Foundation fund number listed. The original receipts must be scanned into OnBase.

Additional information can be obtained from IRS Publication 521 – Moving Expenses. This publication details the expenses that are allowed to be deducted and those expenses that are not allowed to be deducted. All moving expenses that have been reimbursed must be reported in either Box 1 (taxed) or Box 12 (not taxed) of the W-2.

### **3N.10 FUNDRAISING PRIORITY POLICY** (Approved by President 05/09/2017)

Emporia State University is responsible for establishing fundraising priorities in conjunction with Emporia State University Foundation.

The Emporia State University Foundation exists to support Emporia State University. The Foundation is accountable for building complete, correct donor and gift records for the purposes of relationship-building, data analysis and benchmarking, and maximizing future fundraising opportunity. To enable success, all philanthropic gifts and grants shall be coordinated through and made payable to Emporia State University Foundation.

Additionally, all University fundraising initiatives will be approved by University leadership and coordinated through the Foundation. This includes but is not limited to campaigns, one-time or recurring fundraising drives, and fundraising letters or newsletter articles on fundraising. This does not include sales of merchandise or ticket sales which do not have a tax-deductible component.

While every ESU Employee is empowered to build relationships which inspire philanthropy, the approval and coordination process for any specific initiative should occur prior to making substantive contact with prospective donors.

Departmental fundraising initiatives must be approved through the Dean/Director and appropriate Vice President. For those considered to be major initiatives, the University President in conjunction with university Vice Presidents will have final approval before the initiative will be considered a fundraising priority. Major initiatives include but are not limited to capital improvements and projects requiring an up-front or on-going (e.g., matching) commitment of university resources.

All athletic fundraising initiatives must be approved through the Director of Athletics and the Foundation President, with the University President having final approval before the initiative will be considered a fundraising priority. All athletic fundraising initiatives must be in compliance with NCAA guidelines.

The Foundation will seek unrestricted dollars as an ongoing priority, as these flexible dollars can be leveraged to increase fundraising success or can support the University's unfunded priorities.

The Foundation serves as a resource to coordinate all fundraising for the University. This coordination begins when fundraising appeals and lists of proposed recipients are submitted for pre-approval. Foundation staff will assist in editing for appropriate language to assure we align with IRS requirements. Staff will also identify any proposed recipients who should not be considered or for whom a larger or higher-priority appeal is already in progress or proposed. If a department requires assistance, a member of the development staff may be assigned to assist with approved fundraising efforts, priorities and/or prospects. As needed, Foundation staff will track the success of the appeal within and beyond the approved recipient list.

The University and the Foundation are mindful that university priorities and donor interest may not always align. The University President and other members of the Foundation's Gift Acceptance Committee, under advisement of representatives of the areas potentially impacted by the proposed gift, will review and approve or decline these opportunities on a case-by-case basis.

Approval and coordination of fundraising initiatives assists us in effectively fundraising for the University's highest priorities, and protects potential donors from being inappropriately solicited for multiple initiatives. This policy maintains a professional, high-achieving fundraising program.

### **3N.11 CROWDFUNDING** (Approved by President 11/20/2017)

The following policy applies to crowdfunding campaigns or projects undertaken by any individual associated with Emporia State University ("ESU") (e.g., staff, faculty, students, or administration) planning to use a third-party crowdfunding or crowdsourcing vendor, portal, or service provider.

Generally, crowdfunding is the practice of funding a project or campaign by soliciting relatively small donations of money from a large number of people, typically facilitated through a web-based giving site.

1. Use of crowdfunding to raise funds at ESU as described in this policy and accompanying crowdfunding guideline is subject to all ESU rules, policies, compliance regulations, and state and federal law.
2. ESU's official third-party crowdfunding partner is EverydayHero. The crowdfunding platform is managed by the ESU Foundation. No other vendor or platform can be used to fund ESU based initiatives without written consent from the Vice President for Advancement.
3. ESU's name, branding, and/or logo may not be used without prior written approval by the appropriate ESU crowdfunding administrator.
4. Campaigns or projects that use ESU resources, or affiliate themselves with ESU in any capacity, must receive institutional approval from the appropriate university official as set forth in the university's Fundraising Priority Policy.
5. ESU's constituent information (email, phone, address, etc.) may not be used without prior approval by the appropriate approving official as set forth in the university's Fundraising Priority Policy.

### **30. MEDIA RELATIONS, UNIVERSITY MARKS, AND PRINTING**

#### **30.01 MEDIA RELATIONS** (Revised as approved by President 1/23/09; revised as approved by Associate Provost for Enrollment Management 12/02/2010)

All publicity directed to the media must be handled through the Assistant Director of Marketing and Media Relations. Contact either the Director or Assistant Director of Marketing and Media Relations for details.

#### **30.02 UNIVERSITY NAMES, LOGOS, AND MARKS** (Approved by President, 5/14/07; Revised as approved by President 1/23/09)

The University names, logos and marks are considered property of the University regardless of registration status and are subject to University control. In order to establish a consistent and unified graphic identity, the Director of Marketing shall create, maintain, and disseminate a controlling Graphic Identity Standards Guide. The Graphic Identity Standards Guide must be followed for usage of University Names, Logos and Marks. This policy provides guidance to the University on how usage will be controlled.

1. Faculty, staff and students are encouraged to use the name of the University for official purposes, such as for official University business, and to use University stationery for official correspondence.

2. Faculty, staff and students may not use the University name in any advertisement, publication, or report involving personal or unofficial activities, if the use could be construed as implying University endorsement of any product, project, activity, or service.
3. Use of the Emporia State University names, logos or marks by any party in a manner that implies, either directly or indirectly, endorsement of programs or products of any entity not directly associated with, or licensed in writing by, the University is prohibited. Approval, disapproval, or discontinuation of any use is at the discretion of the Director of Marketing. Permission is rarely given to unaffiliated third parties to use the name Emporia State University or the University's symbols.
4. Faculty or unclassified staff may list their institutional affiliation in professional works they author, edit or present without securing approval, unless the use conflicts with this policy. University approval must be received if a conflict arises.
5. Student and alumni groups that have official University recognition, and are registered as such, may use the University names, logos and marks as set forth in this policy in association with their University sanctioned activities.
6. Questions regarding use of the University names, logos and marks and requests for institutional approval required by University policy and Graphic Identity Standards will be directed to the Director of Marketing for decision making.
7. Request for approval to use University names, logos or marks by entities with an existing, previous, or anticipated business relationship with the University shall be directed to the Director of Marketing for decision making. Such requests for approval may be granted, subject to the following parameters:
  - a. Usage is subject to the limitations set forth in the University Names, Logos, or Marks policy and University Graphic Identity Standards.
  - b. Any usage shall be subject to written authorization and permission from the University.
  - c. University will be given an opportunity to review, approve or reject the intended usage.
  - d. A set period of usage will be defined and limited; continued usage is subject to further University review and approval.
  - e. The University's names, logos or marks are not to be displayed more prominently or any larger than other corporate marks or logos. No licensee shall alter, modify, dilute or otherwise misuse the University intellectual property.
  - f. Displays of the University's names, logos or marks shall be accompanied by the following text: "The University's name, logo or mark is used with permission of Emporia State University. Usage reflects a business or academic relationship and in no way constitutes an endorsement or recommendation."
  - g. University reserves the right to terminate any license to use.
  - h. Licensee shall promptly inform University of any suspected infringement of University's names, logo or marks by a third party. University provides no warranties on the validity and scope of University's trademarks or on the appropriateness of licensure of goods.

8. The use of names, logos or marks of Emporia State University must be licensed to the individual or entity using the names, logos or marks. Licensing questions should be directed to the Director of Marketing. Individuals may purchase and use properly licensed goods bearing the marks of Emporia State University as long as the use does not violate the University Names, Logos, or Marks policy.
9. Subject to the above limited circumstances, use of the University's names, logos or marks is prohibited. The University does not intend this policy to prohibit usage of the University's name in connection with news items, University sponsored events, or pursuant to contractual agreements.
10. In keeping with its status as a non-profit educational institution, Emporia State University does not permit its name and marks to be used in connection with partisan political activities or in any manner that violates state or federal law or jeopardizes the non-profit status of the University.

### **30.03 PRINTING** (Revised as approved by President 1/23/09)

All University publications developed for use off-campus must be approved by the Director of Marketing prior to reproduction and dissemination. Printing of University publications must be done by the ESU Printing Service or the State Division of Printing. KSA 75-1005 prohibits using outside services except in very rare cases. All exceptions require prior approval by the Director of the State Division of Printing. All requests for such exceptions must be directed to the University Director of Marketing for decision making who will, if approved, make any required requests for exception from the Director of the State Division of Printing.

To initiate a design or printing job, contact Printing Services.

### **3P. FACILITIES, PARKING AND RELATED SERVICES**

#### **3P.01 KEY ISSUANCE** (revised 4/19/02; revised by Facilities Council; approved by President 3/19/12)

The following policy is to be followed by University employees in acquiring and accounting for keys to University buildings. Issuance of keys by University Facilities (Stormont Maintenance Facility) will follow current Grand Master/Mater/Standard/Direct to Grand Master Key Security Guidelines on file at Stormont Maintenance Facility.

**FACULTY, STAFF, AND GRADUATE ASSISTANTS:** The administrative head, or designee, of the department will prepare and submit the electronic Key Request Form for each employee he/she gives permission to receive a key. Authorized keys can be picked up one working day after the date of the request approval.

Each key issued will be the responsibility of the employee to whom it is assigned with the exception of desk and file cabinet keys. Departments cannot purchase door keys, nor can keys be issued without being assigned to a specific individual.

The employee or department will be responsible for the costs and fees indicated in the Key Security Guidelines for each key that is lost or not returned upon termination of employment.

STUDENTS: Students will obtain door keys through a department head or a faculty or staff member who has been assigned the keys at the key shop. It will be up to the person signing for the key to choose some method of securing the key's return from the student or the person will be responsible for the costs and fees indicated in the Key Security Guidelines.

### **3P.02 USE OF FACILITIES AFTER CLOSING HOURS** (revised by Facilities Council; approved by President 3/19/12)

At times there are legitimate reasons for faculty, staff members, and students to be in University facilities after buildings are closed and locked. Faculty, staff, and students are expected to notify ESU Police and Safety when they enter, work in, or leave a campus instructional building after closing hours. They should expect to show identification cards, and students must also show after-hour permits.

#### **3P.0201 OBTAINING AFTER CLOSING HOURS PERMITS**

After closing hours permits are not required for faculty and staff. Students must have an after closing hours permit form signed by the department chair on file at ESU Police and Safety. Such permits are not transferable and holders have responsibility for safety and property in their working areas. Permits must designate the specific place and the hours the permit is valid, with the period of time noted on the card. All students remaining within the designated areas after normal closing hours must notify ESU Police and Safety. The permit holder may not bring others into the building. A faculty member bringing a student into a building becomes responsible for the student and for the property within the area.

### **3P.03 CAMPUS SAFETY** (revised by Facilities Council; approved by President 3/19/12)

The ESU Police and Safety officers are assigned the responsibility of protecting the institution's property and insuring the safety of personnel on the campus and have the same authority and responsibilities as any other commissioned police officers. Officers will generally provide the following services: courtesy first aid service while waiting for an ambulance; escort service when an individual feels endangered in any way; service for minor vehicle problems on campus when waiver of liability is signed (e.g., opening locked doors, jump starting vehicles); and delivery of emergency messages.

Emergency blue phones are located throughout campus and when picked up, automatically ring ESU Police and Safety.

### **3P.04 SCHEDULING FACILITIES** (revised by Facilities Council; approved by President 3/19/12)

University facilities used for scheduled classes are assigned during the compilation of the course schedule. The use of University grounds and facilities for all other functions will be scheduled through the Conference & Scheduling Center (Memorial Union). The center will notify all the

departments responsible for the grounds, facility and/or rooms for access, security, cleaning, conditions, and all other services indicated in the request.

### **3P.0401 RESERVING EQUIPMENT** (updated 10/2/2013)

Equipment needed for classes and not available in the classroom or department should be reserved with Information Technology.

Equipment needed for meetings, conferences, and workshops should be reserved through the Conference Scheduling Center.

### **3P.05 BUILDING MANAGERS** (revised by Facilities Council; approved by President 3/19/12)

Each building or building floor has a manager who is responsible for notifying the proper office or person of any requests or complaints pertaining to the physical facilities and their upkeep. A current list of managers is on file at the University Facilities Office (Stormont Maintenance Facility).

### **3P.06 NAMING FACILITIES** (approved by President 7/11/97; revised and approved by President 3/19/12)

- A. Any person or group wishing to promote or request the naming of a facility are required to submit a formal letter of recommendation to the ESU Foundation. The recommendation should include any or all of the following information:
  - 1. Distinctions or accomplishments that brought prestige, honor, and resources to Emporia State University.
  - 2. Involvement and years of service to ESU either as a member of a campus community or as a steward of the University.
  - 3. Philanthropic activities pursued on behalf of or in support of the University.
  - 4. A singular unique success (if any) that highlights the individual's life work.
  - 5. Identification of the facility being named and a rationale for the specific facility being named for the honoree.
- B. The letter of recommendation will be reviewed by the Facilities Naming Committee (FNC).
  - 1. The FNC will consist of (1) vice president, and one (2) dean appointed by the University President, annually; and individuals serving as (3) faculty president, (4) ASG president, (5) alumni director, and (6) University Advancement CEO will serve as permanent members.
- C. The FNC will forward a yes or no consensus to the President's office.

- D. With the concurrence of the President on a positive recommendation from the FNC, the recommendation, along with the justification, will be submitted to the Kansas Board of Regents for review and approval in accordance with the Board's current policies and procedures.

**3P.0601 NAMING OF A ROOM OR A DEFINED SPACE** (approved by the President, 4/30/2014)

- A. Any person or group wishing to promote or request the naming of a room or of a defined space is required to submit a formal letter of recommendation to the ESU Foundation. A "room" or "defined space" can include either a location within an existing or planned facility of the University, or a location not within a facility but on the University campus, or a combination of rooms and/or defined spaces. A room or defined space includes, but is not necessarily limited to: a classroom; room; office; hall; a space or area either inside or outside of a facility that can be described so that there is no confusion as to its exact location and what it includes; or, any combination thereof. The recommendation for the naming request should include any or all of the following information:
1. Distinctions or accomplishments that brought prestige, honor, and resources to Emporia State University.
  2. Involvement and years of service to the University either as a member of a campus community or as a steward of the University.
  3. Philanthropic activities pursued on behalf of or in support of the University.
  4. A singular unique success (if any) that highlights the individual's life work.
  5. Identification of the room or defined space being named and a rationale for the specific room or defined space being named for the honoree.
- B. The letter of recommendation will be reviewed by the University Facilities Naming Committee (UFNC).
1. The UFNC will consist of (1) vice president, and one (2) dean appointed by the University President, annually; and individuals serving as (3) president of the faculty, (4) president of the Associated Student Government, (5) Alumni Association Executive Director, and (6) University Foundation President will serve as permanent members.
- C. The UFNC will forward their recommendation to the University President.
- D. With the concurrence of the University President on the recommendation from the UFNC, the request for naming a room or a defined space will be approved. In the event the Kansas Board of Regents develops a policy requiring their approval to name a room or a defined space, then the letter of recommendation, along with the justification and a statement of the University President's concurrence in the UFNC's recommendation, will be submitted to the Kansas Board of Regents for review and approval in accordance with the Board's then current policies and procedures.

### **3P.07 PARKING**

Parking on campus is available to faculty and staff via a parking permit. This permit will allow parking in specified parking lots/spaces.

Visitor permits are required Monday through Friday, 7:30 a.m. to 4:30 p.m., and may be obtained at the Visitor Information Booth. Permits are color coded and are valid in specified lots.

For information on conference parking or to request conference parking permits, contact the Conference Scheduling Center.

Parking violations include infractions such as parking without a permit, parking in unauthorized places, and illegal parking (i.e., spaces for persons with disabilities, fire lanes) will result in a ticket and fine. A petition for review may be completed at the ESU Police and Safety Office.

### **3P.08 FOOD**

The dining service operation in the Memorial Union is the sole vendor for all food served on campus. Meals and/or refreshments served on campus must be contracted through Dining Services.

### **3P.09 ANIMALS AND PETS** (approved by President 8/25/09)

Animals and pets are prohibited in campus buildings.

Exceptions:

- Certified trained assistance animals working for disabled persons.
- Research animals used for academic research and/or studies. All research and/or studies using animals must submit to the Animal Care and Use Committee an application for review and approval of the proposed activities for these animals.
- Certified trained therapy animals and/or those in certified training programs used for academic research, therapy and/or studies. All research, therapy and/or studies using animals must submit to the Animal Care and Use Committee an application for review and approval of the proposed activities for these animals.
- Performance animals used for academic performances, plays and specific events. Departments using animals must submit to the Animal Care and Use Committee an application for review and approval of the proposed activities for these animals. Approval by the department's Dean and Director of Facilities is required.

Exempted animals must meet housekeeping and safety protocols. Animals must remain under the direct control of the handler at all times when outside of a cage or compartment. Whenever the animal is loose inside a room, a sign must be posted outside the room indicating that an animal is present. The handler will notify the Building Services Supervisor in the building where the animal will be used. The handler will have cleaning materials to immediately clean up accidents inside and outside the building. The handler will immediately notify the Building Services Supervisor of any accident so that the area can be sanitized.

**3P.10 SIGN/BANNER/CHALKING POLICY** (passed by Facilities Council; approved by President 3/19/12)

Temporary placement (over 4 hours) of signs, banners (indoors and outdoors) and sidewalk chalking (outdoors only) on the campus is restricted only for the promotion of campus events, student body elections, and academic activities. An ESU Sign, Banner & Chalking Request Form must be completed, signed and submitted to the Director of Facilities a minimum of 15 calendar days prior to the requested placement. A form may be obtained by contacting the University Facilities Office (Stormont Maintenance). The Director of Facilities will review the request and reply back to the identified contact person.

Chalking or painting buildings, structures, fences, etc. is strictly prohibited.

**3Q. INCLEMENT WEATHER AND EMERGENCIES****3Q.01 INCLEMENT WEATHER POLICY FOR UNIVERSITY EMPLOYEES** (approved by Administrative Team 11/04/03; revised, approved by President 1/19/2010)

This policy is established in order to provide a procedure for the notification of administrative personnel, faculty, staff, and students of the closing of the university for severe weather conditions. Generally, the university does not close because of snow or other inclement weather, and employees are expected to be at work during their regular times. However, severe weather may delay or prevent employees' travel to work or may necessitate them leaving work early. Certain serious weather situations may be beyond the scope of the following provisions and the ESU Emergency Operations Plan (EOP) may be triggered due to an emergency declaration of the University President or designee. In those cases, the EOP should be referred to for additional information and direction.

**3Q.0101 ISSUE A DECLARATION OF INCLEMENT WEATHER AND CLOSE THE UNIVERSITY**

The Governor may issue a Declaration of Inclement Weather for the entire state. Normally, the Governor may issue a Declaration of Inclement Weather for one or more geographic areas of the state.

The Governor has delegated to the President of Emporia State University the responsibility and exclusive authority to make a Declaration of Inclement Weather for ESU because of severe weather conditions. The President has the responsibility and authority to maintain essential services and to provide for the protection of resident students and University property when a Declaration is issued. It is important to remember that a declaration of a weather emergency is a separate issue from the suspension of classes. There may be instances when classes are suspended but an inclement weather emergency is not declared.

**3Q.0102 NOTIFICATION** (updated 2/09; updated 6/2010; updated 10/2/2013; updated 2/6/2019)

Should a weather emergency be declared, all faculty, staff, and students will be notified through ESU's RAVE emergency communication system. RAVE will send text and email, post to the university's Facebook page and Twitter account. The Alertus system for ESU-issued computers will also activate, sending a full-screen message to the computer.

Information about all weather emergencies also is sent to these media outlets: KVOE radio and Emporia Gazette in Emporia; WIBW and KSNT TV in Topeka; Kansas Public Radio; and KWCH TV in Wichita.

Employees who will be late or unable to get to work are expected to give their departments timely notice.

**3Q.0103 INCLEMENT WEATHER EMERGENCY PERSONNEL**

Employees who have been designated as Inclement Weather Emergency Personnel will report to work or remain at work during declarations of inclement weather. Non-exempt Inclement Weather Emergency Personnel who perform essential services shall be eligible for compensatory time in addition to pay for hours worked during the Declaration. Employees who do not perform inclement weather emergency services and who do not work during the Declaration will receive administrative leave based on their regular work schedule. Services requiring coverage during inclement weather emergencies include: police and safety, power plant operation, food service for the students living in the Residence Halls, clearing of walkways, streets, and parking lots, and other services as deemed necessary by the President.

The Director of Facilities will designate Inclement Weather Emergency Personnel within the Physical Plant, Building Services and Policy and Safety. The Director of Residential Life and the Director of the Memorial Union will designate Inclement Weather Emergency Personnel for the residential living and food service areas.

**3Q.0104 LOST TIME**

Employees who do not report to work or who elect to return home after reporting to work due to weather conditions when there is no official closing can select one of the following options for handling the lost time:

- Charge accrued vacation time (exempt employees may charge only in 4 or 8 hour increments)
- Charge accrued compensatory time, if applicable
- Charge their discretionary holiday (may not be used for less than a full day)
- Charge leave without pay (non-exempt employees only)
- Make up the absent-from-duty hours within the same work week. Non-exempt employees must make up lost time on an hour-for-hour basis. Plans for make-up time must be worked out with the approval of the supervisor in advance. Time not made up within the specified period will be charged to accrued vacation leave or to leave without pay.

- Employees who report late to work one hour or less because of inclement weather will not be charged for that time. Employees reporting to work more than one hour late must use one of the options available for handling all lost time.
- Employees on authorized leave, holidays, or sick days will not be affected by these emergency procedures.

NOTE: This policy does not apply to the University Holiday Closing scheduled during the Winter Holiday Break.

### **3Q.02 CANCELING CLASSES IN THE EVENT OF INCLEMENT WEATHER**

#### **3Q.0201 REGULAR DAYTIME ON-CAMPUS CLASSES** (Revised as approved by President 1/23/09)

The President, or, in his/her absence, his/her designee is authorized to cancel on-campus classes. Notification of such cancellation and notification of the resumption of classes will come from the office of the President. The Director of Public Relations will issue appropriate news releases and the campus switchboard and ESU Police and Safety office will be notified. Instructors should attempt to communicate with commuting students, especially those out of the area covered by local radio stations. Instructors are urged to contact a nucleus of students in appropriate locations who could, in turn, notify other students in their area.

#### **3Q.0202 ON-CAMPUS NIGHT AND WEEKEND CLASSES**

The policy on canceling regular daytime on-campus classes applies to on-campus night and weekend classes.

#### **3Q.0203 OFF-CAMPUS CLASSES** (revised 11/23/2010)

If it is not possible for the instructor to travel to the location of the class, or if weather conditions make travel hazardous at that location, the individual instructor may make the decision to cancel the class. The instructor must notify the department chair and Distance Education. The instructor should also contact a nucleus of students who would notify other students in their area in accordance with a prearranged plan. In case Distance Education cannot be reached, the instructor should also notify the campus switchboard and ESU Police and Safety.

### **3Q.03 ACCIDENTS, INJURIES, AND MEDICAL INCIDENTS** (revised, approved by President 1/19/2010)

To request emergency response personnel, ambulance, fire department, and/or police assistance, call 911. Advise the 911 operator the nature of the emergency, your name, location, and phone number. The operator may ask additional situation specific questions in order to ensure that appropriate emergency response personnel are dispatched. Stay on the line, the operator will return to obtain additional information and verify that responders are in route. If the emergency requires a police response only, and the situation will not require assistance from outside law enforcement agencies, the operator will transfer the call to ESU Police and Safety.

## 1. Medical

When someone on campus becomes seriously ill or has suffered a serious injury, individuals in the area are advised to call 911 immediately. Once emergency response personnel have been dispatched, call ESU Police and Safety at 5337 to notify them of the situation and action taken. ESU Police and Safety officers have first-aid training and are available 24 hours per day. Officers will transport persons needing X-ray or other minor treatment to the hospital. Decisions to transport in an ESU patrol car will be made at the discretion of ESU Police and Safety Officers. Officers will not transport an unconscious person or someone exhibiting symptoms associated with a serious or possibly life threatening illness or injury. In these cases, ESU Police and Safety will summon Lyon County Emergency Medical Services.

Services of the Student Health Center are only available to students due to the Center being supported solely by student fees.

## 2. Suspicious Behavior and Possible Criminal Activity

The campus community is urged to be aware and to report any suspicious behavior or possible criminal activity to ESU Police and Safety immediately. If you witness an act which is potentially criminal in nature, stay calm, be observant, and obtain as complete a description of the individuals and activities as possible. Clear, concise accurate information relayed to emergency responders in a timely manner may have a significant impact on the overall resolution of an incident.

## 3. Other Unsafe Conditions

If you encounter unsafe conditions that may pose a threat to the safety or well being of others, report the situation to Police and Safety at 5337.

## 4. Emergency Operations Plans

Crisis and emergency situations should be handled in accordance with the ESU Emergency Operations Plan as set forth in the University Policy Manual.

All employees of ESU are covered with workman's compensation insurance for any job-related injury. Such injuries must be reported to Human Resources immediately on the ESU standard accidental injury report form. This form is to be completed by the injured person if possible, otherwise by the immediate supervisor. Failure to report an injury within 10 days of the accident may result in benefits being denied. Further information may be obtained by contacting Human Resources.

In the creation of this policy, Emporia State University acknowledges the consultation of policies from Wichita State University 10/08/09.

**3Q.04 TIMELY WARNINGS** (approved by President, 10/28/08; updated 2/06/09; revised, approved by President 1/19/2010; updated 6/22/2010; updated 10/2/2013)

Police and Safety and other law enforcement attempt to identify crime patterns and trends in and near the University community, which pose a safety threat to the University community. In the event a situation arises, on or off campus that constitutes an ongoing or continuing threat to the University community a timely warning will be issued to the University community. This determination is made jointly by ESU Police and Safety, the Office of the Provost/Vice President for Academic Affairs; and the office of the Vice President for Student Affairs in consultation with the University General Counsel.

The warnings are posted on the University web site. If the situation warrants, the notice will be sent through the University email system and other appropriate communication mechanisms in conformity with University communication protocols. Certain situations may trigger the University Emergency Operations Plan, which should be referred to in those situations for additional information and direction.

**3Q.05 EMERGENCY RESPONSE** (approved by President 8/12/03; updated 2/06/04; updated 7/02/04; updated 12/14/04; updated 10/27/05; updated 06/06; updated 8/06; updated 6/07; revised, approved by President 10/28/08; updated 2/09; revised, updated 1/19/2010; updated 10/2/2013)

Responsibility for Emporia State University emergency response and recovery at Emporia State University has been delegated to the University, subject to the laws of the State of Kansas and the policies, procedures, rules and regulations of the Kansas Board of Regents. Emporia State University developed and maintains an Emergency Operations Plan (EOP), which is a university-wide plan, intended to establish an “all hazards approach” to handling emergencies. This plan enables the University to handle emergencies of various kinds and of various magnitudes in a structured, yet flexible manner, following the organizational model of the National Incident Management System (NIMS). The plan addresses FEMA’s five phases of emergency management.

The EOP establishes a command structure for the University and defines three levels of emergency; minor, major, and severe, each calling for a different level of response and a different range of resources.

The University shall have an Executive Policy Group made up of the President, the Provost and Vice President for Academic Affairs, the Vice President for Student Affairs, the Vice President for Administration and Fiscal Affairs, General Counsel, and the Executive Director of Marketing and Media Relations. Only the President, or designee, shall have the authority to declare an emergency. The Executive Policy Group shall approve overall priorities and strategies, approve public information reports and instructions, and act as liaison with governmental and external organizations.

Emergency situations and specific University protocols for handling said emergencies are set forth in the EOP. The University President approves modifications to the EOP.

**3Q.06 EMERGENCY MASS EXIT EVACUATION OF NON-RESIDENCE HALL BUILDINGS** (approved by President Glennen and other administrators; revised, approved by President 1/19/2010)

The following procedure and the University's Emergency Operations Plan (EOP) will be utilized to promote the safety and well-being of all University personnel (students, faculty, staff, and visitors) in classroom and non-classroom settings.

**3Q.0601 CLASSROOM SETTINGS**

Faculty and disabled individuals will be responsible for the following preplanning actions during an emergency mass exit evacuation:

**Teaching Faculty**

1. Review aloud the evacuation route posted in the classroom. Preferably, this should be accomplished during the first 2 weeks of classes.
2. Ask class members, who are in need of assistance due to disability, to identify themselves. In private, determine the nature of their disability and the assistance they may require.
3. Ask disabled individuals to identify assistants. In the event the disabled individual has not provided for assistants, request class volunteers.
4. If requested by a disabled individual, provide help in locating a Safe Room.
5. If the faculty member is disabled, he/she should preplan his/her own evacuation strategy in cooperation with student assistants within the same time frame.
6. Notify the Director of Student Accessibility and Support Services in the event of a noted lack of cooperation by disabled students in complying with their section of this plan.
7. Assistance in developing an emergency mass exit evacuation procedure for disabled persons can be obtained from the disabled individuals in question, the Director of Student Accessibility and Support Services, ESU Police and Safety, and Student Health Center.

**Disabled Individuals** (Those with severe auditory, visual, mobility or other impairments which place them at risk during an emergency mass exit evacuation.)

1. Identify himself/herself to each of his/her teaching faculty members, indicating the nature of his/her disability and the magnitude of assistance required. The responsibility to initiate evacuation related discussions rests solely with each at risk disabled student.
2. Disabled individuals are responsible for knowing how to evacuate themselves and for being capable and willing to communicate such information to teaching faculty and assistants. Disabled students who need assistance in planning their evacuation should contact the Director of Student Accessibility and Support Services.

3. Find the necessary assistants to help in an emergency mass exit evacuation. If unable to find assistants, request the help of the faculty member to identify willing assistants.
4. Personally instruct all assistants in the correct method of rendering assistance both in any training sessions and during an actual emergency.
5. Able bodied persons who assist disabled persons during emergency mass exit evacuations may be protected against liability under the Kansas Tort Claims Act and Good Samaritan Act as long as reasonable care is taken.

### **Procedures**

1. When disabled persons (students or faculty) are in the classroom, the following preparations will be made:
  - a. A decision must be made regarding which of the following 2 methods of emergency mass exit evacuation will be planned for and used.
    - 1) The preferred method is to be immediately helped out of the building to safety by assistants.
      - a) Mobility impaired persons in wheelchairs on ground level floors can evacuate along with other persons.
      - b) Mobility impaired persons in electric wheelchairs on non-ground level floors must be removed from their wheelchairs and evacuated leaving the wheelchair behind.
      - c) Mobility impaired persons in manual wheelchairs on non-ground level floors have the option of either being removed from their wheelchairs and evacuated leaving the wheelchair behind, or being evacuated while remaining in the wheelchair. Should the latter option be chosen, at least four strong assistants will be necessary to carry the wheelchair with the person in it up or down the stairs and over obstacles.
      - d) Visually impaired persons should have a sighted assistant guide them to safety.
      - e) Hearing impaired persons should be told individually of the emergency and how to respond as soon as the emergency is identified. It should not be assumed that hearing impaired persons can hear the fire alarm or that they will know what to do by watching others.
    - 2) The less preferred method of emergency mass exit evacuation for disabled persons is the following:
      - a) Have the disabled person/s be assisted to a Safe Room by an assistant. A Safe Room is simply any room or office with a door and telephone that is far removed from the source of the fire or critical area.
      - b) Procedures relating to the actions of the disabled person, assistant, ESU Police and Safety, telephone operator and City Fire Department following entry into a Safe Room.

- c) General faculty and disabled persons action responsibilities in an actual emergency.
- d) Procedures for non-classroom settings.
- e) Procedures for Conferences and Non-Credit functions, Office Areas and Memorial Union.

NOTE: Elevators must never be used in an actual Emergency Mass Exit Evacuation.

### **3Q.0601.01 SAFE ROOM**

Safe Room actions by disabled persons, assistants, ESU Police and Safety, and City Fire Department.

- A. The disabled person and assistant should enter the Safe Room and dial 911 for the local city emergency operator. The disabled person or assistant will tell the operator that a disabled student needs emergency evacuation. The operator will then transmit this information to the emergency first responders and ESU Police and Safety's dispatcher. The caller will give the disabled person's name, the assistant's name, that he/she needs emergency evacuation, the nature of the disability, the name of the building and the room number. The building, name, room number and emergency call instructions are posted at each campus telephone in all academic buildings.
- B. The assistant or caller, will advise the operator that the assistant is leaving the Safe Room immediately and will proceed directly out of the building. The assistant will notify an emergency first responder on the scene, that he/she is clear of the building and give the same information to the emergency first responder regarding the disabled person/s, that was relayed by telephone.
- C. In the unusual event that the assistant determines that his/her personal safety would be jeopardized by leaving the Safe Room, the assistant or caller will advise the emergency operator that he/she is remaining in the Safe Room.
- D. If the telephone is not working, the assistant should proceed immediately to another telephone (leaving the disabled person alone in the Safe Room) and make the call elsewhere, or tell the emergency personnel the required information as soon as they arrive on the scene.

### **3Q.0601.02 FACULTY AND DISABLED STUDENT RESPONSIBILITIES IN AN EMERGENCY**

Faculty and disabled students will be responsible for the following preplanning actions during an emergency mass exit evacuation:

- A. Faculty must supervise any actual emergency mass exit evacuation and immediately evacuate the building.

- B. In all cases the faculty's prime responsibility is to supervise the majority of students during an emergency mass exit evacuation.
- C. Any person evidencing confusion, disorientation or hysteria must be assigned assistants and escorted to safety.
- D. Immediate response is important at all times.
- E. Classroom windows and doors must be closed. Doors must not be locked because disabled persons may need to use the classroom as a Safe Room and to promote easy access by emergency personnel.
- F. Faculty will be requested to provide verbal feedback following an actual emergency mass exit evacuation by the Impact Assessment Group, who will in turn share the information with Executive Policy Group, Emergency Responders Groups, and others on an as-needed basis.

### **3Q.0602 NON-CLASSROOM SETTINGS**

- A. All persons should learn the primary and alternate emergency mass exit evacuation routes on their first day of employment and subsequently at each change of work site.
- B. Disabled persons must make arrangements with assistants for safe emergency mass exit evacuation, within the first week of activity at each work site. Disabled persons should inform their supervisor of their evacuation plans.
- C. Upon notifications of the need for an emergency mass exit evacuation all personnel will immediately exit the building using the appropriate escape route.
- D. In no situation will elevators be used by disabled or other persons.
- E. Office windows and doors must be closed. Doors must not be locked because disabled persons may need to use offices as Safe Rooms.
- F. Verbal feedback regarding an actual emergency mass exit evacuation should be provided to the Impact Assessment Group, who in turn will share the information with the Executive Policy Group, Emergency Responders Group, and others on an as-needed basis.

### **3Q.0603 CONFERENCES AND NON-CREDIT FUNCTIONS, OFFICES AND MEMORIAL UNION**

#### **Conferences**

- A. Emergency mass exit evacuation routes are posted in all rooms throughout the academic areas adjacent to the exit.
- B. The sponsor of any event scheduled in the academic facilities shall familiarize themselves with the emergency mass exit evacuation route posted prior to the start of the function, and be responsible for the orderly evacuation of the attendees, should an emergency occur. The

sponsor of the event shall identify and describe the procedures for evacuation at the beginning of the conference and at any change of venue or room.

- C. The sponsor of any function shall be responsible for requesting and identifying any disabled person/s prior to the conference and those who will be present, and determine in cooperation with that person, the magnitude of assistance required in the event an emergency mass exit evacuation is required.

### **Office Areas**

- A. Emergency mass exit evacuation plans are posted in all office areas adjacent to the exit.
- B. The office supervisors will be responsible for assuring that the office personnel are familiar with the emergency mass exit routes for their areas.

### **Memorial Union**

Refer to the Memorial Union's Policy Manual in reference to evacuations and emergency procedures.

### **3Q.07 TORNADO SHELTERS** (revised 3/02; revised 6/07; revised, approved by President 1/19/2010; updated 10/2/2013)

It is the policy of Emporia State University that all classes and activities on campus will be officially suspended when the City of Emporia is included in an officially declared tornado warning. Faculty, staff, students, and visitors shall be instructed to seek appropriate shelter for the duration of the warning. The ESU Emergency Operations Plan (EOP) should be referred to for additional information and direction.

An officially declared tornado warning is defined as notification that the City of Emporia (or all of Lyon County) is included in the warning area as confirmed by the National Weather service via a weather alert radio, AM/FM radio, Facilities, or the University Police and Safety.

The first indication of a tornado warning is frequently made by radio or civil preparedness sirens. Persons who are not able to confirm whether the Emporia area is included in the tornado warning by one of the means outlined above should proceed immediately to shelter upon hearing the sirens. The University would prefer faculty, staff, and students disrupt current activities than take any chances.

Buildings will be posted with signs to notify persons arriving on campus where to take shelter. University Public Relations will issue public statements indicating classes and events have been suspended during periods of time the City of Emporia is included in the tornado warning area.

Areas designated as tornado shelters.

Memorial Union: Basement hallways away from windows.

King Hall: Lower floor area, rooms west of the hallway, basement area located under the stage.  
Stay away from windows.

Roosevelt Hall: Use the north/south hallway area away from windows.

HPERA: Basement hallways away from windows. **DO NOT USE THE GYM!**  
White Library: Downstairs from the lobby to the lower area away from windows.  
Science Hall: Lower hallway area (north/south hallway) away from windows.  
Cremer Hall: Lower hallway area (north/south hallway) away from windows.  
Butcher Education Center: Tunnel area basement hallway, south end, room 001 (Main office has key) away from windows.  
Visser Hall: Lower hallway area (north/south hallway) away from windows.  
Plumb Hall: Lower hallway area away from windows.  
Morse Hall: Lower hallway in South; hallway connecting Central and North; hallway in Northeast. **DO NOT USE** hallways with adjacent glass expanses.  
Twin Towers: Lower hallways in all buildings as well as work and utility areas.  
Stormont Maintenance Center: Bay #9, east of shops away from windows.  
ESU Police: Police & Safety building hallway away from windows.  
Art Annex, Compound, Portable Units, Welch Stadium: Physical Education Building basement hallways away from windows.  
Ross Reservation Trailer and Classrooms: Use above ground tornado shelter.  
Anderson Library: Use basement hallway area away from windows.  
Earl Center: Use lower hallway area and south stairwell basement landing away from windows.  
Beach Hall: Lower hallways away from windows.  
Student Recreation Center: Restrooms away from windows.

#### Guidelines:

- During storm season be alert for storm warning sirens.
- When sirens sound, proceed immediately to the designated tornado shelter.
- When you evacuate to these areas, kneel and cover your head with your arms.
- Do not emerge until the all clear is given.
- If caught outdoors find a ditch or depression in the ground and lie down.
- If you are in your automobile and can determine the path of the tornado, drive away at right angles to the storm.
- In the event a tornado strikes the ESU campus, report to ESU Police and Safety or your administrator that you are either safe or in need of assistance.

### **3Q.08 CHEMICAL SAFETY AND ENVIRONMENTAL CONCERNS** (revised, approved by President 1/19/2010)

For policy and procedures in dealing with the proper and safe handling of chemicals and other environmental concerns, contact ESU's Chemical Safety Officer to determine the best way to deal with the spill and minimize its impact on personnel and the environment. If the Safety Officer cannot be reached, contact ESU Police and Safety.

Reference University's Emergency Operations Plan (EOP) for guidelines to address emergency and crisis situations for chemical accidents and spills.

Contact the Chemical Safety Officer prior to disposing of chemicals that are no longer of use, out of date, in a container beginning to corrode, or with a label indicating a possible health risk. Never use a dumpster for disposing anything that could be potentially hazardous.

**3Q.09 CAMPUS FIRE AND LIFE SAFETY** (Approved by President 1/19/2010)

It is the policy of Emporia State University to provide and maintain safe conditions and to follow the operating practices that safeguard all students, employees, and visitors. The intention of the Fire and Life Safety Policy is to provide a safe environment for the University community through compliance with the State of Kansas Fire and Life Safety Codes as adopted by the Kansas State Fire Marshall's Office and as amended. The goals of the policy are to encourage safe working and living practices throughout the University to reduce the risk of injury to all persons and property on the ESU campus.

**A. Fire and Life Safety Policy Operation**

1. Compliance with the Fire and Life Safety Codes is the responsibility of all faculty, staff, students, and visitors using University facilities. Local enforcement of compliance with the Codes is the responsibility of administrators, department heads, and supervisors in the areas and units in their jurisdiction. ESU Facilities is the primary department overseeing compliance with the Codes. The Kansas State Fire Marshall's Office will annually inspect ESU buildings and will report to ESU Facilities its findings. ESU Facilities will act to comply with the Fire Marshall's findings.
2. ESU Facilities shall have the authority to shut down an operation, cause events to be discontinued, or buildings evacuated when, in their opinion a severe danger to life, for injury, or loss of property may result if such action is not taken. The responsible authorities will be notified of the action taken, or impending action as soon as possible.
3. Designated personnel of ESU Facilities will conduct inspections throughout the year with the goal to maintain and improve safety for building occupants and to reduce the number of violations identified by the Kansas State Fire Marshall's Office.
  - a. Building Services personnel will conduct monthly inspections of emergency light and sign units, and return their reports to ESU Facilities. Building Services personnel are also designated to conduct monthly and annual inspections of portable fire extinguishers, and to mark on the extinguisher tag that the inspection has occurred.
  - b. ESU Facilities will schedule and conduct inspections and maintain records for automatic fire doors, will schedule annual inspection of building sprinkler and standpipe systems, and will schedule annual inspection of fire alarm systems.
  - c. ESU Facilities will assist faculty to maintain compliance with applicable fire codes by periodic inspections of all ESU buildings for potential code violations. If the violation cannot be corrected immediately, Facilities will contact the affected Department for compliance assistance.
  - d. The Kansas State Fire Marshall's Office conducts annual code compliance inspections and issues written citations for violations of the codes. Other State employees and contractors to the State inspect University facilities for a wide variety of reasons and provide documentation on their findings, which may include Fire and Life Safety Codes violations. ESU employees who currently have responsibilities for the construction,

remodeling, cleaning, inspecting, and patrolling of campus facilities should report Fire and Life Safety Code violations which they may discover in the course of their duties. Any faculty, staff, student, or visitor should report any situation they feel is in violation of the Codes or is unsafe.

#### B. General Violations

1. Combustible storage in mechanical/electrical rooms.
2. Flammable storage in communication or mechanical closets and under or within stairwells.
3. Flammable liquids not stored in approved cabinets or containers.
4. Stairwells and corridors blocked open, including laboratory corridor doors. These doors must be closed unless held open by magnetic holding devices connected to the Central Fire Alarm.

#### C. Exit Path Violations

Exit or egress paths must be kept open and clear at all times. Exit paths are all corridors and stairwells that serve the occupants of a building. The following are not permitted in exit paths even temporarily:

- Pressurized cylinders
- Flammable or combustible liquids
- Work stations, shop equipment and/or non-secured furniture, trash containers, and filing cabinets
- Biohazardous materials, radioactive materials, chemical agents, or chemical waste materials
- Any arrangement judged to create a physical hazard to responding emergency personnel or building occupants.

#### D. Stairwell Violations

No items or any kind are to be stored, even temporarily, in protected stairwells including:

- Chairs, desks, furniture, or other secured or non-secured obstacles
- Equipment, vending machines, computers, or other devices
- Boxes, cartons, trash cans, postal boxes, and other containers

#### E. Fire Guidelines

The following guidelines are intended to guide ESU campus faculty, staff, and students in appropriate action in the event of a fire anywhere on campus. Not all fires on campus will require calling the Emporia Fire Department to respond. Consult the University's Emergency Operations Plan (EOP) for emergency guidelines.

Any time the fire alarm system is activated in an ESU building, immediately vacate the building. Do not attempt to use the elevators as they will be inoperable once the alarm system has activated. Activate the fire alarm system and alert others as you leave. After vacating the area, call 911 and ESU Police and Safety at 5337 as soon as possible. ESU Police and Safety will respond to investigate. Do not re-enter the building until given approval by ESU Police and Safety, or the Emporia Fire Department.

Critical telephone numbers:

ESU Police and Safety	620-341-5337
Emporia Fire Department	911
ESU Facilities	620-341-5331

#### F. Small Fires Outdoors

Occasionally an accidental fire will be started outdoors in dry vegetation, generally due to careless discard of smoking materials. If the small fire cannot be easily stamped out by foot go to the nearest campus building, find a fire extinguisher, and use it to extinguish the fire by directing the extinguishing agent at the base of the fire. If the fire is rapidly growing in size due to high winds or excess combustible material call 911 and request the Emporia Fire Department respond to the location, and then call 620-341-5337 and report the fire to ESU Police and Safety.

If a fire is discovered in a trash dumpster immediately call 911 and report the fire to the Emporia Fire Department, and then call ESU Police and Safety at 620-341-5337. Do not attempt to extinguish the fire. If there is no danger to you pull the dumpster away from any adjacent structures to minimize damage.

#### G. Small Fires Indoors

A small localized fire indoors, for example in a trash can, may be safely extinguished with a fire extinguisher. Spray the extinguisher at the base of the fire, or into the trash can. Once the fire is out immediately call ESU Police and Safety at 620-341-5337 and report the fire.

If smoke is smelled in a building but no obvious source is apparent call ESU Police and Safety immediately and report the smell. Police and Safety will respond to assist in locating the source.

#### H. Uncontrollable Indoor Fires

If a fire is discovered in an ESU building, or smoke is seen and the source is not apparent, immediately leave the building and pull the alarm as you exit if it has not already activated. In addition to sounding the alarm in the building, pulling the alarm will automatically report to ESU Police and Safety.

Emporia State University acknowledges the consultation of policies from Kansas State University in the creation of this policy, 10/22/09.

**3Q.10 WORKPLACE/CAMPUS VIOLENCE** (Approved by President, 1/19/2010; updated 6/22/2010; updated 10/2/2013)

Emporia State University is committed to providing employees, students and visitors with a safe and secure learning and work environment free from threats, threatening behavior, acts of violence or any related conduct and to preventing, deterring and responding appropriately to workplace violence. The University supports the State of Kansas Workplace Violence Policy, which applies to all faculty, staff and student employees of the University. (<http://www.da.ks.gov/ps/dapers/violence.htm>)

Actions which constitute threats, threatening behavior, acts of violence, or any related conduct which obstructs or interferes with another's work performance or the University's ability to carry out its mission will not be tolerated. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on University-owned or controlled property or events may be removed from the premises pending the outcome of an investigation.

Threats, threatening behavior, or other acts of violence occurring off University-owned or controlled property or events but directed at University employees, students or members of the public while conducting official University business or activities, is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

**Threat Assessment**

The University is committed to identify, investigate, assess, manage and attempt to resolve identified concerns and/or prevent and avoid any workplace violence, to the extent reasonably and practically possible. The University Workplace Behavior Mitigation Team (WBMT) will investigate potential violations of this policy that involve employees and will recommend actions to immediately manage and alleviate any determined threat. The Consultation Assessment Referral Education (CARE) Team will investigate potential violations of this policy that involves only students. When incidents involve a combination of faculty, staff, students or visitors, the CARE team will work in conjunction with the WBMT to manage and alleviate any determined threat. Investigations and reports pertaining to any threats will be kept confidential to the reasonable extent possible under law, but consistent with the need to conduct necessary investigations and take corrective action.

**Reporting**

Notwithstanding anything contained herein, imminent threats or situations of immediate concern should be directed to University Police and Safety or local, state or federal law enforcement, or dial 911 immediately.

Employees are responsible for notifying the Director of Human Resources of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when that behavior is job related or might be carried out on state-owned or controlled property or in connection with University employment. Such reports may be anonymous.

Emporia State University also encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Office of Human Resources before the situation escalates into potential violence or behaviors contemplated by this policy.

The University's WBMT includes representatives from:

- Human Resources (Chair)
- Vice President for Student Affairs
- Student Wellness
- General Counsel
- Others as needed and requested by Chair

The CARE Team includes representatives from:

- Dean of Students (Chair)
- Director of Student Wellness
- Director of Student Accessibility and Support Services
- Director of Residential Life
- Assistant Director of Student Success
- Other as needed and requested by Chair

The WBMT and CARE team may consult with appropriate University officials, including but not limited to, University General Counsel, Vice Presidents, faculty members and supervisors, concerning reports and/or violations of this policy regardless of team membership. Allegations of retaliation and/or discrimination will be referred to the Affirmative Action Officer for handling. Fraudulent or false information or reports will be referred to the immediate supervisor of the individual filing the false report.

The WBMT and CARE team will create and implement procedures for receiving and handling reports in conformity with University policies and applicable law.

### **Emergency Operation Plan**

The University will, as appropriate, consider declaration of an emergency situation, thereby activating its crisis response mechanisms provided by the Emergency Operations Plan and applicable policies until such time as the end of the emergency is formally declared and communicated. Recovery from emergency situations will be handled in conformity with such applicable provisions.

### **Protective Orders**

Faculty, staff or students who receive a protective or restraining order which lists University-owned or controlled premises as a protected area are required to provide University Police and Safety with a copy of such order.

## **Consequences for Policy Violation**

Violations or retaliation for reporting violations of this policy will lead to disciplinary action that may include suspension or expulsion, dismissal, bar from access, arrest and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from state-owned or leased premises, termination of business relationships with that individual, and/or prosecution of the person(s) involved. Retaliation against any individual for reporting a concern in good faith or assisting in an investigation will not be tolerated. This policy also prohibits the filing of false claims or information, which may be grounds for disciplinary action up to and including suspension or expulsion from the University and/or termination from employment, subject to all applicable policies. Applicable University policies will be followed in application of these provisions.

## **Training**

Training and supplementary materials on this policy and recognizing potentially threatening behaviors and preventing workplace violence coordinated by the CARE Team and WBMT and will be available to the campus community.

## **3R. ALCOHOL, TOBACCO, AND CONTROLLED SUBSTANCE POLICIES**

**3R.01 ALCOHOL POLICY** (Approved by President 12/05/01; approved by President 12/4/03; approved by President 8/7/07; approved by President 8/29/13)

1. Upon approval of the President, Emporia State University permits the service or consumption of alcoholic liquor on campus subject to the following guidelines. For purposes of this policy, alcoholic liquor includes all beverage alcohol, unless otherwise specified herein. The form to request permission to serve/consume alcohol is available in the ESU Memorial Union Conference and Scheduling Office, and must be completed in order to initiate the request for approval process. A 30 day lead time is required.
2. The sale of alcoholic beverages is prohibited. For organizations or individuals desiring to serve alcohol, (1) events must be by invitation only; (2) those served must be at least 21 years of age; and (3) alcohol must be included in the price of the ticket for the event. The sponsor of the event is responsible for obtaining the permits and/or licenses necessary for that event from appropriate governmental agencies. Call ESU Conferences and Scheduling for information on obtaining applicable licenses and appropriate forms. Service or consumption of alcohol is intended to be limited to specific events, i.e., luncheons, dinners, or receptions which honor individuals and which occur in connection with official University programs, or special permission of the President.
3. Promotional materials and/or invitations must state the actual times the bar will be open. The bar will close at least 30 minutes prior to the scheduled conclusion of the event.
4. The sponsor of any event involving alcoholic liquor shall implement precautionary measures such as checking ID or refusing to serve to reasonably assure that alcoholic liquor is not accessible or served to persons under the legal drinking age or persons who appear intoxicated.

5. ESU follows all Kansas, federal, and local laws regarding the service and consumption of alcohol. Event sponsors as well as the individual consumers are to adhere to the law. Sponsors, and not ESU, will be responsible for determining and fulfilling all federal, state, and local requirements for their event.
6. Event sponsors are responsible for the purchase of beverage alcohol to be served.
7. Non-alcoholic beverages and food shall be available in the same place as the beverage alcohol and featured as prominently as the alcohol.
8. Consumption of alcohol is permitted only in the following non-classroom areas and outside grounds immediately adjacent thereto.
  - A. Plumb Hall (1<sup>st</sup> and 2<sup>nd</sup> floor lobbies and Presidential Office Suite only)
  - B. Visser Hall Atrium
  - C. King Hall (Bruder Theatre lobby and Gilson Room only)
  - D. Beach Hall Rotunda and Shepherd Music Center Rotunda
  - E. Cremer Hall Lobby (Koch Lounge and Roe R. Cross Room)
  - F. Sauder Alumni Center
  - G. Anderson Library
  - H. Hutchinson Family Pavilion
  - I. Memorial Union
9. Related Policies for the Memorial Union
  - A. The Memorial Union food service staff must provide bartending service.
  - B. All non-University events at which alcohol is served:
    1. Will be assessed a \$100 charge.
    2. Will be required to pay for security staff for the duration of the event with the number of security personnel to be determined by the Memorial Union Assistant Director for Operations and/or the Chief of ESU Police.
    3. Will pay a refundable deposit of \$250.00 to cover the costs of any damages or clean-up beyond that of normal use.
  - C. The Memorial Union Corporation reserves the right to intervene, control, prohibit, or stop any event or activity it deems unlawful or hazardous to the health, safety, or security of its students, patrons, or clients, or may cause damage to the building or premises.
  - D. Organizations may not use the Memorial Union building for the promotion of alcoholic or cereal malt liquor.
10. Consumption of alcohol is permitted in conformity with the Home Game Athletic Fundraising Events policy, in non-classroom areas on grounds properly approved and designated by the President.

## 11. Related Policies for Sauder Alumni Center/Hutchinson Family Pavilion

- A. For organizations or individuals desiring to serve alcohol in the Center, (1) events must be by invitation only; (2) those served must be at least 21 years of age; and (3) if alcohol is included in any manner in the price of the ticket for a reception, or dinner, the sponsor of the event is responsible for obtaining the temporary permits necessary for that event from the appropriate governmental agencies.
- B. Alcohol may be consumed during events in the Hutchinson Family Pavilion Skybox in conformity with University rules and all applicable laws. Alcoholic beverages possession and consumption is restricted to the Skybox area and such beverages are not permitted to be consumed or possessed in other areas of the Hutchinson Family Pavilion.

## 12. Other areas approved by the President.

- 13. The President may authorize the sale of alcoholic beverages at an event on campus if all event sponsors: (a) are a recognized university organization, school or college, or the ESU Foundation, Inc., or the Alumni Association of Emporia State University; (b) comply with all applicable federal, state, and local laws; and, (c) the specific plan prepared by the sponsors for conducting the event at which alcoholic beverages will be sold is approved in writing by the President.

NOTE: All applications for temporary alcoholic liquor license shall be made 30 days prior to date of event.

This policy shall be reviewed annually by the alcohol advisory committee.

### **3R.0101 HOME GAME ATHLETIC FUNDRAISING EVENTS** (approved by the President 8/7/07; revised 8/9/2017)

Alcohol will not be consumed or possessed near the athletic home game premises except as set forth in this section.

- 1. Certain fundraising events benefitting Emporia State University programs may be conducted in conjunction with home football games and concurrent with traditional tailgating activities in non-classroom outdoor areas designated and approved by the President. No authority is granted under this section for individual organizations to serve beer or cereal malt beverages as part of tailgate fundraisers.
- 2. 3.2% beer or cereal malt beverages in their original non-glass containers, not to exceed 12 oz. may be possessed and consumed during such activities, only within designated areas. Drinking games of any sort are prohibited. Consumption must cease no later than the end of the game and all beer and cereal malt beverages must be removed from campus within 1 hour after the end of the home game.
- 3. Sale of beer or cereal malt beverages is prohibited. Non-alcoholic beverages and food must be available anywhere that beer or cereal malt beverages are consumed.

4. Participants consuming or possessing beer or cereal malt beverages at such events must be of the legal drinking age (21 years of age) and must have valid identification in their possession. Individuals are responsible for their conduct and that of their guests.
5. Participants must comply with all applicable laws governing the consumption of alcoholic beverages. The legal drinking age will be enforced. Failure to abide by applicable laws or this policy will result in the loss of the privileges provided by this policy, and potential citations for violations of all applicable laws..
6. Areas designated for fundraiser tailgate activities shall be marked prior to the event. Alcoholic beverages will not be possessed or consumed outside of the designated areas, within Welch Stadium, or Zola Witten Track. This policy does not abrogate Alcohol Policy sections applicable to the Hutchinson Family Pavilion.

This policy section shall be reviewed annually by the alcohol advisory committee.

NOTE: All applications for temporary alcoholic liquor license shall be made 30 days prior to date of event.

**3R.02 TOBACCO USE FREE AND SMOKE FREE CAMPUS POLICY** (approved by President 7/01/94; revision approved by President 2/9/98; revision approved by President 8/12/02; revision approved by President 3/18/05; revision approved by President 10/01/2010; FSB 17001 approved by President 10/16/17 effective 1/01/18)

Emporia State University is a tobacco use free campus. The intention of this policy is to support the goal of creating a safe, healthy, respectful learning and working environment for students, faculty, staff, guests, and visitors.

Emporia State University prohibits the use of tobacco on campus. All forms of tobacco use are prohibited everywhere on the ESU campus. This includes, but is not limited to, all university buildings, facilities, grounds, athletic complexes, parking lots, and any other property leased to or managed by the university. Tobacco use in university vehicles is prohibited, regardless of location. Tobacco use is prohibited in any vehicle on campus. The following exceptions, which require prior approval, may exist:

Potential exceptions to this policy are limited to the following:

1. Tobacco use in research: Tobacco use may be allowed on campus property for a medical, scientific, or research program, provided that tobacco use is an integral part of such program and the appropriate campus research oversight body has approved the inclusion of tobacco in the program pursuant to the applicable procedures for such medical, scientific, or research program.
2. Written permission to use tobacco may be authorized for educational, theatrical, or religious ceremonial purposes by either the provost or president of the university.

3. The president of the university may grant written permission to use tobacco in exceptional circumstances.

Furthermore, the sale, advertising, and distribution of tobacco products and tobacco related items in all university facilities, university owned or operated residence halls, or all university owned or leased grounds is prohibited.

This policy applies to anyone on the ESU campus including students, faculty, staff, guests, visitors, consultants, vendors, patients, volunteers, and contractor employees.

For purposes of this policy, tobacco is defined as any product derived from, smoked, or containing products of tobacco. This includes, but is not limited to cigarettes (cloves, bidis, kreteks), chewing tobacco (spit, spitless, smokeless, chew, snuff, and snus), cigars and cigarillos, hookah and kookah-smoked products, pipes, blunts, smokeless tobacco, and similar products. Electronic cigarettes or e-cigarettes are prohibited. This policy also prohibits the use of any products simulating the previously mentioned products.

Emporia State University is a smoke-free campus. Smoking is defined as lighting, burning, or use of tobacco in addition to any other material mentioned previously in this policy.

For purposes of this policy, the Emporia State University campus is contained within the legal property boundaries of all property owned, leased to, or managed by the university in Emporia, Kansas; this policy does not address tobacco use elsewhere. More information including campus maps can be found at <http://www.emporia.edu/campus-map/>.

### **3R.03 DRUG FREE WORKPLACE ACT POLICY** (Revised and approved by President 06/30/2010)

According to the requirements of the federal Drug-Free Workplace Act of 1988:

It is the policy of Emporia State University that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in buildings, facilities, or grounds controlled by the University (hereafter referred to as workplace). Any officer or employees of the University, including faculty, other unclassified staff, university support staff, and student employees, found to be illegally manufacturing, distributing, dispensing, possessing or using controlled substances at the workplace of the University regardless of the site of the workplace, shall be subject to disciplinary action in accordance with applicable policies of the State of Kansas, the Board of Regents, and Emporia State University. Officers and employees are reminded that illegal manufacture, distribution, dispensing, possession or use of controlled substances may also subject individuals to criminal prosecution.

As a condition of employment, all employees of Emporia State University shall abide by the terms of this policy statement and will notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. The University will, in turn, notify, as appropriate, the applicable federal agency of the conviction within 10 days of its receipt of notification of the conviction. For purposes of this policy, conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

The term controlled substances as used in this policy means those substances included in Schedules I through V of section 202 of the Controlled Substances Act and as further defined by regulation 21 CFR 1300.11 through 1300.15 (a listing of controlled substances is maintained in Human Resources). The term does not include the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

In accordance with University policy and applicable law, violations of this policy may result in an employment action up to and including termination.

### **3R.0301 DRUG SCREENING PROGRAM FOR SAFETY SENSITIVE POSITIONS** (Updated 8/2011)

In an effort to ensure a drug-free work force, the State has initiated a drug screening program for safety-sensitive positions. These positions include state law enforcement officers who are authorized to carry firearms, and state corrections officers. Only the final candidate for a designated safety-sensitive position will be required to take a drug-screening test. Drug screens may be conducted only for employees in safety-sensitive positions, if a reasonable suspicion exists of illegal drug use which may affect safety or work performance.

Results of the drug screening are confidential and are revealed only to those persons authorized by the Director of Personnel Services in Topeka. If an applicant or employee has reason to believe appropriate procedures were not followed, the result may be appealed in writing to the Director of Personnel Services in Topeka.

Employees will be given time off with pay to be tested. If an applicant or employee refuses to take a drug test, it is considered the same as receiving a confirmed positive test. A final applicant whose drug screening test result is confirmed as positive will not be offered employment. Employees may not be subject to disciplinary action solely on the basis of a first confirmed positive result, but will be required to seek a HealthQuest Employee Assistance Program referral.

## **3S. HIV/AIDS POLICY AND GUIDELINES**

### **3S.01 POLICY AND GUIDELINES** (FSB 95009 approved by President 5/9/96; FSB 02008 approved by President 4/30/03)

The purposes of this policy and guidelines are to prevent the further spread of the Human Immunodeficiency Virus (HIV), to reduce fears and dispel myths, to protect the rights of persons with Acquired Immune Deficiency Syndrome (AIDS) or HIV infection, and to create and informed and supportive University community. Emporia State University will implement programs that increase HIV/AIDS awareness and provide education intended to prevent further spread of HIV.

#### **3S.0101 GENERAL POLICY** (updated 6/2010)

The Student Health Center will develop, implement, and maintain comprehensive HIV/AIDS education programs for students and employees. Educational programs will include, though will

not be limited to, information on availability of confidential or anonymous HIV counseling and testing services in the community. ESU departments such as Human Resources, Student Health Center, Counseling Center, and Student Accessibility and Support Services may be consulted to provide advocacy for students/employees on a case-by-case basis.

### **3S.0102 GUIDELINES**

The following guidelines are based on 1996 epidemiological data indicating that students or employees with AIDS or a positive HIV antibody test do not pose a health risk to other students and employees in a academic setting.

1. Students and employees with HIV/AIDS will be afforded normal classroom attendance and employment, and participation in cocurricular and extracurricular activities in an unrestricted manner.
2. The University will act in compliance with the Americans with Disabilities Act and other state and federal laws which prohibit discrimination on the basis of disability and require accommodations for persons with disabilities in appropriate circumstances.
3. Confidentiality of medical conditions and records will be maintained in accordance with existing University procedures and requirements. In accordance with the Kansas Department of Health & Environment HIV policy, HIV status records are maintained separately from other medical records and not released without the patient's consent under any circumstance.
4. Students and employees with AIDS or a seropositive HIV antibody test will be give assistance, upon request, in obtaining appropriate medical care, education, and accommodations.
5. Consideration of the existence of AIDS or a seropositive HIV antibody test will not be part of the admission decision for prospective students or as a part of the hiring process for prospective employees. Programs or policies will not be implemented to require screening of enrolled students and current employees for AIDS or an HIV antibody test.
6. Those who are known to be immunologically deficient, or an immediate family member of an immunologically deficient person, can be excused from institutional requirements for certain vaccines (e.g., measles, polio, and rubella). In such an instance, the University Student Health Center will work with the Kansas Department of Health and Environment when making such a decision.
7. The University will take appropriate steps to promote the safety of individuals participating in classroom laboratory experiments, community health care settings, learning or working situations involving blood, blood products, and body fluids, extracurricular or cocurricular activities.
8. Refusal to work with a person with HIV does not excuse an employee or student from fulfilling assigned or expected responsibilities. If an employee or a student has concerns about the presence of a person with HIV, that employee or student will be counseled to help

allay those concerns or fears. Counseling services will be provided on campus, or referral will be made to appropriate community agencies, for those persons with continuing fears or concerns about the disease.

9. The University Student Health Center will be familiar with sources of testing for HIV and will be prepared to offer pre- and/or post-test counseling to any student who requests it and will refer any employee requesting counseling to appropriate community agencies.
10. The Student Health Center will establish communication links with county and state health agencies and AIDS information centers in order to obtain current medical and referral information.
11. Harassment, threats, intimidation or emotional or physical abuse of members of the University community are not acceptable behavior for Emporia State University students, faculty or staff and will be dealt with according to the same procedures set forth in the University's Sexual and Racial Harassment Policies.

### **3T. LEGISLATIVE APPEARANCE**

Legislative committees often request faculty and administrators to provide expert testimony on proposed legislation that may or may not affect the Regents and higher education. Faculty and administrators should make every effort to accommodate such requests, and shall notify the executive officer of the Board of Regents and the President of the University of the invitation so they will be aware of such appearances. Notification shall be made prior to the appearance.

### **3U. OPINIONS FROM THE ATTORNEY GENERAL (BOR)**

Any institution or employee seeking an opinion from the Attorney General must do so by making a request through the office of the General Counsel of the Board.

### **3V. POLITICAL ACTIVITY**

#### **3V.01 USE OF CAMPUS FACILITIES FOR POLITICAL MEETINGS (approved by BOR 3/16/64; 1/21/77; 10/17/80)**

State facilities are not available for fund raising events for candidates or political parties.

Facilities of institutions under the Board of Regents may be made available for the purpose of holding political meetings, provided there is no interference with regularly scheduled functions, there is not otherwise available a reasonable facility in the community, students are permitted to hear the speakers without charge, and sponsors pay in advance the regular fees for use of the facilities.

Political office holders and candidates shall not be introduced or recognized on campus unless they are participating in the campus event which they are attending. The distribution of political handbills shall be prohibited in those areas devoted primarily to instruction or study or at the immediate sites and times of enclosed public events.

Regents institutions shall have the authority to develop additional policies and guidelines that are not in conflict with this policy. Such policies and guidelines shall be reviewed by the Policy and Procedures Committee and filed with the President and Chief Executive Officer of the Board.

**3V.02 POLITICAL INVOLVEMENT** (approved by BOR 12/19/66; amended 5/19/72; 2/15/85)

In the interest of the fullest participation in public affairs, personnel are free to express opinions speaking or writing as an individual in signed advertisements, pamphlets, and related material in support of or opposition to parties and causes. There will be the commensurate responsibility of making plain that each person so doing is acting for himself/herself and not in behalf of an institution supported by tax funds drawn from citizens of varying political and economic views.

All personnel are eligible to accept any public or political party position which does not involve any conflict of interest and does not require substantial time away from assigned duties or in other respects infringe upon them. Such eligibility covers membership on a city commission, school board, planning group, and county, state, and national party committees and like organizations, by either appointment or election. The filing of a declaration of intent to become a candidate does not affect the status or appointment of an employee; provided, however, such person at all times while a candidate shall properly and fully perform all of his/her assigned duties; provided further however, that should such person while he/she is a candidate for office fail to perform all of his/her assigned duties such person will not receive any salary or benefits from the date of filing for office.

**3V.0201 UNCLASSIFIED** (approved by BOR 12/19/66; amended 5/19/72; 2/15/85)

Leave without salary or other benefits will be granted to those elected or appointed to public office requiring full time or lengthy sustained periods away from assigned duties, such as Congress, the state legislature, and state and county offices or appointments to office falling within this category; effective, as to a person elected or appointed to Congress or the state legislature from the date such person takes the oath of office and continuing until the adjournment of Congress or the adjournment sine die of each session of the state legislature; effective, as to other state and county offices, during the entire time a person serves as such officer. Leave without salary or other benefits shall not be required for any person serving in the State Legislature for service on any committee during a period when the Legislature is not in regular or special session, provided that such person shall decline to accept all legislative compensation for such service, but shall be entitled to such mileage and other expense allowances as provided by statute and paid by the Legislature.

**3V.0202 UNIVERSITY SUPPORT STAFF** (KSA 75-2953)

Any officer or employee in a University Support Staff service shall resign from the service prior to taking the oath of office for a state elective office.

**3V.03 STUDENT GOVERNANCE** (passed by Facilities Council; approved by President 3/19/12)

Students who are registered candidates for student offices, may solicit support for their candidacy in the 30 day period immediately preceding student elections.

### **3V.04 CONTACTING LEGISLATORS**

The use of ESU letterhead, envelopes, and franking is not permitted when contacting legislators to influence their opinions.

#### **3W. MAIL AND POSTAGE** (approved Administrative Team 9/13/04)

ESU operates a Mail Center for the purpose of receiving and distributing official University mail in conformance with the Federal Private Express Statutes Vol. 39 Federal Register, pp. 33211-13, Section 310.3(b). The ESU Mail Center is available to University offices and *bona fide* faculty or student organizations for (1) posting outgoing mail, (2) receiving items from the U.S. Post Office and (3) distributing inter-office mail. Unauthorized materials such as political, labor unions, religious or personal mail cannot be distributed through the Mail Center. In order to be metered, all University related mail must contain the University return address. University envelopes cannot be used for personal mail.

The services of the Mail Center are for official University business only. Receipt of personal mail and items not for official University purposes is strongly discouraged. University staff, faculty, departments and organizations must observe U.S. Postal regulations in distribution of items by the Mail Center. Failure to do so can result in revocation of privileges through the Mail Center.

#### **3X. CELLULAR PHONE POLICY** (excerpt from Governor's Executive Order 03-08; revised with Governor's Executive Order 03-20 approved 9/27/03)

Cellular phones may be provided to employees to improve customer service and to enhance business efficiencies. The phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct state business.

State employees may carry personal cellular phones with them while on state time or while operating state equipment, but excessive use of a personal cellular phone for personal business during duty hours is not allowed.

Employees are responsible for operating state-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees should refrain from using cellular phones while operating such vehicles and equipment.

More than minimal personal use of a state-provided cellular phone without written authorization by the employee's agency head is not allowed. When personal calls/minutes cause the monthly plan minutes to be exceeded, reimbursement for those minutes must be made to the state. Additionally, all long distance and roaming charges incurred for personal calls (even if under the plan limit) must be reimbursed to the state. All reimbursements are to be made within 15 days of receipt and reconciliation of the monthly statement.

When authorized in writing by the agency head or designee, the cost of using a personal cellular phone for official business may be reimbursed to the employee. Any reimbursement will be for reasonable costs in excess of the base plan plus any additional fees such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instance will the employee be reimbursed more than the monthly cost to the employee.

Employees are not permitted to receive a monthly allowance from a state agency for the use of a cellular phone.

Employees violating any provision of this policy may be subject to possible disciplinary action pursuant to K.S.A. 75-2949, including but not limited to, K.S.A. 75-2949(e)(a)(3) “careless, negligent or improper use of state property,” or K.S.A. 75-2949f(1) “refusal to accept a reasonable and proper assignment from an authorized supervisor.”

### **3Y. FLAG POLICY** (approved by President 10/30/00)

In the event of death of a current Emporia State University student, staff member, or faculty member, the Emporia State University flag will be flown at half staff on the day of the funeral or memorial service. Individuals having knowledge of a student or employee death should present that information to the President's office. The flags will only be lowered upon order from the President's office.

**3Z. POLICY ON WEAPONS POSSESSION** (approved by Administrative Team 2006; revised 08/08, approved by President 8/21/08 as Interim Policy; FSB 08001 approved by President 10/22/08; revised by President’s Weapons Policy Task Force 05/16, approved by President 07/05/17)

#### **3Z.01 INTRODUCTION**

To the extent allowed by law, the Emporia State University campus, facilities, and programs are

Beginning on July 1, 2017, the concealed-carrying of a handgun as described in this policy is permitted on campus. Otherwise, the Emporia State University campus, facilities, and programs are weapons-free in conformity with Kansas Board of Regents Policy on Weapons Possession. Each entrance to campus buildings and facilities will be posted in accordance with applicable statutes and regulations. Other areas approved by the President may be posted as allowed by law. Nothing in this policy will be read to prohibit possession of weapons on campus as necessary for the conduct of Board approved academic programs or university approved activities or practices. The General Counsel of ESU must be notified of the use of a weapon during the conduct of any such program, activity, or practice, and that office will subsequently notify the Board of Regents. Law enforcement officers and active military personnel are exempted from this policy while acting within the scope of their employment, as are weapons stored securely at the University Office of Police and Safety pursuant to University procedures.

For the purpose of this policy, “weapons” means:

1. Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
2. any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including concealed weapons licensed pursuant to the Personal and Family Protection Act, and amendments thereto;

3. any BB gun, pellet gun, air/C0<sub>2</sub> gun, stun gun, blow gun, or devices designed to shoot electric darts (e.g., a Taser);
4. any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than ¼ ounce;
5. any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or other detonating device;
6. any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purpose of this policy;
7. any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
8. any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this policy;
9. any martial arts weapon such as nunchucks or throwing stars;
10. any longbow, crossbow and arrows or other projectile that could cause serious harm to any person; or
11. any other dangerous or deadly weapon or instrument of like character.

### **3Z.02 CARRYING AND STORAGE OF HANDGUNS**

#### **1. Purpose**

The purpose of this section is to describe how handguns may be carried and stored on the campus of Emporia State University in as safe a manner as possible pursuant to Kansas law [The Private and Family Protection Act, K.S.A. 75-7c01 et seq.]

#### **2. Geographic Applicability**

This policy is applicable only within the geographic limits of the campus of Emporia State University and within locations owned or leased by the University that are not part of the University campus, provided that such locations are located within the State of Kansas.

### 3. Campus Gun Free Locations with Adequate Security Measures

Each location within the geographic applicability of this policy designated as gun free with permanent “adequate security measures,” as defined by Kansas law, will be identified in this policy. There are no University locations that have been designated as gun free with permanent adequate security measures. The University may from time to time designate a specific location as temporarily gun free and use temporary adequate security measures as defined and required by law. Appropriate notice will be given and appropriate signage used whenever this temporary designation is to be made, including notice to the Kansas Board of Regents Governance Committee for any necessary approvals.

### 4. Prohibitions

Open carry of firearms by any means is prohibited. The carrying of any rifle, shotgun, or other long gun by any means is prohibited. The carrying of any firearm, concealed or otherwise, is prohibited in any location or under any circumstances prohibited by applicable federal or state law.

### 5. Restrictions to the Carrying of a Concealed Firearm Pursuant to Kansas Law

Kansas law states that the only type of firearm that an individual can carry while concealed is a handgun. The following restrictions apply to the concealed carrying of a handgun pursuant to Kansas law and the violation of any of the following restrictions is a crime under Kansas law:

- a. An individual in possession of a concealed handgun must be at least 21 years of age [K.S.A. 21-6302(a)(4)];
- b. a handgun cannot be carried by an individual under the influence of alcohol or drugs, or both, to such a degree as to render the individual incapable of safely operating the handgun [K.S.A. 21-6332];
- c. a handgun cannot be carried by an individual who is both addicted to and an unlawful user of a controlled substance [K.S.A. 21-6301(a)(10)];
- d. a handgun cannot be carried by an individual who is or has been a mentally ill person subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
- e. a handgun cannot be carried by an individual with an alcohol or substance abuse problem subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
- f. a handgun cannot be carried by an individual who has been convicted of a felony crime [K.S.A. 21-6304];
- g. an automatic handgun cannot be carried [K.S.A. 21-6301(a)(5)];
- h. a cartridge which can be fired by a handgun and which has a plastic-coated bullet with a core of less than 60% lead by weight is illegal [K.S.A. 21-6301(a)(6)];

- I. Suppressors and silencers cannot be used with a handgun [K.S.A. 21-6301(a)(4)];
- j. handguns cannot be fired in the corporate limits of a city or at a dwelling, or at a structure or vehicle in which people are present, except in self-defense [K.S.A. 21-6308, 6308a].

## 6. Concealed Carry Defined

Individuals who carry a handgun on campus must carry it concealed on or about their person at all times. With respect to this policy, concealed means completely hidden from view and does not reveal the weapon in any way, shape, or form, except when using the handgun in self-defense or when transferring the handgun to safe storage. “About the person” means that an individual may carry a handgun if it can be carried securely in a suitable carrier, such as a backpack, purse, handbag, or other personal carrier designed and intended for the carrying of an individual’s personal items. Moreover, the carrier must at all times remain within the exclusive and uninterrupted control of the individual. This includes wearing the carrier with one or more straps consistent with the carrier’s design, carrying or holding the carrier, or setting the carrier next to or within the immediate reach of the individual.

## 7. Carrying Safety

Holsters are required. Every handgun carried by an individual, whether on their person or in a carrier, must be secured in a holster that completely covers the trigger and the entire trigger guard area and that secures an external hammer in an un-cocked position through the use of a strap or by other means. Handguns with an external safety must be carried with the safety in the “on” position. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Semiautomatic handguns must be carried without a chambered round of ammunition. Revolvers must be carried with the hammer resting on an empty cylinder.

## 8. Handgun Storage

Handgun storage at Emporia State University is prohibited, except in the following two circumstances: (1) in an individual’s privately-owned or leased motor vehicle when the vehicle is locked (if unattended) and the handgun is secured in a location within the vehicle that is not visible from outside the vehicle; or (2) in an individual’s on-campus residential unit when the handgun is secured in a holster and in an approved storage device (see below). Handgun storage by any other means than specifically permitted in this policy is prohibited.

## 9. *University* Approved Storage Device

The University does not provide approved handgun storage devices to any person under any circumstances. Each individual who stores a handgun in an on-campus residence must provide their own approved storage device. A University approved storage device has each of these characteristics: (1) it is of sufficient size to fully enclose the handgun while secured in an approved holster; (2) it is constructed of sturdy materials that are non-flammable; (3) it has a combination, digital, or other secure locking device that can only be unlocked by the individual using the storage device, but devices secured exclusively with a key lock are prohibited; and,

(4) the device is constructed specifically for the storage of a handgun and/or ammunition. All ammunition stored in an on-campus residence must be stored in an approved storage device.

## 10. Prohibited Storage

It is prohibited for any person to store a handgun on campus: (1) in any University classroom, lab, office, or facility; (2) in a residence hall, except in the residential unit of the individual who is at least 21 years of age, who legally owns the handgun, and when the handgun is secured in an approved storage device; (3) in a motor vehicle that is unlocked and unattended or when the handgun is visible from outside the vehicle; (4) in any other location and under any circumstances except as specifically permitted by this policy and by state or federal law; and, (5) all handguns must be stored unloaded, which means the magazine, cylinder, barrel or any other means of internal ammunition storage in preparation for firing the handgun must contain no ammunition while being stored on campus.

## 11. Reporting Investigation, and Determination

All reports of suspected violation of the conceal carry policy are made to ESU Police and Safety by picking up any Emergency Campus Phone or by calling 620-341-5337 (5337 if called on campus).

- a. ESU Police & Safety will conduct an initial investigation to determine whether the report describes a criminal matter and/or a policy violation. Police & Safety is solely responsible for deciding the extent of investigation necessary to make this determination.
- b. At any time beginning with receipt of a report, ESU Police & Safety has the authority through this policy to disarm and/or temporarily confiscate a firearm and issue a restriction to not carry a concealed firearm on campus pending results of the weapons policy violation determination. The decision whether to confiscate and/or issue a restriction prohibiting conceal carry will be made by Policy & Safety when there is probable cause to believe that a Weapons Policy violation has occurred or continued possession and carrying by the alleged policy violator will create imminent danger to self or others. This authority does not supersede or alter the authority of Police & Safety to confiscate a firearm during a criminal investigation. A confiscated firearm will be stored and handled by Police and Safety according to their policies.
- c. At any time after a report of suspected Weapons Policy violation has been made to Police & Safety and continuing through the date the final determination has been made in the matter, the President may take any temporary action as determined necessary by the President to ensure the safety of the University and of its students and personnel. Such temporary action may include, but is not necessarily limited to: prohibiting an alleged policy violator from carrying a concealed firearm anywhere within the geographic limits of this policy; if a student is the alleged policy violator, temporary suspension from one or more classes in which the student is enrolled, or a change in the student's class schedule, or the placement of restrictions or conditions on the student in order to continue with normal class attendance and participation; if an employee (faculty or staff) is the alleged policy violator, temporary administrative leave with or without pay, or the placement of restrictions or conditions on the employee in order to continue with the employee's normal employment.

- d. When ESU Police & Safety has finished its initial investigation:
  - I. When the conclusion is that no crime has been committed and the Weapons Policy has not been violated, no further action will be taken and the matter is closed.
  - ii. When the conclusion is that a crime has been committed, but the Weapons Policy has not been violated, the incident will be handled as a criminal matter only.
  - iii. When the conclusion is that both a crime may have been committed and the Weapons Policy may have been violated, the matter will continue to be handled by the police as a criminal matter, but the policy violation incident report and any findings will be submitted to the appropriate University official for handling pursuant to the Weapons Policy. Police & Safety will have no further involvement in the policy investigation, except as requested.
  - iv. When the conclusion is that a crime has not been committed, but that the Weapons Policy may have been violated, the incident report will be turned over to the appropriate University official for handling pursuant to the Weapons Policy. Police & Safety will have no further involvement in the policy investigation, except as requested.
- e. When Police & Safety has concluded that the Weapons Policy may have been violated, the incident report, findings, and any other appropriate information from the initial investigation will be submitted to the appropriate University official as described below. In those cases that include a criminal investigation, Police & Safety will release criminal investigative materials in accordance with standard law enforcement protocol.
  - I. President or designee, if the alleged violator is a direct report to the President.
  - ii. Vice President for Student Affairs or designee, if the alleged violator is a student.
  - iii. Provost and Vice President for Academic Affairs or designee, if the alleged violator is a member of the faculty in any tenured or non-tenured faculty classification.
  - iv. Executive Director of Intercollegiate Athletics or designee, if the alleged violator is a coach.
  - v. Vice President for Administrative and Finance or designee, if the alleged violator is an unclassified non-faculty or non-coach employee, a University Support Staff employee, or any other University employee (not including student employees).
  - vi. ESU Police & Safety, if the alleged violator is a visitor to the University campus or is any person not described above.
- f. Once the investigation materials have been received from Police & Safety, the process to be followed for determining whether the policy has been violated is:
  - i. Student. The matter will be handled through the Student Code of conduct as a student conduct issue.
  - ii. Faculty. The faculty member may, at the faculty member's sole discretion, select either an informal resolution or a formal resolution, except that the Provost may require a formal resolution in any case when the Provost believes an informal resolution is inappropriate. An informal resolution will be handled by the Provost and the faculty member working together to make all findings and conclusions. The informal resolution would be appropriate only when the alleged policy violation and any anticipated sanction would not interfere with the faculty member's academic career. The formal resolution process for any faculty member, tenured or non-tenured, would be handled as follows: The Provost will appoint one or more investigators as necessary to determine whether and how the policy was violated.

The investigator(s) will prepare a written report describing the investigation methods, findings, and containing a recommendation to the Provost about potential sanctions. Based on this written report, the Provost will make appropriate findings and set any sanctions on a case by case basis. When the final determination of the Provost calls for the termination of a tenured faculty member, this decision is subject to review pursuant to University Policy 1B.0906 Procedure for Faculty Review Prior to Dismissal for Cause of Tenured Faculty. The final determination of the Provost in all other faculty cases is subject to review pursuant to University Policy 1E.01 Grievance Policy.

- iii. Coaches. The matter will be handled through UPM 1C.0105 Administrative Athletic.
- iv. Unclassified Non-Faculty or Non-Coach Employee. The matter will be handled through UPM 1C.01 Appointment, Evaluation, Retention, and Termination.
- v. University Support Staff. The matter will be handled through UPM 2F. Disciplinary Action and Grievance Procedures; UPM 2H. Termination of Employment; or, UPM 21 AFSCME Local Union Agreement, whichever is applicable to the employee in question.
- vi. Direct Report to the President. The President will appoint one or more investigators as necessary to determine whether and how the policy was violated. The investigator(s) will prepare a written report describing the investigation methods, findings, and containing a recommendation to the President about potential sanctions. Based on this written report, the President will make appropriate findings and set any sanctions on a case by case basis. The President's decision is final.
- vii. Visitor or Other Person. Police & Safety will complete the investigation and act as an advisor to the President to assist in determination of the appropriate sanction, if any. The President's decision is final.

## 12. Sanctions

The determination of which sanction(s), if any, that will be imposed following a determination that the Weapons Policy has been violated will be handled on a case by case basis. Notwithstanding the type and nature of sanctions that may be described in University policies, the appropriate sanction for violation of the Weapons Policy can be anything determined pursuant to the applicable policy as appropriate, including expulsion or termination from the University. The guiding theme when determining the appropriate sanction is to ensure that the Weapons Policy violation will not be repeated and that the safety of University students and personnel is assured.

## 13. Knowingly Making a False Report

Each report of a suspected policy violation must be made in good faith. The conclusion after an investigation of a report that there has been no policy violation does not mean, by itself, that the report was not made in good faith. Knowingly making a false report of a policy violation is prohibited and will be investigated through the same process as described within this policy for the investigation of a suspected policy violation, with appropriate sanctions being assessed upon confirmation that a false report was made.

## 14. Training

All University students and personnel who are regularly within the geographic applicability of this policy are required to receive training concerning this policy. Training will include learning where this policy applies, how a handgun is carried and stored pursuant to this policy, how to report a suspected violation of this policy, how reports are investigated, the potential sanctions upon confirmation of violation of this policy, and other topics relevant to this policy. The University will not conduct any training for students or personnel in the use of firearms, firearm safety, firearm cleaning and maintenance, firearm ownership or transfer or ownership, or any other topic not necessary for understanding and complying with this policy. The General Counsel's Office is responsible for ensuring that appropriate training in this policy is conducted.

### **3AA. REPORTING SEXUAL ABUSE** (approved by President 1/23/2012)

University faculty and staff are required to report incidents of child sexual abuse, as defined by K.S.A. 21-5501 et seq., they witness on campus or during University sponsored events to University Police and Safety, or other appropriate law enforcement. Retaliation for lawfully reporting crimes is prohibited.

### **3AB. Ticket Sales** (approved by President 4/13/2011)

Tickets for athletic and other events are available through the ESU Ticket Office. If exact event ticket seat location is unavailable, ESU reserves the right to replace it with similar quality seating for the same event. If comparable seating is unavailable, the purchaser will be contacted with alternatives. Lesser quality seating will only be charged at the appropriate lower price. Rows, sections or aisle seating is not guaranteed for orders placed for general seating (not specific sections or rows) and is provided on a first come, first served basis.

All sales are final. The University does not provide refunds or replacement tickets even if an event is modified or postponed, or if tickets are destroyed or damaged, after ticket purchase. Refunds or credits may be available from the event sponsor, if an event is canceled, less postage and handling. Tickets may be exchanged in limited circumstances, subject to certain guidelines.

The University reserves the right to set tiered pricing, event specific pricing and specified discounts.

Attendance at events is subject to all University policies, including but not limited to, no smoking, no weapons, alcoholic beverage restrictions, food and beverage restrictions, and non-solicitation.

ESU is committed to working with patrons on a case-by-case basis to adequately accommodate individual needs.

#### **3AB.01 Accessible Seating**

Patrons should request accessible seating at the time of ticket purchase.

Whenever possible, patrons with disabilities or accessibility needs will have the same choice of admission prices and quality of locations which is otherwise available to the general public

purchasing tickets at that time. Individuals with disabilities will be afforded an equal opportunity to purchase tickets during the same times, at the same stages of ticket sales, through the same manner of distribution and under the same terms and conditions as other patrons. Pricing for accessible seating and companion seats will be consistent with prices for other tickets in the same seating section for the same event or series of events.

Accessible seating is wheelchair spaces and other companion seats as defined in this policy. For each wheelchair ticket purchased by an individual with a disability or such person's agent on their behalf, the University will make a contiguous companion seat and three (3) additional contiguous companion seats in the same row available for purchase, provided that at the time of sale, there are three such seats available and the event is one for which patrons generally are allowed to purchase four or more tickets. If such seats are unavailable and patrons generally are allowed to purchase at least four (4) tickets, such companion tickets will be made available to the accessible seating patron by offering tickets for sale for seats as close as possible to the accessible seating.

If ticket sales are limited to more or less than four (4) for all patrons, this limitation may be applied to accessible seating including the wheelchair seat. If group sales are available, if they must be split, the University will divide the tickets so that the wheelchair seating is not isolated from the group.

Although the University is not required to release accessible seating tickets to individuals who do not have a disability, tickets for accessible seating may be released for sale to other patrons when all non-accessible tickets have been sold. When series-of-events tickets are released, they will only be released for the current series and will be designated as accessible seating as soon as they are again available for purchase.

Individuals with disabilities who hold tickets for accessible seating may transfer their tickets to third parties under the same terms and conditions as other patrons holding the same type of tickets.

The University does not require proof of disability prior to ticket sale. However, the Ticket Office may inquire whether the individual has a mobility disability requiring accessible seating. The University may investigate the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.

Upon inquiry, the Ticket Office will provide information of accessible seating available for purchase to individuals with disabilities, their companions and third parties purchasing tickets on their behalf, identify the features of the available accessible seating to permit the individual to determine if the seating meets their needs, and provide materials that identify accessible seating and information if the materials are publicly available.

**3AC. CAMPUS GOVERNANCE** (revised 10/18/2013; FSB 14008 approved by President 4/15/2015; approved by COCG 10/11/2016; FSB 15017 approved by President 11/18/2016)

Emporia State University believes the policies and guidelines regarding shared governance developed by the American Association of University Professor, in its 1966 *Statement on Government of Colleges and Universities*, are reasonable and prudent. Therefore, the University operates by them insofar as they are compatible with all applicable laws, statutes, and regulations.

Procedures for the formation of policy at Emporia State University are based upon the structure of shared governance. In addition to the administrative organization, formal structure has been established to ensure that faculty, staff, students, and members of the administration have means whereby they can become involved in educational planning, curriculum development, improvement of instruction, establishment and maintenance of academic and professional standards, and the promotion of students' interests.

Policy-making bodies include the Faculty Senate and its appointed committees, the Student Senate and its appointed committees, University Support Staff Senate, Unclassified Commission, the administrative boards, administrative councils, academic councils, standing committees, and task forces. All of these may make policy-making recommendations to the President. The President is ultimately responsible for all policy decisions.

### **3AC.01 FACULTY SENATE**

The Faculty Senate provides the means for faculty and administrators to engage in cooperative action and formulate policy that affects the primary functions of the University. It also provides an open forum for faculty to request information or express themselves on any matter of common concern. The faculty of the University elects its membership and its officers.

Election to the Senate is by department or unit as provided for in the Senate constitution. The Vice President for Academic Affairs, the immediate past president of the faculty, and the president of the Associated Student Government are ex officio, non-voting members. The Faculty Senate appoints its standing committees and is empowered to act for the faculty.

Actions of the Faculty Senate may be in the form of committee reports (FSCR), resolutions (FSR), or bills (FSB). Committee reports are the formal reports of the four standing committees (academic affairs, faculty affairs, committee on campus governance, and executive committee) or of committees appointed by the standing committees. Resolutions are expressions of opinion addressed to the President of the University or other members of the campus community, and stand without endorsement. Bills are statements of policy, and when signed by the President, become University policy. Items of business submitted from a source other than 1 of its committees must be in writing and signed by at least 2 senators or 5 members of the faculty or it may be from the President or Vice President for Academic Affairs of the University.

The complete text of the constitution and bylaws of the Faculty Senate may be found on its homepage <http://www.emporia.edu/facsen/contable.htm>.

### **3AC.02 ASSOCIATED STUDENT GOVERNMENT**

Associated Student Government (ASG) serves as the official voice of the student body at Emporia State University whether that voice be to other students, faculty, administrators or to the Board of Regents. ASG accomplishes this through a Student Senate.

**3AC.0201 STUDENT SENATE** (updated 2/09)

The Student Senate serves as the legislative agency for the Associated Student Government. The students of the University elect the president and vice president of the Associated Student Government, and the vice president serves as presiding officer of the Student Senate. Senators are elected by academic schools and colleges, new students, and those students who have not declared an academic major. The senate appoints its own standing committees, recognizes organizations and provides for the regulation of student groups. The senate considers student fee increases as well as allocates monies from the student activity fee to organizations and activities. The Assistant Vice President for Student Affairs; Assistant Director Memorial Union, Student Organizations and Judicial Affairs; and other members of the University community serve in an advisory capacity to the Student Senate.

The complete text of the constitution of the Associated Student Government may be found on its homepage <http://www.emporia.edu/asg/const.html>.

**3AC.03 UNIVERSITY SUPPORT STAFF SENATE** (approved by COCG 10/11/2016)

The University Support Staff Senate was developed to assist USS staff members in becoming an integral part of the University community. The University Support Staff Senate shall provide a forum and a means of representation for USS employees to take an active role and have a voice in the life of the University. Active role is defined as communicating with selected representatives which will ultimately result in a conducive working environment for USS employees and a positive learning environment for students.

**3AC.04 UNCLASSIFIED COMMISSION** (approved by President 10/18/2013)

Unclassified Commission serves as the legislative voice for the unclassified professional employees whose appointment falls within the scope of Article II Section 1 of the Unclassified Professional Commission Constitution and Bylaws. Unclassified Commission provides a forum for unclassified non-faculty employees to express themselves on any matter of common concern, and particularly on matters that pertain directly to unclassified professional service, and to recommend refinements in University Policy to the President.

**3AD. BOARDS, COUNCILS, AND COMMITTEES** (FSB 84017; FSB 14008 approved by President 4/15/2015)

If the Faculty Senate recommends membership to any of these bodies (i.e., councils, advisory committees, boards, review committees, task forces), written annual activity reports of the body are given to the Senate Executive Committee.

**3AD.01 COUNCILS**

All standing bodies organized to directly assist a dean, vice president, or President in determining policy or procedures in the administration of certain University-wide academic programs are titled councils.

### **3AD.02 ADVISORY COMMITTEES**

All standing bodies organized and charged with the responsibility to advise heads of service units are titled advisory committees.

### **3AD.03 BOARDS**

All standing bodies that allocate monies and determine how those monies are spent are titled boards.

### **3AD.04 REVIEW COMMITTEES**

All standing bodies organized to review specific disputes, requests, grievances or concerns are designated review committees.

#### **3AD.0401 FEDERALLY MANDATED UNIVERSITY-WIDE COMMITTEES SUBJECT TO SENATE REVIEW (FSB 01007 approved by President 12/7/01)**

Because of federal or state regulations which require the existence of University committees to approve and monitor all research projects or other University activities that involve the use of radioactive materials/radiation producing devices, the care and use of animals, and the use and involvement of human subjects, we hereby recommend and approve establishment of three University committees which review these three areas and approve or disapprove all projects according to federal or state guidelines. The three committees include the Radiation Safety Committee, the Animal Care and Use Committee, and the Institutional Board for Treatment of Human Subjects.

The above three committees will not be subject to being dissolved under the normal provisions of the Sunset Bill (FSB 85007) because governmental regulations require the committees to be formed and functioning. However, the three committees will each be reviewed once every fourth year by the Senate Committee on Campus Governance to make sure the committee is organized and meeting on a regular basis according to guidelines established for the committee. The committees will also be expected to keep minutes and send copies of these minutes to the Faculty Senate Office and to the current chair of the Committee on Campus Governance.

### **3AD.05 TASK FORCES**

Any group organized to perform a 1 time, short-term task is titled a task force. The duties of a task force shall not duplicate those of an existing university-wide committee.

### **3AD.06 UNIVERSITY RECOGNITION OF FACULTY ORGANIZATIONS (FSB 01013 approved by President 4/17/02)**

#### **A. Definition**

Faculty organization is an organization whose officers are Emporia State University faculty members, staff or students, the majority of whom are faculty members, and whose mission is the

advancement of academic excellence, such as scholarly activities, professional service, or promotion of academic standards and rights.

#### B. Recognition Process

Faculty organizations can seek University recognition through a resolution of the Faculty Senate. Any faculty organization wishing to seek University recognition must submit a letter of application to the Faculty Senate office. This letter of application must contain the organization's constitution. The organization's constitution must include the following information:

1. a clear statement of the organization's mission;
2. a list of all by-laws, policies, and other regulations, including membership requirements;
3. a list of officers and their duties, including the method of selection and removal; and
4. the following paragraph must be included in all constitutions:

No person shall, on the grounds of race, creed, color, national origin, religion, age, sex, sexual orientation, handicap, Vietnam Era Veteran status, or other such factors that cannot be considered lawfully, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity within this organization.

Once a letter of application is received, it will be forwarded to the Faculty Affairs Committee. The Faculty Affairs Committee will review the application. A representative of the faculty organization may be present at the Faculty Affairs Committee meeting when the organization's recognition is being considered. If deemed that the faculty organization meets the definition of a faculty organization and its constitution contains the above-mentioned information, the Faculty Affairs Committee will bring a bill before the Faculty Senate. If the Faculty Senate votes in the affirmative of the bill, the faculty organization will be granted University recognition after approval of the bill by the President of the University.

If the Faculty Affairs Committee does not recommend University recognition of the faculty organization, the Faculty Affairs Committee will send a letter to the organization outlining its reasons for not recommending the organization. The organization may appeal, in writing within 10 class days of the notification of the action taken, to the Faculty Senate Executive Committee. This appeal must include the grounds for the appeal.

#### C. Benefits to University Recognized Faculty Organizations

Recognized faculty organizations will be granted the same access as academic departments to University property and facilities.

#### D. Maintaining University Recognition

Each year University recognized faculty organizations must submit a list of its officers to the Faculty Senate office. If the list of officers is not forwarded to the Faculty Senate office, the organization will be considered inactive and will be notified in writing that it is in jeopardy of losing its recognition. Once the faculty organization has been notified of its inactive status, it has 30 class days to respond to the notification and provide names of its officers. If no response is received to the

inactive status notification in the allotted time period, the faculty organization will lose its University recognition.

When an organization changes its constitution, the newly adopted constitution must be submitted to the Faculty Affairs Committee to establish if the new constitution meets the guidelines as stated in section B. If it is determined that the newly adopted constitution meets the guidelines, the organization will retain its standing as a University recognized faculty organization. If it does not meet the guidelines as stated in section B, the Faculty Affairs Committee will make recommendations to the organization to bring the constitution into compliance. If an organization does not agree with the recommendations of the Faculty Affairs Committee, it may appeal to the Faculty Senate Executive Committee.

#### E. Disciplinary Action

If a University recognized faculty organization engages in activities that violate the conditions of recognition, the policies and procedures of Emporia State University, or state laws, it may have disciplinary action brought against it by the Faculty Senate. The Faculty Affairs Committee shall recommend to the Faculty Senate what, if any, penalties shall be assessed. Any penalty may be appealed to the Faculty Senate Executive Committee. This appeal must be in writing, stating the grounds for the appeal, and must be made within 10 class days of the notification of the disciplinary action taken.

**3AD.07 POLICY ON CAMPUS-WIDE COMMITTEES** (FSB 85007 approved by the President 1/27/86; FSB 14009 approved by President 4/15/2015; FSB 15005 approved by Interim President 11/13/2015; FSB 15010 approved by President 3/15/2016)

The principle of University shared governance requires establishment of numerous committees, task forces, boards, councils, and related bodies. Such bodies are important to the University but should be abolished when their functions have been served. To this end this bill establishes the procedures to be used to review the function of these bodies and to abolish those which are no longer needed. Campus-wide committees that are comprised entirely of faculty-staff within an individual school, college, or department are not considered campus-wide committees. All other groups shall be considered campus-wide administrative and faculty committees, task forces, boards, councils, and related bodies, with the exception of the 4 standing committees of the Faculty Senate, President's Cabinet, President's Council, and Provost's Council. Task Forces are organized for a short term to deal with one specific purpose and therefore are not subject to COCG review.

#### Section I: Establishment of New Committees

Applications to form a Campus-Wide Committee should be submitted to the Chair of the Committee on Campus Governance, to be submitted to the Committee for approval by majority vote.

This application must include the following:

1. A constitution with a clear statement of the committee's mission;
2. By-laws, policies, and other regulations, including membership requirements;
3. A list of officers and their duties, including the method of selection and removal; and
4. The following paragraph must be included in all constitutions:

No person shall, on the grounds of race, creed, color, national origin, religion, age, sex, sexual orientation, disability, Veteran status, or other such factors that cannot be considered lawfully, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity within this organization.

Upon approval the application documents will be submitted to the University President's office and to the Faculty Senate office by the Chair of the Committee on Campus Governance.

Changes to items 1 and 2 above shall be sent to the Chair of the Committee on Campus Governance by January 31 of each year for approval by majority vote. Notifications of new officers for each year shall be submitted to the Chair of the Committee on Campus Governance by May 1 of each year. The Committee on Campus Governance will forward these changes to the University President's office and to the Faculty Senate office.

#### Section II: Committee Lifetime

It is hereby established as operating policy of the University that the lifetime of any committee shall not exceed 4 years. Except for Federally, State, or Board of Regents mandated University-wide committees, a committee's lifetime will automatically cease to exist on June 30, of the 4<sup>th</sup> year after its establishment. Continuation may be recommended by the Committee on Campus Governance after it has reviewed the committee's functions and its effectiveness at the end of the 4-year cycle. The Committee on Campus Governance's recommendations shall in all cases be made to the President of the University, who shall take appropriate action and report such action to the Committee on Campus Governance Chair.

#### Section III: Review of Committees

The executive secretary, chair, and all members of committees up for review will be notified in writing by February 28 of the year they are to be reviewed. Included in the notification will be a copy of the full procedures for review. The formal review process will take place by the last day of April, with the Committee on Campus Governance's recommendation going to the President and to the committee no later than May 1. The committees will also be expected to keep minutes and send approved copies to the Faculty Senate office and to the current chair of the Committee on Campus Governance by January 31 of each year.

#### Section IV: Committee Discontinuance

The executive secretary, chair, and all members of committees recommended for abolition will be notified in writing by May 1 of the year they have been reviewed and recommended for discontinuance. The responsibility to show why a committee should be recommended for continuation lies solely with the committee itself or any other interested party or parties. A formal public open hearing will be held for committees that have been recommended for discontinuance within 2 weeks of the recommendation being submitted to the President.

## Section V: Appeal of Committee on Campus Governance's Recommendations

In cases where the committee or any other interested party disagrees with the recommendation of the Committee on Campus Governance, they may appeal directly to the President. If the President at that time decides in favor of the appellant, the Committee on Campus Governance must be notified in writing by the President's Office of that decision.

### **3AE. CONSTITUTION AND BYLAWS OF FACULTY SENATE**

**3AE.01 CONSTITUTION** (FSB 82007; FSR 85003; FSR 85012; FSB 87007; FSB 87008; FSR 93009; FSB 93016; FSB 96006; FSB 97006; FSB 99006; FSB 00006; FSB 02009 passed by Faculty Senate 4/15/03; approved by Faculty vote; approved by President 5/13/03; FSR 03015 approved by President 5/18/04; FSB 03014 passed by Faculty Senate 4/6/04; approved by President 5/19/04; FSB 03017 passed by Faculty Senate 4/20/04; approved by President 5/19/04; FSB 07001 passed by Faculty Senate 10/16/07; approved by President 11/29/07; FSB 08010 passed by Faculty Senate 4/21/09; approved by President 4/24/09; FSB 11006 passed by Faculty Senate 3/06/12; approved by President 3/30/12; updated 10/2/2013; FSB 14008 approved by President 4/15/2015; FSB 14020 approved by President 5/15/2015; approved by COCG 1/30/2018)

The constitution of the Faculty Senate of Emporia State University was adopted by the Faculty Senate on January 17, 1984, approved by the faculty through a written ballot on February 21, 1984, and approved by the President of the University on March 5, 1984.

#### **PREAMBLE**

1. The Faculty Senate of Emporia State University is hereby established to provide the means whereby faculty and administration can engage in cooperative action in the formulation of policy affecting the primary functions of the University. Within the limits established by law and by the regulations and policies of the Kansas State Board of Regents, the faculty reserves to itself the responsibility and the authority for governing itself and the University in a manner conducive to the proper functioning of the University.
2. To fulfill the responsibility of faculty governance, the faculty hereby delegates its authority to the Faculty Senate, but it retains the right of referendum.

#### **Article 1. The Voting Faculty**

1. All persons holding the rank of professor, associate professor, assistant professor, or instructor who are full time faculty members of University Libraries and Archives, the School of Library and Information Management, the School of Business, the Teachers College, and the College of Liberal Arts and Sciences who spend at least quarter-time during the academic year in teaching, academic research, or supervision of student teachers shall be considered voting members of the faculty of Emporia State University. Any voting faculty member in the year previous to his or her sabbatical or leave shall not lose his or her right to vote by reason of his or her absence. Voting rights apply to referendums and election of Second Vice President.

2. The faculty shall elect from the voting members of the faculty the Second Vice President of the Faculty in accordance with the rules set forth in the Constitution of the Faculty Senate and Article III of the Bylaws. The Second Vice President may not hold an administrative position above the rank of department chair.
3. At the conclusion of the President of the Faculty's term, the President of the Faculty shall assume the position of immediate past President of the Faculty. The First Vice President shall become the new President of the Faculty and the Second Vice President shall become the First Vice President of the Faculty.
4. The First Vice President, the President, and the immediate Past President shall serve as Faculty Senate Officers. The President of the Faculty shall serve as the presiding officer of the Faculty Senate. The First Vice President shall serve as the Secretary of the Faculty Senate. The immediate Past President of the Faculty shall serve as the parliamentarian of the Faculty Senate.
5. The Second Vice President is required to attend Senate meetings and Faculty Senate Executive Meetings as a non-voting member while preparing to assume his or her 4-year obligation. In the event that the President of the Faculty or the First Vice President of the Faculty is unable to complete his or her term, it may be necessary for the Second Vice President to undertake an active leadership role in accordance with Article II Section 3 of the Constitution.

## **Article II. The Faculty Senate**

### Section 1. Function

The Faculty Senate of Emporia State University is designated as the official and only body to represent the faculty of the University. The Faculty Senate is empowered to act for the faculty in all matters that come within the realm of faculty concern.

### Section 2. Membership

1. Voting membership of the Faculty Senate shall be constituted as follows:
  - a. The President of the Faculty, who shall vote only to break ties.
  - b. Senators who shall be elected from the voting faculty of the School of Library and Information Management, University Libraries and Archives, and each department within the School of Business, the Teachers College, and the College of Liberal Arts and Sciences, according to the formula of one senator for each ten equivalent full-time faculty positions or majority part thereof (greater than 5), with each department guaranteed at least one senator. Equivalent full-time faculty positions shall be determined by the Committee on Campus Governance using each department's official University budgeted full-time faculty equivalents (FTE) or actual full-time unclassified positions, whichever is greater, during the fall semester of each year. The number of senators to represent each department or area shall be reported to the Faculty Senate by the Committee on Campus Governance no later than the first meeting held during the month of February. Any adjustment in representation shall be made prior to spring elections with terms of office beginning on June first.

- c. In addition, one senator shall be elected from the full- time unclassified staff of each of the following areas: Student Affairs, Academic Affairs, and Fiscal Affairs (which shall include Intercollegiate Athletics, University Advancement and any unclassified personnel otherwise unmentioned).
2. Non-voting membership of the Faculty Senate shall consist of the Provost and Vice President for Academic Affairs of the University, the First Vice President for the Faculty Senate, the Second Vice President of the Faculty, the immediate Past President of the Faculty, and the President of the Associated Student Government.
3. Only voting members of the Faculty Senate as defined under Article I of the Constitution of the Faculty Senate not holding administrative positions above the title of department chair are eligible to chair a standing committee of the Faculty Senate. Any chair of a Faculty Senate standing committee who is promoted to an administrative position shall immediately relinquish his or her position as chair of that committee.
4. Election of the appropriate number of senators shall occur as follows:
  - a. For University Libraries and Archives, the School of Library and Information Management, the School of Business, the Teachers College, and the College of Liberal Arts and Sciences, senators shall be elected by the respective faculty of each department/area.
  - b. For Academic Affairs, Student Affairs, and Fiscal Affairs, senators shall be elected by the respective full-time unclassified staff and faculty of each area.
5. In case of reorganization of academic departments or administrative areas, the terms of office of all senators previously elected by the old department(s)/area(s) shall be terminated. The Committee on Campus Governance shall determine the correct number of new senators, and will notify the new department(s)/area(s) of this number within 30 days of the actual reorganization. Within 30 days of this notification, elections will be held in the new departments/areas. The newly elected senators will assume office, with full Faculty Senate privileges, at the first meeting of the Faculty Senate following their elections.
6. In the event that an elected senator from one department/area is transferred to a different department/area, the senator's term shall be immediately terminated. New elections shall be held within 30 days in the affected department/area, and the newly elected senator will assume office, with full Faculty Senate privileges, at the first Faculty Senate meeting following election.

### Section 3. Terms of Office

1. All terms of office shall begin on June first.
2. Senators:
  - a. Faculty senators elected as representatives under Section 2 above shall serve a term of two years, with the objective of any reorganization that one half of their number will be subject to election each year as to be specified in the bylaws.

- b. No senator elected under Section 2.1.b. and c. shall serve more than two terms consecutively. Service of less than one year as a replacement shall not constitute a term.
3. Officers:
- a. The term of the President, First Vice President and Second Vice President shall be one year each.
  - b. In the event the President is unable to complete a term of office, the First Vice President shall become President, the Second Vice President shall become First Vice President and a new Second Vice President shall be elected by the faculty. Should the First Vice President succeed to his or her predecessor's term for more than six months, he or she shall serve as President only to the completion of the predecessor's term, at which time the First Vice President in office shall succeed to the position of President. Otherwise, the First Vice President shall serve the partial term as well as his or her own full term as President.
  - c. If the First Vice President is unable to continue in office, or has succeeded to the presidency, the Second Vice President shall succeed him or her and a special election shall be held to fulfill the remaining terms of the Second Vice President. A Senatorial position made vacant by such a special election shall be filled in its conventional manner.

#### Section 4. Responsibilities of the Faculty Senate

- 1. Within the scope set forth in the preamble of this constitution, the Faculty Senate's primary function shall be the initiation of new policies, as well as the review and amendment of existing policies, that implement the academic mission of the University. In addition, the Faculty Senate shall retain the privilege of reviewing and making recommendations concerning all existing policies, and all proposals from non-Faculty Senate sources for new policies, that affect faculty welfare and the overall mission and/or major objectives of the University.
- 2. Faculty Senate-approved bills shall be considered official policy of the University upon receiving the approval of the President of the University and, when necessary, the Board of Regents.
  - a. In the event the President of the University takes no action on a Faculty Senate-approved bill within 30 calendar days after receiving official written notice of the Faculty Senate's approval of the bill, that bill shall be considered university policy. Action is defined as the President's approval or disapproval of the Faculty Senate-approved bill, or the Faculty Senate's approval of a request from the President of the University for an extension of time, not to exceed an additional 30 calendar days.
  - b. In the event of a Presidential disapproval of a Faculty Senate-approved bill, the Faculty Senate may express its views on the issue at hand by considering an appropriate resolution. (see Bylaws, Article IV, Sec. 8c)
- 3. Any disagreement about what is or is not a matter within the realm of faculty governance shall be resolved by the cooperative action of the President of the University and the Executive

Committee of the Faculty Senate, except that any such resolution is subject to review of the full Faculty Senate.

#### Section 5. Official Actions of the Senate

1. The Faculty Senate shall express its views officially by the means of bills and resolutions. The Faculty Senate reserves the right to express its views by other means, as it deems appropriate.
2. Actions of the Faculty Senate may occur from the review of committee reports (FSCR), resolutions (FSR), or bills (FSB). Committee reports are the formal reports of the four standing committees (academic affairs, faculty affairs, committee on campus governance, and executive committee) or of committees appointed by a standing committee. Resolutions are expressions of opinion addressed to the President of the University, other members of the campus community, or external agencies. Bills are statements of policy, and when signed by the President, become University policy.
3. Any item of business (i.e., bills, committee reports, resolutions and amendments) that originates in the Faculty Senate or one of its committees, or is submitted to the Faculty Senate from another source, must be placed on the agenda of the Faculty Senate and introduced as business within 45 calendar days. Items of business submitted from another source (not the Faculty Senate) must be submitted by:
  - (a) a petition bearing the signatures of at least two senators or five members of the faculty, or
  - (b) a written request from the President of the University, or
  - (c) a written request from the Provost and Vice President for Academic Affairs of the University.
4. The Faculty Senate reserves the right to review the actions of any of its committees or task forces and to affirm or change those actions through Faculty Senate bills or resolutions.

#### Section 6. Minutes

1. The Faculty Senate and each of its committees or task forces shall keep official minutes of their respective actions. All minutes shall specify the dates and places of meetings, the members present, the important details of all actions taken, and the nature of all issues raised and discussed.
2. The Faculty Senate web site will contain minutes from all meetings of the full Senate and the Senate Executive Committee. Hard copies of minutes will be kept on file in the office of the Faculty Senate. Copies will be made available on request to any member of the faculty at a cost consistent with accepted copy rates available within the University.
3. A permanent file of all Faculty Senate minutes shall be kept in the Emporia State University Archives. The First Vice President shall be responsible for submission of minutes to the University archivist.

## Section 7. Internal Structure of the Faculty Senate

1. To facilitate the action of the Faculty Senate, that body shall be divided into the following standing committees: the Executive Committee, the Academic Affairs Committee, the Faculty Affairs Committee, and the Committee on Campus Governance. The Executive Committee may appoint such task forces as it may deem necessary or desirable for the proper conduct of Faculty Senate business. Other committees may appoint sub-committees as deemed necessary.
2. The Provost and Vice President for Academic Affairs of the University, First Vice President of the Faculty, the Second Vice President of the Faculty, the immediate Past President of the Faculty, and the President of the Associated Student Government shall not sit as voting members of the Academic Affairs Committee, the Faculty Affairs Committee, or the Committee on Campus Governance. With the exception of the Executive Committee, as stipulated below, the president of the Faculty shall appoint each voting senator to at least one standing committee.
3. The Executive Committee
  - a. Shall be composed of the President of the Faculty, First Vice President of the Faculty, Second Vice President of the Faculty, chairs of the three standing committees of the Faculty Senate, and the immediate past President of the Faculty. The Provost and Vice President for Academic Affairs of the University shall serve *ex officio* as a non-voting member of the Executive Committee. The President of the Faculty shall serve as chair of the Executive Committee.
  - b. Decisions resulting in a tie vote must be reconsidered. A majority of voting-members must be present when voting on an issue.
4. The Executive Committee shall be responsible for the following:
  - a. Referring items of business to an appropriate committee, to a task force, or to the Faculty Senate as a whole.
  - b. Establishing the agenda of Faculty Senate meetings.
  - c. Developing and maintaining effective communication among the members of the Faculty Senate, Faculty Senate committees, faculty, administration, support services, student body, alumni association, community, and faculty governing bodies of institutions represented by the Kansas Board of Regents.
  - d. Evaluating annually the activities and actions of the Faculty Senate through on-going review of the Faculty Senate Constitution and Bylaws.
  - e. Addressing other functions as the President of the Faculty or the Faculty Senate deems appropriate and this constitution otherwise assigns.
  - f. Implementing administrator evaluations as specified in Faculty Senate legislation.

5. The Academic Affairs Committee and the Faculty Affairs Committee shall be responsible for matters assigned to them by the Faculty Senate or its Executive Committee. In addition, these two committees shall have the prerogative to discuss those matters they deem appropriate and make recommendations in the form of bills, resolutions or committee reports to the Faculty Senate.
6. The Committee on Campus Governance shall be responsible for the following:
  - a. Recommending to the Executive Committee potential members for task forces as the Executive Committee designates, or University policy stipulates that the Faculty Senate be involved in staffing.
  - b. Reviewing the actions of University task forces, committees, councils, and boards, as stipulated by policy and referring to the Faculty Senate any action that may be of concern to the Senate.
  - c. Reviewing all proposals from the Associated Student Government and its agencies on campus in those cases where such proposals affect the implementation of the mission of the University.
  - d. Undertaking any additional functions as assigned by the President of the Faculty or by the Faculty Senate.
  - e. Monitoring terms of office based on initial dates of election or appointments of Senators.
  - f. Conducting the election of the Second Vice President of the Faculty. In order to facilitate an election, the committee shall obtain and verify a list of voting faculty from the office of the Provost and Vice President for Academic Affairs. COCG will distribute candidate biographies and construct a ballot. The committee may secure outside technical assistance to run an electronic ballot in order to get a timely efficient result instead of paper or other secure balloting.
7. Only those members of non-Faculty Senate task forces, committees, councils, or boards who have been specifically and individually designated by the Faculty Senate for membership on such groups shall be recognized by the faculty as official Faculty Senate representatives. Such representatives shall be responsible to the Executive Committee and, through it, the Faculty Senate for the activities as members of such groups.
8. All bills and resolutions originating in Academic Affairs, Faculty Affairs, or the Committee on Campus Governance shall be submitted in writing to the Executive Committee prior to being presented on the Faculty Senate floor.

#### Section 8. Meetings

1. All meetings of the Faculty Senate and its committees and task forces are open. Any member of the University community may have floor privileges in the Faculty Senate meeting or committees but may not vote.

2. The Faculty Senate shall meet at least three times each fall and spring semester. The Faculty shall meet at least twice each year at the request of the President of the Faculty or President of the University.

### **Article III. Rules and Procedures for Ratification, Amendments, and Bylaws**

#### Section 1. Ratification

Ratification and adoption of this constitution shall be accomplished upon the approval of two-thirds majority of the members of the faculty voting in an election conducted by mail. Following its approval by the faculty, this constitution shall be submitted to the President of the University and shall enter into force upon receiving the President's approval.

#### Section 2. Amendments

1. This constitution may be amended by a two-thirds vote of the members of the faculty voting in an election conducted by paper or electronic ballot by the Faculty Senate Office. Any amendment to the Constitution must be submitted to the Faculty Senate in the form of a bill and be approved by majority vote of the Faculty Senate's total voting-eligible membership before being sent to the faculty. An amendment so approved by the faculty shall be sent to the President of the University and shall become part of this constitution upon the President's approval.
2. The changes specified below (a, b, c, d) do not require a vote of the general faculty and may be amended by a three-fourths vote on a bill passed by the Faculty Senate.
  - a. All of Article II, Section 7, "Internal Structure of the Faculty Senate," except that the Executive Committee must retain its stated responsibilities.
  - b. The time of election and beginning date of terms of office.
  - c. A name change of a department/area specified in Article II, Section 2, "Membership," should those names (only) be officially changed unless the name change results in a change in the number of individuals or organizational structure represented in the department/area.
  - d. Grammatical and spelling corrections and corrections of errors in fact.

#### Section 3. Bylaws

Bylaws that the Faculty Senate deems necessary or desirable may be adopted by a majority vote of the Faculty Senate's total voting-eligible membership.

### **Article IV. Enactment of the Constitution**

The Faculty Senate existing at the time of acceptance of this constitution is authorized to take such steps as may be necessary to implement this constitution.

**3AE.02 BYLAWS** (FSB 88011, FSR 93014, FSB 93015, FSB 96005, FSB 97006, FSB 00007 passed by Faculty Senate 11/21/00; approved by Faculty vote 12/7/00; approved by the President 12/21/00; FSB 03018 passed by Faculty Senate 04/20/04; approved by the President 05/04/04; FSB 08002 passed by Faculty Senate 11/04/08; approved by the President 11/05/08; FSB 08006 passed by Faculty Senate 2/3/09; approved by the President 2/4/09; FSB 08011 passed by Faculty Senate 4/21/09; approved by the President 4/24/09; FSB 11007 passed by Faculty Senate 3/6/12; approved by the President 3/13/12; FSB 12007 passed by Faculty Senate 03/05/13; approved by the President 3/12/13; updated 10/2/2013; FSB 14007 approved by President 4/17/2015; FSB 14012 approved by President 4/17/2015; FSB 14020 approved by President 5/15/2015; FSB 16012 approved by President 5/9/2017)

The bylaws of the Emporia State University Faculty Senate were adopted by the Faculty Senate on February 19, 1985, as FSB 84014 and approved by the President of the University on March 3, 1985.

## **Article I. Membership and Elections**

### Section 1

1. The Student Affairs area shall be composed of full-time unclassified staff in the Office of the Vice President for Student Affairs. It shall also include those programs that report to the Vice President for Student Affairs.
2. The Academic Affairs area shall be composed of full-time unclassified staff in the Office of the Provost and Vice President for Academic Affairs. It shall also include those programs that report to the Provost and Vice President for Academic Affairs.
3. The Fiscal Affairs area shall be composed of full-time unclassified staff in the Office of the Vice President of Administration and Fiscal Affairs and those programs that report to the Vice President for Administration and Fiscal Affairs. For the purpose of Faculty Senate business, Intercollegiate Athletics, University Advancement, and any full-time unclassified personnel otherwise unmentioned shall be considered part of Fiscal Affairs.
4. All senatorial elections shall occur prior to the second Tuesday of March according to the following schedule:
  - a. The respective faculty of the University Libraries and Archives, the School of Library and Information Management, the School of Business, The Teachers College, and the College of Liberal Arts and Sciences shall elect senators odd or even numbered years as given in Section 1.4.f.
  - b. Full-time unclassified staff of the areas of Student Affairs, Academic Affairs, and Fiscal Affairs shall elect 1 senator per area in odd or even numbered years as given in Section 1.4.f.
  - c. Units electing 2 senators shall elect 1 senator in even numbered years and 1 senator in odd numbered years.

- d. Units electing 3 senators shall elect 1 senator in even numbered years, 1 senator in odd numbered years, and 1 senator in odd or even numbered years as given in Section 1.4.f.
- e. Units electing 4 senators shall elect 2 senators in even numbered years and 2 senators in odd numbered years.
- f. Election Schedule

Even Numbered Years	Odd Numbered Years
<ul style="list-style-type: none"> <li>• Communication &amp; Theatre</li> <li>• Elementary Education, Early Childhood &amp; Special Education</li> <li>• English, Modern Languages, &amp; Journalism</li> <li>• Instructional Design &amp; Technology</li> <li>• Music</li> <li>• Nursing</li> <li>• Physical Sciences</li> <li>• School of Library &amp; Information Management</li> <li>• Social Sciences</li> <li>• Student Affairs</li> <li>• School of Business</li> </ul>	<ul style="list-style-type: none"> <li>• Art</li> <li>• Biology</li> <li>• Counselor Education</li> <li>• Health, Physical Education, &amp; Recreation</li> <li>• Mathematics, Computer Science, &amp; Economics</li> <li>• Psychology</li> <li>• School Leadership, Middle &amp; Secondary Teacher Education</li> <li>• Sociology, Anthropology, &amp; Crime and Delinquency Studies</li> <li>• University Libraries &amp; Archives</li> <li>• Academic Affairs</li> <li>• Fiscal Affairs</li> </ul>

Section 2

Each year, the First Vice President shall, prior to the second Tuesday in February, verify that all current senators’ terms align with the election schedule found in Section 1.4.f. If any senator’s term, expiring the following June, is out of alignment with the election schedule, the First Vice President shall inform the senator that their unit must hold an election for a one-year term prior to the second Tuesday of March. The senator elected to this one-year term will serve the term during the following academic year, during which an election must be held to elect a senator to a full term aligned with the election schedule.

At the first Faculty Senate meeting each April, senators whose terms expire the following June first shall certify to the First Vice President that an election has been held by the faculty/unclassified staff of their respective department or area for the purpose of electing their successor, and provide to the First Vice President the name of the senator-elect.

Section 3

The number of senators elected by each department or area shall be determined by the Committee on Campus Governance using the following formula. One senator shall be elected for each ten equivalent full-time faculty positions or majority part thereof (greater than five), with each department guaranteed at least one senator. Equivalent full-time faculty positions shall be

determined by the Committee on Campus Governance using each department's official University budgeted full-time faculty equivalents (FTE) or actual full-time unclassified positions, whichever is greater, during the fall semester of each year. The number of senators to represent each department or area shall be reported to the Faculty Senate by the Committee on Campus Governance no later than the first meeting held during the month of February.

#### Section 4

The office of a senator shall be declared by the First Vice President to be vacant when any of the following conditions are met:

- a. Whenever the senator or the senator's substitute is not present at 4 regularly scheduled meetings of the Faculty Senate, to include Faculty Senate and Faculty Senate committee meetings, during 1 academic year;
- b. Upon the resignation from the University by the faculty/staff members serving as senator;
- c. Upon receipt by the First Vice President of the senator's letter of resignation from the Faculty Senate;
- d. If a senator is elected Second Vice President of the Faculty.

Within 10 class days following the declaration that the office of a senator is vacant the First Vice President shall notify the head of the department or area represented by the senator that the office is vacant. The area must then elect a replacement for the remainder of the senator's term.

#### Section 5

A senator who is unable to attend any regular meeting of the Faculty Senate or any of its standing committees of which the senator is a member may appoint a temporary substitute to serve, subject to the following procedures: (a) a temporary substitute must be a member of the department or area which is represented by the senator; (b) a temporary substitute or absentee senator must notify the First Vice President or appropriate committee secretary of the identity of the temporary substitute prior to the convening of the meeting. The substitute shall have the rights and privileges exercised by the senator for whom the substitution is made.

#### Section 6

A temporary substitute to the Executive Committee for a committee chairperson must be a member of the same committee as the committee chairperson and has the same responsibilities as the chairperson.

#### Section 7

Senators who shall be absent from Faculty Senate and Faculty Senate committee meetings for a period of one semester or less shall have the right to appoint a substitute senator under the provisions of Section 5. A senator who shall be absent from Faculty Senate and Faculty Senate

committee meetings for a period greater than one semester does not have the privilege of naming a substitute senator, and the unit the senator represents must elect a replacement for the remainder of the senator's term.

#### Section 8

Election of standing committee chairs for the coming academic year (excluding the Executive Committee) usually occurs at the last regularly scheduled meeting of the Faculty Senate in May.

### **Article II. Meetings**

#### Section 1

The regular meetings of the Faculty Senate are to be held on the first and third Tuesdays of each month during the academic year. The time of the meetings should be set for 3:30 - 5:00 p.m.

#### Section 2

Faculty Senate committees should meet on the second and fourth Tuesdays of each month during the academic year from 3:30 - 5:00 p.m. and at other times when deemed necessary.

#### Section 3

The first meeting in May shall be known as the Annual Meeting at which time the annual reports are received from standing committees and other special committees appointed during the year.

#### Section 4

Special meetings of the Faculty Senate shall be called by the President of the Faculty with at least a seven-day advance notice. The seven-day advance notice may be waived by affirmative vote of the Executive Committee. No business shall be transacted except that identified in the notice of the special meeting.

#### Section 5

A quorum of the Faculty Senate is the majority of the total voting-eligible membership of the Senate.

#### Section 6

1. With the exception of routine operating procedures and motions involving parliamentary procedures, meetings of the Faculty Senate shall include three types of formal actions: (a) an action by the Faculty Senate which would add to, delete from, or change the existing official policy of the University shall be entitled Faculty Senate Bill (FSB); (b) an action by the Faculty Senate which does not change the official policy of the University but reflects the concern or position of the Faculty Senate shall be entitled Faculty Senate Resolution (FSR); and (3) acceptance of an official written report to the Faculty Senate from any committee or council established by the Faculty Senate entitled Faculty Senate Committee Report (FSCR).

2. All formal actions of the Faculty Senate shall be numbered consecutively.

### Section 7

During the summer session when the Faculty Senate does not regularly meet, the officers of the Faculty Senate may address issues of concern to the faculty and represent the interests of the faculty if the President of the Faculty, First Vice President, the Second Vice President, and Immediate Past President concur to meet. A consensus must be achieved for decisions or positions considered during this period, which are then subject to review by the Faculty Senate at its first meeting of the academic year.

### **Article III. Election of Second Vice President of the Faculty**

1. A nominating committee shall select nominees for the election of the Second Vice President. It is expected that the nominating committee will propose at least two nominees. The nominating committee shall be selected at the first Faculty Senate meeting in September of the calendar year immediately prior to the calendar year of the election.
2. The nominating committee shall be composed of the current First Vice President of the Faculty and current Second Vice President of the Faculty and one faculty senator from each of the following designations: 1) University Libraries & Archives or the School of Library and Information Management, 2) the School of Business, 3) The Teachers College, 4) the College of Liberal Arts and Sciences, and 5) one faculty senator chosen at large. For designations 1, 2, 3 and 4 the respective senators shall caucus and select a committee member. An at-large member shall be chosen by the First Vice President of the Faculty with the concurrence of the Faculty Senate Executive Committee.
3. The current Second Vice President of the Faculty shall serve as the chair of the nominating committee and shall convene meetings of this committee.
4. The nominating committee will convene to construct a recommended ballot of candidates for the position of the Second Vice President of the Faculty. The recommendation will be developed by a consensus of the committee. No member of the nominating committee may be a nominee in an upcoming election for Second Vice President of the Faculty.
5. Recommendations from the nominating committee shall be presented at the Spring Faculty Meeting of the year of the election, at which nominations from the floor shall also be invited. Nominations from the floor must be seconded and nominees must either accept their nomination, to be placed on the ballot, or decline their nomination.
6. Elections shall be conducted using written or secure e-mail procedures and shall provide for a minimum of two working days for faculty to cast ballots.
7. The Committee on Campus Governance, charged with conducting the election of the Second Vice President of the Faculty, is also charged with organizing and hosting a candidate open forum to be held during the early part of Spring semester of the election year. Procedures

adopted for election campaigning shall be clearly communicated to all nominees and the faculty as a whole.

8. The election for Second Vice President shall be held following the candidate open forum, near the first of March. The election vote shall be confirmed by a committee consisting of 1 faculty senator from each school or college.
9. The nominee receiving the most votes shall be declared elected, except that if no nominee receives at least 40 percent of the ballots cast, a run-off election between the two nominees receiving the largest number of votes shall be held immediately.
10. In the event of a tie vote, the Committee on Campus Governance Chair shall flip a coin to determine the winner. This action shall take place in person with the President of the Faculty, the First Vice President of the Faculty, and the candidates who are tied as witnesses.
11. The numerical results of the election shall be made available to the candidates upon request to the Committee on Campus Governance Chair.

#### **Article IV. Rules of Procedure**

##### Section 1

Any bill (FSB) offered on the floor of the Faculty Senate by any of the four regular committees of the Faculty Senate shall, upon first reading, be subject to discussion and debate but no vote shall be taken nor shall any amendment be allowed. A bill is not considered on "first reading" until a motion is made and seconded that the bill be accepted for adoption.

##### Section 2

Any bill (FSB) offered on the floor of the Faculty Senate by any senator or group of senators shall, following an explanation of the content and the intent of the bill, and the offering and answering of questions from the floor, be referred by the presiding officer to the appropriate senate standing committee. The appropriate committee shall deliberate on the bill and may choose to advance the original bill to the Faculty Senate floor or may let the bill die in committee. If advanced, it shall be considered on first reading.

##### Section 3

No bill (FSB) shall proceed to more than one reading at any single meeting of the Faculty Senate, and no more than one meeting of the Faculty Senate may be held in any twenty-four hour day. A proposed bill should be presented for second reading at the next regularly scheduled meeting following its first reading in the Faculty Senate.

##### Section 4

Adoption of a motion to lay on the table a bill (FSB) which is on second reading shall cause the bill to be on second reading when it is returned to the floor. Adoption of a motion to refer back to

committee a bill (FSB) which is on first or second reading shall cause the bill to be on first reading when it is returned to the floor.

#### Section 5

Upon second reading, any bill (FSB) shall be subject to debate, open to amendment, and subject to vote for final disposition.

#### Section 6

Amendments to a bill (FSB) should be circulated in writing to the senators prior to their consideration in a Faculty Senate meeting. Such amendments may be sent to the Executive Committee for circulation.

#### Section 7

Upon approval of a bill, the President of the Faculty shall transmit the official written notice of the Faculty Senate recommendation to the President or Acting President of the University.

#### Section 8

- a. When the President of the University informs the Faculty President that he or she has officially approved a bill (FSB) passed by the Faculty Senate, the Faculty President shall report the approval at the next regular meeting of the Faculty Senate. This announcement shall conclude deliberations on the bill.
- b. When the President of the University informs the Faculty President that he or she has given conditional approval to a bill (FSB) passed by the Faculty Senate, the University President shall provide a written explanation that includes reasons for the conditional approval, and may provide recommendations to help the Faculty Senate decide how to proceed. When the President of the University's conditional approval has been based on advice of legal counsel, the President's explanation shall include a written explanation of the advice given by legal counsel, with citations to specific laws and regulations when applicable. Legal counsel may also provide guidance on modifications to the bill to conform to laws and regulations. The Faculty President shall refer the bill and the University President's written explanation to the committee of origin. The committee shall, at its next meeting, give due consideration to the conditions of approval and prepare to return the bill to the Faculty Senate with its recommendations. If the Committee accepts the recommendations of the University President, in whole or in part, then the Faculty Senate should be given the bill as amended by the committee. The Faculty Senate shall make the bill the first order of business at the next regularly scheduled meeting, and the bill shall be on second reading.
- c. If the Committee does not accept the recommendation(s) of the President of the University, the appropriate Faculty Senate committee may recommend that the original bill be "amended after adoption".

- d. When the President of the University informs the President of the Faculty that a bill passed by the Faculty Senate has not been approved, the University President shall provide written explanation that includes reasons for non-approval, and may provide recommendations to help the Faculty Senate decide how to proceed. When the President of the University's action has been based on advice of legal counsel, the President's explanation shall include a written explanation of the advice given by legal counsel, with citations to specific laws and regulations when applicable. Legal counsel may also provide guidance on modifications to the bill to conform to laws and regulations. The text of the University President's written explanation shall be distributed to the Senators at or before the next regularly scheduled meeting of the Faculty Senate. No later than two regularly scheduled Faculty Senate meetings after the President's written explanation is distributed, as the first item of old business, the President of the Faculty or any Senator may place a motion before the Faculty Senate saying, "Resolved that Faculty Senate Bill number \_\_\_\_\_ be approved notwithstanding the University President's disapproval." An affirmative vote cast by a majority of the total voting-eligible membership of the Faculty Senate shall be required for passage of the motion. A record of the number of yea, nay, and abstaining votes and the number of senators absent shall be made part of the Faculty Senate record, and the same conveyed to the President of the University.

#### Section 9

If action on a bill being considered in the Faculty Senate at the end of the academic year is not resolved by the last meeting of the year, it may be reintroduced as a new bill in the following academic year. Bills that have not been signed by the President by the close of the spring semester remain viable bills and must be acted on by the President consistent with Article II, Sec. 4, #2 of the Constitution. If a bill is not approved by the President, the Faculty Senate will consider recommendations or further actions at the first Senate meeting of the fall semester.

#### Section 10

The Senate may, by majority vote, call up for consideration at its next session any matter of business before any of its committees.

#### Section 11

In contrast to the procedure outlined above for the handling of bills (FSB) to establish policy, resolutions (FSR) may be received by the Faculty Senate without referral to committees, and may be introduced, debated, amended, and voted upon in a single meeting. Resolutions should be written so they may be properly reviewed. The President of the Faculty may waive this procedure if it is deemed necessary. Resolutions do not require the signature of the President of ESU.

#### Section 12

With the exception of a vote on a bill vetoed by the President of the University, the vote on any bill, resolution, or amendment shall be by a show of hands, or a division of the house, unless one-fifth of the membership present and voting shall request a roll call vote.

### Section 13

Annual Standing Committee reports must be submitted for acceptance to the Faculty Senate at the last regularly scheduled meeting of the academic year.

### Section 14

1. It is the responsibility of the presiding officer of a Senate meeting or committee to initiate time-limits for discussion and speaking privileges if it is felt appropriate. Time-limits may also be established by the Faculty Senate in accordance with the procedures outlined in Robert's Rules of Order.
2. Any member of the Faculty Senate who wishes to comment on an issue shall be recognized. No member of the Faculty Senate may comment more than once on an issue (exception would be to respond to a specific question or to clarify a comment in response to a question or comment from a member) until all other members who desire to comment have been given the opportunity. After all members desiring to comment have been provided an opportunity members may then be recognized again to provide additional comments.
3. Individuals from the University Community may enjoy floor privileges at a Faculty Senate meeting or a Faculty Senate committee or task force meeting. Guests wishing to address the Faculty Senate or one of its committees shall present themselves to the presiding officer of the Faculty Senate or Committee prior to the time the meeting is called to order. The presiding officer shall determine when the guest shall speak as well as set time limits for comments. Non-members of the Faculty Senate will not be recognized until after all Faculty Senate members desiring to comment have been given the opportunity. Non-members must receive recognition from the presiding officer of the Faculty Senate and comments should be directly related to the issue being discussed or in response to a question from a Faculty Senate member.
4. In some situations a non-member may request to distribute materials or address the Faculty Senate or a committee. Requests should be submitted in writing to the presiding officer of the meeting prior to a scheduled meeting; requests should identify the purpose and anticipated time desired. Approval of requests may be granted by a motion and majority vote of voting-eligible members present at the meeting of the Faculty Senate or of a respective committee.
5. All guests who address the Faculty Senate or its committees must do so in a respectful and civil manner. The presiding officer has the right to suspend or deny floor privileges to those who violate these rules. This right, however, should only be exercised in extreme cases and must not be used to stifle debate or to prevent freedom of expression. The University's Affirmation of Values Statement provides the basis for these procedures.

### Section 15

The President of the Faculty, with approval by the Executive Committee, may appoint an individual to handle the responsibilities of maintaining the Faculty Senate webpage subject to review by the Executive Committee.

## Section 16

The Faculty Senate may, by simple majority vote of total voting-eligible memberships, amend Faculty Senate bylaws. The Faculty Senate may, by  $\frac{3}{4}$  majority vote of total voting-eligible membership, temporarily suspend any of the bylaws. The Faculty Senate may not suspend its bylaws for the purpose of votes by secret ballot.

## Section 17

For the conduction of campus-wide votes involving Faculty Senate business, US mail, campus mail and electronic mail shall all be considered official.

## Section 18

Robert's Rules of Order shall govern any matter not resolved by these Bylaws and rules of procedure. The version of Robert's Rules of Order that shall be used is the one authorized by the Robert's family and maintained and updated by the Robert's Rules Association, which is available online at [robertsrules.com](http://robertsrules.com).

**3AF. MODIFICATIONS TO REGULAR AND INTERIM POLICIES AND PROCEDURES** (FSB 09013 passed by Faculty Senate 4/6/2010; approved by President 4/19/2010)

**3AF.01 REGULAR POLICIES AND PROCEDURES** (FSB 12004 passed by Faculty Senate 12/4/2012; approved by President 12/11/2012)

Policies and procedures of ESU's *University Policy Manual* and *University Procedures Manual* can be established either by: (1) approval of the President without a bill having been passed by the Faculty Senate, or by (2) the process involving a bill that is passed by the Faculty Senate and then approved by the President, which exemplifies the concept of shared governance. Policies and procedures established the first way can be modified by approval of the President either with or without a subsequent bill having been passed by the Faculty Senate. Policies and procedures established the second way, however, shall be modified only by means of a subsequent bill passed by the Senate and approved by the President. The second method of modifications of policies and procedures shall begin in the Faculty Senate Executive Committee. Minor changes to policies and procedures may originate in the office of the Provost/Vice President for Academic Affairs. Minor changes are limited to the following:

- change in the name of a department/area;
- change in an individual's job title;
- grammatical and spelling corrections.

The office of the Provost/Vice President for Academic Affairs shall present a list of all proposed minor changes and their locations in the *University Policy Manual* to the President of the Faculty, who will submit them to the Committee on Campus Governance for approval.

### **3AF.02 INTERIM POLICIES AND PROCEDURES**

If an emergency or mandate from the Kansas Governor, Legislature, or Board of Regents causes the need for a totally new policy and/or procedure to be established quickly, then the President can do so either as a regular policy and/or procedure (which do not require a Faculty Senate bill), or as an interim policy and/or procedure (on which a subsequent Faculty Senate bill is expected.)

If the need is for quick modification of an existing policy and/or procedure that is not based wholly or in part on previous Faculty Senate bill(s), then the President can establish either a regular modification (which does not require a Faculty Senate bill), or an interim modification (on which a subsequent Faculty Senate bill is expected). If the need is for quick modification of an existing policy and/or procedure that is based wholly or in part on a previous Faculty Senate bill, then the President shall establish only an interim modification.

After an interim policy, procedure, and/or modification has been established by the President, the Faculty Senate shall, except as set forth below, have the following 2 full academic semesters (not counting summer) to submit a bill to the President that will change the status of the policy, procedure, and/or modification from interim to regular. If no such bill is forthcoming from the Faculty Senate within the 2 semesters, then the interim policy, procedure, and/or modification shall automatically become regular.

If the Kansas Governor, Legislature, or Board of Regents stipulates that a regular policy, procedure, and/or modification must be established by a deadline date that occurs before the end of the 2 semester period, and if the President has by that date not yet approved a Senate bill on the matter, then the interim policy, procedure, and/or modification shall automatically become regular on the deadline date. Subsequently, as with any policy or procedure in the *University Policy Manual* and *University Procedures Manual*, the Faculty Senate may submit a modification for approval by the President.

## CHAPTER 4: ACADEMIC POLICIES

### 4A. ACADEMIC ADVISING

Students and faculty share responsibilities for academic advising. Academic advising involves good course schedule planning and at the same time balances the student's course load with goals and capabilities, outside work, and other responsibilities. Special attention is given to students experiencing problems handling or maintaining interest in their academic work. Advisors are frequently general counselors. This may involve assisting a student who has personal, financial, family, work-related, housing, or other concerns to find help in resolving the problem. Advisors must be knowledgeable of the various campus support services and the help available.

#### 4A.01 BOARD OF REGENTS ADVISING REQUIREMENTS (approved by BOR 5/99 revised by BOR 5/16/2013)

Effective academic advising is central to the educational mission of the Board of Regents. To ensure that all students have access to high quality advising, each state university shall establish an Academic Advising System, which shall provide the following:

- Goal Setting: Each Academic Advising System should help students to set both short-term and long-term educational goals.
- Information: Each Academic Advising System should be able to accurately inform students of graduation requirements of their department. It should be sensitive to the importance of strategic course selections so as to minimize the number of semesters required for graduation. Additionally, the System should be able to inform students of career opportunities in their field of study.
- Transitions: Each Academic Advising System should inform students on how to change colleges and/or departments. Furthermore, the System should provide information to explain the process students follow to enroll in the curriculum and to drop or add courses during the semester.
- Accessibility: Each Academic Advising System should have reasonable hours and methods of availability for students. Additionally, students should be able to set up appointments within the System for an adequate amount of time to make curricular selections and career choices.
- Referral to Campus Resources: Each Academic Advising System should be able to refer students to various campus resources including, but not limited to: University counseling services, student activities, and career and employment services.

Each Academic Advising System shall provide information to students to inform them of their responsibilities in the Academic Advising process.

Each Academic Advising System shall be responsible for the necessary training of academic advisors to assist them in meeting the responsibilities of this policy.

#### **4A.02 FRESHMAN AND UNDECLARED STUDENT ADVISEMENT**

The Student Advising Center (SAC) provides academic advising and assistance to all freshmen and undeclared students (regardless of classification) to make a satisfactory transition to college life. Advisors in SAC provide referrals to other offices and support services as deemed appropriate for assisting students to realize their personal and educational goals.

Early each semester, SAC advisees are invited via mail to make an appointment for an initial interview with the advisor from the student's intended major. These sessions allow the advisor and advisee an opportunity to discuss issues related to the advisee's past academic performance aspirations for a major and degree, to develop and review short-term and long-term goals, to discuss career opportunities, to discuss transition information, to make referrals to other resources, and to identify other factors which influence academic achievement. If an advisee shows signs of academic difficulty during the semester or if concerns have been expressed by an instructor, the student is asked to see the SAC advisor.

These students are advised in SAC until three conditions are met: 1) attainment of 30 semester hours of credit, 2) satisfactory academic progress (a minimum 2.00 grade point average), and 3) selection of a major. When these three conditions are met, the student is transferred to a permanent advisor in the student's major.

#### **4A.03 ADVISEMENT OF OTHER UNDERGRADUATE STUDENTS**

All undergraduate students with declared majors, with the exception of those advised in the Student Advising Center, are assigned advisors in their major departments. Students wanting to change advisors must contact the new department office to initiate the process. Students must work with their advisors to arrange and approve class schedules for the following semester. It is advisable for students to make appointments with their advisors.

#### **4A.04 GRADUATE STUDENT ADVISEMENT** (updated 9/2010)

New graduate degree-seeking students are assigned advisors by their major department. Degree-seeking students must contact their advisor to arrange and approve their class schedule for the following semester. Non-degree seeking graduate students can enroll without an advisor's signature. Non-degree graduate students can consult with the Dean of the Graduate School if they have questions concerning enrollment.

#### **4A.05 INTERNATIONAL STUDENT ADVISEMENT**

The Office of International Education (OIE) is responsible for the initial counseling and advising of international students, the processing of all undergraduate and graduate international student admissions correspondence, reviewing and evaluating foreign credentials, and coordinating an orientation and enrollment program for international students. Once the international student has

completed all Intensive English Program requirements, the student is assigned an academic advisor in the same manner as any other student.

International Education also issues government exchange and immigration forms. Students must register with the OIE at the beginning of each semester and keep up to date all information regarding changes of address, student status, and employment. All requests for extensions of stay, work permits, immigration certificates and money exchange letters must be submitted through this office.

#### **4B. ACADEMIC LOAD (FSB 75002; FSB 92003 approved by President 1/12/93)**

##### **4B.01 UNDERGRADUATE LOAD (FSB 15021 approved by President 6/9/2016)**

A normal load for undergraduate students is 15 to 16 hours of credit each semester. A load exceeding 18 hours must be approved by the student's advisor and the head of the academic unit for the student's major.

The overload for summer varies with the duration of the courses. The normal load allowed without overload permission is 1 credit hour for each week of attendance (e.g., 5 credit hours is a normal load if the course, or courses, is over a 5 week period).

##### **4B.02 GRADUATE LOAD**

The maximum load for a graduate student during the fall and spring semesters is 16 hours per semester. Overloads may be approved under exceptional circumstances during the fall and spring semesters. A department under the supervision of its respective school/college may establish additional restrictions upon credit hours earned during an enrollment period.

The normal load for summer session is 1 hour of graduate credit per week enrolled. The maximum load for summer is 1.5 hours of graduate credit for each week of attendance. The minimum load required for students with a summer assistantship is 3 hours. Students may earn no more than 12 hours of credit during the period between the end of spring semester and the beginning of fall semester. The student may also earn no more than 9 hours in any six week period. Overloads beyond these maximum limits must be approved by the advisor and the head of the department. (These limits do not include thesis, research project, or dissertation credits.)

Graduate students using the resources of the University (e.g., instructors, libraries, laboratories, computers) are expected to be enrolled in courses for credit and must be enrolled in at least 1 semester credit hour during the term in which the degree is granted or the requirements are met.

##### **4B.0201 THESIS AND RESEARCH CREDIT**

There are no limitations on the number of thesis and investigative credit hours for which a student may enroll. However, only 6 hours and 5 hours of thesis credit may apply toward master's and specialist degrees respectively, and no more than 12 hours of combined thesis and investigation credit may apply toward a single graduate degree.

**4B.03 FULL-TIME STATUS** (updated 9/2010; updated 3/21/2013; passed by Graduate Council 2/19/2015; approved by Provost 2/20/2015 )

A minimum load of 10 hours for undergraduate students is considered a full load for tuition and fees. A minimum load of 12 hours for undergraduate students and 9 hours for graduate students is considered a full load for financial aid.

The minimum course load for graduate assistants is 6 hours during regular terms and 4 hours for a 5-week summer term. Courses which count toward the 6 credit hour enrollment requirement for graduate assistants must consist of graduate level courses. Once the 6 credit hour requirement has been fulfilled, the student may take additional courses (either graduate or undergraduate). A waiver of the minimum enrollment requirement may be granted by the graduate school with the approval of the department and graduate dean. (passed by Graduate Council 2/20/03; approved by Vice President for Academic Affairs 4/28/03; passed by Graduate Council 1/17/2013; approved by Interim Provost 1/29/2013)

**4B.04 CONCURRENT UNDERGRADUATE STUDENTS**

Students who are enrolled in high school and wish to take courses as a part-time student may not normally enroll in more than 9 credit hours in 1 semester or summer session. The application of all credit earned while enrolled as a concurrent undergraduate student toward fulfilling degree requirements will be determined after the student has been admitted to the University and becomes a candidate for a particular degree. Persons wishing to enroll as concurrent undergraduate students may obtain a concurrent undergraduate student application form from the ESU Admissions Office. Financial aid is not available for concurrent students.

**4B.05 SENIORS EARNING GRADUATE CREDIT** (updated 9/2010; approved by Graduate Council 11/15/2012; revised by Graduate Council 3/15/2018; approved by Provost 2/4/2019)

College seniors at Emporia State University may earn graduate credit after accumulating 90 undergraduate hours by accomplishing the following:

- 1) Completing a formal application for graduate study and submitting an official transcript.
- 2) Having a minimum overall undergraduate GPA of 2.5.
- 3) Having a degree contract on file with the undergraduate degree analyst in the Registrar's office.
- 4) Completing a Request for Graduate Credit form for each course for enrollment. The approval of the advisor, course instructor, Dean of the Graduate School and Distance Education, and Registrar is required. The Senior Request for Graduate Credit form must be presented to Registration at the time of enrollment.
- 5) Graduate courses taken **may not** be used to meet undergraduate requirements, except in case of approved accelerated masters programs. Undergraduate students who take graduate credit may only enroll for a total of 17 semester hours during the fall/spring or a total of 10 hours for the summer term (undergraduate/graduate). No more than 12 semester hours of graduate credit can be accumulated in this way. Only those courses numbered 500-799 will be considered for graduate credit before the undergraduate degree has been awarded. Undergraduate students may not enroll in 800 or 900 level graduate classes.

\*Seniors cannot earn graduate credit in the Accelerated Online Programs for Educational Administration, Curriculum and Instruction, MBA, and MAcc.

#### **4C. ACADEMIC REQUIREMENTS AND REGULATIONS**

##### **4C.01 GRADUATION REQUIREMENTS**

###### **4C.0101 UNDERGRADUATE** (FSB 14006 approved by President 2/18/2015; FSB 15020 approved by President 6/9/2016)

A minimum of 120 hours of credit in courses numbered 100 and above are required to graduate, 60 of which must be taken from a 4-year college or university. Of the 120 hours, at least 45 hours of course work must be numbered 300 or above. Thirty of the final 45 hours and 6 of the final 12 hours must be taken from ESU. At least 48 hours of general education credits are required. A cumulative grade point average of at least 2.00 must be achieved on all work taken and at least a 2.00 GPA must be achieved for all credits taken at ESU. Completion of the University competency examination requirement appropriate to the specific degree program is required.

###### **4C.0101.01 TIME LIMIT POLICY** (FSB 87002 approved by President 11/12/87; FSB 11003 approved by President 11/07/2011)

The following policy applies to all degree requirements including general education, university-wide graduation, and major or program requirements, which apply to students who seek an undergraduate degree.

Students who have made application for a degree and have a degree analysis on file in the Registration office have 10 years from the date of filing the degree analysis to complete the remaining degree requirements identified on that degree analysis unless the requirements of external agencies make that impossible. Schools, colleges, and departments may establish a different time limit by creating a time limit policy that applies to a specific program or major requirements and that policy is included in the undergraduate catalog.

Students who have not made an application for a degree and who do not have a degree analysis on file in the Registration office may complete the degree requirements that were in effect at ESU at the time of their first enrollment in any accredited college or university. However this policy will not apply and students will be expected to complete degree requirements currently in effect if either of the following conditions exist:

1. Different requirements are imposed by external agencies (e.g., accrediting bodies, Board of Regents, State Department of Education)
2. The student has not shown reasonable continuity in his/her education. To show reasonable continuity, a student must have completed no fewer than 25 semester hours of credit in the immediate past 5 calendar years.

In special cases the determination of which general education or university-wide degree requirements are to be met will be made by the Director of General Education.

#### **4C.0102 GRADUATE**

##### **4C.0102.01 MASTER'S DEGREE** (updated 9/2010)

All requirements for the degree must be completed within a period of 7 years from the first enrollment date. In the case of compelling circumstances, the department offering the degree may consider a petition for a 1 year extension of all requirements. The Graduate Council may consider a petition, with departmental approval, to validate course work in the 9th or 10th year, dating from the first enrollment. Validation may be accomplished by examination or additional approved work. No transfer work can be validated. No work over 10 years old can be used to satisfy the requirements for graduate degrees.

A graduate degree plan must be signed by the advisor and filed with the Graduate School by the end of the first semester of graduate study. The student must be admitted to degree candidacy by the major department. The student must complete the required number of semester hours of graduate level course work set by their department. A minimum of 60% of credit hours must be earned in courses numbered 700 and above. Satisfactory grades must be maintained as defined in the section titled Grades.

##### **4C.0102.01.01 THESIS** (updated 9/2010)

A thesis is required for certain degrees and is an option in others. A candidate may obtain a thesis guide booklet from the Graduate School or by accessing the Graduate Publications link on the graduate web page. Exceptions to the rules governing the typing of theses may be permitted, but only with the written consent of the Dean of the Graduate School and the chair of the candidate's committee.

An original copy of the thesis with departmental signatures is due in the Graduate School for review and possible revision no later than 3 weeks prior to the close of the semester. Finalized corrected copies with payment are due in the Graduate School 1 week prior to the close of the semester.

##### **4C.0102.02 SPECIALIST IN EDUCATION DEGREE** (Revised, passed by Graduate Council, 1/21/2010; approved by Provost 1/24/2010; updated 9/2010)

To obtain a Specialist in Education degree, the student must have a master's degree from a regionally accredited institution with a GPA of 3.5 on the most recent master's degree. The student must take the Graduate Essay Examination of The Teachers College unless the master's degree was awarded by Emporia State University. The residency requirement consists of 1 full semester as a regularly enrolled full-time student or 1 summer session for at least 5 weeks on campus.

All requirements for the degree must be completed within a period of 7 years from the first enrollment date. In the case of compelling circumstances, the department offering the degree

may consider a petition for a 1 year extension of all requirements. The Graduate Council may consider a petition, with departmental approval, to validate course work in the 9th or 10th year, dating from the first enrollment. Validation may be accomplished by examination or additional approved work. No transfer work can be validated. No work over 10 years old can be used to satisfy the requirements for graduate degrees.

A specialist degree plan must be signed by the advisor and filed with the Graduate School by the end of the first semester of graduate study. The student must complete the required number of semester hours of graduate level course work set by the department. If equivalent courses were completed at the undergraduate level, graduate courses must be taken to fulfill the graduate hour requirements. One academic year of supervised experience (internship) is required before the student may be recommended for full approval as a school psychologist certified by the Kansas Department of Education. Students must pass an oral examination over their thesis area and research.

#### **4C.0102.03 DOCTORAL DEGREE** (updated 9/2010; revised by Graduate Council 1/17/2013)

All requirements for the doctoral degree must be completed within 8 years after admission to the doctoral program. A graduate degree plan must be signed by the advisor and filed with the Graduate School by the end of the first semester of graduate study. Students will advance to degree candidacy after passing qualifying examinations. These exams must be taken within a 6 month period. Students must complete the required number of semester hours of graduate level course work set by their department. To remain active in the program, students must be enrolled in a class each semester, including summers (continuous enrollment). PhD student who are forced to interrupt their studies for a period of one or more years should request a leave of absence from the University. In consultation with their graduate advisor, students should define the program modifications that the leave of absence requires and complete the leave of absence form. This form needs to be signed and approved by the graduate advisor, department chair, and Graduate Dean. Requests shall indicate the reason for leaving and expected date of return to the University. The leave of absence is designed to suspend the requirement for continuous enrollment. It does not affect the maximum time limitation set for the degree program. Fifteen hours of dissertation credit and enrollment in at least 3 credits each semester are required until the dissertation is completed. A minimum of 90 graduate hours beyond the baccalaureate degree must be completed successfully. A satisfactory level of work is determined by the doctoral faculty. Graduates may not participate in the commencement ceremonies before acceptance of the dissertation by the committee, SLIM dean, and Graduate School dean.

### **4C.02 APPLICATION FOR A DEGREE**

#### **4C.0201 UNDERGRADUATE**

An application for a degree is made when a student has earned 60-89 hours. Copies may be found in the department office or Registration. The completed form, signed by the student, the advisor, and the department chair and submitted to Degree Analysis, becomes the official agreement between the University and the student regarding the work to be completed for a

major, minor, double major, and second teaching field. The application for degree is submitted approximately 15 months prior to the expected date of graduation.

#### **4C.0202 GRADUATE** (updated 9/2010)

Eligibility to study in a graduate program is determined by a graduate committee in each department and by the Dean of the Graduate School. Classifications for eligibility are either unconditional, conditional (seniors earning graduate credit), or probationary. Students will receive written notification from their department or the Graduate School of their eligibility status. Admission to graduate study does not imply admission to candidacy for an advanced degree.

Notice of intent to graduate must be received by the Graduate School the semester preceding graduation.

##### **4C.0202.01 DEGREE CANDIDACY** (updated 9/2010; approved by Graduate Council 2/2/2014; revised by Graduate Council 11/16/2017; approved by Provost 2/4/2019)

After having been admitted to graduate study with the objective of earning an advanced degree, the student must apply for and be admitted to candidacy for the degree sought. Candidacy is the formal approval for pursuit of a graduate degree after it is determined that all specified preliminary requirements have been met. Procedures and requirements for admission to candidacy are determined by the department in which the student is specializing, including the following general requirements:

- 1) The student must have met the entrance or candidacy requirements of the major department, and the results must be on file in the Graduate School.
- 2) If the student was admitted on probation, a release from probation must be processed before or concurrently with degree candidacy.
- 3) Student must have a degree plan on file in the Graduate School.
- 4) The student must have completed at least 6 hours of course work on the graduate program of study and must have a cumulative 3.0 GPA before being admitted to degree candidacy.

Admission to degree candidacy is based not only on the minimal standards stated above but also includes an appraisal of the student's record and potential.

#### **4C.0203 SECOND BACHELOR'S DEGREE**

A student may earn the same degree from ESU more than once, provided that each degree has a different major. The student who wishes to earn a second bachelor's degree must make application in Degree Analysis.

A minimum of 30 semester hours of upper division, resident credit must be earned at ESU. This 30 hours is considered to be beyond the hours required for the first bachelor's degree.

A minimum grade point average of 2.0 must be maintained for the additional work required for the second bachelor's degree. This 2.0 is required in all work completed elsewhere as well as all work completed at ESU. A higher grade point average may be required in some programs.

A maximum of 4 hours of physical activity credit in both the first and subsequent bachelor's degrees may be counted toward requirements for these degrees. Exceptions to this maximum are allowed if the physical activity credits are a required part of a major, minor, or teaching field.

The graduate pursuing a second bachelor's degree from ESU must satisfy the competency requirements (writing, mathematics, reading) as prescribed by the University and/or school/college offering the major or teaching field, if they are not already satisfied in the first bachelor's degree.

To earn the second bachelor's degree, the student must have completed all program requirements as prescribed by the University, the academic school/college, and the department of the major or teaching field. The general education program completed for the first ESU bachelor's degree will satisfy the general education program for the second bachelor's degree. However, if the second bachelor's degree has unique general education requirements not met by the first degree, the student would need to complete them.

For students holding a non-ESU bachelor's degree, the Director of General Education will evaluate the student's transcript after the student has submitted a formal application and has had a transcript evaluation performed by Registration. The Director of General Education will determine if the general education courses taken for the earlier degree meet the overall content, level, and nature of ESU's General Education Program for the second degree. In the event that the transcript does not indicate that these criteria for general education have been met, the Director of General Education will specify courses that must be completed in order to satisfy the General Education Program for the second bachelor's degree. In addition, if the second bachelor's degree also has unique general education requirements not met while pursuing the first degree, the student would need to complete them.

#### **4C.0204 SECOND MASTER'S DEGREE** (updated 9/2010)

A department or school may approve a degree plan which includes a maximum of 10 semester hours of credit from the first master's degree if a student is earning a second master's degree. Any exception to this 10 hour limit must be requested by the chair of the major department and approved by the Dean of the Graduate School. The second degree program must fulfill all of the requirements for that particular master's degree.

#### **4C.0205 POSTHUMOUS DEGREE** (approved by Deans' Council 12/14/04; approved by Administrative Team and President 10/03/05)

A student who dies while actively pursuing a degree at Emporia State University may be considered for a posthumous degree. Nominations for a posthumous award may be made by faculty, staff, or family members to the Academic Vice President or University Registrar no

later than close of the following semester for students passing in their final semester at ESU. To be considered the following must be met:

- Student has completed an Application for Degree.
- Student was enrolled in his/her final semester, in paid status, and would have met the degree requirements with the successful completion of their final enrollment.
- Student was in good academic standing.
- Student has no outstanding obligations to the university.

If approved, it will be noted on the transcript and the diploma that it is a posthumous degree and the degree(s) will be given during their own portion of the graduation ceremony. Posthumously will be printed directly under the degree.

#### **4C.0205.01 POSTHUMOUS RECOGNITION**

If a student dies and does not meet the requirements for a posthumous degree, the student may be granted “Baccalaureate Recognition” or “Graduate Student Recognition.” Nominations for posthumous recognition may be made by faculty, staff, or family members to the Academic Vice President or University Registrar no later than close of the following semester.

To be considered for Baccalaureate or Graduate Student Recognition the following must be met:

- Student has declared a major.
- Student was enrolled or pre-enrolled for the next semester.
- Student was in good academic standing.
- Student has no outstanding obligations to the university.

If approved, it will be noted on the transcript and the diploma that the student received “Baccalaureate Recognition” or “Graduate Student Recognition.”

#### **4C.03 RESIDENT ACADEMIC CREDIT (updated 9/2010)**

Course work taken on the ESU campus is considered resident credit. Under certain circumstances, resident credit may be earned for off-campus study. The amount of credit for each course is indicated in the class schedule. Distance Education courses taught off-campus may be offered for resident credit provided the following conditions are met:

1. The course is specifically approved in advance as an off-campus offering for resident credit by the appropriate department chair and college/school dean (and by the Dean of the Graduate School if the course carries graduate credit) on the basis that the proposed off-campus course will be equal to the same course taught on campus.
2. The course is directed by a member of the ESU faculty (graduate faculty if the course carries graduate credit) who participates in the instruction of the class and assesses the achievement of the students in the class, recognizing that persons off-campus who are suitably qualified may be appointed through normal channels as part-time faculty members.

## **4C.04 EXTERNAL ACADEMIC CREDIT**

### **4C.0401 TRANSFER CREDIT – UNDERGRADUATE** (FSB 92018 approved by President 8/6/93; FSB 15003 approved by Interim President 11/03/2015)

Degree candidates and transfer students may take work at other accredited 2 year and 4 year colleges and have it transferred to ESU. This should be done by requesting that the previous college send an official transcript of the work taken to the Registration office at ESU.

Only the passing grades are accepted for credit. All grades, including failing grades, are used in determining the student's grade point average with the exception of the grades of P (pass) and S (satisfactory).

Students who have a minimum of a 2.0 cumulative grade point average for all previous credits earned at other 2 year and 4 year colleges will be admitted unconditionally.

Students who transfer from 2 year colleges must take at least 60 hours of work at a 4 year college, 30 of which must be at ESU, to receive a bachelor's degree.

Students who transfer work to ESU should read the resident requirements carefully and make sure that their pattern of courses will meet the ESU degree requirements.

Students who transfer in F or D grades for courses whose equivalents at ESU are not comparable in credit hours may select one of the following options:

1. The student may choose to let the remaining hour(s) of poor grade(s) stand as is.
2. The student may choose to take an additional course to improve the grade in those remaining hour(s).

Courses numbered 100 or 200 at another 4 year institution but which transfer as equivalents to upper-division ESU courses will satisfy university requirements.

#### **4C.0401.01 STUDENT TRANSFER APPEALS PROCESS**

A student may appeal how a course from another institution transferred for credit toward requirements in the major by requesting a re-evaluation. The student must provide a syllabus of the course to the Registrar, who will forward it to the chair of the appropriate department. The recommendation of the chair shall be forwarded to the dean of the college, who shall make a determination on the transferability of the course. The decision of the dean shall be final.

A student may appeal how a course from another institution transferred for credit toward General Education by requesting a re-evaluation. The student must provide a syllabus of the course to the Registrar, who will forward it to the chair of the appropriate department. The recommendation of the chair shall be forwarded to the General Education committee, which

shall make a determination on the transferability of the course. The decision of the committee shall be final.

Student should address any further questions about the appeals process to the Registrar's office.

#### **4C.0401.02 ARTICULATION (TRANSFER) AGREEMENT (adopted BOR 4/17/97)**

Emporia State University has joined with all the representatives of the public institutions of higher education in the State of Kansas in adopting the following transfer agreement terminating with the end of the 2002-2003 academic year.

A student who completes an Associate of Arts or Associate of Science degree based on a baccalaureate oriented sequence at a state and regionally accredited Kansas public community college, and whose program of study has met the requirements of the Kansas Public Community College-Kansas Regents Transfer Agreement and Articulation Guide, will be accepted with junior standing and will have satisfied the general education requirements of all Regents universities. Students transferring to Regents institutions who have not completed an Associate of Arts or Associate of Science degree will be given general education credit for any articulated general education course completed at the community college.

Points of clarification about this agreement and how it applies to general education requirements at ESU are available from the Director of General Education.

#### **4C.0402 TRANSFER CREDIT – GRADUATE (Revised, passed by Graduate Council 1/21/2010; approved by Provost 1/24/2010; updated 9/2010; Revised by Graduate Council 2/19/2015; approved by Provost 2/20/2015; revised by Graduate Council 2/18/2016; approved by Provost 2/4/2019)**

Graduate credit earned in regionally accredited institutions may be transferred for credit toward the Master's, Specialist in Education, or Doctoral degrees subject to the following conditions:

- 1) No more than 9 semester hours of credit may be transferred into an ESU program requiring fewer than 40 hours of graduate coursework, or 15 into an ESU program requiring 40 or more hours of graduate coursework.. Individual programs may reduce this limit at their discretion.
- 2) In cases where graduate students are entering 2 graduate programs, the accepted number of transfer hours may be applied 1 of the 2 degree programs or divided between the 2 degree programs. The accepted number of transfer credit cannot be applied to each degree program separately.
- 3) A grade of B- or higher must have been earned in all such transfer credit.
- 4) Official transcripts of all transfer work must be on file in the Graduate School prior to submitting degree plans. Courses must be current or within 7 years timeframe.
- 5) Transfer courses must be approved by the chair of the major department and the Dean of the Graduate School and Distance Education.

- 6) The transfer credit must be applicable toward a graduate degree at the University at which the course work was taken.
- 7) Courses in which P grades have been earned may be transferred from another accredited college or university, but the total of transfer P grades and P grades earned at ESU used to meet degree requirements cannot exceed 40% of the total credit hours for the degree. Although transfer credit may be accepted and used on the degree plan, no grades earned on transfer credit may be used in determining grade point averages.

#### **4C.0403 CORRESPONDENCE STUDY**

Students may not repeat courses by correspondence to raise the grade received in a course previously taken in residence. Correspondence credit may be used to fulfill requirements leading toward a bachelor's degree, although not more than one-fourth of the credit needed for such a degree may be correspondence credit.

#### **4C.0404 CREDIT OFFERINGS IN COOPERATION WITH ORGANIZATIONS OUTSIDE THE UNIVERSITY**

Departments may provide formal credit offerings (e.g., workshop, seminar) from professional organizations as they meet on our campus or under the sponsorship of a non-University organization. The course offered for credit must be clearly within the authorized offerings of the department and it must be conducted by the University. The University cannot give credit for an in-house experience provided by some other entity. There must be a designated director of the course from the University staff (or someone specifically hired to be the director not from the organization) and the University must control program content, staffing, evaluation of work of participants, and assigning of grades and credit. Time set aside for business meetings and other gatherings conducted by the outside group is not considered part of the time and activity of awarding credit.

#### **4C.05 LIFE EXPERIENCE CREDIT (FSB 92007 approved by President 5/14/93)**

Life experience credit will not be granted at ESU. There are adequate test-out procedures to accommodate students with knowledge gained from life experience.

#### **4C.06 MILITARY SERVICE CREDIT (Revised, approved by President 10/15/2018)**

Students who have previously served in the U.S. armed forces may be allowed some college credit for their military experience. General elective credit is allowed in the amount of 1 credit per 6 months of active duty for a maximum of 8 credits. Additional credit may be allowed for military education completed. Students are limited to 25% of their total course hours toward graduation in pass-no credit courses of all kinds, including military credit.

Students who desire to receive military credit should submit a DD214 form or its equivalent to Registration.

Students who have taken courses at accredited higher education institutions during their military service may have those courses evaluated for transfer to ESU by requesting that the previous institution send an official transcript of the work taken to the ESU Registration Office.

#### **4C.07 INTERNATIONAL BACCALAUREATE DIPLOMA**

Emporia State University awards credit or advanced standing placement for Higher-Level Pass only. Credit is not granted for the Subsidiary Pass or Diploma Program. Additional information is available from International Education.

**4C.08 MINIMAL COMPETENCY EXAMINATION REQUIREMENT FOR TEACHER EDUCATION STUDENTS** (FSB 77002 approved 11/15/77; FSB 77008 approved by President 7/7/78; FSR 83005 approved by the President 6/27/84; FSB 86015 approved by the President 3/26/87; FSB 96004 approved by the President 4/16/97; recommended by General Education Council, 3/8/00; approved by Vice President for Academic Affairs, 5/12/00; recommended by General Education Council, 2/14/02; approved by Vice President for Academic Affairs, 4/19/01; recommended by General Education Council, approved by Vice President for Academic Affairs; 3/15/05; recommended by General Education Council, approved by Vice President for Academic Affairs 10/27/05; recommended by General Education Council, approved by Vice President for Academic Affairs 6/4/07; FSB 14014 approved by President 5/15/2015; FSB 15018 approved by President 6/9/2016)

Teacher candidates seeking a degree in elementary, secondary, middle level, or PK-12 teaching field must demonstrate competency in reading, writing, and mathematics by passing the PRAXIS-CORE or the Collegiate Assessment of Academic Proficiency (CAAP) before admission to the teacher education program. A candidate who passes two test areas but score below the cut-off score in one test area—mathematics, reading, or writing—may be considered for the PRAXIS-CORE or CAAP Window.

#### Qualifying for the Window:

1. A number equaling 10% of the total of candidates admitted per semester (elementary and secondary combined) can be admitted through the window.
2. The candidate must have met all other entrance requirements to qualify for the window.
3. The candidate must have met the cut-off scores on 2 of the 3 competency exams (CORE or CAAP), and be within 2 points of the cut-off score on the third exam.
4. The testing area (writing, math, reading) in which the candidate is within 2 points of the cut-off score is the window area. If the candidate has qualified for the window in an area, the candidate must then meet one of the criteria listed below under the appropriate testing area (writing, math, or reading). There can be only one window area.

Criteria for Using the Window:

## 1. Writing Window

- a. Earning a grade of A minus or higher in EG 102 (Composition II) in a resident, on-campus class.
- b. Earning a grade of A minus or higher in a course equivalent to EG 102 from another accredited university or community college.
- c. Earning a grade of C or higher in an approved ESU writing-intensive course.
- d. Completing the Writing Center requirements.

## 2. Mathematics Window

- a. Earning a grade of A minus or higher in MA 110 (College Algebra) in a resident, on-campus class.
- b. Earning a grade of A minus or higher in a course equivalent to MA 110 from another accredited university or community college.
- c. Earning a grade of C or higher in any approved mathematics course beyond MA 110.
- d. Completing the Mathematics Lab requirements.

## 3. Reading Window

- a. Achieving a reading score of at least 18 on the ACT Assessment.
- b. Completing the ESU General Education requirements with a grade of B minus or better in each course.
- c. Earning an equivalent score on any test for which there is a published concordance with the ACT.
- d. Completing the Reading Lab requirements.

Candidates choosing any of the “d” options above will attend the respective lab for a length of time designated by that lab. In the lab, diagnostic testing will be performed, remediation will take place, and the student will take an appropriate test again. Passing scores in lab tests fulfill the requirement.

Teacher candidates should take the examinations during their sophomore or junior year. Standards for passing the examinations have been established by the Council on Teacher Education. There is no limit to the number of times a candidate may take the examination.

**4C.09 DEVELOPMENTAL COURSE POLICY** (approved by Deans' Council 3/99; affirmed by FSR 01012 3/5/02; FSB 10011 approved by President 4/27/2011)

This policy applies to students whose skills in the area of reading, writing, or mathematics need to be improved in order for them to be academically successful.

- A. A student who is found to need developmental course work should enroll in the course(s) during his/her first semester and should re-enroll each semester until the requirements are successfully completed.
- B. Students who are found to need developmental course work may not enroll in a more advanced course in the same discipline as the developmental course until the developmental course is successfully completed.
- C. The advising responsibility for students with developmental course requirements should remain in the Student Advising Center until the development course requirements are met.

**4C.10 ENGLISH PROFICIENCY TESTING AND PLACEMENT REQUIREMENTS FOR INTERNATIONAL STUDENTS** (FSB 14013 approved by President 5/01/2015)

The University has established certain standards with regard to English proficiency which non-native speakers of English must meet. The University offers an Intensive English Program designed to meet the specific needs of international students in preparing them for academic study. For all international students whose native language is not English, the following items are pertinent.

All international students who have been accepted for admission but who have not submitted at the time of application the results of a recognized English-proficiency exam or submit scores below those required for admission will take a diagnostic test of English proficiency upon arrival at Emporia State University. The test is administered prior to the beginning of each semester. The results of this English proficiency test will be used to determine the student's placement in intensive English and/or other academic courses. If the scores on all parts of this exam are satisfactory, new students may enroll full time in academic courses. However, new students who are deficient in any skill area must enroll in the Intensive English Program (IEP). Students will take IEP courses sequentially and must satisfy the requirements of a level before admission to the next. If initially placed in a beginner level course, students will, upon satisfactory completion of the course, move to the intermediate level; if initially placed in an advanced level course, students will, upon satisfactory completion, be exempt from IEP placement in that skill area.

**4C.1001 UNDERGRADUATE**

Students placed in IEP can advance or become exempt by satisfactorily completing the course(s) in which they are enrolled. They can also exit all but writing courses at the end of a given term by demonstrating the prescribed minimum English-proficiency scores on recognized English-proficiency exams.

#### **4C.1002 GRADUATE**

The following guidelines are used to verify the English proficiency of graduate students being admitted to ESU. These guidelines are subject to change by official action of the appropriate governance bodies: a) verification that the applicant's native language is English by confirmation that the applicant is (1) a native of a English-speaking country (Antigua, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Barbuda, Belize, Bermuda, Botswana, Canada (except Quebec), Commonwealth Caribbean, Dominica, Fiji, Ghana, Grand Cayman Islands, Granada, Guyana, Irish Republic, Jamaica, Kenya, Lesotho, Liberia, Malawi, New Zealand, Nigeria, Papua New Guinea, Sierra Leone, Singapore, South Africa, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Swaziland, Tanzania, Tobago, Trinidad, Uganda, United Kingdom, United States, Virgin Islands, Zambia, and Zimbabwe), and (2) grew up speaking English in his or her home.

A minimum TOEFL (iBT) score of 90 (or equivalent score on other recognized tests) is needed to be exempted from testing by the Intensive English Program (IEP) and for admission to a graduate degree program. Graduate students with TOEFL scores between 79 and 89 (or equivalent scores on other recognized tests) must enroll in the graduate level IEP course IE 075, Communication Skills for International Students. Students enrolling in this course may be subject to placement in Intensive English Program (IEP) Intermediate or Advanced Writing. If the diagnostic test they take in IE 075 shows they need instruction of the developmental level, they will be placed in the appropriate IEP writing course and must then meet the IEP requirements for advancement and/or exemption.

#### **4C.1003 GRADUATE AND UNDERGRADUATE STUDENTS**

Undergraduate and graduate students may exit the IEP by achieving minimum scores required for admission on a recognized English-proficiency exam. In that event, the student may exit the IEP after completing the semester. The exit-by-exam option is not available to students who have delayed a required IEP course or students on academic probation, placed on academic probation, or who have withdrawn from ESU. In addition, this option does not apply to IE 075 Communication Skills for International Students once a student has been placed in this course.

#### **4D. SCHOLASTIC STANDING (FSB 10010 approved by President 4/27/2011)**

##### **4D.01 SATISFACTORY ACADEMIC PROGRESS**

ESU is committed to the philosophy that students who receive financial aid must make satisfactory academic progress toward the completion of degree requirements. To be in compliance with federal regulations, 4 measures will be used to track that progress: cumulative grade point achievement, time frame that it takes to complete a degree, minimum number of credits completed each term, and the number of attempts of a single course. For specific information contact Financial Aid and request the detailed satisfactory academic progress information.

#### **4D.02 GOOD SCHOLASTIC STANDING**

A student is in good standing when the following cumulative grade point average or higher is achieved:

Freshmen	(under 30 semester hours)	1.8
Sophomores	(30-59 semester hours)	2.0
Juniors	(60-89 semester hours)	2.0
Seniors	(90 or more semester hours)	2.0

The criteria for awarding financial aid, which are partly determined by federal regulations, may be more stringent than the criteria to be in good scholastic standing. To graduate, students must have an overall grade point average of at least 2.00 (transfer work included) and a grade point average of at least 2.00 overall for all work taken at Emporia State University.

#### **4D.03 SCHOLASTIC PROBATION**

When the cumulative GPA falls below the levels described above the student will be placed on scholastic probation after attempting a minimum of 12 semester hours. This indicates serious deficiency in the student's progress toward a degree. A student who is placed on probation and achieves a 2.00 GPA the following semester will be continued on probation if the required CGPA is not achieved. If the required CGPA for good scholastic standing is met, the student will be removed from probation.

##### **4D.0301 REQUIRED WITHDRAWAL**

If the student fails to achieve a minimum 2.00 GPA the following semester and fails to achieve the required CGPA, he/she will be required to withdraw from the University. Students may petition for immediate reinstatement in writing. If the appropriate committee then denies a request for reinstatement, the student is not eligible for enrollment in any class or course for the next term in any department.

##### **4D.0301.01 READMITTANCE AFTER REQUIRED WITHDRAWAL (FSB 84026 approved by President 5/23/85)**

If a student is required to withdraw for academic reasons from Emporia State University and it is the 3<sup>rd</sup> required withdrawal that student may not reapply until after one spring or fall semester has passed from the date of his/her required withdrawal. If the required withdrawal is not the student's 3<sup>rd</sup> from Emporia State University, the student may petition for reinstatement only in accordance with the following procedure.

1. The student shall apply in writing to the chair of the department in which he/she intends to major upon being readmitted. The chair of the department shall institute a reinstatement committee from among the faculty to consider the request and reach a decision. For students without a declared major, the student shall apply in writing to the Director of the Student Advising Center and the director shall institute a committee to consider the student's request.

2. The reinstatement committee shall forward its decision for or against reinstatement (clearly noting its reasons) to the Registrar. The Registrar shall notify the student of the committee's decision.
3. If the request for reinstatement is denied, the applicant shall not be permitted to enroll in any class or course for the next term in any department. The student can reapply after one spring or fall semester has passed from the date of denial. If the student chooses to reapply, the application will follow the above procedure.

**4D.04 SCHOLASTIC STANDING – GRADUATE** (passed by Graduate Council 3/18/2014; approved by Vice President for Academic Affairs 4/9/2014; revised by Graduate Council 1/20/2011; approved by Provost 1/27/2011; revised by Graduate Council 9/20/ 2012; approved by Interim Provost 10/18/2012; revised by Graduate Council 1/17/2013; revised by Graduate Council 2/19/2015; approved by Provost 2/20/2015; revised by Graduate Council 12/15/2018; approved by Provost 2/4/2019)

Graduate assistants are required to show normal academic progress (3.0 grade point average when enrolled in a minimum of 6 hours of graded work) each semester. When a student's semester grade point average (GPA) falls below 3.0, the student will be placed on academic probation and may be dismissed from his/her graduate assistantship position at the discretion of the department. Two consecutive semesters of a GPA below 3.0 will result in termination of the graduate assistantship. The department may reappoint the student to a graduate assistantship when the student's cumulative GPT is 3.0 or better and the most recent semester GPA is 3.0 or better

Candidates for the Master of Accountancy, Master of Arts, Master of Business Administration, Master of Education, Master of Science, Master of Music and Master of Library Science degrees must earn a 3.0 cumulative grade point average for all courses used for the degree. A grade of A, B, (inclusive of B-) or P (no C, D or F grades) may be used in 500 and 600 level courses, and no grade lower than C may be used in other graduate classes. P grades will not be calculated in the GPA. Courses in which grades of C, D or F are earned may be retaken. Only those courses in which a grade of B (inclusive of B-) or higher has been earned may be transferred from another institution. Courses in which P grades have been earned may be transferred from another accredited college or university, but the total of transfer P grades and P grades earned at ESU used to meet degree requirements cannot exceed 40% of the total credit hours for the degree. Although transfer credit may be accepted and used on the degree plan, no grades earned on transfer credit may be used in determining grade point averages.

**4E. CLASSROOM INSTRUCTION**

**4E.01 FACULTY TEACHING LOAD AND OTHER PRIMARY DUTIES** (FSB 08013 passed by Faculty Senate 4/28/09; approved by President 4/29/09)

The standard teaching load for full-time tenured and tenure-track faculty members in all colleges and schools of Emporia State University is 12 undergraduate credit hours or its equivalent per semester. For undergraduate courses each credit hour has a teaching load value of .083, therefore 12 undergraduate credit hours times .083 represents 1.0 load. For graduate courses the value is .111, thus 9 graduate credit hours times .111 represents 1.0 load. A faculty member's load for teaching and other primary duties should normally be averaged over one academic year.

A faculty member's load for teaching duties may be adjusted as determined collectively by the faculty member's academic unit in accordance with approved applicable written policies of the academic unit and/or University. These adjustments to load for specific teaching or student supervisory activities may include but are not limited to supervision of graduate student research, team taught courses, independent study courses, time-intensive or laboratory courses, and supervision of practicums, internships, and student teachers.

Faculty members may receive reassigned time for other primary duties that may include but are not limited to administrative duties, advising duties, research or creative activities, service activities, and directorships. The chair of the academic unit, with approval of the respective dean, will determine reassigned time to individual faculty members.

Non-tenure-track faculty (lecturers, adjuncts, etc.) will be assigned loads for teaching and other primary duties as determined by the academic unit's chair.

#### **4E.02 TRAINING AND SUPERVISION OF GRADUATE TEACHING ASSISTANTS (FSB 15007 approved by President 1/29/2016)**

A Graduate Teaching Assistant (GTA) serves an instructional role in a class or laboratory offered by an academic unit for credit. The GTA need not be the instructor of record. Duties may include actual instruction; leading discussion sessions, conducting help and/or tutoring sessions; assisting with laboratory setup; helping faculty prepare lectures and course materials; grading papers, exams, laboratory reports, projects and class homework; coaching; and performing other duties pertaining to the instructional mission of ESU.

All teaching assistants are required to complete course work, or equivalent, in instruction provided by their respective department to assure knowledge of the teaching processes and effective instruction. This factor is a condition of employment. Exemptions may only be granted by the Dean of the Graduate School (contact the Graduate School to clarify exemption guidelines).

#### **4E.03 TEXTBOOK AND COURSE MATERIAL SELECTION**

Textbook and course material selection is the prerogative of the individual faculty member acting in accordance with the selection procedures established by the departmental selection procedures. The Bookstore in the Memorial Student Union has procedures for ordering textbooks and other materials. Textbooks may also be ordered through other bookstores including those online.

**4E.0301 USE OF CONTROVERSIAL MATERIAL IN INSTRUCTION, INCLUDING THE USE OF SEXUALLY EXPLICIT MATERIALS IN INSTRUCTION** (FSR 03004 passed by Faculty Senate 12/2/03; approved by President, 12/3/03; Policy Statement adopted by Board of Regents 12/28/03)

Emporia State University recognizes that with academic freedom comes academic responsibility. To that end, it accepts as its policy the Kansas Board of Regents' *Policy Statement on the Use of Controversial Material in Instruction, Including the Use of Sexually Explicit Materials in Instruction*.

The Kansas Board of Regents recognizes that academic freedom must be balanced by academic responsibility. Therefore, it is the policy of the Kansas Board of Regents to require each institution within its jurisdiction to adopt the following set of precepts on the use of sexually explicit materials, the teaching about pedophilia and the conduct and management of courses relative to these topics:

“Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in a course. Students should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or their own social behavior. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, or personal beliefs.

It is the mastery teachers have of their subjects and their own scholarship that entitles them to their classrooms and to freedom in the presentation of their subjects. Thus, it is improper for an instructor persistently to intrude material that has no relation to the subject, or to fail to present the subject matter of the course as announced to the students and as approved by the faculty in their collective responsibility for the curriculum.”\*

Each Regents university will ensure that existing policy governing sexual harassment is accessible for the purpose of addressing such issues as they might arise from course content or pedagogy. Campus policies on sexual harassment and on the use of sexually explicit materials in instruction will be placed on file with the Kansas Board of Regents. (2003 Session Laws of Kansas, Chapter 160, Section 45(b), \_\_-\_\_-03.)

\* Excerpted from the AAUP's 1970 Statement on Freedom and Responsibility.

**4E.0302 SOLICITED AND UNSOLICITED TEXTBOOKS AND MATERIALS**

The State of Kansas has determined that all books/educational materials provided at no cost to any faculty or staff member are state property and cannot be sold by the individual.

**4E.04 CLASS SCHEDULE POLICY** (FSB 15011 passed by Faculty Senate 2/16/2016; approved by President 2/26/2016)

The scheduling of class meetings as specified in the university Class Schedule as published through Registration cannot be arbitrarily changed after the official enrollment has closed. Any change to the semester scheduling of class meetings must receive approval from the head of the academic unit and the dean of the school/college. If the location of the class is permanently changed, the head of the academic unit must approve the change and notify Registration.

**4E.05 GUIDELINES FOR COURSES****4E.0501 DEFINITION OF A CREDIT HOUR** (FSB 11002 passed by Faculty Senate 11/01/2011; approved by President 11/07/2011; updated 10/2/2013; FSB 15008 approved by President 1/29/2016))

One on-campus class credit is defined as 1 class hour (50 minutes) of classroom or direct faculty instruction per week and a minimum of 2 class hours of out-of-class student work each week for a minimum of 15 weeks. Courses with shorter or longer duration would have the number of class hours per week adjusted so as to be equivalent to the work done in 15 weeks.

One distance learning class credit is defined as an equivalent amount of instruction and student work leading to equivalent learning outcomes, as required for an on-campus class as defined above.

One laboratory credit is defined as a minimum of 2 class hours of work each week in a laboratory under the supervision of a lab supervisor or instruction and an expectation of 1 class hour of additional out-of- class student work each week.

This policy notes that formal instruction may take place in a variety of modes. Other venues for student learning would generally use the definition of 4 class hours per week as equivalent to 1 class credit. These other venues might include field experiences, music ensembles, studio experiences, and practicum experiences. At least some of these class hours would be under the direct supervision of an instructor, who ultimately assigns a grade for the experience.

Enrollment for 15 class credits in a semester would thus require approximately 45 hours of work per week, on average, over the course of a 15 week semester for a typical undergraduate student. It is expected that the academic work required of graduate and professional students will exceed 3 hours per credit per week.

This policy stresses the need for flexibility required by new modes of instruction and scheduling and the need for consistency in transferring class credits among institutions. The responsibility for protecting the academic integrity of curricula, programs, and schedules resides in the office of the Provost and Vice President for Academic Affairs.

**4E.0502 LOW ENROLLMENT POLICY** (FSB 08009 passed by Faculty Senate 04/07/09; approved by President 04/10/09)

Emporia State University has an interest in ensuring that teaching resources are allocated and used wisely. Thus, the University asks each department to evaluate the need and desirability of its course offerings that have low enrollment.

The University considers undergraduate lower division courses (000-200) with fewer than 15 students, undergraduate upper division courses (300-600) with fewer than 10, and graduate courses (700-900) with fewer than 5 as having low enrollment. The combined enrollment of double numbered courses will be evaluated at the lower course number of the 2 course numbers.

The following categories of courses will ordinarily be excluded from consideration:

- courses that are offered as individualized instruction similar to independent study, research, thesis, or dissertation,
- practicum and internship courses,
- courses constrained in enrollment by limitations of space or other facilities,
- courses constrained by accreditation, professional licensure or endorsement, and,
- courses funded by external sources or endowment.

Departments may choose to begin monitoring enrollment during the early registration period. The deans in the respective schools or colleges must maintain an on-going review of enrollment, and contact departments whenever there are concerns. Written requests for the continuation of a course along with reasons should be sent to the dean of the respective department prior to the beginning of the term in which the course is to be offered.

The chair of a department, the dean of the respective college, and relevant faculty must discuss courses with an established pattern of low enrollment. The dean may allow the continuation of a course if, for example,

- the course is required within the curricular needs of the department, or
- the course is 1 of 2 or more courses that are part of a sequence of required courses, or
- the course offers unusual research or study opportunities to students, or
- the course is new and needs time to generate student interest.

In deciding to cancel a course because of low enrollment, the chair and respective dean should also consider, in consultation with the faculty member, what other duties are available to that faculty member for that semester. The other duties must not unduly affect the faculty member's other teaching, research, or service obligations.

**4E.0503 GRADUATE CREDIT FOR SHORT COURSES** (approved by BOR 3/16/89; updated 9/2010)

For each unit of graduate credit in intensive courses of short duration (e.g., workshops, skills, didactic or other special courses), there should be at least 15 hours of direct instruction together

with the usual amount of out-of-class scholarly work. Direct instruction should extend over a period of at least 3 days per credit, with no more than 1 credit earned per week. In rare instances, the Dean of the Graduate School may authorize exceptions in advance, provided there is documentation that the requirements for direct instruction and outside work are met. Course publicity will indicate the nature of the outside work in sufficient detail as to indicate a reasonable understanding of the amount of work involved for a typical student, as well as a date for completion of the work.

#### **4E.0504 ACADEMIC EXTENSION (approved by BOR 6/24/99)**

Academic Extension refers to extending University services beyond the physical boundaries of the campus. These may be offered for credit, noncredit, or continuing education units.

##### **4E.0504.01 GEOGRAPHIC JURISDICTION (Service Areas)**

Kansas is divided into 3 geographic areas with Emporia State University and Wichita State University sharing 1 geographic area. The university closest to the offering site has first right to serve. Shawnee County is served by KU, KSU, ESU, and Washburn. The service areas apply to programs delivered face-to-face and not to distance education programs. Approval must be granted by the institutions in a specific service area for Emporia State University to provide face-to-face credit or noncredit offerings in that area.

##### **4E.0504.02 BASE AND NONBASE CREDIT ACADEMIC EXTENSION COURSES**

Base Credit Academic Extension refers to courses that receive state funding, that are offered for credit, and where the majority of instruction occurs at sites physically located off the institution's campus.

Nonbase Credit Academic Extension refers to educational activities (e.g., workshops, seminars, conferences, courses) for which a fee is charged. These activities receive no direct financial support from the state. Courses offered out-of-state to non-Kansas residents are considered nonbase.

##### **4E.0504.03 NONCREDIT ACADEMIC EXTENSION**

Noncredit Academic Extension refers to educational activities for which a fee is charged (e.g., workshops, seminars, conferences, short courses) offered for continuing education units or without academic credit. These activities receive no direct financial support from the state.

##### **4E.0504.04 ACADEMIC EXTENSION SPECIALTY PROGRAM**

An Academic Extension Specialty Program is a sequence of off-campus face-to-face courses that may be base or nonbase, credit or noncredit, and that has been approved for delivery at a specific location or locations outside the University's approved geographic service area. The offerings may be approved for up to 10 years.

#### **4E.0505 DISTANCE EDUCATION**

A distance education program is a curriculum comprised entirely of distance education courses. Distance education courses are those in which faculty and students are physically separated in place or time and in which two-thirds or more of the instruction is provided via some form of mediated delivery system (i.e., 10 or more hours of instruction per credit hour are delivered via audio or videotape, live interactive video, CD-ROM, the web).

#### **4E.06 FACULTY PARTICIPATION IN ASSESSMENT OF STUDENT LEARNING (FSB 16011 approved by President 5/9/2017)**

Emporia State University strives for the highest quality in its academic programs. Therefore, faculty members should ensure that expected course learning outcomes align with the corresponding faculty-determined program's learning outcomes as developed collectively by the program's faculty members. All faculty are expected to assess their students' attainment of those expected outcomes, to report faculty-determined assessment results as appropriate, and to use assessment information to improve learning.

#### **4E.07 PROVIDING STUDENTS WITH SYLLABI (FSB 03011 approved by President 4/12/04; FSB 10003 approved by President 11/29/2010; FSB 14015 approved by Interim President 7/22/2015; FSB 18001 approved by President 10/10/2018)**

For each class taught, faculty will make a syllabus available to students within one week of the start date of those classes as listed in the University Class Schedule. For courses that meet less than a full semester, a syllabus will be made available by the second class day. Furthermore, all syllabi must include statements regarding the course's learning outcomes (aligned with the corresponding program learning outcomes where appropriate), the criteria set forth for grades (Plus/Minus Grading System), student accommodations for disabilities (Student Accommodations Statement in Syllabi), the commitment to providing an inclusive environment in the classroom (Diversity, Equity, and Inclusion Syllabus Statement), and how acts of academic dishonesty will be handled (Academic Dishonesty Policy). In addition, if excessive absenteeism affects a student's grade, then the syllabus must include a statement about the manner in which excessive absenteeism affects the grade (Student Conduct and Effect on Grade).

#### **4E.08 FACULTY OFFICE HOURS (Revised, FSB 09008 passed by Faculty Senate 1/19/2010; approved by President 1/22/2010; FSB 15009 approved by President 1/29/2016)**

During each semester that they teach, full-time faculty members will establish office hours proportional to their teaching load, rounded up to the nearest hour, up to 5 scheduled office hours per week for those teaching a full load, as determined by the academic unit. During those hours faculty will ordinarily be available to students for consultation. The scheduling of office hours will take into account the students' convenience in time, location, and format, which may include face-to-face or electronic communication (e.g., email, learning management systems, websites, or other communication media). A full-time faculty members will also be available up to 2 hours per week to meet by special appointment with students who are unable to meet during scheduled office hours. Faculty members may establish more than 5 scheduled office hours and may hold more than 2

special appointment hours per week. The head of an academic unit may not require faculty members to establish more than 5 scheduled office hours and more than 2 special appointment hours per week, unless the additional hours are part of a chronic low performance plan. During the first week of a course, all full-time faculty members will communicate their office hours to students and the head of the academic unit. Each academic unit head is responsible for ensuring policy compliance.

#### **4E.09 CLASS ROSTERS** (revised by Registrar 4/19/04; 5/24/12)

Class rosters list enrolled in and withdrawn students along with their major and classification. Class rosters are available in Buzz In. Faculty are encouraged to check rosters frequently.

#### **4E.10 AUDITING** (updated 9/2010)

Students may audit a course if special arrangements are made with the Registrar and the instructor before the 10th day of the semester. For courses meeting less than a full semester, the student must initiate audit enrollment by no later than the 3rd class meeting. Audited courses may not be used to satisfy course or credit hour requirements toward a degree.

Courses enrolled in for audit credit do not count in computing minimum course load requirements for graduate assistants. Any exception to these regulations must be requested by the chair of the major department and approved prior to enrollment by the Dean of the Graduate School.

#### **4E.11 GUESTS IN CLASS**

A guest is considered a person who is not enrolled, pays no fee and typically wishes to attend only a part of the class meetings. With permission of the instructor, a person may be admitted to a class as a guest for not more than 5 class meetings or  $\frac{1}{3}$  of the total, whichever is less.

#### **4E.12 USE OF RECORDING INSTRUMENTS IN CLASS**

Students may use recording instruments in class with the permission of the instructor.

#### **4E.13 ABSENCES**

##### **4E.1301 STUDENT ABSENCES**

When a student has been absent or desires to be absent from class for any reason, it is his/her responsibility to consult with the instructor concerning the reason for the absence. The instructor, in turn, has the prerogative of requiring the student to make up, in some appropriate and reasonable way, the work missed during the absence. Faculty members who take students on school-sponsored trips should attempt to plan the trip to minimize the number of classes which students must miss.

**4E.1301.01 EFFECT ON GRADE** (FSB 76006; FSB 80005 approved by President 1/12/81; FSB 15012 approved by President 2/26/2016)

Regular class attendance is crucial to the development of a student's knowledge and skills. For online classes, "attendance" will be defined by the course instructor. If excessive absences (lack of attendance) impair the development of such knowledge and skills, or diminish a student's role or cumulative achievement in a class, the instructor has the right to reflect this judgment in the student's grades. An instructor who reserves the right to make such a judgment must specify in the course syllabus the manner in which lack of attendance will affect grades.

**4E.1301.02 ACADEMIC APPEALS FOR ABSENCES** (revised 1/5/2011; updated 10/2/2013)

Any student who feels he/she has been dealt with unfairly concerning absences or misinformed by a faculty member regarding the faculty member's absence policy or the department's mediation procedures, has a valid reason for academic appeal through established procedures. (See Academic Appeals Policy for specific procedures to follow. The procedure also is available in the department office, the Student Handbook, and the office of the Dean of Students.)

**4E.1302 FACULTY ABSENCES** (FSB 15014 approved by President 2/26/2016)

It is the responsibility of a faculty member to follow the academic calendar and the class schedule for both face-to-face and online classes. If the faculty member cannot meet those obligations, the head of the academic unit must be notified prior to the class meeting or obligation. Prior arrangements should be made for another person to be in charge of the class or an appropriate assignment should be developed. In emergency situations, in which prior notification is not possible, a notification of absence should be made as soon as possible.

**4E.14 GRADES**

**4E.1401 MEANING OF GRADES**

**4E.1401.01 PLUS/MINUS GRADING SYSTEM** (FSB 95001 approved by President 2/9/96; FSB 98012 approved by President 5/5/99; FSB 14001 approved by President 10/21/2014; FSB 17006 approved by President 8/6/2018)

Grades are assigned the following meaning: A (Superior), B (Good), C (Average), D (Poor), F (Failure), XF (Failure due to academic dishonesty), W (Withdrawal), I (Incomplete), IP (In Progress), N (No Credit), P (Pass), S (Satisfactory), U (Unsatisfactory), T (class in progress), Y (no grade given by instructor), and V (Visitor or Audit).

Grade points will be computed on the following scale: A=4.0, A-=3.7, B+=3.3, B=3.0, B-=2.7, C+=2.3, C=2.0, D=1.0, F=0, XF=0. The grades P, W, I, IP, V, N, S, T, and Y are not counted in the grade point calculation.

Grades will be assigned by the course instructor to best represent the student's work quality as appropriate for each course. The criteria for grade determination will clearly be stated in the course syllabus.

**4E.1401.01 SATISFACTORY/UNSATISFACTORY MIDTERM GRADE OPTIONS** (FSB 02012 approved by President 4/30/03)

Classes which currently have computer system letter grade options shall include S (satisfactory) and U (Unsatisfactory) with the A (Superior), B (Good), C (Average), D (Poor), F (Failure) midterm grade alternatives.

**4E.1401.02 IN PROGRESS (IP) GRADE** (FSB 97003 approved by President, 2/24/98; FSB 01010 approved by President, 4/4/02; FSB 03007 approved by President 3/30/04)

In Progress, IP, grade extensions are used in graduate and undergraduate classes identified by the college/school as requiring graduate or undergraduate work that extends beyond one semester. IP grades may be extended each semester at the discretion of the faculty member in charge. A final course grade must be submitted for the course(s) by the end of the semester the student graduates. Upon the graduate student's completion of a non-thesis degree program, any thesis credit hours for which a grade has not been received will be transformed from IP grades to W grades. The University Registrar's office will notify department chairs of students with IP grades. The chair of each department will contact the faculty member issuing the IP grade(s) to determine if the IP grade(s) needs to be extended for an additional semester.

**4E.1401.03 PASS-NO CREDIT**

The basic purpose of the pass-no credit option is to encourage students to elect interesting courses of a broadening nature from which they might otherwise be dissuaded through fear of mediocre performance and consequent jeopardy to grade point average.

The student electing the pass-no credit option will receive credit hours toward graduation and the grade of P if he/she successfully completes the course with a grade of D or above. If the student fails to successfully complete the course, the course will appear on the student's transcript with the grade designation of N and 0 hours credit earned toward graduation. Credit hours of P and N are not to be computed in the student's GPA.

Any undergraduate student may elect any course on a pass-no credit basis with the following exceptions:

1. Courses taught in the area in which the student is seeking a major, minor, or teaching field, or courses used for a Bachelor of Integrated Studies degree contract.
2. Courses, including general education courses, used to satisfy requirements in the student's particular curriculum. The student may elect the pass-no credit option in a

course taken to satisfy a general education requirement provided such course is of higher level than the course or courses specifically required or recommended to satisfy such requirement and provided such option is approved by the student's advisor.

3. Courses specifically excluded by departments from the pass-no credit option.

Students who are undecided or who change majors, minors, or teaching fields, and who have previously taken courses on a pass-no credit basis in such majors, minors, or teaching fields may petition the appropriate department to allow such courses to be used in answering major, minor, or teaching field requirements. Students should recognize that such approval will not be automatically granted, and might not be granted at all. In any case, no department shall allow any student to count more than 2 courses of pass-no credit work toward satisfying major, minor, or teaching field requirements.

A student is limited to 25% of his/her total course hours credit toward graduation in pass-no credit courses.

The process for recording a pass-no credit course is as follows:

1. The student must declare his/her intention to enroll in a course for pass or no credit prior to enrolling or by the 10<sup>th</sup> day of classes. For a workshop, short course, or summer term, the declaration must be made at time of enrollment. This is done by completing the appropriate form in Registration.
2. Instructors will not be informed which students are enrolled under this option.
3. The instructors will file a grade report in the regular manner. Registration will convert the grade to P or N and the instructor will be notified as to which students have received pass-no credit grades.

In order to avoid confusion, the terms pass and no credit shall be applied to this program only, and not to any other.

#### **4E.1401.03.01 EXTENDED USE OF PASS-NO CREDIT DESIGNATION**

The use of the pass-no credit grade for certain course areas, both undergraduate and graduate, is permitted providing that:

1. The department initiates such request.
2. Such request is considered as a curricular modification and received approval through the established curricular modification procedure.
3. In such designated courses, no student may be awarded a letter grade.

Examples of courses eligible for consideration under this policy include seminars, independent study, research projects, research problems, and thesis.

**4E.1401.04 CREDIT BY EXAMINATION** (FSB 89004 approved by President 12/4/89; updated 10/2/2013; approved by COCG 1/30/2018; FSB 17009 approved by President 4/16/2018)

The purpose of credit by examination is to allow an exceptional student to design a college curriculum that better suits his/her needs. By allowing the student to obtain credit for previously acquired knowledge, the university provides a mechanism by which a student can either decrease the time needed to complete a degree or provide time for additional courses, perhaps to complete a second major. To this end, an enrolled student or a prospective student who subsequently enrolls shall be permitted to earn University credits or advanced standing beyond entry-level courses by examination.

The examination credit may be used in one of two ways. 1) The credit may be used to complete the requirements for a degree in a shorter period in that it shall count toward the total number of hours needed for graduation. This credit is acceleration credit. 2) The credit may be used to enrich the student's college program by allowing time for more advanced courses or for courses in additional areas in that it can be used to meet specific course requirements but cannot be counted towards the hours needed for graduation. This credit is enrichment credit. The student shall state at the time of the test or upon enrollment in the University, which ever occurs last, whether he/she wishes acceleration credit or enrichment credit. No more than 15 hours of acceleration credit shall be allowed on a student's transcript, however, a student can have an unlimited number of hours of enrichment credit. The grade of P shall be used to indicate courses completed by examination.

**Departmental Examinations**

Each department within the University may offer credit by a departmentally developed examination. Each department writes the examinations, schedules the examinations, proctors the examinations, grades the examinations, and determines passing scores. A prospective student or a regularly enrolled student may, because of maturity, wide reading, courses taken at non-accredited colleges or other off-campus preparation, elect to take the examination. Credit by examination cannot be granted after the student has completed a course that duplicates the course sought or has completed courses that may be considered in advance of the course requested. Each department wishing to participate in credit by departmental examination must notify the office of the Registrar of the course(s) for which a student will have the opportunity of receiving credit in this manner. A fee for taking such an examination shall be determined by the current year comprehensive fee schedule and commensurate with the Board of Regents policy.

**Externally Administered Examinations**

In addition to departmental examinations, departments may elect to award credit based upon any of several externally developed and administered tests, such as those offered by the American College Testing Service (ACT), College Level Examination Program (CLEP), or the College Entrance Examination Board (CEEB). If a school/college or department elects to award credit based upon the results of these examinations, it must establish acceptable passing scores for the courses for which it wishes to award credit in this manner. In addition, a department may use the scores to fulfill course prerequisites for more advanced courses

without awarding credit. The school/college, or department shall notify the office of the Registrar of its decision to award credit in this manner and the standards that it has established for each course.

### **Instructional Base**

Credit earned through externally developed and administered tests, such as CLEP, or as retroactive credit shall not be included in the computation of the instructional base of the department. One-half the credit hours earned through campus-developed and administered tests may be included in the instructional base.

### **Office of the Registrar**

The office of the Registrar shall maintain a list of courses for which credit by examination is possible. Each department within the University shall notify the office of the Registrar whenever any courses are deleted or added to the list, or when acceptable scores for receiving credit from externally developed tests change. In addition, the office of the Registrar shall aid in the process of awarding credit by examination by registering students for the examinations.

**4E.1402 DROP-ADD, WITHDRAWAL, AND MIDTERM GRADES** (FSB 88008 approved by President 2/9/89; FSB 90001 approved by President 11/29/90; FSB 93019 approved by President 5/2/94; FSB 98007 approved by President 2/22/99; FSB 99001 approved by President 10/27/99; FSB 02011 approved by President 4/25/03)

#### **4E.1402.01 DROP-ADD**

The official add period shall consist of the first 5 weekdays of each semester. No classes may be added after the official period without the consent of the instructor. The official drop period consists of the first 10 weekdays of each semester. For classes taught in less than the regular semester, the official add and drop periods shall be determined by Registration, based upon their relative proportions of the regular semester. No record of classes that are dropped during the drop period shall appear on the transcript.

#### **4E.1402.02 MIDTERM GRADES** (FSB 15013 approved by President 2/26/2016)

It is the instructor's duty to inform students of their academic performance in class. Each instructor shall, by the end of the 8th week of each regular semester, evaluate undergraduate students' progress and make midterm grades available to undergraduate students and their academic advisors via the software designated by the University (e.g., the Buzz In portal). For undergraduate classes taught in less than a full regular semester, the instructor shall make the evaluation available to the student in time to allow the student to withdraw before completion of 5/8 of the course. An instructor teaching a graduate-level course has the option of evaluating graduate students by the end of the 8th week of each regular semester. The instructor who is teaching a graduate-level course has the option to provide midterm grades via the university-designated software.

**4E.1402.03 WITHDRAWAL**

If a student elects to withdraw from 1 or more classes after the official drop period and through the 10th week of the regular semester, the grade of W shall be recorded on the transcript regardless of the student's academic standing in that class. Students must have their advisor sign the withdrawal form. After processing the withdrawal, the registrar shall send copies of the form to the instructor of the class and to the student's advisor.

After the 10th week of the regular semester the student may not withdraw from class nor may the instructor assign the grade of W. In extreme cases, the student may appeal to the office of the Vice President for Academic Affairs to receive a grade of W after the 10th week.

Classes taught in less than the regular semester shall follow a similar pattern. If a student elects to withdraw from 1 of these shorter classes after the official drop period and before 5/8 of the class periods have been completed, the grade of W shall be recorded on the transcript. After 5/8 of the class periods have been completed the student may not withdraw nor may the instructor assign the grade of W. In extreme cases, the student may appeal to the office of the Vice President for Academic Affairs to withdraw with the grade of W after 5/8 of the class periods have been completed.

**4E.1403 FINAL GRADES** (revised 4/02; revised 8/07)

Grades will be posted on the University website for student access at midterm and at the end of each semester. Faculty will post grades awarded via the University's portal BuzzIn.

**4E.1404 INCOMPLETE GRADES** (FSB 79006; FSB 87011 approved by President 2/26/88)

The grade I (incomplete) is given only for personal emergencies which are verifiable and when the student has done passing work in the course. The student has the responsibility to take the initiative in completing the work and the student is expected to make up the incomplete as soon as possible during the following semester.

Except for graduate research, thesis, or the equivalent, all incomplete work must be finished by the end of the following full semester (summer sessions are not considered a full semester for purposes of this deadline). During the initial extension period, a student may submit a written petition for an extension of 1 additional semester during which an incomplete grade may be removed. In the most exceptional cases, the faculty member with the written approval of the department chair, may grant the request for an extension. An extension beyond 2 semesters will require the approval of the dean of the school or college in which the course was offered. The granting of an extension will not be routine. Individual instructors may establish earlier deadlines for completion of the work. Students who do not complete the unfinished work by the established deadline will have the grade of F entered on the transcript and will be required to re-enroll to earn credit in the course.

**4E.1405 CHANGE OF GRADE** (FSB 89007 approved by President 3/26/90; FSB 15002 approved by Interim President 11/03/2015; FSB 17007 approved by President 8/6/2018)

If a faculty member finds it necessary to change a grade after the grade has already been submitted, they may do so by submitting a Faculty Grade Change request electronically. After 1 calendar year has passed since the original grade was assigned, a Faculty Grade Change request shall only be processed with the permission of the dean of the college or school in which the course was offered. Any grade change submitted by a faculty member becomes part of the student's permanent record.

A student initiated grade change from XF to F should follow the procedure outlined in the Academic Dishonesty Policy.

Within the guidelines established by the Policy on Incomplete Grades (FSB 79006 and FSB 87011), incomplete grades may also be changed to the appropriate final grade by the instructor submitting a Faculty Grade Change request.

**4E.1406 ACADEMIC APPEALS**

If a student is dissatisfied with a grade assigned in a class and if satisfactory negotiations with the instructor are not accomplished, the student should follow the academic appeals procedure. The appropriate procedure can be found in each department office or in the office of the Vice President for Student Affairs.

**4E.1406.01 ACADEMIC APPEALS POLICY** (FSB 98003 approved by President, 4/6/99; terminology revision approved by President of the Faculty 3/18/05; FSB 14020 approved by President 5/15/2015; FSB 17004 approved by President 8/6/2018)

Students who believe they have been dealt with unfairly concerning academic progress (such as course grades or absences), will have access to an academic appeal. The appeal must be initiated within 1 semester after the semester in which the issue occurs. The purpose of this policy is to ensure that due process is observed.

It is understood that any time limits in this section are the maximum time allowed and that it is the intent to move the procedure along as fast as is reasonably possible. If the Chair of the Appeals Committee deems it necessary, the Chair can extend the timeline for appeal procedure past the specified timeframe as long as the appeal is requested within 1 semester after the date of the appealed event. As it is used herein, the term class days is defined to include all days that classes are conducted, excluding weekends, legal holidays, vacation periods, the period of final examinations, intersessions, and for the purposes of this document summer school.

It is not intended that an appeal shall fail or succeed upon a technicality. Therefore, application of any part of this policy shall be equitable and reasonable.

The procedure to be followed in processing an academic appeal is as follows:

1. The student should make every attempt, when possible, to discuss the issue with the faculty member involved in a face-to-face meeting and attempt to resolve the issue. If this meeting between the student and the faculty member does not resolve the issue to the student's satisfaction, the student may contact the department chair. The student is required to put in writing the particulars of the matter in conflict and submit the letter to the department chair.
2. The department chair is to verify whether the student has attempted a formal conference with the faculty member prior to discussing the matter with the student. The department chair's role is to attempt to clarify the conflict between student and faculty and mediate the positions and interests of both parties and, the department chair will disclose documents regarding the appeal to both the student and the faculty member. If possible, the department chair will identify resolution options that are acceptable to both parties. A meeting, either together or individually, with the student and the faculty member may be convened at the department chair's discretion. The department chair must also send a copy of the academic appeal request to the dean of the appropriate school/college and the Provost and Vice President for Academic Affairs.
3. If the department chair is unable to resolve the conflict between the student and the faculty member, the student or faculty member may request the department chair to convene the Departmental Appeals Committee. At this time the department chair will establish a schedule and make assignments for completing the appeal process within 20 class days. Once the Departmental Appeals Committee is convened, the department chair will send to that Committee (1) a written statement reflecting the department chair's attempt to resolve the issue, (2) the written statement by the student, and (3) a written response made by the faculty member to the issue in conflict.
4. The convened Departmental Appeals Committee shall review the written statements and, if the Committee finds that additional information is needed, it may interview the student and/or the faculty member. The student who processes an appeal under this policy has the option of asking another student or member of the University community to be present at the interview. This is an internal procedure to resolve an academic dispute, and legal counsel will not be allowed to speak for the student or for the faculty member in this interview. All deliberations of the Departmental Appeals Committee shall be confidential.
5. If the decision of the Departmental Appeals Committee does not resolve the issue for the student or the faculty member, the matter may be appealed to the dean of the appropriate school/college. If an appeal is made to the dean, the Departmental Appeals Committee will send the dean a copy of all written materials used in its deliberations and its own written decision. The dean will convene a School/College Academic Appeals Committee. If there are no appeals, the department chair is responsible to see that the decision of the Departmental Appeals Committee is implemented.

6. The convened School/College Academic Appeals Committee shall conduct a hearing in an environment where information can be presented and questions asked of all involved parties. This is an internal procedure to resolve an academic dispute, and legal counsel will not be allowed to speak for the student or faculty member in this hearing. During the hearing, the student and faculty have a right to:
  - a. ask other students or members of the University to be present during the hearing;
  - b. be present during the entire hearing except during deliberations by the committee;
  - c. present witnesses to testify on their behalf;
  - d. interview witnesses at the hearing.

After examining the evidence and deliberating, the School/College Academic Appeals Committee shall reach a majority decision of its total voting-eligible membership by secret ballot vote. Majority vote rules. The School/College Academic Appeals Committee shall submit to the dean its written decision regarding the disposition of the conflict between the student and the faculty member. This decision will be presented to the dean, who will notify the parties involved. The process for academic appeals concludes with the School/College Academic Appeals Committee, and there is no further appeal.

The department chair is responsible for implementing the decision of the School/College Academic Appeals Committee. For example, the department chair will make the grade change if the committee's decision calls for a grade change. If the faculty member or student feels that the appeals process was conducted inappropriately, then the faculty member or student has the right to seek a remedy through grievance procedures.

All deliberations during the academic appeals process shall be confidential.

### **Makeup of the Departmental Appeals Committee**

Departmental Appeals Committee shall be organized as follows, unless a separate department policy is in place:

1. At the beginning of each academic year, the department chair shall establish an academic appeals committee pool of no fewer than 5 members. It should include at least 3 faculty members, and at least 2 undergraduate students and at least 2 graduate students in departments which have a graduate program.
2. When needed, the department chair will convene a Departmental Appeals Committee consisting of at least 2 of the faculty members and 1 of the students from the committee pool. The student selected will depend on whether the appeal comes from an undergraduate or graduate student. The student will be undergraduate if the student making the appeal is undergraduate; graduate if the student making the appeal is graduate.

3. The student making the appeal and the faculty member have the option to accept/reject any or all members of the Departmental Appeals Committee. The department chair will appoint additional members as needed. Once the student and the faculty member have signified, in writing, acceptance of the Departmental Appeals Committee membership to hear the appeal, they have surrendered the opportunity to object to the members of the board.

Once the Departmental Appeals Committee has been selected, the department chair will assign 1 of the faculty members to act as the Chair of the Committee.

### **Makeup of the School/College Academic Appeals Committee**

1. The School/College Academic Appeals Committee shall be drawn from the various academic appeals committee pools established within departments of the school/college. The School/College Academic Appeals Committee shall consist of at least 5 members: 3 faculty and 2 students. The students will be undergraduates if the student making the appeal is undergraduate, graduate if the student is a graduate.
2. No student or faculty member from the same department as that from which the appeal emanates will be appointed to the School/College Academic Appeals Committee.
3. The student making the appeal and the faculty member have the option to accept/reject any or all members of the School/College Academic Appeals Committee. The dean will appoint additional members as needed. Once the student and the faculty member have signified, in writing, acceptance of the members of the School/College Academic Appeals Committee to hear the appeal, they have surrendered the opportunity to object to the members of the committee.

#### **4E.1407 COURSE REPEAT GRADE POLICY** (FSB 97002 approved by President 3/16/98; FSB 06022 approved by President 12/19/06)

The cumulative GPA calculation procedures for repeated coursework is as follows:

All grades will remain on the student's transcript, but only the last grade will be used in determining grade point averages, and only the course hours in one course may apply toward the degree. This policy applies regardless of where the course was originally taken, or repeated.

(Definition of Terms: Repeated coursework is coursework with the same course number, title and credit hours, or coursework which the department chair offering that course determines is the equivalent course.)

**4E.1408 RETROACTIVE CREDIT IN GRADUATE COURSES** (FSB 01006 approved by President 12/7/01)

If a student enrolls for undergraduate credit in a graduate level class, a dually-listed undergraduate/graduate class, or a dual-credit option class, the student cannot later obtain graduate credit for work in this class. Thus, graduate credit cannot be retroactive.

**4E.15 FACULTY INITIATED STUDENT WITHDRAWAL** (FSB 76006; FSB 95008 approved by President 5/9/96; FSB 09016 approved by President 5/3/2010)

If a student's absences from class, disruptive behavior, lack of prerequisites, or academic dishonesty become detrimental to the student's progress or that of other students in the class, the faculty member may advise the student to withdraw from the class. Withdrawal may also be advised if the student is inappropriately enrolled in the class. If the faculty member chooses to withdraw the student, he/she shall attempt to notify the student in writing that a faculty initiated withdrawal is in progress. This notification will be copied to the department chair and Academic Affairs office to serve as the request for withdrawal. If efforts to contact the student have been unsuccessful, or unacknowledged, the faculty member shall then seek the aid of the Academic Affairs office in contacting the student. The Academic Affairs office shall provide the student with information about the existing appeals procedures. Upon receiving a written request for withdrawal from the faculty member, the Academic Affairs office may initiate a student withdrawal from the class. None of the above implies or states that faculty members are required to initiate any student withdrawal.

**4E.1501 WITHDRAWAL OF NURSING STUDENTS**

The Newman Division of Nursing (NDN) reserves the right to remove a nursing student from a practicum experience at any time because of (a) a critical incident involving the student, (b) persistent problematic clinical behavior(s), or (c) a student's failure to meet a clinical contract. The occurrence may result in the student failing the practicum course before the completion of the course. Failure in a practicum course at any time necessitates the immediate withdrawal of the student from the course. Any withdrawal from a nursing practicum course because of documented occurrence(s) will be regarded by the nursing department as a fail regardless of what designation appears on the transcript. Failure in any practicum course will result in termination from the nursing major with no option to reapply to the NDN.

**4E.16 ACADEMIC CALENDAR** (FSB 91001 approved by President 4/2/91; FSB 98020 approved by President 4/25/99; FSB 04006 approved by President 4/4/05; FSB 06001 approved by President 10/20/06; FSB 10006 approved by President 3/21/2011)

Days designated as final exam days and as dead days may not be counted as teaching days. Furthermore, Martin Luther King Jr. Day, Thanksgiving Day, Labor Day are State of Kansas and national holidays, Veteran's Day is a State of Kansas holiday, and the Board of Regents set the Wednesday before Thanksgiving as an academic holiday. To accomplish the creation of a calendar under these conditions it was determined that the academic calendar should be changed as follows:

1. An academic calendar be created that will allot a minimum of 73 teaching days in each of 2 semesters.
2. Veteran's Day will retained as a holiday.
3. Final exams will be held on 5 consecutive days (Monday through Friday) of the last week of the semester after the completion of at least 73 teaching days.
4. A Thursday-Friday Fall Break will be held in October.
5. Fall/Thanksgiving Break will be held on 3 consecutive days (Wednesday through Friday) of the week that contains Thanksgiving Day.
6. The start date for the fall semester must be such that grades are due at noon on the Tuesday that follows finals week and that Tuesday must be on or before December 22.
7. Spring Break will be held on 5 consecutive days (Monday through Friday) during a week in March.
8. No days will be designated as study days or dead days.
9. The week preceding final exams will be designated as non-activity week.

**4E.1601 FINAL EXAMINATION** (FSB 84015 approved by President 11/5/85, FSB 87012 approved by President 2/15/88, FSB 91004 approved by President 4/22/91; FSB 10009 approved by President 4/27/2011; FSB 11008 approved by President 3/13/2012)

1. A final examination is defined as an examination that tests class content covering the entire term. A section examination is defined as an examination that tests class content covering a unit, section, topic, or part of the term, but does not cover the entire content of the class. The appropriateness and form of the final examination is the responsibility of the instructor and is considered an important part of the evaluation procedure used by the instructor in teaching the course. If given, final examinations shall be scheduled at the time designated by the official final examination schedule as published in the class schedule each semester and may not be rescheduled except as noted below. Only section examinations or comprehensive examinations in laboratory, practicum, field, or studio type courses (see the definition of a credit hour policy) may be given the week before final examinations are scheduled. If a final examination is not to be given, the class is not required to meet at its appointed time during the regularly scheduled final examination period.
2. Instructors who feel they are sufficiently able to ascertain the student's competency by various evaluation means during the course of a semester may make the final examination optional for individual students. In those courses in which final examinations are option for individual students, the instructor will inform students of their standing in the class with respect to grade level before the final examination period.

3. The final examination schedule will provide for a 5 day final examination period at the close of the fall and spring semesters of each year. To determine when the final examination is scheduled for a particular class: 1) choose the day by the first day of the week that the class meets (a class scheduled for MTWF will have the final as for a MWF class), 2) choose the hour by taking the time for the beginning of class and dropping the minutes (8:00 meets at the 8:00 period, 8:30 at 8:00, 8:45 at 8:00).

The following rotation schedule will be used. Morning examinations given on day 1 will be given on day 2 of the next semester. Day 2 moved to day 3. Day 3 moved to day 4. Day 4 moved to day 5. Day 5 moved to day 1. The morning schedule will repeat itself every 5 semesters. Afternoon exams given on day 1 will be given on day 2 of the next semester. Day 2 moved to day 3. Day 3 moved to day 4. Day 4 moved to day 1. The schedule will repeat itself every 4 semesters. Special examinations are not included in the rotation schedule.

Special examinations will be given on Monday, Tuesday, Wednesday, and Thursday evenings during the final examination period, as assigned by Registration.

4. The final examination period shall begin on Monday following the completion of the teaching days as defined by the academic calendar.
5. Except for unusual circumstances, deviations from the published schedule shall not be permitted. Requests for a departure from the published schedule shall be made in writing to the Vice President for Academic Affairs not later than 3 weeks prior to the final examination period. The Vice President for Academic Affairs will approve or disapprove each request and, within 5 days of receiving the request, shall notify the person making the request of the decision.
6. Final examinations for night and Saturday classes shall be scheduled for the final class session.
7. Final examinations for courses scheduled for time periods of less than 1 semester, including summer school, shall be scheduled for the final class period.
8. Students with more than 2 examinations scheduled for the same day and who have not been able to resolve this situation among their instructors, will have the option of appealing to the Vice President for Academic Affairs to have 1 of the final examinations moved to a different day. This appeal to the Vice President for Academic Affairs should be initiated by December 1 for the fall semester and May 1 for the spring semester.

#### **4E.1602 NON-ACTIVITY WEEK** (FSB 91004 approved by President 4/22/91)

The week immediately preceding final exam week in the fall and spring semester is designated as non-activity week. Faculty are urged to avoid campus wide examinations or major assignments, if possible. Student activities will also be permitted only with the permission of the dean of the appropriate college/school.

## 4E.17 ACADEMIC ACHIEVEMENT

### 4E.1701 ACADEMIC ACHIEVEMENT AT SEMESTER (FSB 94007 approved by President 3/21/95; FSB 07007 approved by President 4/18/08)

Semester academic achievement is based upon the work of a single semester. Students recognized for outstanding academic achievement are announced each semester. To qualify for the Semester Honor Roll, undergraduate and second bachelor students must earn a minimum 3.80 semester grade point average in at least 12 graded hours. The Semester Honor Roll is determined in Spring and Fall terms only.

The words Honor Roll will appear on the student's semester grade report and on the semester academic record. Registration is responsible for determining who is recognized for outstanding academic achievement for the semester.

### 4E.1702 ACADEMIC ACHIEVEMENT AT GRADUATION (FSB 89005 approved by President 3/26/90; FSB 93020 approved by President 5/5/94)

It shall be the responsibility of Registration to identify those students who, at the time of graduation, have a sufficiently high cumulative grade point average (CGPA) to warrant recognition as outlined below. The recognition of achievement at the graduation ceremony is provisional and does not become final until all grades have been recorded.

Provisional recognition at the time of the graduation ceremony shall be based on the cumulative grade point average through the penultimate semester at Emporia State University. Only the CGPA shall be used to determine the following levels of recognition at graduation. All hours counted toward the baccalaureate degree shall be counted in the calculation of the CGPA for purposes of recognizing achievement at graduation. A student must have completed at least 60 hours at ESU and/or other 4 year institution, with at least 45 hours at ESU, by the time the degree is conferred to receive this recognition.

Summa cum laude--Students with a CGPA equal to or higher than 3.90 shall have the designation summa cum laude entered on the diploma and the transcript.

Magna cum laude--Students with a CGPA less than 3.90 but equal to or greater than 3.70 shall have the designation magna cum laude entered on the diploma and the transcript.

Cum laude--Students with a CGPA less than 3.70 but equal to or greater than 3.50 shall have the designation cum laude entered on the diploma and the transcript.

In addition to recognition based upon CGPA, the honors program qualifies students for consideration for graduation with honors. The Honors Council recognizes those students who have satisfactorily participated in the honors program with the designation with honors entered on the diploma and the transcript. The Honors Council may, if it so chooses, recognize levels of participation in the honors program with additional appropriate designations.

## 4F. HOLDS

### 4F.01 HOLDS ON STUDENT RECORDS (approved by President 6/20/2013; revised 10/1/2013; revised 3/23/2015)

Except as otherwise stated in this policy, the Business Affairs office of the University has sole authority over holds on student records.

Holds on student records can be placed only for the following reasons:

- To prevent issuance of a transcript for outstanding charges or documentation.
- To prevent payment when legal action is pending.
- To prevent payment until all necessary documents have been properly submitted.
- To prevent enrollment.

The placing and handling of holds will be as follows:

1. Holds that prevent a student from obtaining an official transcript for other than outstanding financial obligation require Registrar approval.
2. Holds that prevent enrollment are primarily used when a student has an outstanding Emporia State University financial obligation. Limited enrollment holds can be placed for outstanding documentation or pursuant to court order.
3. All outstanding charges are to be placed on a student's account and Business Affairs will be responsible for placing enrollment and/or transcript holds appropriately.
4. Any exceptions to the placing of outstanding charges on a student's account will require the approval of the University Controller.
5. An enrollment hold will be placed if the student account balance is \$500 or more in unsatisfied financial obligations. The enrollment hold will prevent the student from enrolling at Emporia State University and receiving a transcript from Emporia State University.
6. Students who enroll with an unsatisfied financial obligation of \$500 or less may be dropped on the first day of the next semester.
7. Currently enrolled students will have a transcript hold placed on accounts having unsatisfied financial obligations of \$200 to \$500. A transcript hold will prevent the student from receiving a transcript from Emporia State University.
8. Students not currently enrolled will have a transcript hold placed if the student account balance has any unsatisfied financial obligation. A transcript hold will prevent the student from receiving a transcript from Emporia State University.
9. Students who have unsatisfied financial obligations to the University that have been turned over for collection will not be allowed to enroll regardless of the amount owed.
10. Authorization for the placement and removal of temporary holds is extended to Police and Safety and University Libraries and Archives. Undergraduate and Graduate Admissions and the Office of International Education will have the ability to place and remove holds for various administration reasons.
11. Authorization to override a hold is restricted to the University Registrar (for non-monetary holds) and to the University Controller (for monetary holds).

**4F.02 TRANSCRIPT HOLDS** (FSB 99014 approved by President 5/8/00)

A graduate assistantship will not be activated and paid to a graduate student until the student's official transcripts are on file.

Undergraduate and graduate students are required to supply official transcripts by the 10th week of a semester. Those students who do not supply transcripts by the 10th week of a semester:

- A) will be notified prior to any subsequent registration of incomplete records, and
- B) a hold will be placed on any following registration until all official transcripts are on file.

**4G. DROP POLICY** (approved by President 3/23/2015)

All students enrolled at Emporia State University will not be dropped from a Fall, Spring, or Summer semester for nonpayment. If the student owes the University for a prior semester, the student will be dropped in accordance with the University's holds policy.

If classes are added to the student account, an automatic email will be sent notifying the student of a change with a reminder of their liability to the University. Student must initiate a withdrawal from the University within the 100% refund period to completely reverse assessed tuition and fees from the student account.

Students enrolled for a semester at the University are responsible to pay the University the amounts due. After the 100% refund period, the student is responsible for tuition, fees, all administrative fees, late payment fees, and all costs and expenses incurred in collecting this debt, including the fees of any collection agency, which may be based on a percentage of the debt, and reasonable attorney's fees, as allowed by law.

**4H. ACADEMIC RECORD REVIEW (ACADEMIC BANKRUPTCY)** (FSB 75009 approved by President 5-13-76; FSB 92016 approved by President 8/6/93)

An undergraduate student who in the past accumulated a poor academic record at Emporia State University or any other 2 or 4 year accredited institution and either chose not to return to school or was required to withdraw, may desire, after a period of months or years, to return to an academic pursuit. The purpose of this policy is to provide a reasonable means by which such a student can resume work toward a college degree without having to be severely burdened by his/her past record.

The Vice President for Academic Affairs, or an officer whom he/she designates, shall be responsible for establishing an academic record review committee for each academic year.

The function of this committee shall be to approve or disapprove the exclusion from the computation of his/her grade-point average certain F and/or D grades earned by an undergraduate student who returns, re-enrolls, or is reinstated to probationary status after a 12 month absence from an accredited institution and who petitions the committee in writing for a review of his/her case. Using such criteria as the student's maturity, purposefulness, and reasonableness in accounting for his/her past academic difficulties, the committee may, after reviewing the student's case, provide for the

exclusion of up to 20 semester hours of certain F and/or D grades from the computation of the student's grade-point average.

Grades earned in courses required for the student's chosen major and in any other courses specifically required for his/her degree program may not be excluded from the computation of the grade-point average.

The exclusion of grades shall not become effective until the student has completed at least 15 semester hours of work beyond what he/she had taken at the time of re-enrollment or reinstatement and has earned for this additional work an overall GPA of at least 2.0. The student may petition the committee before he/she takes the additional work or after he/she has completed it. He/She need not be enrolled to file a petition.

The granting of the exclusion of certain grades from the computation of his/her grade point average may occur only once in a student's undergraduate academic career at ESU. Grades which have been excluded from the computation of a student's grade-point average shall be so designated on his/her transcript by an appropriate means. When a course has been excluded from the computation of the grade-point average, it shall not be counted for graduation.

## **4I. STUDENT RECORDS**

### **4I.01 EDUCATIONAL RECORDS**

#### **4I.0101 UNDERGRADUATE** (revised by Registrar 4/19/04; 5/24/2012)

The Registrar maintains undergraduate records including but no limited to: application to the university, ACT and other test scores, high school and college transcripts, degree contracts, course exceptions including waivers and substitutions and residency applications. Records may be stored electronically.

#### **4I.0102 GRADUATE**

Applications and supporting materials kept centrally for admissions, eligibility, testing, degree candidacy, and degree conferral are scanned into the document imaging system and then the hard copies shredded. These documents are indexed by student name and social security number and retained indefinitely.

### **4I.02 ACCESS TO STUDENT RECORDS (FERPA)** (revised by Registrar, 12/05; revised by Registrar 6/07; revised, approved by President 3/3/09; revised by Registrar 12/20/12; revised by Registrar 10/2015)

Emporia State University affords students their full rights in conformity with the Family Educational Rights and Privacy Act of 1974, its amendments and implementing regulations. Eligible students (student is defined as an individual who is or has been in attendance at an institution and for whom ESU has maintained an educational record) have the right to inspect their educational records,

request amendment of their records they believe to be incorrect or misleading, and restrict disclosure of their information in specific situations.

Students may waive their rights to inspect and review confidential statements and confidential letters of recommendation by providing a signed voluntary statement if, in conformity with applicable law; 1) the student is notified, upon request, of the names of those providing statements and letters, 2) the letters and statements are only released for the original purposes stated, and 3) the waiver is not a condition of admission or other benefit.

Educational records are records which contain information directly related to a student and are maintained by the University or by a person acting on behalf of the University. The following records are not considered educational records: personal notes of faculty and staff; records created after a student is no longer a student and are not directly related to their attendance; employment records not directly related to student status; certain medical and counseling records; records of police and safety office for law enforcement purposes; and certain financial records.

The University shall obtain the proper written consent of a student before disclosing their student records, or personally identifiable information contained therein, to a party other than the student or party whom created the record, except as otherwise allowed by law and this policy.

ESU designates the following items as directory information: a student's name, a student's address(es), a student's phone number(s), a student's email address(es), a student's major field(s) of study, a student's classification (freshman, sophomore), a student's enrollment status (full-time, part-time, undergraduate, graduate), a student's dates of attendance, Most recent previous educational institution, a student's past and present participation in officially recognized activities and sports, including the weight and height of members of athletic teams, a student's degree(s) conferred and date(s) conferred, and a student's award(s), honor(s), and scholarship(s) received, photograph, and the most recent educational agency or institution attended. Directory information can include a student ID number only when the ID alone cannot be used to gain access to education records. Directory information shall not include a student's Social Security Number. Directory information may be released without the student's consent; however, eligible students may request that directory information not be made public. The student's notice to withhold directory information must be made to the Office of Registration and is good for 1 academic year.

Emporia State University also releases records and information without the written consent of an eligible student to:

- A university official(s) with a legitimate educational purpose. (A university official has a legitimate education interest if the official is performing a task that is specified in her/his position description or contract agreement. Note: All staff and faculty sign a confidentiality statement prior to being given access to student records.);
- To comply with a lawfully issued court order or subpoena or ex-parte order issued pursuant to the Patriot Act, upon prior notice to student when required by applicable law;

- To officials of other schools and post-secondary institutions, where the student is currently enrolled or plans to enroll or transfer if the disclosure is for purposes related to the student's enrollment or transfer and pursuant to applicable regulatory standard for said release;
- To certain officials of the U.S. Department of Education, the Comptroller General and state and local educational authorities in connection with an audit or evaluation of or compliance with legal requirements;
- To financial aid personnel in conjunction with an application for financial assistance for the purposes of determining eligibility, amount, or conditions of aid or to enforce terms and conditions of the aid;
- To all appropriate individuals, including parents, whose knowledge of the information is necessary to protect the health or safety of the student or others, if, when taking into account the totality of circumstances pertaining to a threat to the health or safety of the student or others, the institution determines there is an articulable and significant threat, it is determined the information is necessary to protect the health or safety of the student or others;
- To the health authorities or local law enforcement the names and current addresses of students who have certain communicable diseases; or to law enforcement the for legal compliance related to registration and disclosure requirements for violent crime control laws; or for legal compliance related to disclosure to a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense, as defined in 8 U.S.C. 16, the final results of the disciplinary proceeding conducted by the University against the alleged perpetrator of that crime or offense, regardless of the conclusion;
- To entities conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; student aid programs; improve instruction; or to accrediting entities fulfilling accrediting functions;
- To an outside contractor, consultant, volunteer or other party who is authorized to act for the University, is performing a service the university would otherwise perform itself, is subject to University control with regard to the records, and the outsourcing is subject to the appropriate restrictions on re-disclosure;
- To initiate legal action against a parent or student or to defend the University if a parent or student initiates legal action and the records are relevant to the action, upon written notice of intended release;
- ESU permits disclosure to parents or legal guardians upon written consent of the student. The University may release records without a student's consent after removing personally identifiable information and after making a determination that the student's identity is not identifiable regardless of the number of releases that would be made in whole or part. The University shall inform third party recipients of any legally required restrictions on re-disclosure of student records and information. Third party recipients of personally

identifiable information are not permitted to disclose that information to others without the proper written consent of the eligible student or pursuant to applicable law. The information may only be used for the purpose intended.

- Individuals requesting academic information for deceased students. The office of the University Registrar will evaluate each request for the release of a transcript or other academic records of a deceased student on the individual merits of that request. Emporia State University may deny the request in whole or to release only part of the academic records that are requested.
- To Veterans Administration officials pursuant to 38 U.S.C. 3690 (c).
- To the public concerning sex offenders and other individuals required to register under the community notification programs.

Third parties who receive information may make further disclosures if they are authorized to act on behalf of the University. Information about recipients of further disclosures must be provided to the University, as required by FERPA.

A record of requests for and disclosures of educational records will be maintained by the record custodian for as long as the education record in question is maintained by the University. The record shall include, whether requests are granted or not, the name of the requestor; the names of the additional parties the receiving party may disclose the information on behalf of the institution; and their legitimate interests in the information. Records of requests and disclosures will not be maintained for: (1) requests made by the student for themselves; (2) requests for which written consent was received; (3) requests made by school officials with legitimate educational interests; or (4) requests for directory information. Records of disclosures made pursuant to a health or safety emergency will include (1) the articulable and significant threat to the health or safety of a student or others that formed the basis for the disclosure and (2) the parties to whom disclosure was made.

Eligible students may request amendment of their educational record if they believe they are inaccurate, misleading or a violation of their privacy. If the University does not subsequently amend the record, the student will have the opportunity for a hearing. No hearing is available under this policy for challenging the underlying basis for a grade.

If a student believes the University is not complying with FERPA, they should attempt to resolve the issue with the office involved and/or the Office of the Registrar. Complaints may be filed with the Family Policy Compliance Office of the U.S. Department of Education. Notice of FERPA rights will be published each semester in the course schedule. The Registrar, or designee, is responsible for the development and publication of student records policy and related procedures, forms, training, notices, and supplemental information.

**41.0201 KANSAS OPEN RECORDS ACT** (KSA 45-215, et seq., updated 6/06; revised 12/14/09; revised 2/09/2010; revised 1/03/2011)

The Kansas Open Records Act grants the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas. The Open Records Act, K.S.A. 45-215 et seq., as amended, declares that it is the public policy of Kansas that “public records shall be open for inspection by any person.” Public records are defined as “any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency.” Emporia State University is classified as a public agency for the purposes of this Act. The Kansas Open Records Act does not require ESU to answer questions, prepare reports, create records, or compile information.

Examples of public records maintained by Emporia State University: regulations, policies, minutes/records of open meetings, salaries of public officials, agency budget documents.

ESU maintains a printed brochure with the policies and procedures for access to records. Anyone has the right to inspect and obtain copies of existing public records which are not exempted from disclosure by a specific law. If you believe that your request for access to public records is wrongfully denied, you have the right to file a complaint with the Kansas Attorney General.

The Kansas Open Records Act requires that a freedom of information officer be designated to provide assistance in facilitating implementation of the Act. The University’s Vice President for Administration and Fiscal Affairs is hereby designated the University’s freedom of information officer for purposes of the Kansas Open Records Act. The Official Custodian of Records, who is responsible for fulfillment of records requests, is the University General Counsel.

Faculty and staff who receive requests for access to University records should direct the request, or the individual, to the Office of General Counsel. Faculty and staff who receive requests for information about, or assistance with regard to the Kansas Open Records Act, should direct the individual to the Vice President for Administration and Fiscal Affairs.

In order to request access or copies of existing public records – written, photographic, or computerized (provided in printed form only), a written request must be made to the Official Custodian of Records. The written request must include the name and address of the person requesting the record access, sufficient information to identify the records being requested and the requestor’s right of access to the records. ESU may request additional information if needed to identify and retrieve records requested. Public records may be inspected pursuant to request during normal business hours, which are between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays and non-work days. The Custodian may designate where records may be viewed.

The written request for access to public records will be made to: Official Custodian of Records, Office of General Counsel, Emporia State University, 1200 Commercial St., Campus Box 4001, Emporia, KS 66801.

The Custodian may ask the requestor to sign a statement indicating knowledge of K.S.A 45-230 and the intent to comply with this law.

All efforts will be made to process each request for public records as soon as possible, but not later than the end of the third business day following the date that the request is received. If the request to access the public records is delayed, a written explanation for the cause of the delay and the date which the record will be made available to you will be made. The request may be denied if it places an unreasonable burden in producing public records or if the Custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. Explanation of the reasons for the denial will be provided in writing including a citation to applicable legal reference.

Fees charged or providing access to and/or copies of public records shall be:

- Staff time in providing records or access to records:
  - Printed records: \$20.00 per hour
  - Computerized records retrieval and queries: \$35.00 per hour
  - Confidentiality/Privilege/Open-closed redaction review: \$40.00 per hour
- Non-Certified copies of records: \$0.25 per page
- Certified copies of records: \$1.25 per page
- Copies produced by outside vendor – actual cost
- Mailing of record – actual cost
- Fax (outgoing U.S. Fax only): \$0.90 per page
- Additional fees; any other costs actually incurred by the University as a result of complying with a record request may be charged to the requester.

Fee charged must be remitted to Emporia State University prior to access to or distribution of copied records, unless otherwise agreed. Exception to fee charges may be made upon a de minimis impact determination. Copies of tapes, disks, films, pictures or similar items shall not be required to be disclosed unless the items were shown or played at a public meeting of ESU or other public body. Records shall remain in the possession and control of ESU during inspection and/or duplication.

#### **4I.0201.01 Exceptions to Kansas Open Records Act**

Certain records are considered private or privileged under the Kansas Open Records Act. Some exceptions include, but are not limited to, personnel records, medical treatment records, records protected by attorney-client privilege, criminal investigation records, proprietary business information, notes, and records protected by federal law including the Family Educational Rights and Privacy Act (FERPA) and/or Health Insurance Portability and Accountability Act (HIPAA). Records more than 70 years old are normally open for inspection unless otherwise prohibited by law. Records partially exempt from disclosure shall be redacted in accordance with applicable law.

Additional information is available from the Freedom of Information Officer, Vice President for Administration and Fiscal Affairs, Emporia State University, 1200 Commercial St., Campus Box 4001, Emporia, KS 66801.

#### **4J. TUITION WAIVERS, REDUCTIONS, OR REFUNDS/ADJUSTMENTS**

##### **4J.01 TUITION REDUCTIONS FOR GRADUATE ASSISTANTS** (passed by Graduate Council 2/20/03; approved by Vice President for Academic Affairs 4/28/03; revised by Graduate Council 1/22/04; approved by VPAA 1/29/04)

Graduate assistantships for the purpose of a tuition waiver must be awarded on the basis of 20 hours worked per week for a full semester. Non-resident assistants are eligible for resident fees during each full semester in which they hold an assistantship appointment for at least 16 hours duty per week.

##### **4J.02 TUITION WAIVERS FOR PERSONS OVER 60**

Residents of Kansas who are 60 years of age or over may take courses without paying tuition or fees but these courses cannot be counted toward a degree program.

##### **4J.03 FOSTER CARE TUITION WAIVER PROGRAM** (Substitute House Bill 2872)

The Foster Care Tuition Waiver Program provides an opportunity for foster care children in the custody of the Department of Social and Rehabilitation Services at age 18 to enroll in Kansas postsecondary institutions without payment of tuition or fees. The student will be responsible for other charges associated with the student's academic program and living costs, such as books and room and board. Only students between the ages of 18-21 are eligible for this program.

No educational institution will be required to honor more than 3 waivers in any academic year. Waivers are honored on a first-come, first-served basis, based on receipt date of application. Waivers are limited to a total of 8 semesters of undergraduate instruction, or the equivalent thereof per eligible applicant.

Applications should be sent to the Registrar's office.

##### **4J.04 TUITION WAIVERS FOR DEPENDENTS OF DECEASED PUBLIC SAFETY OFFICERS** (K.S.A. 75-4364)

This program provides an opportunity for dependents of certain public safety officers who died as a result of injuries sustained in the line of duty to enroll in Kansas postsecondary institutions without payment of tuition or fees. The student will be responsible for other charges associated with the student's academic program and living costs, such as books and room and board.

Waivers are limited to a total of 8 semesters of undergraduate instruction, or the equivalent thereof per eligible applicant.

#### **4J.05 REFUND/ADJUSTMENT OF STUDENT CHARGES FOR TUITION AND FEES** (approved by President 12/23/08; FSB 14020 approved by President 5/15/2015)

##### **Exceptions to the Published Fee Assessment Policy and Charges**

1. The Controller's Office and the appointed Financial Appeals Committee are charged with the responsibility of considering and approving exceptions to the published fee assessment policy as identified in the website for the Comprehensive Fee Schedule (<http://www.emporia.edu/busaff/>).
2. Any change in assessment can only be adjusted to a rate already established in the Emporia State University Comprehensive Fee Schedule.

##### **Initial Appeal by a Student**

1. An appeal and all pertinent written documentation must be submitted in writing within 25 calendar days of notification of assessment, adjustment, refund or event.

Minimally, each written appeal must be dated and include the student name, address and phone number, ESU ID, signature of the student, statement describing specifically what is being requested and for what term, statement of any extenuating circumstances, and why the request should be honored. Use the Petition for Tuition/Fee Adjustment Form to facilitate providing all the necessary information. (Available from <http://www.emporia.edu/busaff/>).

2. All appeals must be submitted to the Controller's Office. The Controller or designee may make exceptions on a case-by-case basis when there is a compelling case to do so. Appeals must meet one or more of the following criteria to be considered and approved:
  - a. Written documentation of an illness, accident, injury, or situation which could not be influenced, planned for, or prevented by the student or the institution and which subsequently caused a change in the class schedule, thus changing the assessment. Such written documentation should include the following: a doctor's note written on his/her letterhead, an accident report or other reasonable proof, reasonable proof of the death of a close relative or friend and/or written documentation of extenuating circumstances if completely withdrawing from school. Students should follow the withdrawal process as outlined in the Undergraduate and Graduate catalogs.
  - b. Written documentation of substantiated circumstances involving deadlines where a student has in good faith relied on information provided by a named University official, or the official's interpretation of the text of a University document or publication, and was consequently misled or mistaken about its terms.
  - c. In individual cases and when it is in the best interest of the student and the institution, the Controller may grant an exception that is not deemed to be served appropriately by the exception criteria stated elsewhere in this document.

3. Grade assignments, quality and quantity of instruction and other academic issues are not within the scope of these procedures and must be addressed to the chair of the academic department as outlined in the Academic Appeals Policy prior to making any adjustment of charges. Regarding all sections of this document; decisions will only address whether an adjustment of charges will be made.
4. Generally, grounds for consideration of an appeal will be restricted to those circumstances personally experienced by the enrolled student. Loss or illness of a family member, close associate, employee or friend, and/or difficulty in a family operated business or enterprise, is generally excluded from consideration.
5. Decisions are rendered by the designated official in the Controller's Office and will be based solely upon any and all pertinent written documentation.
6. Notification of a decision will be made in writing within 15 calendar days of receipt of the written appeal.

#### **Appeal of the Decision Rendered by the Controller's Office**

1. Upon written request a student may appeal the decision rendered by the Controller's Office.
2. A written appeal must be received by the Controller's Office within 25 calendar days of the notification decision.
3. The written appeal must request a review of the original decision and may contain additional written documentation to support the appeal.
4. The appeal will be reviewed by the designated official in the Controller's Office. If the appeal information is sufficient to overturn the original decision, the designated official in the Controller's Office can adjust a tuition or fee assessment in accordance with appropriate fiscal procedures.

If denied, the information must be forwarded to the chair of the Financial Appeals Committee for further, prompt consideration.

#### **Appeal Committees and Operation**

1. The Financial Appeals Committee shall consist of not more than 5 official voting members appointed by the President of Emporia State University. Appointments begin in August and are for a period of one calendar year. At the discretion of the President, such appointments are renewable.
2. The chairperson shall be selected by the President and shall be a member of the committee.
3. A designated official from the Controller's Office who has not been involved in the original decision shall serve as an ex-officio non-voting member on the committee.

4. The Financial Appeals Committee shall operate under all guidelines set forth in these articles.
5. Decisions of the committee will be decided upon a motion for action, a second of the motion and a majority vote, of total voting-eligible committee membership, supporting the motion.
6. Each appeal committee must meet, consider and send notification of the outcome of an appeal to the student and to the Controller within 30 calendar days after receiving the appeal information from the Controller's Office.
7. The decision rendered by the Financial Appeals Committee is the final University determination on the matter.

**4K. STUDENT ACCOMMODATIONS STATEMENT IN SYLLABI** (FSB 01014 approved by President 4/17/02)

In order that students with disabilities are advised where to seek services and that an interactive relationship among students, faculty, and Student Accessibility and Support Services is encouraged, faculty will include the following statement in the syllabi of their courses:

Emporia State University will make reasonable accommodations for persons with documented disabilities. Students need to contact the Director of Student Accessibility and Support Services and the professor as early in the semester as possible to ensure that classroom and academic accommodations are implemented in a timely fashion. All communication between students, Student Accessibility and Support Services, and the professor will be strictly confidential.

**4L. DIVERSITY, EQUITY, AND INCLUSION SYLLABUS STATEMENT** (FSB 17014 approved by President 8/6/2018)

In order to encourage an inclusive learning environment and to align with the Affirmation of Values Statement of Emporia State University, faculty shall include the following statement in their syllabus.

Emporia State University supports an inclusive learning environment where diversity and individual differences are understood, respected, appreciated, and recognized as a source of strength. We expect that students and faculty at Emporia State will respect differences and demonstrate diligence in understanding how other people's perspectives, behaviors, and worldviews may be different from their own.

If there are aspects of the design, instruction, and/or your experiences within this course that result in barriers to your inclusion or accurate assessment of achievement, please notify the unit head (Department Chair or equivalent) as soon as possible, and/or contact the office of the Assistant Dean of Students for Diversity, Equity, & Inclusion.

Faculty may supplement the required diversity syllabus statement in order to further strengthen their affirmation to diversity, equity, and inclusion as long as the supplement is in alignment with the required diversity, equity, and inclusion statement.

**4M. MILITARY SERVICE** (FSB 01005 approved by President 12/7/01; revised 04/10/2015)

Students serving in the National Guard or Reserves who are called to active duty or deployed during an academic term are entitled to receive a full refund for tuition and fees. Students who are drafted and must report for active duty during an academic term are entitled to receive a full refund of tuition and fees. All refunds are subject to presentation of official documentation to the office of the Vice President for Student Affairs. Students who volunteer for military service will be subject to the University's non-military refund policy. Room and board charges will be prorated to the extent that services have been provided.

Students serving in the National Guard or Reserves who are called to active duty training or service for periods less than 2 weeks will be excused from class. It is the student's responsibility to work with the instructor to make up assigned work and tests in a timely manner. If it is determined, prior to the completion of all course work for that semester, that the student cannot successfully complete a course because of said absence, the student is entitled to a refund based upon the number of courses completed for that semester. Students who are called to active duty training must furnish the office of the Vice President for Student Affairs with a copy of their letter (orders) from their unit concerning the scheduled active duty training or service. Upon receipt of the documentation, the office of the Vice President for Student Affairs will notify instructors of the active duty training or service and the length of training, if the letter so states.

**4N. COMMENCEMENT ATTENDANCE** (FSB 12008 approved by President 4/16/13)

Emporia State University holds four commencement exercises each year; undergraduate (baccalaureate) ceremonies in December and May, and graduate (masters, specialist, and doctorate) ceremonies in December and May.

All members of the faculty with the rank of instructor and above are encouraged to participate annually in two commencement exercises in proper academic attire. Faculty with rank of lecturer are invited to participate if they so desire. The dean of the school/college will work with department chairs to ensure a balanced number of faculty attend the undergraduate and graduate December commencements and the undergraduate and graduate May commencements.

Faculty members will furnish their own attire. The University bookstore has regalia available for rental.

**4N.01 FACULTY MARSHAL** (FSB 85010 approved by President 3/7/86)

At the spring and fall commencements there is a Faculty Marshal who carries the mace for the President of the University. The following guidelines shall be adhered to in selecting the Faculty Marshal.

The faculty member who is awarded the Roe R. Cross Distinguished Faculty Award during the spring commencement shall serve as the Faculty Marshal for the fall and spring commencements during the year following the year in which he or she serves as Roe R. Cross Distinguished Professor. The honor of being Faculty Marshal will be an additional honor to the recipient of the Roe R. Cross Award.

#### **40. CURRICULUM DEVELOPMENT AND REVIEW**

##### **40.01 COURSE NUMBERING SYSTEM (BOR) (updated 9/2010)**

When developing a new course, the following course numbering system is used.

- 000-099 No credit courses
- 100-299 Lower division, undergraduate. Designed as freshman and sophomore courses.
- 300-499 Upper division, undergraduate. Designed as junior and senior courses.
- 500-699 Upper division, undergraduate. Primarily for juniors and seniors, with enrollment of less than 50% Graduate I students.
- 700-799 Graduate and upper division. For Graduate I students primarily; with enrollment of less than 50% undergraduates.
- 800-899 Designed primarily for Graduate I students.
- 900-999 Designed primarily for Graduate II students.

Grad. I = Courses and thesis for Masters students who will ordinarily have accumulated from 1 through 30 graduate hours and students enrolled in professional schools (Law, Veterinary Medicine, M.D., Architecture, etc.).

Grad. II = Courses for Specialists and Doctoral students who will ordinarily have completed greater than 30 hours of graduate work.

The first digit course number identifies the level. The dual listing of courses may be permitted on a limited basis with the approval of the Dean of the Graduate School.

##### **40.02 MAJORS**

New majors require both campus and Board of Regents approval. Refer to the Board of Regents policy manual for content and format.

##### **40.03 CONCENTRATIONS OR MINORS (approved by BOR 6/24/99)**

Concentrations or minors may not exceed 24 credit hours at the baccalaureate level; 12 credit hours at the master's level; 18 credit hours at the doctoral level. Graduate certificate programs are not considered concentrations or minors and are determined at the campus level.

New concentrations or minors in disciplines with a major require campus approval only. New concentrations or minors in disciplines without a major requires both campus and Board of Regents approval.

**40.04 GENERAL EDUCATION** (FSR 106 approved 3/21/72; FSB 96004 approved by President 4/16/97; FSB 03003 approved by President 3/30/04; revised 4/10/2015; approved by COCG 1/30/2018)

The General Education Council is charged with the responsibility of formulating and continually reviewing all policies, procedures, and curricula pertaining to the general education program of Emporia State University. Any change in the general education program of the University must be approved by the General Education Council. However, if warranted, the Faculty Senate has the right to consider and override decisions made by the General Education Council.

The Faculty Senate designates the General Education Council as the faculty body responsible for advising the administration concerning policy and procedures affecting the university-wide competency examination requirements.

The General Education Council may direct the Institutional Effectiveness office, or other appropriate agencies, to evaluate the reliability and validity of tests.

The General Education Council designates minimum performance levels.

The General Education Council may establish course performance levels as equivalencies.

The General Education Council may assess the need for competency testing and recommend to the Faculty Senate the expansion, modification, or termination of the program.

**40.05 CURRICULUM REVIEW PROCEDURES** (FSB 79010 approved by President 6/13/80; FSB 88024 approved by President 5/1/89; FSB 90002 approved by President 3/18/91; FSB 99008 approved by President 2/28/00; FSB 09009 approved by President 2/5/2010)

The procedure for instituting curricular changes is as follows:

1. The initiator(s) of a curricular change must prepare all recommendations on the University Curricular Change Request form that are available from the office of each school or college dean.
2. Once a proposed change has been approved at all levels and the ESU Curriculum Form has been sent to and processed by the Registrar's office, the process is complete. Until the process is complete, a faculty member, chair, or dean who does not concur with the proposed curricular change may submit a request to the office of the Provost to refer the curricular change request to the Curriculum Review Panel.
3. If the proposal is for a new degree, a new major, a new program, or a new sub-specialty under an existing degree, it is considered a major curricular or organizational change and must go through Level Two review (see Level Two Curriculum Review Process below). After the Level Two process has been completed on campus, the proposal must then be approved by the Kansas Board of Regents before it goes into effect. The Board requires documentation in accord with the Procedures for Approval of New Programs or Academic Units, copies of which are

available from the office of the Provost. Those initiating such requests must provide the full required documentation required when they submit their request to the dean of the initiating school or college. The office of the Provost will coordinate the documentation and submission of any curricular changes requiring Kansas Board of Regents approval. It is the responsibility of the University's representative on COCAO to present the proposal to COCAO, after which it is sent to the Council of Presidents and on to the Board of Regents. All other curricular changes are handled on campus.

4. Other changes not listed above are considered course and program changes. If a proposed course change also affects a degree program, concentration, minor, or certificate program, a separate curricular change form will need to be submitted for each change (1 curricular change request form for the new course and another curricular change request form for the revised program will need to be submitted). However, these changes may be submitted at the same time. Proposed changes encompass two levels of review. Level One curriculum changes encompass any modification of a course that affects only the department where the course is housed and does not require review by the Council on Teacher Education, the General Education Council, the Graduate Council, or the Committee on Advanced Programs. These changes are minor modifications where the course description and course content (including the syllabus) remain essentially the same as when originally approved. These changes do not significantly alter the intent and purpose of the course and do not have implications for another department. They include the following:
  - Changing a course number within the same level: lower division, upper division, or graduate. (Must check with Registrar's office to make sure an appropriate number is selected prior to submitting the curriculum change.)
  - Changing a course title.
  - Changing a prerequisite that exists only within that department. (Must check with the Registrar's office to make sure that the change is compliant with the course management system prior to submitting the curriculum change.)
  - Changing the number of hours.
  - Deleting a course.

Only the course identification section (Part I) and the general statement proposal (Part II, A) on the Curricular Change Request form need to be completed.

5. All other curriculum changes belong to Level Two, including changing a course number to a different level, changing a course or degree program/concentration/minor/certificate that affects another department, adding a new course (courses that were previously taught under umbrella numbers are considered new courses), an extensive course change is being requested, or the change requires review by either the Council on Teacher Education, the General Education Council, the Graduate Council, or the Committee on Advanced Programs, then full details must be supplied on the Curricular Change Request form (Part II, B). Before any course can be required of any students, full details of the course must be provided on the Curricular Change Request form and that course must have been approved via the curriculum review process.

## 6. Level One Curriculum Review Process

All curriculum changes are initiated at the department level (the School of Library and Information Management acts as a department for curriculum review procedures). When the department approves the curriculum proposal, it forwards the proposal to the office of the dean, which in turn directs the proposal through the respective college's or school's internal approval process. If the proposal is approved by the school/college and dean, it will be electronically distributed by the office of the Provost to all deans and department chairs for a review period of 10 working days. The academic deans and department chairs are expected to inform faculty of the proposed curricular changes.

- a. If the office of the Provost receives no written objections to the proposal during the 10 working day review period, the proposal is considered approved. The office of the Provost informs the Registrar's office and the originating dean of the approval. The department completes the ESU Curriculum Form and returns it to the Registrar's office. This form must be received and processed by the Registrar's office before changes can be implemented.
- b. If the office of the Provost receives written objections to the proposal(s) during the 10 day working day review period, the office of the Provost forwards objections to the originating academic unit and the respective dean. Objections are resolved by consensus among the interested parties. Objections that cannot be resolved by consensus are submitted by the office of the Provost to the Curriculum Review Panel for resolution (see #9).

## 7. Level Two Curriculum Review Process

All curriculum changes are initiated at the department level (the School of Library and Information Management acts as a department for curriculum review procedures). When the department approves the curriculum proposal, it forwards the proposal to the office of the dean, which in turn directs the proposal through the respective college's or school's internal review process. If 2 or more schools or colleges are involved with initiating the proposed change, then the proposal must be submitted to all deans of the units involved for review by the college/school's curricular review process. For a Level Two proposal, the office of the dean also forwards the proposal to the applicable review body(ies) (e.g., the General Education Council, Graduate Council, Council on Teacher Education, Committee on Advanced Programs) to initiate its review. If the proposal is approved by the school/college, respective dean, and all additional review committees or councils, it will then be electronically distributed by the office of the Provost to all deans and department chairs for a review period of 10 working days. The academic deans and department chairs are expected to inform faculty of the proposed curricular changes.

- a. If the office of the Provost receives no written objections to the proposal during the 10 working day review period, the proposal is considered approved. The office of the Provost informs the Registrar's office and the originating dean of the approval. The department completes the ESU Curriculum Form and returns it to the Registrar's office. This form must be received and processed by the Registrar's office before changes can be implemented.

- b. If the office of the Provost receives written objections to the proposal(s) during the 10 day working day review period, the office of the Provost forwards objections to the originating academic unit and the respective dean. Objections are resolved by consensus among the interested parties. Objections that cannot be resolved by consensus are submitted by the office of the Provost to the Curriculum Review Panel for resolution (see #9).
8. If a department has final approval to change a course that is required in the program(s) of another department and the second department is substituting the new course for the old course, the second department can submit one curriculum change request that covers all affected programs within that department and that change would be considered a Level One change.
9. If objections cannot be resolved by the two parties, the office of the Provost, the chair, and members of the Curriculum Review Panel will be notified. In addition, the dean(s) and chair(s) of the initiating unit, as well as, the initiator(s) will be notified. The chair of the Curriculum Review Panel shall contact the initiator(s) of the curricular change and the group(s) objecting to the change. The chair shall engage all groups involved to attempt to resolve the issue. The Curriculum Review Panel will serve as mediator in the matter.
10. If a resolution is not possible, the matter along with the recommendation from the Curriculum Review Panel will be sent back to the office of the Provost. The President or a designee in the office of the Provost becomes the final authority on the matter.

Deadlines: In order for courses to be listed in the printed class schedule, proposals must be approved and submitted to the office of the provost by April 1 for the change to be effective in the academic year that starts the following July 1.

#### **40.0501 CURRICULUM REVIEW PANEL (FSB 88025 approved by President 5/1/89)**

1. The Academic Affairs Committee of the Faculty Senate shall appoint members to vacancies on the Curriculum Review Panel (hereafter CRP) at its penultimate meeting of the academic year.
2. The CRP shall consist of a faculty chair, 6 teaching faculty, and 2 students. The faculty and student members shall be appointed as follows:
  - a. One faculty member each from the School of Business, The Teachers College, College of Liberal Arts and Sciences, the School of Library and Information Management.
  - b. Two members from the teaching faculty at large.
  - c. At least 4 of the faculty members must be members of the graduate faculty.
  - d. The President of the Associated Student Government shall submit the names of 2 students for membership on the CRP. The students shall be from different schools/colleges. One student member should be a graduate student. The Academic Affairs Committee will either approve these nominations or ask for additional names.

- e. The chair shall be chosen from the membership of the Academic Affairs Committee, if possible. If this is not possible, any member of the teaching faculty may be appointed chair.
3. All members of the CRP represent the entire University and not just their respective schools/colleges.
  4. The 6 faculty members of the CRP shall serve 3 year terms that expire in rotation.
  5. The 2 students shall serve 1 year terms.
  6. The chair of the CRP shall be appointed for a 1 year term.
  7. The chair and all members of the CRP shall be eligible for reappointment.
  8. The chair of the CRP shall also serve as secretary.
  9. The function of the CRP shall be to provide a University-wide review of objections raised to curricular changes. The CRP, when acting as mediator in disputes over curricular changes, shall be cognizant of the function(s) of the proposing unit(s) and school(s)/college(s), shall determine if there is unnecessary duplication of courses already in existence, and shall be cognizant of the academic standards of the University.
  10. The CRP, after serving as mediator in disputes over curricular changes, shall forward a recommendation for approval or disapproval of the proposed curricular change to the Vice President for Academic Affairs.

**4P. PROGRAM DISCONTINUANCE POLICY** (FSB 84004 approved by President, 3/4/85; updated 9/2010)

The search for knowledge is in itself the means by which such knowledge shall be acquired. The very nature of a University demands that its quest for knowledge constantly directs it to adopt, adapt, or terminate the means (hereinafter termed programs of study) that sustain the mission of the University. Moreover, fluctuations in enrollment, bringing increasing or declining levels of financial support, together with a variety of changing technological, sociological, and other economic pressures underscore the need for program review and adjustment. When such review indicates that an established program of study should be abridged or terminated, it should be recognized that such a decision profoundly affects 1) the mission of the University; 2) the commitment of the University to students enrolled in said program of study; and, 3) the responsibility of the University to those faculty and staff who may be dismissed by program abridgment or discontinuance.

The purpose of the following policy and procedures statement, therefore, is to fulfill ESU's responsibility to the Kansas Board of Regents that each Regents' institution shall have a policy and procedures whereby it may discontinue academic programs of study. ESU's statement shall reflect

its commitment to its students and faculty, and its determination to maintain educationally-sound programs of study.

Furthermore, it should be understood, at the outset, that the policy and procedures set forth herein do not affect the Kansas Board of Regents' prerogative to exercise its Program Review and/or Program Discontinuance policies – policies which may take precedence over or mandate the initiation of the policies and procedures established by this document.

## Section II. Procedures

### A. Definitions

1. The Board of Regents Degree and Certificate Program Inventory for Regents Institutions is the basis for defining programs of study at Emporia University.
2. Program discontinuance may involve the abolition of any academic unit (department, school, or college) in which the degree or certificate is offered. It may also involve the abolition of a particular degree or certificate without otherwise effecting changes in the academic unit.
3. The determination that a program shall be discontinued is the decision of the President of Emporia State University, upon recommendation from the Vice President for Academic Affairs, that the University shall for bona fide educational considerations, (considerations distinct from and unrelated to those based on financial exigency) discontinue such a program.

### B. Discontinuance Procedures

1. A recommendation for Program Discontinuance may be initiated by the academic unit, the dean of the college or school in which the program is offered, the Dean of the Graduate School in the case of a graduate program only, or the Vice President for Academic Affairs. Recommendations shall not be submitted nor considered during summer session.
2. A recommendation for Program Discontinuance must be made in writing to the Vice President for Academic Affairs (if the Vice President for Academic Affairs initiates the recommendation, it shall be made in writing to the President of the University). All such recommendations shall include position statements by the academic units affected. (See Section II.A.2. Any so-designated academic unit may submit a position statement).
3. Receipt of a recommendation for Program Discontinuance by either the Vice President for Academic Affairs or the President of the University shall mandate on the recipient the following actions:
  - a. The recommendation and academic unit position statement shall immediately be transmitted to the President of the Faculty Senate, who, in consultation with the Faculty

Senate Executive Committee, shall assign the recommendation to 1 or more of the Faculty Senate's standing committees.

- b. The recommendation shall be given immediate public notice to the University community. A committee of the Faculty Senate shall be convened within 14 days of said notice to hear any faculty, staff, or student testimony or evidence. After hearing such evidence or testimony, the committee shall provide reasonable additional time for commentary and/or discussion.
- c. Within 30 days of the conclusion of the hearing in (b) above, the Faculty Senate, upon advice from its designated committees, shall submit to the President of the University its recommendation for or against the proposed Program Discontinuance. The Faculty Senate recommendation shall speak directly but not exclusively, to the issues of mission, and to responsibilities to students, faculty, and staff, detailing, wherever applicable, the effect in both long range and short range terms of its recommendations. The Faculty Senate shall concurrently transmit its recommendation to the appropriate faculty, chair, dean, and to the Vice President for Academic Affairs.
- d. The Vice President for Academic Affairs shall, within 30 days of the conclusion of the hearing in (b) above, submit a recommendation for or against the proposal to the President of the University. The recommendation shall be in writing and shall speak directly, but not exclusively, to issues of mission, and to responsibilities to students, faculty and staff, detailing wherever applicable, the effect in both long range and short range terms. The Vice President for Academic Affairs shall concurrently transmit the recommendation to the appropriate faculty, chair, dean, and Faculty Senate committees.
- e. The President of Emporia State University, after evaluating all recommendations, shall, within 30 days, make a final decision regarding the recommendation. If the President decides for program discontinuance, his/her written statement, transmitted to all affected, shall include a date for the program's discontinuance and a statement setting forth initial actions to be taken in respect to students and faculty affected by the program's discontinuance.

### C. Rights of Students

1. A decision to discontinue a program shall normally carry a 3 year phase-out period. That period shall begin with the date announced by the President of the University (Section II.B.3.e.)
2. Students in the program shall be notified to complete their programs within the phase-out period. If it becomes impossible for students to complete their degree programs within the phase-out period, the University shall make every reasonable effort to assist the students. Such efforts may include but are not limited to 1) permitting the student to take work in related departments; 2) assisting, if possible, the student in completing his program at another institution; and 3) permitting special graduate-level supervision, administration, and examinations by qualified faculty at other institutions.

#### D. Rights of Faculty

1. Termination of an appointment with continuous tenure, or of a probationary or term appointment before the end of the specified term, may occur as a result of Program Discontinuance.
2. The Vice President for Academic Affairs, upon recommendation of the appropriate dean, shall recommend to the President of the University which faculty members within the discontinued program shall be dismissed.
3. Termination of appointments under provisions of Program Discontinuance shall involve consideration including but not necessarily limited to those listed below:
  - a. Reasonable efforts shall be made to fulfill contractual term agreements with temporary or probationary faculty.
  - b. The University shall make every reasonable effort to offer each tenured faculty member another suitable position. The offering of another suitable position, under provisions of Program Discontinuance, which may or may not involve matters of transfer of tenure and/or rank shall be determined by consultation among the faculty member, the academic unit or units involved, and administrative heads at the unit, school, college, and University levels. Such transfers, however, shall not displace other tenured or probationary faculty in the unit receiving the transfer.
  - c. Tenured faculty scheduled for dismissal shall be retained as long as program needs dictate during the phase-out period. Faculty so retained shall be accorded the same rights and privileges (e.g., salary adjustment) as other faculty.
  - d. Tenured faculty shall be retained in favor of probationary faculty unless program needs dictate preferential treatment of probationary faculty.

#### Section III. Appeals

- A. An academic unit which has a program under consideration for discontinuance may appeal to the President of the University for a reconsideration of a decision to discontinue or not discontinue a program. Such an appeal must be made in writing no later than 15 days after the President issues the statement noted in Section II.B.3.e. The President shall respond in writing to the appeal within 15 days after receiving it.
- B. Due process must be scrupulously followed during Program Discontinuance. All of the rights and privileges of the faculty member to seek remedy for an alleged infringement of academic freedom or violation of established University tenure policies and procedures that now provide faculty access to the University grievance procedures shall also apply to such allegations regarding actions taken by the University under Program Discontinuance. A faculty member may appeal the President's decision to dismiss through utilizing the University's grievance procedures. Such appeal shall be made in writing, and shall be filed within 30 days of the date

of notification. The appeal may be based only on the grounds that 1) the dismissal was based on a statutory or constitutionally impermissible reason, or 2) the procedure surrounding the dismissal was improper. Improper procedure includes (but is not limited to):

- a. Violation of the procedures outlined in this document for arriving at the recommendation of discontinuance of the program in question. Such appeal, however, shall not address the substance of the recommendation.
- b. A violation of the procedures outlined in this document for arriving at the recommendation of non-reappointment of the individual.
- c. Use of incomplete or erroneous data or information in the decision-making process by the President that led to the dismissal; that is, that the President had no basis in fact for selecting the appellant for dismissal.
- d. Lack of a reasonable effort to place the faculty member in another suitable position in the University before the notice of intent to dismiss. Where the basis of the appeal is statutory or constitutional impermissibility, the burden of proof is on the faculty member; where the basis of appeal is improper procedure, the burden of proof is on the President. The faculty member shall have access to all relevant information in the possession of the administration to aid in preparing the case based on any of the grounds listed above.