

Pittsburg State University

Unclassified Personnel Handbook



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TABLE OF CONTENTS

CHAPTER 1 UNIVERSITY ORGANIZATION AND GOVERNANCE

A. Higher Education in Kansas	2
B. History of the University	2
C. Accreditation	2
D. Pittsburg State University Mission.....	2
E. Pittsburg State University Vision	2
F. Pittsburg State University Design Principles	3
G. Organization Chart and Position Descriptions for Pittsburg State University	3
H. Kansas Board of Regents Statement on Free Expression.....	4

CHAPTER 2 THE FACULTY

A. The Agreement.....	5
B. Academic Titles	5
1. Non-Tenure Earning Academic Titles	
2. Tenured and Tenure Earning Academic Titles	
3. Emeritus Titles	
C. Criteria for Awarding Academic Rank	6
1. Non-Tenure Earning Academic Ranks	
2. Tenured and Tenure Earning Academic Ranks	
3. Emeritus Status	
D. Terminal Degree Requirements	8
1. College of Arts and Sciences	
2. College of Business	
3. College of Education	
4. College of Technology	
5. Library Services	
E. Communication of Rank	11
F. Graduate Faculty	11
G. Policies on Recruitment and Appointment.....	11
1. Recruitment of Faculty	
2. Academic Appointments	
a. Tenure-Earning Appointments	
b. Non-Tenure Earning Appointments	
3. Temporary Academic Appointments	
4. Summer Session Employment	
5. Assessment of Spoken English Language Competency	
6. Moving Expense Reimbursement	
H. Tenure	13
I. Promotion.....	13
J. Policies and Procedures Relating to Severance of Employment.....	13
1. Standards for Non-Reappointment of Faculty	
2. Resignation	

3. Retirement	
4. Termination	
5. Termination of Tenure	
K. Faculty Duties and Responsibilities	14
1. Academic Responsibilities	
2. Professional Ethics	
3. Teaching Load	
4. Student Advising	
5. Faculty Availability	
a. Absences from Regular Instruction	
b. Office Hours	
L. Faculty Rights and Privileges.....	17
1. Academic Freedom	
2. Grievance Procedure	
3. Research Support	
M. Faculty Leave and Benefit Policies	18

CHAPTER 3 ADMINISTRATIVE PROFESSIONALS

A. Definition of Administrative Professionals	19
B. Policies on Recruitment and Appointment of Professionals	19
1. Recruitment of Administrative Professionals	
2. Appointment of Administrative Professionals	
3. Moving Expense Reimbursement	
C. Resignations	20
D. Retirement	20
E. Emeritus Status.....	20
F. Goals and Performance Evaluation Process for Administrative Professionals	20
1. Goals and Performance Evaluation Process - Generally	
2. Goals and Performance Evaluation Process Components	
3. Performance Evaluation Period	
G. Standards for Non-Reappointment of Administrative Professionals	21
1. Procedures for Non-Reappointment	
2. Procedures for the Grievance Hearing	
H. Administrative Professionals that Serve at the Pleasure of the President	23
I. Temporary Administrative Appointments	23
J. Administrative Professionals Paid from a Grant and/or Contract Funding.....	23
K. Administrative Professionals Appointed to Positions in Intercollegiate Athletics	23
L. General Grievance Procedure.....	24
1. Definition	
2. Grievance Steps	
M. University Discrimination Grievance Procedure	25
N. Administrative Professionals Leave and Benefit Policies.....	25

CHAPTER 4 EMPLOYEE DUTIES AND RESPONSIBILITIES

A. Documents and Records.....	26
1. Pre-Employment File	
2. Access to Personnel Files	
3. Notifications of Appointment	
4. Pre-Employment Background Checks	
B. Equal Opportunity.....	27
1. Notice of Nondiscrimination	
2. Affirmative Action	
3. Racial Harassment	
4. Sexual Harassment	
C. Policy on Consenting Relationships.....	28
D. Commitment of Time, Conflict of Interest, Consulting and Other Employment Policy	30
E. Acceptance of Gifts.....	30
F. Conflict of Interest/Employment of Relatives	30
G. Political Activity: Kansas Board of Regents	31
H. Intellectual Property Policy	31
I. Acceptable Use Policy	32
J. Policy on Execution of Contracts.....	32
K. Safety Policy	32
L. Pittsburg State University Weapons Policy and Procedures	33
M. Mandatory Reporting of Child Sexual Abuse	37
N. Policy on Smoking and Tobacco Use	37
O. Drug Free Workplace Act of 1988.....	37
P. Substance Abuse Policy	38
Q. Alcohol Policy.....	39
R. Policy on Prevention of Alcohol Abuse and Drug Use on Campus and in the Workplace	39
S. Position Statement Regarding Faculty Requests for a Hearing by the Board of Regents.....	39
T. Other Obligations	39
U. Social Media.....	39
V. Freedom of Expression: Time, Place and Manner Policy.....	39
W. Policy Development, Publication and Management.....	53
 APPENDIX A - Academic Freedom and Tenure	 39
APPENDIX B - Recruitment and Selection of Faculty	45
APPENDIX C - Recruitment and Selection of Unclassified Administrative Professionals.....	46

PREFACE

The Unclassified Personnel Handbook for Pittsburg State University is designed to be a convenient summary of policies pertinent to faculty and administrative professionals (unclassified staff). The Handbook does not supersede other official records, documents, notifications of appointment and so forth.

If an individual does not find information which he or she seeks in the Handbook, additional policies and information may be found online through the university website at <http://www.pittstate.edu/>. Various administrative offices including, but not limited to, the Office of the President, the Office of the Provost, the Office of Student Life, the Office of Administration and Finance, Human Resource Services, and the Office of Institutional Equity may have information available online. Tenured and tenured-earning faculty members may also reference the PSU/KNEA and Pittsburg State University/Kansas Board of Regents Memorandum of Agreement (the “Agreement”). Individuals may also inquire at Human Resource Services.

Additional policies may be found in the Kansas Board of Regents Policy Manual at <http://www.kansasregents.org/>. Although it is the intent of the University that policies stated in the Handbook conform to those stated in the Policy Manual issued by the Kansas Board of Regents, those in that Manual take precedence over those developed at the campus level.

CHAPTER 1

UNIVERSITY ORGANIZATION AND GOVERNANCE

A. Higher Education in Kansas

There are six state universities in the system of higher education in Kansas. These include the University of Kansas, Kansas State University, Wichita State University, Pittsburg State University, Fort Hays State University and Emporia State University.

The governing body for the Universities is the nine-member Kansas Board of Regents. The Board of Regents has been given authority by law to govern the six institutions of higher education. The Kansas Board of Regents also supervises and coordinates community colleges, technical colleges, technical schools and a municipal university. Members of the Kansas Board of Regents are appointed by the Governor and confirmed by the Kansas Senate.

The President, as the Chief Executive Officer of the University, is directly responsible to the Board of Regents for administering the University including, but not limited to, such functions as presenting the annual budget, presenting proposals for new policies, presenting academic programs and typically meeting once each month with the Regents and at other times on call. The President also participates in the Council of Presidents, which is made up of the chief executive officers of each of the six institutions.

B. History of the University

This University was originally organized as the Auxiliary Manual Training School in 1903. It became a four-year institution in 1913 and was renamed Kansas State Teachers College of Pittsburg in 1923. The College was authorized to grant the Master of Science degree in 1929 and the Specialist in Education degree in 1958. The institution was renamed Kansas State College of Pittsburg in 1959 and was authorized in that same year to offer the Master of Arts degree in the disciplines of History, English and Mathematics. In 1968 the College was authorized to grant the Master of Music degree and the Master of Business Administration degree in 1974. In the spring of 1977 the Legislature changed the name to Pittsburg State University. The University cooperates fully with the community colleges in surrounding communities, which are maintained through local taxation and state aid. As a result, the University has a large enrollment in the upper division and graduate level course work and must provide instructional and other resources accordingly. Because Pittsburg State University is the only four-year Kansas university within a radius of one hundred miles or more in this part of Kansas, it has steadily developed from what originally was a single purpose institution into a multi-purpose, regional university.

C. Accreditation

Pittsburg State University is accredited by the Higher Learning Commission of the North Central Association. PSU has successfully maintained continuous regional accreditation since 1915.

D. Pittsburg State University Mission Statement

The mission of Pittsburg State University is to make lives better through education.

E. Pittsburg State University Vision Statement

Our vision is to educate and prepare students to make positive contributions to their chosen professions and future communities. We accomplish this by:

- providing access to quality educational programs and experiences for students working to ensure students achieve their educational goals.
- embracing a historic commitment to learning by doing.
- creating an inclusive educational and work environment where everyone feels valued.
- connecting Kansas to the world and the world to Kansas.
- driving regional economic prosperity and competitiveness through education, research and creative activity, arts and culture, and community engagement.
- engaging with diverse communities and organizations to develop innovative solutions to critical social, technical, cultural, and environmental issues.

F. Pittsburg State University Design Principles

Simplify

Actively seek opportunities to reduce barriers for students by improving education-related systems, programs, and processes.

Love Our Place

Engage with our communities by embracing our cultural, socioeconomic, and physical setting in Southeast Kansas.

Care for People

Believe all faculty, staff, students, alumni, and community partners belong and deserve to live, learn, and work in fulfilling and healthy environments

Innovate Through Collaboration

Listen to others and use knowledge to advance innovative, collaborative approaches to solving problems both on and off campus.

Pursue Excellence

Are not afraid to take risks in the pursuit of accomplishing goals and objectives that lead to positive outcomes for students, faculty, staff, and community partners.

Embrace Our Gorilla Legacy

Celebrate the link between past, present, and future Gorillas as a distinct point of pride.

Explore with Purpose

Believe scholarship and research have purpose and impact communities locally, regionally, nationally, and globally.

Sustain Through Stewardship

Successfully steward and sustain finite human, financial, and environmental resources.

G. Organization Chart and Position Descriptions for Pittsburg State University

A detailed organization chart for Pittsburg State University can be found at <https://www.pittstate.edu/president/>. Official Position Descriptions are on file in Human Resource Services.

H. Kansas Board of Regents Statement on Free Expression

The Kansas Board of Regents adopts this Statement on Free Expression to reaffirm the System's long-held commitment to full and open inquiry and discourse, and the robust exchange of ideas and perspectives by students enrolled in our State Universities and present on our State University campuses. The principles of freedom of speech and freedom of expression in the United States and Kansas Constitutions, in addition to being legal rights, are essential to achieving the three-part university mission to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide other valuable public services for the benefit of our local communities, the State of Kansas, the nation, and the world. The purpose of this Statement is to express our continuing dedication to these principles and to maintaining our campuses as environments where the open exchange of knowledge and expression of ideas furthers our mission. This Statement generally concerns student expression in non-academic situations; it does not attempt to address the rights of non-students or students' academic work within the classroom setting.

A fundamental purpose of an institution of higher education is to provide an environment where divergent ideas, opinions, and philosophies can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, students are generally free to express their ideas and opinions, even if others may disagree with them or find those ideas and opinions to be disagreeable or even offensive. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to think critically and respectfully argue through civil discourse. The development of these important skills leads to personal and scholarly growth and is an essential component of the academic and research missions of each of our institutions.

It is equally important that we, as governmental entities, not stifle the lawful dissemination of students' ideas, even if we or members of our communities find those ideas abhorrent. Students wishing to express ideas with which others may disagree must generally be free to do so without fear of being disciplined by the University. This does not mean that such ideas are necessarily endorsed or tolerated, nor should they go unchallenged by members of the University community openly and vigorously contesting their merit, but the Board and the Universities are prohibited from pursuing disciplinary or punitive actions that unlawfully inhibit or penalize protected expression. And though we value civil behavior and believe all members of our campus communities have a responsibility to promote and maintain a climate of civility and mutual respect, the Board, and by extension the Universities they govern, cannot use a desire for civility and respect as the basis to silence expression. The Board and the Universities should empower, enable and encourage students to speak and listen and to do so respectfully, rather than interfere with or silence their protected expression of ideas.

We also recognize, however, that some speech is not protected, such as true threats, incitement to imminent violence, "fighting words," and unlawful, targeted harassment. The Board and its Universities can restrict speech that is not protected by the First Amendment, though it is important to note that these exceptions are narrowly interpreted. Additionally, reasonable restrictions on when, where, and how expression is disseminated are allowable and appropriate. Because universities and colleges are first and foremost places where people go to engage in scholarly endeavors, it is necessary to the efficient and effective operations of each University for there to be reasonable limitations on the time, place, and manner in which First Amendment rights are exercised. By law, these time, place, and manner limitations must be narrowly drawn and content-neutral and must serve to ensure that our students have the opportunity to express their ideas and opinions.

The Kansas Board of Regents is committed to protecting and encouraging students' exercise of their First Amendment free speech rights in accordance with this Statement.

Credits. Concepts and language for this Statement were gleaned from the following sources: State University System of Florida Statement on Free Expression, the Chicago Principles Report of the Committee on Freedom of Expression, Kansas State University's Statement on Free Speech and Expression, the Arizona Board of Regents Policy on Free Expression, and the Iowa Board of Regents Policy on Free Expression. We are grateful for the work of these organizations.

CHAPTER 2

THE FACULTY

A. The Agreement

Tenured and tenure-earning faculty are members of the Pittsburg State University/Kansas National Education Association (PSU/KNEA) collective bargaining unit. The PSU/KNEA and Pittsburg State University/Kansas Board of Regents Memorandum of Agreement (the “Agreement”) details many of the terms and conditions of employment of tenured and tenure-earning faculty. The current Agreement may be found online at the Office of the Provost’s webpage: <https://www.pittstate.edu/office/provost/>

B. Academic Titles

Pittsburg State University has a number of faculty ranks and academic titles to meet the needs of its various instructional programs in the Colleges of Arts and Sciences, Business, Education, and Technology and in the Division of Library Services. Academic titles apply to both non-tenure earning and tenure earning faculty members. These titles include:

1. Non-Tenure Earning Academic Titles

Adjunct Lecturer

Individuals on appointment which are part-time, temporary, and non-tenure earning.

Assistant Instructional Professor

Individuals on full-time appointments which may be temporary or continuing and non-tenure earning.

Associate Instructional Professor

Individuals on full-time continuing appointments which are non-tenure earning.

Instructional Professor

Individuals on full-time continuing appointments which are non-tenure earning.

Visiting Lecturer

Individuals with a regional or national reputation holding full-time appointments at other institutions or agencies who are employed for one academic year or less.

Visiting Professor

Individuals with a national or international reputation holding full-time appointments at other institutions or agencies who are employed for one academic year or less.

Courtesy Appointments

Non-tenure earning faculty status may be granted as a courtesy to full-time university administrators and professional staff members who teach courses on occasion for an academic unit of Pittsburg State University. The Courtesy signifier may be appended to any non-tenure earning, non-visiting, title listed above (e.g., Courtesy Adjunct Lecturer, Courtesy Assistant Instructional Professor, etc.). Courtesy appointments may be made for an ongoing or time-limited basis.

2. Tenured and Tenure Earning Academic Titles

Instructor

Individuals on full-time appointments which may be tenured or tenure earning.

Assistant Professor

Individuals on full-time appointments which may be tenured or tenure earning.

Associate Professor

Individuals on full-time appointments which may be tenured or tenure earning.

Professor

Individuals on full-time appointments which may be tenured or tenure earning.

University Professor

Individuals on full-time, tenured appointments.

Professorial Lecturer

A fixed term part-time appointment (up to a maximum of nine hours per fiscal year) for former tenured members of Pittsburg State University faculty who, after retirement, seek limited reemployment with the University. This will be a term appointment not to exceed five years. Termination of this fixed term part-time appointment may occur only for cause, financial exigency or program elimination or curtailment.

The maximum teaching load plus any other academic duties within the department shall be nine credit hours per fiscal year. The Professorial Lecturer and the Chairperson shall decide on the courses to be offered and the semester or terms in which they will be scheduled.

Compensation will be on an annual basis with the amount to be decided upon for each individual, recommended by the Chair, Dean and Provost and Vice President for Academic Affairs and approved by the President.

3. Emeritus Titles

Emeritus is an honorary title awarded to a retiring faculty member or administrative professional for extended meritorious or exceptional service. Emeritus may be appended to any full-time academic title listed above regardless of tenure earning status (e.g., University Professor Emeritus, Instructional Professor Emeritus, etc.).

C. Criteria for Awarding Academic Rank

Pittsburg State University adheres to the "Commission Guidance on Determining Qualified Faculty" as defined by The Higher Learning Commission. Normally all faculty must have a "RELEVANT" degree one level above the level they are teaching, except in terminal degree programs. Faculty teaching in baccalaureate programs who do not hold a master's degree or higher in the discipline should have completed a minimum of 18 graduate credit hours in the discipline in which they are teaching. Faculty teaching in graduate programs should normally hold the terminal degree determined by the discipline. Individual exceptions require evidence of relevant tested experience at the time of appointment and must be approved by the Dean of the College and the Provost and Vice President for Academic Affairs.

1. Non-Tenure Earning Academic Ranks

Adjunct Lecturer

Normally an adjunct lecturer will hold a master's degree or higher in their teaching field. However, the minimum academic preparation for this rank requires a relevant baccalaureate degree and 18 graduate credit hours in the teaching field, or a relevant baccalaureate degree and demonstrated tested experience.

Assistant Instructional Professor

Appointment to this rank requires possession of a relevant master's degree or higher in the teaching field. Temporary appointments to this rank are limited to five continuous years unless there are exceptional circumstances. After five years of continuous and meritorious service to the university, Assistant Instructional Professors are eligible for continuing appointment and/or promotion to Associate Instructional Professor upon recommendation of the department chair or school director and upon approval by the respective college dean and the Provost and Vice President for Academic Affairs.

Associate Instructional Professor

Appointment to this rank requires possession of a relevant master's degree or higher in the teaching field. After five years of continuous and meritorious service to the university in rank, Associate Instructional Professors are eligible for promotion to Instructional Professor upon recommendation of the department chair or school director and upon approval by the respective college dean and Provost and Vice President for Academic Affairs.

Instructional Professor

Appointment to this rank requires possession of a relevant master's degree or higher in the teaching field and significant meritorious service to the university and/or profession.

Visiting Lecturer

Appointment to this rank requires the possession of either a graduate degree, relevant tested experience, or a demonstrated significant regional or national reputation in the teaching field.

Visiting Professor

Appointment to this rank requires the possession of a relevant terminal degree as defined by the department or school.

Courtesy Appointments

Academic ranks granted to those holding Courtesy appointments must adhere with the requirements noted above. Courtesy ranks should be appropriate based on the educational attainment and experience of the individual. An initial Courtesy rank is recommended by the academic unit supervisor with approval from the respective college dean and the Provost and Vice President for Academic Affairs.

2. Tenured and Tenure Earning Academic Ranks

Instructor

Appointment to this rank requires the possession of an academic degree from a nationally accredited institution of higher education at a level above the program in which the faculty member is teaching.

Assistant Professor

Appointment to this rank normally requires possession of a terminal degree as defined by the department or school in which the appointment is made. A person may be hired without a terminal degree; however, the terminal degree must be obtained before tenure is considered.

Associate Professor

Appointment to this rank requires the possession of the terminal degree as defined by the department or school.

Professor

Appointment to this rank requires the possession of the terminal degree as defined by the department or school.

University Professor

To be considered a candidate for University Professor, a faculty member must have served in the Professor rank for no less than seven years. The process for becoming a candidate, as well as the process for selection to this rank, is found in the *Agreement*.

3. Emeritus Status

Emeritus status may be conferred upon the faculty member's or administrative professional's retirement from full-time University service. This service must be continuous for a period of ten or more years. Emeritus status may also be awarded posthumously to those faculty or administrative professionals who have died in office after ten years of continuous service. Emeritus status requires approval by the President and there is no salary or emolument attached to the status other than such privileges as the institution may wish to extend.

D. Terminal Degree Requirements

Departmental definitions of terminal degrees are listed by organizational unit. These definitions are to be used for initial appointment, promotion and tenure decisions. They have been developed as a guide to faculty and administration and, in all but extremely exceptional cases, should be observed. Exceptionality will be defined by the Department and verified by the Dean, the Director of Institutional Equity and the Provost and Vice President for Academic Affairs.

1. College of Arts and Sciences

Art

An earned doctorate from a nationally accredited institution of higher education in the disciplines of art history (Ph.D.) and art education (Ed.D., Ph.D.). An earned Master of Fine Arts degree from a nationally accredited institution of higher education if a studio artist.

Biology

An earned doctorate (Ph.D.) from a national accredited institution of higher education in the life or medical sciences.

Chemistry

An earned doctorate (Ph.D.) from a nationally accredited institution of higher education in the appropriate discipline.

Communication

An earned doctorate (Ph.D.) in the appropriate discipline. Exceptions include theatre, which also accepts an earned Master of Fine Arts (MFA) degree; broadcasting, which also accepts either an earned Master of Fine Arts degree (MFA) or an earned Master's degree (MA/MS) in an appropriate discipline with extensive and relevant commercial experience; and journalism/photojournalism, which also accepts an earned Master's degree (MA/MS) in an appropriate discipline with extensive and relevant commercial experience. All degrees accepted as terminal must be earned from a nationally accredited institution of higher education.

English and Modern Languages

An earned doctorate (Ph.D.) from a nationally accredited institution of higher education in the appropriate discipline. In English, an earned Master of Fine Arts degree in the discipline of creative writing if teaching in this area.

Family and Consumer Sciences

An earned doctorate (Ed.D., Ph.D.) from a nationally accredited institution of higher education. In certain areas of specialization, a master's degree with a recognized professional credential used for national certification of specialty. (e.g., RD, AID).

History, Philosophy and Social Sciences

An earned doctorate (Ph.D.) from a nationally accredited institution of higher education in an appropriate discipline. For criminal justice, faculty must hold an earned doctorate from a nationally accredited institution of higher education in criminal justice, criminology, or a closely related discipline. If the doctorate is in a closely related discipline there should be evidence of experience, scholarship, and professional involvement within criminal justice. For social work, a D.S.W. or Ed.D. from a nationally accredited institution of higher education in an appropriate discipline is also acceptable.

Mathematics

An earned doctorate (Ph.D., Ed.D.) from a nationally accredited institution of higher education in the appropriate discipline.

Music

An earned doctorate (Ph.D., Ed.D., D. M.) from a nationally accredited institution of higher education in the disciplines of music history, musicology, and music education. An earned appropriate Master of Music degree from a nationally accredited institution of higher education if a performing artist.

Nursing

For the ranks of Instructor, Assistant Professor and Associate Professor, an earned Master of Science with a major in nursing and a completed doctoral degree with a major in nursing or field such as Education, Health Science, Human Services, Business, Law or other related discipline from a nationally accredited institution of higher education. With exception, individuals may be hired at the Instructor or Assistant Professor ranks with the doctorate in progress with stipulation for completion within a specific period of time and prior to tenure or promotion.

For the rank of Professor, an earned Master of Science with a major in nursing and a completed Ph.D., Ed.D., or other doctoral degree with a significant research component including dissertation with a

major in nursing or field such as Education, Health Science, Human Services, Business, Law or other related discipline from a nationally accredited institution of higher education.

For all ranks, possession of a registered nurse license in Kansas and states of clinical practice. Appropriate certification at state and/or national levels in areas of specialization when relevant.

Physics

An earned doctorate (Ph.D.) from a nationally accredited institution of higher education in the appropriate discipline.

2. College of Business

Kelce Undergraduate School of Business

An earned doctorate (Ph.D., D.B.A., J.D., Ed.D., or international equivalent) in the appropriate discipline or supporting area from an accredited institution of higher education.

Kelce Graduate School of Business

An earned doctorate (Ph.D., D.B.A., J.D., Ed.D., or international equivalent) in the appropriate discipline or supporting area from an accredited institution of higher education.

3. College of Education

Health, Human Performance and Recreation

An earned doctorate (Ph.D. or Ed.D.) from a nationally accredited institution of higher education in the appropriate discipline.

Psychology and Counseling

An earned doctorate (Ph.D. or Ed.D.) from a nationally accredited institution of higher education in the appropriate discipline.

Teaching and Leadership

An earned doctorate (Ph.D. or Ed.D.) from a nationally accredited institution of higher education in the appropriate discipline.

4. College of Technology

Automotive Technology

For those primarily teaching undergraduate Automotive Technology, the terminal degree is a master degree from a nationally accredited institution of higher education in an appropriate discipline, plus a minimum of three years of experience. The experience may be automotive teaching experience or industry experience. Industry experience may be from any of the following areas: corporate, independent automotive facility or dealership.

Construction

A master's degree from a nationally accredited institution of higher education in an appropriate discipline plus a minimum of three years of industrial experience (five preferred) or a professional

license. In construction technology or construction engineering technology, Bachelor of Architecture degree with AIA licensing will be considered equivalent to the master's degree.

Engineering Technology

A master's degree from a nationally accredited institution of higher education in an appropriate discipline plus a minimum of three years of industrial experience (five preferred) or a professional license. In construction technology or construction engineering technology, Bachelor of Architecture degree with AIA licensing will be considered equivalent to the master's degree.

Graphics and Imaging Technologies

An earned master's degree in a related area from a nationally accredited institution of higher education plus five years of relevant commercial experience.

Technology and Workforce Learning

For those faculty primarily teaching in a certificate or associate degree program (i.e., Electrical Technology), a minimum of a master's degree from a regionally accredited institution of higher education in an appropriate discipline and appropriate professional certification is required.

For faculty primarily teaching in the industrial technology-based baccalaureate degree program (e.g., Wood Technology), a minimum of an earned master's degree from a regionally accredited institution of higher education in the appropriate discipline is required for tenure.

For faculty primarily teaching in education-related technology, baccalaureate and any graduate degree programs (e.g., Technology Education, Technical-Teacher Education, Human Resource Development, Career and Technical Education), an earned doctorate (Ph.D. or Ed.D.) from a regionally accredited institution of higher education in an appropriate discipline is required for tenure.

Experience does not replace degree requirements for tenure. However, all TWL faculty should have 3-5 years of experience in the area they are teaching.

5. Library Services

A master's degree in library science from a School of Library Science accredited by the American Library Association.

E. Communication of Rank

Academic rank must be stated in all initial communications and notifications of appointment dealing with the appointment of individual faculty members.

F. Graduate Faculty

Membership on the graduate faculty is through recommendation of the Graduate Council. It is the responsibility of the graduate faculty to formulate and review all policies and practices concerning graduate programs. It is the further responsibility of the graduate faculty to maintain a high level of instruction, research, and creative activity and a climate of free inquiry conducive to learning.

G. Policies on Recruitment and Appointment

1. Recruitment of Faculty

The quality of initial appointments is so vital to the pursuit of excellence to which both Pittsburg State University and the academic departments and divisions are committed that the following statements of policy are deemed important guidelines to faculty recruitment.

- To assist Pittsburg State University in maintaining an outstanding faculty and to create a professionally challenging atmosphere for the individual, the University is highly selective in making initial appointments; and
- In recruiting new faculty members, the University conforms to the letter and the spirit of the Equal Employment and Opportunity and Affirmative Action policies of the University.

(See Appendix B - Recruitment and Selection of Faculty)

2. Academic Appointments

Faculty appointments may be made in an academic department in the College of Arts and Sciences, Business, Education, and Technology. They also may be made in Library Services. Faculty appointments are of two types:

a. Tenure-Earning Appointments

Regular full-time appointments in an academic department in which the expectation is that the faculty member will qualify for tenure. For additional information on tenure-earning appointments, please see the *Agreement*.

b. Non-Tenure Earning Appointments

(1) Full-Time, Continuing, Non-Tenure Earning Appointments

Full-time, continuing, non-tenure earning appointments are for full-time assignment for an academic year. There is no expectation of progress toward a terminal degree nor will such faculty members be eligible for promotion.

(2) Full-Time, Non-Tenure Earning Appointments

Full-time, non-tenure earning appointments are temporary appointments for full-time assignment for a semester, academic year or summer session with no expectation of continued employment beyond the contract period. There is no expectation of progress toward a terminal degree nor will such faculty members be eligible for promotion.

(3) Part-Time, Non-Tenure Earning Appointments

Part-time, non-tenure earning appointments are temporary appointments for a partial academic assignment for a semester or for the academic year or for the summer session. Faculty members holding such temporary, part-time appointments are appointed for a specified period of time only and will be compensated at a rate commensurate with University policy at the time of the appointment. Time accrued as a part-time faculty member will not be counted for prior service credit. Temporary employees have no expectation of continued employment beyond the contract period.

3. Temporary Academic Appointments

Temporary appointments have no expectation of continuing employment, no consideration for tenure, nor do the standards of non-reappointment apply. Temporary appointments are considered to be at-will and may be terminated at any time and without cause, prior to the end date specified in any notice of appointment.

4. Summer Session Employment

Faculty summer teaching appointments are made to meet the needs of the academic program of the University. Such appointments are treated as assignments independent of fall and spring contractual agreements. The University is not obligated to provide summer employment to Pittsburg State University faculty. For additional information, see the *Agreement*.

5. Assessment of Spoken English Language Competency

The University assesses the spoken English language competency for prospective faculty members and graduate teaching assistants. For complete policy information, see the “Spoken English Language Competency” section in the Kansas Board of Regents Policy Manual. For information on Pittsburg State University’s assessment process, please contact the Office of Institutional Equity.

6. Moving Expense Reimbursement

Pittsburg State University will pay moving expenses when it is necessary to attract key unclassified employees to the University. All expenses must be paid with private funds. The President, Provost, or vice presidents may authorize the payment of moving expenses.

Moving expenses may only be paid after the employee agrees in writing (Form DA-22) to remain in University services for 12 months from the date of appointment, unless separated for reasons beyond the employee’s control that are acceptable to the University. If the employee leaves before the 12-month period, the employee will reimburse the University the full amount paid for moving expenses.

The amount to be paid for moving expenses shall not exceed the amount of the actual moving expenses verified by receipts. Taxable reimbursements will be reported as fringe benefits subject to tax withholdings. Non-taxable reimbursements will be reported on the employee’s W-2 form.

H. Tenure

Tenure, briefly stated, is an arrangement whereby faculty members, after successful completion of a period of probationary service, can be dismissed only for adequate cause or other possible circumstances and only after a hearing before a faculty committee. *Source: American Association of University Professors*

Complete Guidelines and Procedures for Recommending and Awarding Tenure may be found in the *Agreement*.

I. Promotion

To be considered for promotion, a faculty member shall be tenured or holding a tenure-earning appointment and be able to demonstrate excellence in at least one of the three areas of: 1) teaching; 2) research, scholarship and/or creative endeavor; 3) community and/or University service with accomplishment in the remaining two. For more information on Promotion, see the *Agreement*.

J. Policies and Procedures Relating to Severance of Employment

1. Standards for Non-Reappointment of Faculty

Notice of non-reappointments should be given in writing in accordance with the following standards; however, such standards shall not be applicable to any administrative or temporary assignments.

- Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year, or if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- At least twelve months before the expiration of an appointment after two or more years in the institution.
- These standards do not apply to temporary non-tenure earning faculty, Visiting Professors, part-time faculty, Professorial Lecturers, summer session academic appointments, and Graduate Teaching Assistants.

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

2. Resignation

A faculty member who does not intend to accept appointment for the following academic year should submit a written resignation to his/her Department Chairperson as soon as the decision has been made. Resignations will be forwarded in each case to the President through the Department Chairperson, the Dean of the College and the Provost and Vice President for Academic Affairs.

3. Retirement

Information regarding individual retirement can be obtained from Human Resource Services, 204 Russ Hall or <https://www.pittstate.edu/hr/regents-mandatory-retirement-plan.html>. For additional information on retirement for tenured/tenure-earning faculty see the *Agreement*.

4. Termination

For information see the Kansas Board of Regents Policy Manual including sections “Suspensions, Terminations and Dismissals” and “Financial Exigency.” For additional information on termination for tenured/tenure-earning faculty, see the *Agreement*.

5. Termination of Tenure

Termination or non-reappointment of tenured faculty occurs as the result of three contingencies: cause, financial exigency, and academic program curtailment or discontinuance. For additional information, see the *Agreement* and the Kansas Board of Regents Policy Manual.

K. Faculty Duties and Responsibilities

1. Academic Responsibilities

The professional responsibilities of the University Faculty are in three areas: instruction, scholarly activities and professional service.

Faculty instructional responsibilities encompass classroom teaching; problem and thesis advisement; supervision of instructional activities such as professional semesters, cooperative work experiences, internships and practical instructional management; private lessons; curriculum and course development; creation of teaching materials, implementation of instructional systems and strategies and student evaluation and assessment.

Faculty scholarly and service responsibilities include engaging in discipline research, scholarly activity or creative endeavor; service to the academic community; outreach to the geographic region; academic advising; equipment and facility development, maintenance and production; activity in service and to academic and professional societies; consulting and advising in areas related to a faculty member's expertise.

The University recognizes that there is a balance called for between instructional, scholarly and service responsibilities. This balance is optimum when the instructional demands of the University's academic programs are adjusted to allow the faculty to maintain commitments to scholarly activity and research, to faculty citizenship, to University service and to assisting the regional community the University serves.

The particular mix of faculty responsibilities may differ among individual faculty depending on the professional orientation of the faculty member, the objectives of the Department and the mission of the University. The University believes that this is as it should be to meet the individual needs and interests of each faculty member.

It is University policy to schedule online, evening, Saturday and off-campus classes as part of normal faculty assignment as required.

Faculty members are expected to give those customary and traditional instructional services which are "standard" throughout institutions of higher education. Assignment of duties is the prerogative of the Department Chairperson. A member of the faculty is expected to attend departmental and faculty meetings and to assist and participate in commencement exercises and other formal academic events. Academic regalia is necessary for some events.

2. Professional Ethics

Adapted from a statement by the American Association of University Professors

The professorate, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon it. The primary responsibility of faculty members to their subjects is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending and transmitting knowledge. They practice intellectual honesty although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of their disciplines. They demonstrate respect for the students as individuals and adhere to their proper role as intellectual guides and counselors. They make every reasonable effort to foster honest academic conduct and to assure that their evaluation of students reflects the true merit of

students. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from students. They protect the academic freedom of students.

As colleagues, professors have obligations that derive from common membership in the community of scholars. Members of the professorate respect and defend the free inquiry of their associates. In the exchange of criticism and ideas, they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgments of colleagues. They accept their share of faculty responsibilities for the governance of their institution.

As members of their institution, professors seek above all to be effective teachers and scholars. Although members of the professorate observe the stated regulations of the institution, provided they do not contravene academic freedom, they maintain their right to criticize and seek revision. They determine the amount and character of the work they do outside their institution with due regard to their paramount responsibilities within it. When considering the interruption or termination of their services, they recognize the effect of their decisions upon the programs of the institution and give due notice of intentions.

As members of their community, professors have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of responsibilities to their subjects, to their students, to their profession and to their institution. When they speak or act as private persons, they avoid creating the impression that they speak or act for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

3. Teaching Load

The policy governing teaching load for tenured/tenure-earning faculty may be found in the *Agreement*. Teaching load for other individuals who teach is determined by the department.

4. Student Advising

Since a major objective of Pittsburg State University is to assist each student to develop his/her interests in order to reach his/her full personal and professional potential, Pittsburg State University emphasizes the role of the faculty in the academic advising of students.

Although there are other offices which provide specialized counseling, such as Enrollment Management and Student Success in addition to Career Services to which the student may be directed for professional assistance, the faculty member has a special and unique role which may take three forms:

- Advising of the student with regard to the student's work in classes taught by the faculty member;
- Serving as a departmental advisor in the student's major area to assist the student in setting academic goals, ensuring that the University and departmental requirements are met and understood by the student, and planning electives to coincide with the student's personal and career objectives; and

- Recognizing when the student needs professional assistance with problems of a personal nature or resulting from academic skill deficiencies and directing the student to the appropriate office or person from whom such assistance is available.

5. Faculty Availability

Members of the faculty are expected to arrange in advance when possible for any necessary absences from classes, departmental meetings or other occasions for which his/her attendance is normally required. Such arrangements are to be made with the appropriate Department Chairperson or other administrative official in cases of formal academic classes and events. The primary purpose for concurrence by the Department Chairperson is to ensure instruction at the proper level.

If absence from a formal academic event is anticipated, a written request stating the reasons should be addressed to the Department Chairperson or appropriate administrator.

It is expected that faculty members will meet classes as scheduled or will make proper arrangements with their Chairperson, to follow the final examination schedule and to participate in the regular academic life of the University.

a. Absences from Regular Instruction

Faculty are expected to meet classes for full periods at the location specified and at the time indicated in the semester class schedule. Examinations must be given according to the schedule as published in the academic calendar. If a faculty member is to be absent from his/her regular class assignment, he/she must make proper arrangements for the conduct of his/her class through the Chairperson of the Department.

b. Office Hours

It is University policy that each faculty member will be expected to be in his/her office for advisement and consultation with students and such office hours will be posted. Each Chairperson prepares a complete roster of faculty office hours and reports them to his/her Dean.

L. Faculty Rights and Privileges

1. Academic Freedom

Pittsburg State University endorses the American Association of University Professors Academic Freedom and Tenure 1940 Statement of Principles and Interpretive Comments. The statement was adopted by the Pittsburg State University Faculty Senate Monday, March 22, 1982. The University will observe both spirit and intent of the statement within the policies and procedures of the Kansas Board of Regents. (See Appendix A)

2. Grievance Procedure

The general grievance procedure for the tenured/tenure-earning faculty is found in the *Agreement*. The performance appraisal grievance procedure and merit salary increment grievance procedure for the tenured/tenure-earning faculty may be found in the *Agreement*. The general grievance procedure for administrative professionals also applies to continuing non-tenure earning faculty and may be found in Chapter 3.

When the grievance alleges discrimination based upon race, color, religion, sex, national origin, sexual orientation, age, marital status, ancestry, genetic information, veterans status or disabilities, the University Discrimination Grievance Procedure will be applicable. Additional information regarding the University Discrimination Grievance Procedure is available online or in person from the Office of Institutional Equity, 218 Russ Hall.

3. Research Support

The University is committed to excellence in the transmission of knowledge through creative teaching and purposeful learning, the application of knowledge through the solution of problems, the search for knowledge through research and scholarship and to the preservation of knowledge.

M. Faculty Leave and Benefit Policies

Faculty in benefits-eligible positions may find information on leave and benefit policies through Human Resource Services (<https://www.pittstate.edu/hr/benefits/index.html>) as well as the Kansas Board of Regents Policy Manual. Additional information on leave and benefit policies for tenured/tenure-earning faculty may be found in the *Agreement*.

Questions regarding individual benefit eligibility should be directed to the Director of Human Resource Services.

CHAPTER 3

ADMINISTRATIVE PROFESSIONALS

A. Definition of Administrative Professionals

The Administrative Professionals of Pittsburg State University consist of unclassified persons who are performing functions directly related to administrative policies or a professional set of skills. The Administrative Professional must customarily and regularly exercise discretion and independent judgment or professional judgment. The work performed is professional in nature or varied and cannot be standardized in point and time. Generally, the Administrative Professional requires special training, knowledge, or postsecondary education beyond the baccalaureate.

B. Policies on Recruitment and Appointment of Professionals

1. Recruitment of Administrative Professionals

To assure high quality and effectiveness of operations, Pittsburg State University is committed to the following statements of policy which are deemed important guidelines to administrative professional recruitment:

- Pittsburg State University is highly selective in making initial appointments to maintain an outstanding support staff and to create a professionally challenging atmosphere for the individual; and
- The University conforms to the letter and the spirit of the Equal Employment Opportunity and Affirmative Action policies of the University in recruiting new Administrative Professionals.

Guidelines concerning the recruitment and selection of Administrative Professionals undergo periodic scrutiny, review and revision. Copies of the guidelines in effect for recruiting and selecting Administrative Professionals may be obtained in the Office of Institutional Equity.

(See Appendix C - Recruitment and Selection of Unclassified Administrative Professionals)

2. Appointment of Administrative Professionals

The annual appointments of Administrative Professionals are non-tenure earning. The designation of administrative appointment should be stated in the unclassified administrative professional's written notice of appointment. Persons holding such appointments are subject to the laws and policies of the state of Kansas, the Kansas Board of Regents, and the University.

3. Moving Expense Reimbursement

Pittsburg State University will pay moving expenses when it is necessary to attract key unclassified employees to the University. All expenses must be paid with private funds. The President, Provost, or vice presidents may authorize the payment of moving expenses.

Moving expenses may only be paid after the employee agrees in writing (Form DA-22) to remain in University services for 12 months from the date of appointment, unless separated for reasons beyond the employee's control that are acceptable to the University. If the employee leaves before the 12-month period, the employee will reimburse the University the full amount paid for moving expenses.

The amount to be paid for moving expenses shall not exceed the amount of the actual moving expenses verified by receipts. Taxable reimbursements will be reported as fringe benefits subject to tax withholdings. Non-taxable reimbursements will be reported on the employee's W-2 form.

C. Resignations

An Administrative Professional who does not intend to accept appointment for the following fiscal year should submit a written resignation to his/her immediate supervisor as soon as the decision has been made. Original copies of resignations will be forwarded in each case through the appropriate administrator(s) to the President.

D. Retirement

Information regarding individual retirement can be obtained from Human Resource Services, 204 Russ Hall or <https://www.pittstate.edu/hr/regents-mandatory-retirement-plan.html>.

E. Emeritus Status

Emeritus status is an honorary title awarded to a retiring faculty member or administrative professional for extended meritorious service. Emeritus status may be conferred upon the faculty member's or administrative professional's retirement from full-time University service. This service must be continuous for a period of ten or more years. Emeritus status may also be awarded posthumously to those faculty or administrative professionals who have died in office after ten years of continuous service. Emeritus status requires approval by the President and there is no salary or emolument attached to the status other than such privileges as the institution may wish to extend.

F. Goals and Performance Evaluation Process for Administrative Professionals

1. Goals and Performance Evaluation Process - Generally

Pittsburg State University values the importance of a Goal and Performance Evaluation process that meets the following goals and objectives:

- Establish the process for continuous employee development.
- Increase communication between the supervisor and employee about performance-related issues.
- Familiarize the employee with how the employee's position is aligned with the unit's mission and strategic plan as well as the University's mission and strategic plan.
- Provide a formal process to evaluate employee performance during the employee's probationary period, annually, and/or during special review periods.
- Include the following components: 1) Line manager and employee establish position-specific or professional goals for the review period. 2) Line manager and employee assess the employee's goals. 3) Line manager evaluates overall employee performance during the review period with employee feedback and comments.
- Provide information about employee performance to use when making decisions involving salary, merit salary increases, promotions and terminations.

2. Goals and Performance Evaluation Process Components

There are three components to the Goals and Performance Evaluation Process:

Position Description: The position description describes the duties and responsibilities of the position as well as the competencies (knowledge, skills and abilities) and other characteristics that will be used to assess employee performance during the review period.

Goals: Line managers and employees may establish position-specific or professional goals to be assessed during the review period. Goals may be short-term or long-term. Goals may be assessed throughout the review period. Progress toward meeting goals is considered in determining the overall performance review rating for the review period.

Performance Evaluation: Line managers complete the GUS Cloud Performance Document at the end of the review period. Employees provide feedback and/or comments to the evaluation.

3. Performance Evaluation Period

The review period for unclassified administrative professionals starts with the first day of the pay period in the new fiscal year in June or the appointment date, whichever is later. The review period will end on the last day of the pay period of the fiscal year or the appointment end date, whichever is later.

More detailed information about the Goals and Performance Evaluation Process is available from Human Resource Services, 204 Russ Hall or <https://www.pittstate.edu/hr/policies/performance-evaluation-process.html>.

G. Standards for Non-Reappointment of Administrative Professionals

Notice of non-reappointment will be given in writing in accordance with the following standards:

Administrative Appointments -- With the exception of those unclassified employees that serve at the pleasure of the President, and those with temporary assignments, an Administrative Appointment is one held by an unclassified employee of Pittsburg State University who is not a tenured, tenure-earning, or continuing non-tenure earning faculty member.

1. Procedures for Non-Reappointment

a. The employee's supervisor begins the process to issue notice of non-reappointment by seeking approval through their administrative channel. With written approval from the appropriate Vice President or President (if the employee is in the President's division), the supervisor will request a notice of non-renewal letter from Human Resource Services. The employee shall have an opportunity to a hearing to grieve the non-reappointment. The procedures for this hearing are described below. The written notice of non-reappointment may include information about the reason for non-reappointment.

b. Notice of non-reappointment is to be given as early as possible.

1) Notice must be given no later than May 1st for non-reappointment the following fiscal year. After this date the employee is entitled to a one-year appointment for the following fiscal year. Employees that have an appointment that ends other than the last day of the fiscal year should receive notice of non-reappointment no later than thirty (30) days prior to the end of the current appointment.

c. Employees may be reassigned to other duties during those months following the notice of non-reappointment.

d. Those employees with Administrative Appointments may be terminated from employment at any time for just cause related to the performance or failure to perform the individual's duties or for violation of the reasonable directives, rules and regulations, and laws of the institution, the Kansas Board of Regents and the state of Kansas or the United States.

e. Non-reappointment notice provisions do not apply if an employee is terminated from employment for reasons of significant reduction in or elimination of the funding source supporting the position. In those instances employees will receive one-week severance pay per each full year of service to the University, not to exceed 20 weeks. Employees with less than four years of service to the University will receive a minimum of four weeks severance pay.

2. Procedures for the Grievance Hearing

Step 1

a. If the employee would like to grieve the non-reappointment, the employee must send written notification to the employee's Vice President within five (5) workdays of the date of notice of non-reappointment. If the employee serves directly under a Vice President, the employee would grieve directly to the President and the employee and President would be subject to the timeline and procedures set out in Step 1.

b. Within ten (10) workdays of receipt of notice of the grievance, the Vice President shall hold a hearing with the grievant and the grievant's supervisor(s) that recommended non-reappointment.

c. This proceeding is an informal proceeding intended to allow the Vice President to gather information and hear from the grievant and the grievant's supervisor. Upon request by either party, the hearing may be recorded. The party making this request will incur all expenses of the recording. If requested in advance, the employee may bring an advisor to the hearing. This advisor may be an attorney, friend, relative, co-worker, etc. The role of the advisor should be limited to helping the employees respond to information presented or questions from others. The advisor is permitted to question individuals at the hearing. If the conduct of the advisor interferes with the hearing, the Vice President may request or order the advisor to leave the hearing. The grievant, grievant's supervisor(s), and the Vice President may have witnesses present at the hearing.

d. The following procedures should be followed by the Vice President:

e. The Vice President and grievant will have a determined amount of time to present information, question witnesses, and respond to questions. The Vice President and the grievant will determine this amount of time.

f. Within seven (7) workdays of the hearing, the Vice President will issue a decision on the non-reappointment grievance.

Step 2

- a. If the grievant is not satisfied with the decision of the Vice President, the grievant may appeal this decision to the President. The grievant must notify the President within five (5) workdays of the Vice President's decision.
- b. Within five (5) workdays of the grievant's notice of appeal, the President must meet with the grievant and the Vice President. After this meeting, the President will issue a decision as to whether or not the non-reappointment will stand. The President's decision will be the final decision for the University.

H. Administrative Professionals that Serve at the Pleasure of the President

The Provost, Vice Presidents, Deans, Department Chairs/School Directors, General Counsel, Director of Intercollegiate Athletics, Executive Director of Creative and Strategic Communication, Associate Vice Presidents, Assistant Vice Presidents, Associate Deans, Assistant Deans, Chair of the Faculty, Athletic Coaches, Senior Associate Athletic Director and Senior Woman's Administrator, Director of Institutional Equity, Executive Director of University Affairs, and Special Assistants to the President shall serve at the pleasure of the President.

Employees in these positions are not subject to the notice provisions for non-reappointment given to the Unclassified Administrative Annual Appointments. Those that serve at the pleasure of the President are not entitled to the appeal procedures given to other Administrative Employees. Employees may be reassigned to other duties at the discretion of the President.

Those employees that serve at the pleasure of the President may be terminated from employment at any time for just cause related to the performance of or failure to perform the individual's duties or for violation of the reasonable directives, rules and regulations, and laws of the institution, the Kansas Board of Regents and the state of Kansas or the United States.

The designation should be stated in the unclassified administrative professional's written notice of appointment.

I. Temporary Administrative Appointments

Temporary appointments have no expectation of continuing employment, no consideration for tenure, nor do the standards of non-reappointment apply. Temporary appointments are considered to be at-will and may be terminated at any time and without cause, prior to the end date specified in any notice of appointment.

J. Administrative Professionals Paid from a Grant and/or Contract Funding

Each employee appointed to a position funded from grant and/or contract funding will have the following as a condition of employment: "Appointment to and continuation of this position is conditioned upon grant/contract funding from external agencies. If such grant/contract funding cannot fund this position as anticipated at the time of this appointment, the appointment to this position and your employment hereunder may immediately terminate. Such immediate termination shall take precedence over any notice of non-reappointment or termination requirements found in the current Unclassified Personnel Handbook of Pittsburg State University and said requirements shall not apply."

K. Administrative Professionals Appointed to Positions in Intercollegiate Athletics

Each employee appointed to a position in Intercollegiate Athletics shall have the following as a condition of employment: "As a Pittsburg State University employee appointed to a position in Intercollegiate Athletics,

following are the continuing conditions of your employment: Employees found in violation of NCAA legislation shall be subject to disciplinary or corrective action, including suspension without pay or termination of employment for significant or repetitive violations. The University reserves the right to terminate your employment for just cause. The term “just cause” shall include, in addition to and as example of its normally understood meaning in employment contracts, any of the following actions:

- Serious or intentional violation of the duties of this position or refusal or unwillingness to perform such duties in good faith and to the best of your abilities.
- Your violation of any of the terms and conditions of your employment not remedied after thirty (30) days written notice thereof by the University.
- Your conviction of a felony.
- A serious or intentional violation of any rule, regulation, constitutional provision, by-law or interpretation of PSU, the MIAA or the NCAA, which, when viewed by an ordinary and reasonable person would reflect adversely upon the University or its athletic program. In determining whether the violation would reflect adversely upon the University, several factors should be examined, including, but not limited to, whether the violation results in an NCAA or Conference major infraction: whether the rule, regulation, constitutional provision, by-law or interpretation is considered a major or significant one, including, for example, the sexual harassment policy or non-discrimination policy; or whether litigation or state or federal administrative claims are filed.
- A serious or intentional violation of any rule, regulation, constitutional provision, by-law or interpretation of PSU, the MIAA or the NCAA by a member of your staff or any other person under your supervision and direction, which violations were known by you.
- Your prolonged absence from duty without the consent of the University President.
- “Just Cause” sufficient to satisfy the provisions outlined above hereof shall initially be determined by the University President.”

L. General Grievance Procedure

1. Definition

A “grievance” is defined as an allegation or complaint that there has been a violation of a written policy adopted by the University and applicable to Administrative Professionals including this document and its amendments; however, matters relating to administrative judgment concerning the terms and conditions of employment including salary will be grievable in accordance with this procedure only to the extent that the administrative judgment is demonstrated to be without a rational basis when considered in light of the total evidence available for the decision.

2. Grievance Steps

Administrative Professionals are encouraged to attempt to resolve problems or misunderstandings on an informal basis with the administrative professional’s designated supervisor. If the matter is not resolved to the professional’s satisfaction, it should be settled in accordance with the procedure set forth below.

Step 1 – A grievance not promptly resolved to the satisfaction of the administrative professional involved may be pursued through written presentation to the appropriate Vice President. The written grievance should include the name of the aggrieved party, the statement of facts, including dates giving rise to the grievance, the identification of all provisions of written policies alleged to be violated and the relief sought. The appropriate Vice President will supply the grievant with a written response within ten (10) work days after receiving the grievance.

Step 2 – If the matter is not resolved at Step 1, the affected administrative professional may appeal within ten (10) work days after the written response is received in Step 1 to the President of the University, who will receive the verbal and written evidence supplied by the parties and will make his/her decision. The President of the University retains final authority on a grievance.

M. University Discrimination Grievance Procedure

When the grievance alleges discrimination based upon race, color, religion, sex, national origin, sexual orientation, age, marital status, ancestry, genetic information, veterans status or disabilities, the University Discrimination Grievance Procedure will be applicable. Additional information regarding the University Discrimination Grievance Procedure is available online or in person from the Office of Institutional Equity, 212 Russ Hall.

N. Administrative Professionals Leave and Benefit Policies

Administrative Professionals in benefits-eligible positions may find information on leave and benefit policies through Human Resource Services (<https://www.pittstate.edu/hr/benefits/index.html>) as well as the Kansas Board of Regents Policy Manual.

Questions regarding individual benefit eligibility should be directed to the Director of Human Resource Services.

CHAPTER 4

EMPLOYEE DUTIES AND RESPONSIBILITIES

A. Documents and Records

1. Pre-Employment File

The pre-employment file of an applicant for a faculty and unclassified employee position should contain only material that is essential for making an adequate determination on whether the applicant can perform the required duties and responsibilities associated with the position.

2. Access to Personnel Files

The University shall maintain official personnel files in the Office of the President for faculty and unclassified employees. These files shall be confidential. Any material in such files dealing with personnel and/or professional matters shall include authorship.

A faculty member and unclassified employee or his/her designee shall have access to his/her personnel file during regular office hours provided that there shall be no undue interference with the normal routine of the office. A faculty member or unclassified employee's official personnel file shall not be removed from the office by the employee or his/her designee, and access to the file shall be only in the presence of someone in authority of the office.

If a faculty or unclassified employee designates another person to have access to his/her personnel file, the faculty member shall authorize the Office of the President in writing to release his/her file to that designee for examination.

A faculty or unclassified employee shall have the right to respond to or comment upon any material filed in his/her official personnel file. Such response or comment shall be affixed to the material and placed with it in the faculty member's file.

A faculty or unclassified employee shall have the right to have a copy of material filed in his/her official personnel file at personal expense. Copies will be made by a representative of the Office of the President upon request from the faculty member concerned.

University administrators shall have access to personnel files in carrying out their official duties.

If a personnel file is duly subpoenaed, the employee involved shall be notified of such subpoena at the earliest possible time. The original or a copy of an official personnel file shall be made available at a faculty member's grievance hearing on his/her written request.

That portion of a faculty or unclassified employee's personnel file relevant to a grievance being heard or a copy of that portion of the file may be introduced at a grievance hearing upon the written request of an administrative official involved in the grievance hearing of that matter.

3. Notifications of Appointment

The University will issue notifications of appointment each year. Signed acceptance of the terms and conditions noted in the notification of appointment may be required by the date specified.

The terms in the notification of appointment take precedence over all other prior and subsequent understandings or agreements, unless expressly agreed in writing to the contrary.

4. Pre-Employment Background Checks

Pittsburg State University strives to provide the safest possible environment for students, visitors, faculty and staff. In an effort to maintain a safe environment the University conducts pre-employment screenings (Background Checks). Information regarding Pittsburg State University's pre-employment background checks may be obtained online or in person from Human Resource Services, 204 Russ Hall.

B. Equal Opportunity

1. Notice of Nondiscrimination

Pittsburg State University prohibits discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, age, marital or parental status, ancestry, genetic information, gender identity, gender expression, military or veteran status, or disabilities. The following person has been designated to address inquiries regarding the nondiscrimination policies: Director of Institutional Equity/Title IX Coordinator, 218 Russ Hall, 1701 S. Broadway, Pittsburg, KS 66762-7528, 620-235-4189, equity@pittstate.edu.

2. Affirmative Action

Pittsburg State University is committed to the principles of equal employment opportunity and educational equity. Accordingly, it is the policy of the University to take affirmative action to eliminate and to prevent all policies, procedures and practices in recruitment, employment, compensation, promotion, educational programs and activities which discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, age, marital status, ancestry, genetic information, or disabilities.

3. Racial Harassment

Academic freedom can exist only when all are free to pursue ideas in a non-threatening atmosphere of mutual respect. Racial harassment is harmful not only to the persons involved, but also to the entire University community. Racial harassment includes but is not limited to verbal, physical or written abuse directed toward an individual or group, blatant and subtle graffiti, and insensitive use of language including epithets and "humor" on the basis of race, ethnicity or racial affiliation, and has the purpose or effect of all of the following:

- creating an intimidating, hostile, or offensive work or educational environment for an individual or group;
- interfering with an individual's or group's work, academic performance, living environment, personal safety, or participation in any University-sponsored activities;
- threatening an individual's or group's employment or academic opportunities.

Any such act shall be a violation of Pittsburg State University's racial harassment policy. Alleged offenses may be adjudicated through the discrimination grievance procedure and/or judicial processes for students, through the student judicial process for student organizations, or through the discrimination grievance procedure for faculty and staff.

4. Sexual Harassment

Sexual discrimination in the form of sexual harassment, defined as the use of one's authority or power to coerce another into unwanted sexual relations or to punish another for his/her refusal, or the creation by a member of the University community of an intimidating, hostile or offensive working and/or educational environment through repetitive verbal or physical conduct of a sexual nature. Such conduct shall be a violation of Pittsburg State University's Discrimination and Harassment Policies.

C. Policy on Consenting Relationships - November 2018

I. Purpose

Decisions concerning grades, degrees, promotions, evaluations, salary and awards must be made free from any trace of bias or favor. Such decisions become suspect when made by those who have a consenting (romantic or sexual) relationship which is beyond the purely professional or academic one with those who are the object of those decisions. The mere appearance of bias may seriously disrupt the academic or work environment affecting others who are a part of it. Even in a consenting relationship there are substantial risks of charges of sexual harassment or favoritism when supervision or academic evaluation is involved.

II. Definitions

Consensual Relationship- A romantic relationship and/or sexual interaction agreed to by the involved parties. A Consensual Relationship may exist electronically or in person.

Employee- Employee includes both full and part-time faculty, unclassified staff, university support staff, administrative staff, graduate assistants, graduate teaching assistants, student employees and temporary appointees.

Evaluative Power- Directly evaluate, grade, or otherwise assess academic performance, extracurricular performance, or otherwise make decisions that materially affect advancement in an academic program or participation in a University-sponsored program or activity.

Mitigation Plan- A written plan developed as provided in this policy that mitigates the conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism created by the consensual relationship and which plan is acknowledged and signed by the parties involved.

Supervisor- An employee who is authorized to supervise, manage, evaluate or make other personnel decisions such as those concerning appointment, retention, promotion, discipline, transfer, tenure or salary.

Student- An individual enrolled in courses at Pittsburg State University.

III. Policy

- a. Commonly accepted standards of professional behavior and ethics require that PSU employees not hold evaluative power over any student with whom they have a consenting (romantic or sexual) relationship. PSU employees are prohibited from engaging in such a relationship with a student over whom they have an evaluative role. Should such a relationship exist between a PSU employee and a student, the PSU employee must remove him/herself from the evaluation of the student's

work. PSU employees have an affirmative responsibility to immediately report the relationship to their supervisor and develop a mitigation plan (see Section III).

- b. Commonly accepted standards of professional behavior and ethics require that supervisors not hold evaluative power over any employee with whom they have a consenting (romantic or sexual) relationship. A supervisor who is in a consenting (romantic or sexual) relationship with another individual over whom he or she has evaluative responsibility must remove him/herself from personnel decisions concerning that individual, such as appointment, retention, promotion, discipline, tenure or salary. A supervisor in such a consenting relationship has an affirmative responsibility to immediately report the relationship to their supervisor and develop a mitigation plan (see Section III).
- c. Any employee of the university who violates one or more provisions of this policy shall be subject to discipline in accordance with applicable University codes of conduct [i.e. the PSU Unclassified Handbook, the PSU/KNEA Agreement and the University Support Staff Handbook].
- d. Complaints regarding potential violations of this policy may be directed to the Office of Institutional Equity, 212 Russ Hall, 1701 S. Broadway, Pittsburg, KS 66762-7528, equity@pittstate.edu.

IV. Mitigation Plan

- a. If the conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism can be successfully mitigated and managed, a written mitigation plan will be produced within ten (10) business days of the report (unless there are reasonable grounds for additional time) by the appropriate chair, dean, and Provost/Vice President for Academic Affairs (when the relationship involves a faculty member) or the appropriate director and division head (when the relationship involves a staff member) in collaboration with both parties to the consensual relationship.
- b. If the mitigation plan is not agreed to by all parties to the plan, resolution of the disagreement will be handled through consultation with the appropriate division head of the individual(s) opposing the plan. If the conflict of interest and potential for exploitation or the appearance of exploitation or favoritism created by the consensual relationship cannot be successfully mitigated and managed, then the consensual relationship is prohibited.
- c. The mitigation plan will:
 - provide an alternative means for managing, supervising, teaching, evaluating and/or advising of the supervisee/student or otherwise mitigate the conflict;
 - give priority to the interest of the supervisee/student;
 - be in writing and signed by both parties to the consensual relationship; and
 - be reassessed on an annual basis (or sooner if circumstances warrant) by the parties, and the applicable department/unit head for necessary modification.

V. Related Policies

- Kansas Board of Regents Policy Prohibiting Nepotism, Chapter II, Section C.1.b.v.
- Pittsburg State University Sexual Harassment Policy

- Pittsburg State University Policy on Sexual Misconduct and Relationship Violence

D. Commitment of Time, Conflict of Interest, Consulting and Other Employment Policy

The Board of Regents encourages the state universities to collaborate and consult with business, industry, public and private foundations, and government agencies in order to further their missions of teaching, research and service; to provide for and facilitate the professional development of their faculty and 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 collaboration, the Board of Regents considers it of utmost importance that university employees conduct their affairs so as to avoid or minimize conflicts of time commitment and conflicts of interest, and that the state universities be vigilant and prepared to respond appropriately when real or apparent conflicts arise.

To those ends, the Board has developed a policy whose purposes are to illustrate the types of situations that generate conflicts; provide means for full and part-time faculty, staff and the university to manage real or apparent conflicts; promote the best interests of students and others whose work depends on faculty direction; and describe the types of conflicts that are prohibited. Every full and part-time employee of each state university, except for student employees, has an obligation to become familiar with, and abide by, the applicable provisions of the Board policy. The complete policy may be found under section “Commitment of Time, Conflict of Interest, Consulting and Other Employment” in the Kansas Board of Regents Policy Manual. Pittsburg State University’s Disclosure for Conflict of Interest and Time Commitment reporting form is available at: <https://www.pittstate.edu/president/policies/conflict-of-interest.html>

E. Acceptance of Gifts

University policy prohibits the acceptance of gifts by faculty members and other staff members from enrolled students in any situation, which would place the faculty and staff members in a conflict of interest.

The Kansas Governmental Ethics Commission Guidelines for State Employees Concerning Meals, Gifts, Entertainment, and Travel offers Opinions to interpret KSA 46-237a. The handout with these guidelines is available in Human Resource Services.

F. Conflict of Interest/Employment of Relatives

If a person is in a position which requires an evaluation or a personnel decision such as those concerning admission, academic evaluation, appointment, performance evaluations, retention, promotion, discipline, tenure or salary of a family member or a member of such person’s household, such condition shall be deemed a conflict of interest and that person shall not participate in such a decision, and that person shall not participate in any group or body which is considering any such decision. Persons may be appointed to classified or unclassified, including University Support Staff, positions without regard to family relationship to or living arrangements with other members of faculty or staff so long as the personnel processes are conducted and decisions are made in compliance with this provision as well as institutional and Board policies.

G. Political Activity: Kansas Board of Regents

Faculty, administrators and other unclassified employees, including University Support Staff, may accept any public or political party appointed or elected position that does not create any conflict of interest with, and does not require substantial time away from, assigned duties or in other respects infringe upon those duties.

The filing of a declaration of intent to become a candidate shall not affect the status or appointment of an unclassified employee, including University Support Staff. However, the employee shall continue to properly and fully perform all of his or her assigned duties or take appropriate leave if available. Should the employee, while he or she is a candidate for office and not on approved leave, fail to perform all of his or her assigned duties, such employee shall be subject to appropriate disciplinary action.

Leave without salary or other benefits shall 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 Kansas Legislature, and state and county offices or appointments to office falling within this category. For persons elected or appointed to Congress or the Kansas Legislature, this provision shall be effective from the date such person takes the Oath of Office or the first day of the Legislative session and continuing until the adjournment of Congress or to a date no sooner than the last adjournment in April or sine die adjournment, whichever occurs first, of each regular and special session of the Kansas Legislature; as to other state and county offices requiring full time or lengthy sustained periods away from assigned duties, this provision shall be effective 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 Kansas Legislature or 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 such person shall be entitled to mileage and other expense allowances as provided by statute and paid by the Legislature. K.S.A. 2011 Supp. 74-4925(5) provides that any member of the Kansas Legislature who is on leave of absence from the Board of Regents or an educational institution under its management may elect to remain eligible for participation in the Board of Regents' retirement plan while on such leave.

In the interest of the fullest participation in public affairs, personnel are free to express opinions speaking or writing as an individual in their personal capacity and not as a representative of the institution in signed advertisements, pamphlets and related material in support of or opposition to parties and causes. There shall be the commensurate responsibility of making plain that each person so doing is acting for himself or herself and not on behalf of an institution supported by tax funds drawn from citizens of varying political and economic views. This responsibility includes avoiding the use of university letterhead and stationery and other official university designations. Employees testifying before the Legislature on behalf of outside entities shall notify their institution's designated representative prior to such testimony.

H. Intellectual Property Policy

The purpose of Pittsburg State University's Intellectual Property Policies are to foster the creation and dissemination of knowledge and to provide certainty in individual and institutional rights associated with ownership and with the distribution of benefits that may be derived from the creation of intellectual property. The complete policy may be found under section "Intellectual Property" in the Kansas Board of Regents Policy Manual. For policy information for tenured/tenure-earning faculty, please see the *Agreement*.

I. Acceptable Use Policy

This policy outlines the expectations for the use of information technology resources at Pittsburg State University. This policy applies to faculty, staff, students, official university affiliates, and any other individuals who use University information technology resources. This policy may be found online with other IT policies at: <https://www.pittstate.edu/it/information-technology-services/it-policies.html>

J. Policy on Execution of Contracts

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 Pittsburg State University. Colleges, individual schools, divisions and departments shall not 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 Provost and Vice Presidents are authorized to contractually bind the University by the execution of a contract. Contracts made on behalf of the Pittsburg State University Foundation shall not be binding on Pittsburg State University unless specifically stated so in the contract and approved by Pittsburg State University. The President 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 General Counsel.

The following contracts shall be reviewed by the University’s General Counsel prior to their execution:

- Contracts involving an expenditure of funds in the amount of \$2,500 or more.
- Any contract that may expose PSU to a greater than normal risk of liability;
- Any contract that agrees to the laws or jurisdiction of another state; or
- Any contract where PSU agrees to take on, limit, or waive the liability of another party (aka indemnification, waiver, or limitation of liability clauses).

K. Safety Policy

It is the policy of Pittsburg State University to administer its programs and services so that all employees work in safe, healthful conditions, which are free from accident.

In addition to recognizing the value of human life, high value is placed on efficiency and economy; thus, the University administration and employees have a continuous duty to prevent needless waste of both human and physical resources of the University.

The policy of the University is both humanitarian and practical. It safeguards and conserves manpower. It reduces the cost of injuries and eliminates the waste of materials. It is a basic element in sound and prudent management.

Progress achieved by many Departments in the University in the prevention of accidents is recognized. Much still remains to be done.

Recognizing the need and responsibility for the safety of the employees, accident prevention is considered an important and integral part of educational programs, as well as efficient operation of the University.

Safety will be given primary importance in planning and operating all phases of the University in order to protect employees from injuries and illnesses and to protect Pittsburg State University from unnecessary financial burden and reduced efficiency. Pittsburg State University will:

- Maintain safe and healthful working conditions;
- Furnish, within reason, the best available mechanical safeguards and personal protective equipment;

- Maintain an active and aggressive safety program, in which all members of the University community will participate;
- Maintain a continuous educational program in safe operating procedures; and
- Insist that all employees observe established safety regulations and practices and use the safety equipment provided.

To carry out this policy, a Safety Committee for the University has been appointed. The function of the Committee is to review all matters of safety and recommend to the University administration necessary changes and corrections on the campus.

All employees and students are encouraged to submit any safety suggestions to the Committee for review.

Each supervisor is charged with the responsibility for safety, well-being and safe work conduct of all persons who report or are assigned to him/her.

The safety of all employees and students is paramount. Every attempt must be made to reduce the causes of accidents.

L. Pittsburg State University Weapons Policy and Procedures

I. Introduction:

The possession and use of firearms, explosives, and other weapons are prohibited on the campus of Pittsburg State University, with the limited exception of concealed handguns as provided in this policy. The purpose of this policy is to describe how handguns may be carried, stored, and managed on the campus of Pittsburg State University in as safe a manner as possible. This policy is in accordance with the Kansas Board of Regents Policy and state law, K.S.A.75-7c01, et seq.

II. Geographic Applicability:

This policy is applicable only within the geographic limits of the Pittsburg State University campus. Campus is defined as any building or grounds owned by Pittsburg State University or any building or grounds leased by Pittsburg State University for state university use.

III. Definitions:

Weapons-

- (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 those that are concealed or openly carried;
- (3) Any BB gun, pellet gun, air/C'02 gun, any Taser or similar electrical weapon that discharges a projectile, or blow gun;
- (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 purposes 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.

Handgun-

- (1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or
- (2) Any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.

Firearm-

Any handgun, rifle, shotgun, and other weapon which will or is designed to expel a projectile by the action of an explosive.

IV. Prohibitions and Restrictions to the Carrying of a Concealed Firearm Pursuant to Kansas Law:

Open carry of firearms by any means is prohibited. The carrying of any rifle, shotgun, or other long gun by any means is prohibited. It is a violation of University policy to openly display any lawfully possessed concealed carry handgun while on campus except when lawfully using the handgun in self-defense or when transferring to safe storage.

Kansas law outlines the following restrictions to the concealed carrying of a handgun. Failure to comply with the following restrictions is a violation of University policy and Kansas Law:

- Individuals in possession of a concealed handgun must be at least 21 years of age [K.S.A. 21-6302(a)(4)];
- A firearm 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 firearm [K.S.A. 21-6332];
- A firearm cannot be fired in the corporate limits of a city, at a dwelling, structure, or vehicle in which a human is present, except in self-defense [K.S.A. 21-6308, 6308a];
- A firearm 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)];
- A firearm 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)];
- A firearm cannot be carried by an individual with an alcohol or substance abuse problem subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
- A firearm cannot be carried by an individual who has been convicted of a felony crime [K.S.A. 21-6304];
- An automatic firearm cannot be carried [K.S.A. 21-6301(a)(5)];

- Any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight is illegal [K.S.A. 21-6301(a)(6)];
- Any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm is illegal [K.S.A. 21-6301(a)(4)].

V. Carrying Safety Requirements:

Any individual who is 18 years of age or older and who is lawfully eligible to carry a concealed handgun is wholly and solely responsible for carrying, storing, and using that handgun in a safe manner and in accordance with the Kansas Law, Kansas Board of Regents Policy and University policy. Concealed means completely hidden from view and does not reveal the weapon in any way, shape or form.

Whether on their person or in a personal carrier, every handgun carried by an individual must be secured in a holster that completely covers the trigger and the entire trigger guard area and that secures any external hammer in an un-cocked position. The handgun must be secured in the holster with a strap or by other means of retention. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Handguns with an external safety must be carried with the safety in the “on” position.

The handgun must be in the person’s custody and control at all times with safety mechanism engaged. Handguns must be carried securely in a suitable carrier (backpack, purse, handbag, or other personal carrier designed and intended for the carrying of an individual’s personal items). The suitable 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 carriers design, carrying or holding the carrier, or setting the carrier next to or within the immediate reach of the individual.

VI. Campus Gun-Free Locations with Adequate Security Measures:

There are no University locations designated as gun free with **permanent** adequate security measures. The University may designate a specific location as temporarily gun free and use temporary adequate security measures as defined and required by law and Kansas Board of Regents Policy. Appropriate notice will be given whenever this temporary designation is made.

VII. Handgun Storage:

Handgun storage is prohibited at Pittsburg State University except in the following circumstances:

(1) in an individual’s privately-owned or leased motor vehicle when the vehicle is locked 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).

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.

An approved storage device meets the following criteria:

1. Is of sufficient size to fully enclose the handgun while secured in an approved holster (as defined in Section V).
2. Is constructed of sturdy materials that are non-flammable.
3. Has a combination, digital, or other secure locking device that can only be unlocked by the individual using the storage device. **Devices secured exclusively with a key lock are prohibited.**
4. 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.

Prohibited Storage:

Storage of handguns is prohibited in the following:

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 18 years of age, legally owns the handgun, and has the handgun secured in an approved storage device;
3. In a motor vehicle that is unlocked or when the handgun is visible from the outside of the vehicle;
4. In any other location or under any circumstances except as specifically permitted by this policy or the state or federal law.

VIII. Violations Process:

All suspected weapons policy violations will be reported to the University Police. Initial investigations will be conducted by University Police to determine if University or Kansas Board of Regents policy has been violated. If the investigation determines a crime has been committed, a separate criminal investigation will be conducted, unrelated to policy. If University policy has allegedly been violated, the matter will be reported to the Behavior Intervention and Threat Assessment Team.

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, University Police have authority to disarm and/or temporarily confiscate a firearm and issue a restriction to not carry a concealed firearm on campus pending results of the investigation.

The President, or his or her designee, may take any temporary action as determined necessary to ensure the safety of the University and of its students and personnel. Any individual who violates one or more provisions of this policy may be issued a lawful directive to leave campus with the weapon immediately. Any individual who violates the directive shall be considered to be in trespass and may be cited accordingly. Any employee or student of the university who violates one or more provisions of this policy shall be subject to discipline in accordance with applicable University codes of conduct. Any individual who violates state or federal law may be detained, arrested, or otherwise subjected to lawful processes appropriate to the circumstances.

M. Mandatory Reporting of Child Sexual Abuse

The Kansas Board of Regents implemented a policy requiring the Regents' universities to adopt a policy making it mandatory for employees to report child sexual abuse witnessed on campus or university sponsored events. On Monday, January 23, 2012, the President's Council recommended, and the President approved, the following policy, effective immediately:

Policy

If an employee of Pittsburg State University witnesses the sexual abuse of a child (as defined by KSA 21-5501 et. Seq. in relation to minors as victim), while on campus or at a university sponsored event, the employee shall be required to report the incident to the Pittsburg State University Police, or to the appropriate local law enforcement, within a timely manner.

The policy may also be found online through the President's Office at:

<https://www.pittstate.edu/president/policies/mandatory-reporting-of-child-sexual-abuse-policy.html>

N. Policy on Smoking and Tobacco Use

Pittsburg State University strives to provide a safe, healthy and respectful working and learning environment for its faculty, staff, students, visitors, and contractors. To support this commitment, Pittsburg State University will provide a tobacco free environment. Tobacco use is prohibited in or on all university owned, operated or leased property including vehicles. *Tobacco is defined as all tobacco-derived or containing products, including and not limited to, cigarettes (e.g., clove, bidis, kreteks), electronic cigarettes, cigars and cigarillos, hookah smoked products, pipes and oral tobacco (e.g., spit and spitless tobacco, smokeless, chew, snuff, snus) and any product intended to mimic tobacco products. This policy also includes any newly devised tobacco or nicotine delivery products promoted by tobacco industries that are not recognized as cessation devices by the Food and Drug Administration.*

O. Drug Free Workplace Act of 1988

It is the policy of Pittsburg State University that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in its workplace. Any officer or employee 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 Pittsburg 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 Pittsburg State University shall abide by the terms of this policy statement and will notify Pittsburg State University of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Pittsburg State University will, in turn, notify as appropriate the applicable federal agency of the conviction within ten (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 at 21 CFR 1300.11 through 1300.15 (a listing of controlled substances will be maintained in the campus personnel office and at other appropriate locations on campus). The term does not include the use of controlled substances pursuant to a valid prescription or other uses authorized by law.

P. Substance Abuse Policy

The Federal Drug-Free Workplace Act of 1988 requires the university to maintain a drug-free workplace. The Substance Abuse Policy was established to comply with this federal law. The policy is distributed to all

new employees and may be found online through Human Resource Services at:
<https://www.pittstate.edu/hr/policies/state-of-kansas-substance-abuse-policy.html>

Q. Alcohol Policy

This policy may be found online at: <https://www.pittstate.edu/president/policies/alcohol-policy.html>

R. Policy on Prevention of Alcohol Abuse and Drug Use on Campus and in the Workplace

This policy became effective August 21, 1990, and was adopted pursuant to the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. This policy may be found online at: <https://www.pittstate.edu/president/policies/policy-on-prevention-of-alcohol-abuse-and-drug-use.html>

S. Position Statement Regarding Faculty Requests for a Hearing by the Board of Regents

It is the policy of the Board of Regents not to involve itself in the details of employment, supervision or termination of individual employees. It is the Board policy that these administrative functions be carried out at the campus level by the Administration within the framework of Board policy and state law. While the Board will not hear individual cases, it will seek assurance that campus policies provide for the due process and that those campus policies have been followed.

T. Other Obligations

It is an obligation of faculty, staff and students to observe regulations of the University (i.e., parking and use of University facilities). The department chairperson or supervisor should be able to refer the faculty, staff or student to the appropriate office for information.

U. Social Media

Improper use of Social Media by employees of Pittsburg State University, will be addressed in accordance with the Kansas Board of Regents Social Media Policy ([Kansas Board of Regents Policy Manual, Chapter II, F. Other, 6. Use of Social Media by Faculty and Staff](#)). Per the aforementioned policy, “The chief executive officer of a state university, or the chief executive officer's delegate, has the authority to make use of progressive discipline measures pursuant to Board or university policy, up to and including suspension, dismissal and termination, with respect to any faculty or non-student staff member who is found to have made an improper use of social media. Existing university grievance and review processes shall apply to any such action.”

V. Freedom of Expression: Time, Place and Manner Policy (May 5, 2025)

I. Introduction (Statement of Values)

Pittsburg State University has adopted the Kansas Board of Regents Statement on Free Expression, which was introduced to reaffirm a long-held commitment to full and open inquiry and discourse, and the robust exchange of ideas and perspectives by all university community members.

Kansas Board of Regents Statement on Free Expression

The Kansas Board of Regents adopts this Statement on Free Expression to reaffirm the System’s long-held commitment to full and open inquiry and discourse, and the robust exchange of ideas and perspectives by students enrolled in our State Universities and present on our State University campuses. The principles of

freedom of speech and freedom of expression in the United States and Kansas Constitutions, in addition to being legal rights, are essential to achieving the three-part university mission to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide other valuable public services for the benefit of our local communities, the State of Kansas, the nation, and the world. The purpose of this Statement is to express our continuing dedication to these principles and to maintain our campuses as environments where the open exchange of knowledge and expression of ideas furthers our mission. This Statement generally concerns student expression in non-academic situations; it does not attempt to address the rights of non-students or students' academic work within the classroom setting.

A fundamental purpose of an institution of higher education is to provide an environment where divergent ideas, opinions, and philosophies can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, students are generally free to express their ideas and opinions, even if others may disagree with them or find those ideas and opinions to be disagreeable or even offensive. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to think critically and respectfully argue through civil discourse. The development of these important skills leads to personal and scholarly growth and is an essential component of the academic and research missions of each of our institutions.

It is equally important that we, as governmental entities, not stifle the lawful dissemination of students' ideas, even if we or members of our communities find those ideas abhorrent. Students wishing to express ideas with which others may disagree must generally be free to do so without fear of being disciplined by the University. This does not mean that such ideas are necessarily endorsed or tolerated, nor should they go unchallenged by members of the University community openly and vigorously contesting their merit, but the Board and the Universities are prohibited from pursuing disciplinary or punitive actions that unlawfully inhibit or penalize protected expression. And though we value civil behavior and believe all members of our campus communities have a responsibility to promote and maintain a climate of civility and mutual respect, the Board, and by extension the Universities they govern, cannot use a desire for civility and respect as the basis to silence expression. The Board and the Universities should empower, enable and encourage students to speak and listen and to do so respectfully, rather than interfere with or silence their protected expression of ideas.

We also recognize, however, that some speech is not protected, such as true threats, incitement to imminent violence, "fighting words," and unlawful, targeted harassment. The Board and its Universities can restrict speech that is not protected by the First Amendment, though it is important to note that these exceptions are narrowly interpreted. Additionally, reasonable restrictions on when, where, and how expression is disseminated are allowable and appropriate. Because universities and colleges are first and foremost places where people go to engage in scholarly endeavors, it is necessary to the efficient and effective operations of each University for there to be reasonable limitations on the time, place, and manner in which First Amendment rights are exercised. By law, these time, place, and manner limitations must be narrowly drawn and content-neutral and must serve to ensure that our students have the opportunity to express their ideas and opinions.

The Kansas Board of Regents is committed to protecting and encouraging students' exercise of their First Amendment free speech rights in accordance with this Statement.

II. Purpose

As a public institution in the State of Kansas, PSU has an obligation to maintain an environment in which the operations of the University can be conducted without disruption, in accordance with the highest standards of institutional integrity, academic freedom, freedom of expression, and recognition of the rights, privileges and responsibilities of University community members and members of the public. The purpose of this Policy is to facilitate academic freedom, freedom of expression, and PSU's educational mission while protecting the right to learn and work in a safe environment.

This Policy establishes rules and regulations and governs the use of all University Property and applies to all persons and groups accessing or using University Property, including all Students, Employees, recognized PSU auxiliary organizations and their employees, and members of the public. This Policy applies to all forms of expressive activity conducted on University Property and sets forth time, place, and manner regulations to ensure that persons and groups engaging in lawful expressive activities are protected and do not disrupt University operations or infringe on the rights of others. All persons and groups accessing or using University Property must abide by all applicable PSU policies and the law.

PSU recognizes that some actions will disrupt the orderly operations of the University and/or raise significant security or safety concerns. While the University may not restrict the content or viewpoints of what is expressed on University Property, including assemblies, marches, protests and demonstrations, the University may impose content and viewpoint neutral restrictions on the time, place and manner of these activities.

This Policy will be enforced to ensure the safety and wellbeing of the University community while protecting lawful free expression activities. All criteria for assessing events, activities, incidents, and violations under this Policy shall be applied in a Content and Viewpoint Neutral manner.

This Policy is not intended to interfere with the statutory rights provided by the Public Education Employer-Employee Relations Act (PEERA) or the terms of an applicable collective bargaining agreement and does not prohibit PSU employee unions from communicating with their members regarding union-related activities or engaging in protected or concerted activities otherwise allowed under PEERA or an applicable collective bargaining agreement.

III. Scope

This Policy is the controlling document regarding PSU's time, place, and manner policy and regulations, and supersedes all previous time, place and manner policies and regulations.

This Policy applies to all persons and groups who access and use University Property, including members of the public.

All use and activities must be conducted in conformance with all applicable federal, state, and local laws, as well as all University policies, procedures, and regulations.

All use and activities must not disrupt University operations and events, or academic classes and activities.

Conduct and/or statements that constitute unlawful discrimination, harassment, retaliation, or stalking are not protected by academic freedom or freedom of expression and may be actionable under PSU's

Nondiscrimination Policy, as well as applicable civil or criminal laws. The University must provide a nondiscriminatory educational and working environment.

During certain University events (e.g., commencement, open house, orientation, convocation, and homecoming), priority will be given to those event-related activities over other activities that are not related to prioritized University events.

Access to and use of certain University Property must be scheduled and/or registered in advance. Certain uses of University Property may be subject to fees, require liability insurance, and/or an indemnity agreement which must be provided by those who seek to engage in such uses. The University reserves the right to charge reasonable fees (e.g., security, rent, custodial, insurance) for activities and events on a Content and Viewpoint Neutral basis.

All users assume responsibility for all damage they cause to University Property. Failure to pay for damage to University Property may jeopardize future access to and/or use of University Property and can result in civil or criminal action, as well as discipline for Students and Employees, and sanctions for members of the public.

The University's President and Chief of Police or designee will determine the type of security or mutual aid necessary for all activities and events based on the public safety needs of any event or incident on or around University Property. Each event or incident will be considered on a case-by-case basis to determine appropriate staffing and other security and safety measures.

IV. Public, Limited, and Non-Public Areas

For purposes of the time, place, and manner regulations set forth in this Policy the following terms shall apply:

A. Public Areas

A Public Area is University Property that is available for assemblies, marches, demonstrations, and protests. Right of access and equality of access are provided in these areas, so long as activities are lawful and do not disrupt University operations. Content-based restrictions are prohibited, but reasonable time, place and manner regulations will be applied. Spontaneous activities may take place in Public Areas without pre-scheduling or reservations except when Public Areas are reserved for specific uses and not available for general public use or spontaneous activities, as determined by the University.

B. Limited Areas

A Limited Area is University Property that is available to the public but due to business operations, safety concerns, or other important University interests, is not open for purposes of assembling, marching, demonstrating or protesting. Activities in these areas may require scheduling and/or reservations with the University, and are available on a limited basis, subject to campus regulations that are narrowly tailored to address the University's legitimate business interests. Examples include, but are not limited to:

C. Non-Public Areas

Except for areas designated as Public Areas and Limited Areas, all remaining University Property, including the interiors of buildings and facilities are Non-Public Areas. These areas are not open to the public and the University can restrict access to Non-Public Areas on a Content and Viewpoint Neutral basis.

V. Assemblies, Marches, Demonstrations and Protests

Individuals and groups may assemble, march, demonstrate, and protest on University Property in Public Areas at all times except outside the posted operating hours for the University, when reserved by other users, or as otherwise prohibited by this Policy, to engage in speech and expression, including the solicitation of signatures on petitions, provided such activities do not disrupt the functions, operations, and events of the University or interfere with the rights of others, including, but not limited to, compelling persons to be an involuntary audience or jeopardizing the safety of persons or property. Those engaged in the exercise of free speech and assembly rights shall not:

- Disrupt class instruction or other scheduled academic, educational, or cultural/arts programs, speakers or performers on University Property, or the use of the library, other approved University Property uses and reservations, or other University resources or operations.
- Obstruct pedestrian or vehicular traffic, or otherwise endanger persons or property
- Conduct their activity in or on University parking lots, parking structures, driveways, crosswalks, exits, fire lanes, streets, roadways, and/or obstruct walkways, doorways, passageways, or otherwise deny a person access to normally unrestricted University Property, or in any manner that blocks paths of vehicular or pedestrian travel.
- Employ sound amplification (including but not limited to bullhorns or electronic speakers) that disrupts University activities, academic instruction, or interferes with the exercise of free speech by others or create noise in violation of local noise ordinances.
- Engage in removal, relocation, theft, damage, or destruction of any University Property.
- Harass or intimidate any person or impede or restrict the free movement of any person.
- Create or cause unsafe conditions or congestion around doorways, entrances or exits, stairways, elevator lobbies and escalators.
- Fail to comply with reasonable directives of a University official acting in the performance of their duties. A "directive of a University official" includes an order to disperse because of an unlawful assembly, riot or unsafe condition. Failure to obey such an order may result in a determination that participants are engaging in an unlawful assembly, riot or unsafe condition and will result in the University exercising its authority to invoke emergency incident response tactics. These tactics could include the use of law enforcement resources, and could result in arrests, Employee and Student discipline, and appropriate sanctions against those participating in the unlawful assembly or riot.
- Picket, rally, protest, parade, patrol, or otherwise demonstrate in the interior, indoor, or private portions of any University housing facility, including the residence of any University Employee on University Property when it is serving as a private residence and no public events are taking place.

VI. Scheduled Events and Demonstrations

Scheduled events and demonstrations may be held in Public Areas and in certain Limited Areas of the University. University Students, Employees, Recognized Student Organizations, and recognized PSU auxiliaries have priority over members of the public in scheduling events and demonstrations.

VII. Spontaneous Activities, Unscheduled Events and Demonstrations

Spontaneous Activities, unscheduled events and demonstrations may be held in Public Areas and certain Limited Areas, without scheduling or reservations, so long as they do not disrupt scheduled events, violate University policies or applicable federal, state, or local laws, and do not disrupt University operations. It is the intent of this Policy to ensure that all activities, events, and demonstrations occur with no risk or threat to the safety and security of persons or University Property.

It is a violation of this Policy to circumvent these time, place, and manner regulations by falsely claiming that an event or demonstration is spontaneous. In deciding whether an event or demonstration is spontaneous or planned, the University may consider factors that include but are not limited to (a) whether signs or placards used at the demonstration were commercially produced, (b) whether participants used amplified sound equipment, (c) whether media was contacted, substantially in advance of the demonstration, or (d) whether other factors or circumstances, including social media communications or advertising, demonstrate advance planning by one or more individuals and/or organizations.

In the event of multiple groups or individuals attempting to use Public Areas at the same time and place, priority shall be given in the following order: (1) previously scheduled (in compliance with this policy) events and demonstrations; (2) events and demonstrations conducted by recognized University organizations, Students, Recognized Student Organizations, current Employees, PSU Employee unions, and PSU auxiliaries; and (3) on a first-come, first-served basis.

VIII. Prohibited Activities and Uses on University Property

A. No Disruption or Interference with the Speech of Others (Heckler's Veto Prohibited)

Individuals or groups may not suppress the speech of another individual by shouting down or otherwise drowning out or preventing the individual from being heard, otherwise known as a "heckler's veto."

Individuals may protest speakers on Campus with whom they disagree, but they may not do anything that prevents the speaker from expressing their views or prevents members in the audience from hearing or seeing the speaker. This prohibition also applies to the removal or erasure of written or printed expressive activities that are otherwise in compliance with this Policy.

B. No Camping, Overnight Demonstrations, Overnight Loitering, Furniture, or Large Household Items

To ensure the health and safety of the entire University community, and to protect University Property, encampments of any kind, overnight demonstrations (e.g., outside the operating hours of each University), and overnight loitering are not permitted in or on any University Property, whether indoors or outdoors. No one may camp, occupy camping facilities (including recreational vehicles or any other similar vehicles), use camping paraphernalia, or store personal property on University Property for these purposes. No one may bring a tent or other housing structure on University Property or occupy any tent or housing structure. No one may set up a campsite on University Property. Other than as allowed in University residential housing or as permitted for Employees in their University workspaces, no one may bring, leave, or maintain furniture or other large household items on University Property, or bring or maintain large personal belongings or copious amounts of personal belongings without University authorization. For purposes of this section, "large household items," "large personal belongings," and "copious amounts of personal belongings," means anything that cannot be carried on the person. "Storage of personal possessions" means leaving items unattended that are not in the owner's immediate personal custody and control. Such unauthorized activities,

including overnight activities utilizing vehicles, will be considered trespassing and a violation of this Policy. This prohibition does not apply to overnight activities authorized by the University for official University business and academic activities, or University business operations.

C. No Temporary or Permanent Structures, Walls, Barriers, Barricades, Furniture, or Other Objects

Except as authorized by the University, no one shall build, construct, erect, place, set up, move, deliver or maintain any temporary or permanent structure, installation, or object on University Property. This includes, but is not limited to, tents, platforms, booths, benches, buildings, building materials (such as bricks, pallets, etc.), walls, barriers, barricades, fencing, , sculptures, bicycle racks, furniture or any other physical obstruction on University Property. Any unauthorized items are subject to immediate removal.

D. No Unauthorized Vehicles

Unauthorized commercial vehicles, moving vans or trucks, carts, carriages, trailers, wagons, buses, or other vehicles of conveyance designed for or used to transport persons or property and/or used in violation of this Policy are prohibited.

E. University Operating Hours

No one shall enter or otherwise remain on University Property between the hours of 11:00 p.m. and 7:00 a.m., or at such other times as published or posted by University housing and residential programs, and other similarly specialized University programs. This prohibition shall not apply to persons with valid written authorization from a University official, persons on legitimate University business, or persons attending a specific University sponsored event. Those persons with legitimate University business reasons, possessing a valid written authorization, or attending a University sponsored event, shall be allowed to remain and access the facilities as allowed in their authorization or through the duration of the specific event, after which time they shall leave University Property without any appreciable delay. This prohibition shall not apply to persons transiting on a roadway or path designated as open to the public.

F. Refusal to Disclose Identification When Violating University Policy or Applicable Laws

Wearing masks or face coverings is permissible for all persons who are complying with University policies and applicable laws. No person, while on University Property, may conceal their identity or refuse to provide their identification for the purpose of evading or escaping discovery, recognition, or identification in the commission of violation of applicable University policy or local, state, or federal laws, including acts of unlawful intimidation or harassment of any person or group. Under these circumstances, an authorized University official operating in an official capacity may request identification. The failure to provide identification under these circumstances to an authorized University official operating in an official capacity is itself a violation of this Policy and may also be a criminal violation if the person is engaged in criminal conduct. It may also result in immediate removal from University Property, and appropriate discipline for Students and Employees. Intimidation in this context means true threats, incitement to violence, and actual violence. Harassment in this context is as defined in PSU's Nondiscrimination Policy.

G. Concealed Carry and Weapons

All persons and groups who access and use University Property must comply with PSU's Concealed Carry and Weapons policy.

H. No Fires or Fireworks

No one shall start, use or maintain campfires, portable stoves, fire pits, open fires, torches, fireworks, or any other fire or fire apparatus on University Property except as expressly authorized by the University, and subject to requirements regarding location, time, and fire safety precautions as the University, the State Fire Marshal, or local fire authority may impose.

I. No Explosive Materials

No one shall bring any explosive material or flammable material or any hazardous or flammable materials onto University Property, regardless of whether or not the material is burning, except such materials that are transported in approved containers and necessary for the conduct of the operations of the University, including fuel necessary for the operation of a University vehicle or any University equipment of a vehicle.

J. No Ambushing or Lying in Wait

It is prohibited on University Property to engage in, participate in, or assist participants in any game or activity which involves the ambushing, lying-in-wait for, or following another person by means of stealth.

K. No Shooting of Arrows, Missiles, or Projectiles

It is prohibited on University Property to shoot any arrow, projectile, or similar missile, and/or to permit any arrow, projectile, or similar missile to be shot on or around University Property, except as part of a University course of study or official University sponsored activity.

L. No Chemical Sprays, Gas Masks, Body Armor, Shields, or Laser Pointers

No mace, pepper spray, chemical sprays or liquids, shields, body armor, gas masks, or laser pointers, except as used for legitimate academic and teaching purposes, and by law enforcement as permitted by applicable University Police Department policy. This prohibition does not apply to personal possession of mace or pepper spray devices used for the lawful purpose of personal protection (self-defense) in an **emergency**.

M. No Human Urination or Defecation

Human urination or defecation in any place other than a designated restroom or other facility designed for the sanitary disposal of human waste is prohibited.

N. No Unauthorized Climbing, Scaling, or Rappelling

Unauthorized climbing, scaling, or rappelling any tree, building, structure, facility, light poles, signage, fences, or walls on University Property is prohibited.

IX. Activities and Uses on University Property Requiring Written Permission

The following activities and uses are prohibited unless prior written permission from the appropriate University official is obtained.

- Posters, signs, banners, and chalking (see Poster and Chalk Guidelines).
- No unmanned aircraft system (UAS) (also known as a drone) may be flown from, on or around University Property without the express written approval of the University.
- Use of University Property for commercial purposes is prohibited unless prior written permission has been obtained from the University.
- University flagpoles are reserved for official University use only. Flags flown on outdoor, permanently installed flagpoles located on University Property serve as a means of expression of the University's official sentiments as determined by the University President. They are not a forum for free expression or expressive conduct by members of the University community or the public.
- Additional activities and uses not included above may be addressed in the Kansas Board of Regents Policy Manual, State of Kansas statutes and regulations, and City of Pittsburg ordinances.

X. Members of the Public on University Property

This Policy applies to the conduct of members of the public (persons who are not Students, Employees, or PSU recognized auxiliary organizations and their employees), including when that conduct is a threat to the safety of persons or property or constitutes disruption or interference with functions, activities, or operations of the University. All members of the public engaging in any demonstration, protest, assembly, gathering, march, rally, or any other expressive activity in or upon University Property are subject to this Policy. This Policy will not be utilized to impinge on the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or the constitutionally protected right of personal privacy of members of the public.

Members of the public shall not remain on University Property if directed to leave University Property by the University to maintain order on University Property, upon the reasonable determination of the University that the member of the public is committing an act that is likely to interfere with the peaceful conduct of the University's functions or operations or has entered University Property with the purpose of committing any such act. Members of the public on University Property shall not:

- Knowingly and willfully interfere with the peaceful conduct of the activities of the Campus or facility by intimidating, harassing, or obstructing any University Employee, Student, or any other person.
- Delay or linger without lawful purpose for being on University Property and for the purpose of committing a crime or violation of University policy.
- Use University Property not open to the public, including but not limited to, residence halls, offices, showers, storage lockers, study lounges, or recreational facilities, without authorization from the University.

XI. University Response to Activities that Violate this Policy, Threaten Safety, or Disrupt University Activities

A. Supportive Measures and Resources

Free speech rights include protecting a person's free speech rights even when their speech may cause discomfort for some individuals. As long as speech does not constitute an actual threat, an immediate

incitement to violence, unlawful discrimination or harassment (as defined in PSU's Nondiscrimination Policy), or other unlawful activity, the University will protect the First Amendment rights of the speaker. Students and Employees who believe they have been subjected to harassing speech that is so severe or pervasive that it limits or denies their ability to participate in or benefit from the University's programs or activities, should report their concerns to the Director of Institutional Equity, the University's official charged with enforcing PSU's Nondiscrimination Policy. The University will assess the matter pursuant to the procedures set forth in the PSU's Nondiscrimination Policy and will provide reasonable supportive resources to the affected Students and Employees.

Even if the activity is deemed protected speech and does not violate PSU's Nondiscrimination Policy, or applicable laws, the Director of Institutional Equity, as well as other applicable University officials, will work with Students and Employees to provide reasonable supportive services and resources. In those circumstances, although there may be no sanction or action taken against the individuals engaged in the protected speech activity, reasonable supportive and other measures will be provided.

Whether harassing conduct creates an unlawful hostile environment must be determined from the totality of the circumstances. Relevant factors for consideration may include, but are not limited to, the context, nature, scope, frequency, duration, and location of the harassment based on race, color, or national origin, as well as the identity, number, age, and relationships of the persons involved. The less pervasive the harassing conduct, the more severe it must be to establish an unlawful hostile environment. For example, in most cases, a single isolated incident would not be sufficient to establish a policy or legal violation. However, in some cases, a hostile environment requiring appropriate responsive action may result from a single severe incident.

B. Violations, Enforcement, Sanctions, and Discipline

The University aims to foster open and rigorous debate, to protect academic freedom and free speech, and to promote discourse, even on the most challenging, sensitive, and controversial issues. While fostering the free exchange of ideas, the University must also pursue and protect its core functions – to teach, engage in research and scholarship, promote the arts and athletics, convene the community, and perform its everyday operations. This includes ensuring that University community members are protected from physical injury and unlawful behaviors, and that University Property is protected from property damage.

Violations of this Policy, and/or applicable federal, state, or local laws, will lead to intervention by the University and, if safety to persons or property is at stake, or if criminal activity is occurring or has occurred, law enforcement. Each member of the University community is expected to know and follow this Policy. Disrupting University operations is not permitted, including but not limited to, conduct that unreasonably interferes with the activities of other persons; causes injury to persons or property or threatens to cause such injury; holding meetings, events, or demonstrations under circumstances where health and safety is endangered; or knowingly interfering with unimpeded movement on University Property or with University operations.

In the event of violation, those found in violation will be directed to comply with applicable University regulations by appropriate University authorities. When enforcing this Policy, an officer or Employee authorized to maintain order on University Property will make a reasonable attempt to warn and advise those violating this Policy or the law to cease the prohibited conduct or activity before citing and/or arresting them, except where the violating conduct appears to create a threat or imminent threat to the health and safety of persons, or to University Property, and immediate law enforcement action is necessary.

If a violation persists or is repeated, or if the activity or assembly poses an imminent danger to public safety or University Property, those involved in the activity may be required to disperse immediately. Violations of this Policy may result in arrest, Code of Conduct disciplinary measures for Students, discipline for Employees, and subsequent legal action by the University. If a violation occurs at a scheduled and permitted event, permission for the event may be summarily withdrawn.

1. Withdrawal of Consent and Removal from University Property

For Students and Employees: To maintain order on University Property, when a Designated University Official has reasonable cause to believe that a Student or Employee has willfully disrupted the orderly operation of the University, the Designated University Official may notify that Student or Employee that consent to remain on University Property has been withdrawn and a no trespass notice may be issued. Failure to comply may result in criminal charges as set forth in K.S.A. 21-5808.

For members of the public: To maintain order on University Property, when a Designated University Official has reasonable cause to believe that a member of the public has willfully disrupted the orderly operation of the University, the Designated University Official may notify the person that consent to remain on University Property has been withdrawn and a no trespass notice may be issued. Failure to comply may result in criminal charges as set forth in K.S.A. 21-5808.

2. Student Discipline

Students charged with violating this Policy may be subject to discipline pursuant to PSU's Code of Student Rights and Responsibilities (Student Conduct Code). Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate sanctions. The procedure for all student conduct violations is set forth in PSU's Code of Student Rights and Responsibilities. Sanctions may include restitution, educational and remedial sanctions, denial of access to Campus or persons, disciplinary probation, suspension, and expulsion, and can include multiple sanctions. The President may also impose an interim suspension where there is reasonable cause to believe that separation of a Student is necessary to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order.

Alleged violations of the Student Conduct Code may include, but not be limited to, the following:

- Unauthorized entry into, presence in, use of, or misuse of University property.
- Willful, material, and substantial disruption or obstruction of a University-related activity, or any on-Campus activity.
- Participating in an activity that substantially and materially disrupts the normal operations of the University or infringes on the rights of members of the University community.
- Willful, material, and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to Campus property or an off-Campus University related activity.
- Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.

- Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct.
- Unauthorized destruction, or damage to University property or other property in the University community.
- Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the Campus president) on Campus or at a University related activity.
- Violation of any published University policy, rule, regulation, or presidential order.
- Failure to comply with directions or, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.
- Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or wellbeing of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.

Students charged with violating the Student Conduct Code will be referred to the University's Student Conduct Administrator who will follow PSU's Student Conduct Process.

Recognized Student Organizations comprise a vital part of the Student experience and can contribute to Student success and engagement. Participation in these organizations affords Students the opportunity to develop organizational and leadership skills, foster capacities for effective teamwork, and promote civil engagement and community services, while connecting with peers, faculty, and staff. A University's recognition of a Student organization in accordance with PSU policy or administration of funds generated by the Student organization does not express or signify that the University approves or endorses the organization's goals, activities, or points of view, or that the University supervises or otherwise controls the organization and its activities. Nevertheless, and provided that a Student organization meets and maintains University requirements for recognition, Universities provide these organizations certain benefits and privileges (e.g., use of designated on-Campus facilities free of charge, funding opportunities, support for on-Campus program planning, and information regarding basic event management). The University establishes and publishes its own procedures for formal chartering and recognition of Student organizations in compliance with PSU's campus activities policies.

Students may also be individually disciplined under the Code of Student's Rights and Responsibilities for misconduct engaged in as part of a Recognized Student Organization.

3. Employee Discipline

Employees charged with violating this Policy may be subject to discipline, up to and including termination, in accordance with the applicable collective bargaining agreement and University policies for represented Employees, or the applicable University policies and standards for non-represented Employees, and if applicable, Kansas Board of Regents policies.

4. Members of the Public

Members of the public who violate this Policy or applicable laws will be held accountable to the full extent of the University's authority under existing laws, regulations, and University policies, including, but not limited to removal from University Property pursuant to applicable laws.

C. Withholding or Withdrawal of Approval

The University may withhold or withdraw approval for any events or activities on University Property under this Policy if they are deemed inconsistent with:

- Federal, state, or local laws.
- Existing University policies.
- Preservation of public safety.
- Maintenance and protection of University Property.
- Free flow of pedestrian and vehicular traffic.

D. PSU Emergency Management and Law Enforcement

The President is delegated the responsibility for the development, implementation, and maintenance of an emergency management program and for ensuring compliance with PSU's Emergency Management Policy. All activities and events on University Property are subject to these policies. All PSU law enforcement activities are governed by PSU law enforcement policies. Each situation is unique and may warrant involvement of law enforcement and/or activation of the Emergency Operations Center, as determined by Employees designated by the President for these purposes.

XII. Designated University Official with Oversight, Implementation and Enforcement Responsibility

A. Designated University Official

The President, will designate an administrative Employee to serve as the Designated University Official with responsibility for oversight, implementation and enforcement of this Policy, including oversight of a training program for responsible Employees assigned to the response team, as well as communications and information for the broader University community (Students and Employees). The Designated University Official shall be a direct report to the University President, for purposes of oversight, implementation, and enforcement of this Policy.

This Designated University Official shall create and oversee an implementation process whereby a response team of responsible Employees is in place and able to mobilize on short notice. When members of the team are unavailable, they will designate a replacement Employee and let the Designated University Official with oversight responsibility know, and all responsible Employees will be trained and familiar with this Policy and applicable university rules and processes for responding to violations of this Policy. The Designated University Official will have an action plan in place that explains the various levels of responsible Employees to be mobilized in response to activities governed by this Policy.

Oversight will also include reviewing after action information from incidents where this Policy was violated to improve processes, review the provision of support services to Students and Employees who may have

been harmed by violations of this Policy, as well as reviewing disciplinary actions and sanctions brought against those who violate this Policy.

XIII. Definitions

"Campus" shall mean PSU property. "Campus" and "University" are used interchangeably throughout this Policy.

"Content and Viewpoint Neutral" means assessment and application to all expressive activities without regard to substance or message, and that the University cannot favor one speaker's message over another's.

"Designated University Official" means the Campus official delegated authority by the University President, as for implementation and oversight over this Policy.

"Disrupt" means any action or behavior that interferes with or obstructs the orderly conduct of activities or events on University property. This may include actions that hinder the ability of individuals to express themselves, engage in discourse, or participate in University functions, ultimately compromising the environment of free expression and academic engagement.

"Employee" means a person legally holding a position in the PSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, and intermittent positions.

"Limited Area" means University Property that is available to the public but due to business operations, safety concerns, or other important University interests, is not open for purposes of assembling, marching, demonstrating or protesting. Activities in these areas may require scheduling and reservations with the University, and are available on a limited basis, subject to Campus regulations that are narrowly tailored to address the University's legitimate business interests.

"Member of the public" means any person who is not any of the following: a Student, Employee, officer, trustee, auxiliary employee, official University volunteer, or member of a household authorized to reside on University Property.

"Non-Public Area" means, except for areas designated as Public Areas and Limited Areas, all remaining University Property, including the interiors of all buildings and facilities. These areas are not open to the public and the University can restrict access to Non-Public Areas on a Content and Viewpoint Neutral basis.

"Public Area" means University Property that is available for assembly, marches, demonstrations, protests, and debate. Right of access and equality of access are provided in these areas, so long as activities are lawful and do not disrupt University operations. Content-based restrictions are prohibited, but reasonable time, place and manner regulations will be applied. Spontaneous activities may take place in Public Areas without pre-scheduling or reservations.

"Recognized Student Organizations" are Student organizations addressed and defined in PSU's Student Activities Policy, and does not include Student groups or clubs not officially chartered and recognized pursuant to PSU's Student Activities Policy.

"Student" means any person actively pursuing a course of study. For the purpose of these and other regulations, a student is further defined as one who is currently enrolled at the University or has completed the immediately preceding term and is eligible to enroll for the next term.

"University Property" means all land, buildings, facilities, or other grounds or structures, and any item, equipment, or property in possession of or owned, used, leased, maintained, or controlled by the University, by a recognized PSU auxiliary, or designated by the University as subject to this Policy, including property leased or licensed to University auxiliaries or others (including satellite campuses or other secondary locations). University Property also includes University and recognized PSU auxiliary services, resources, names, branding, trademarks, logos, computers, computing devices, websites, and network systems owned, maintained, or controlled by the University, funded by University funds, or recognized PSU auxiliary funds, or designated by the PSU as subject to this Policy.

W. Policy Development, Publication and Management (June 2, 2025)

PURPOSE

Policies are critical to maintaining an environment that fosters excellence, integrity, and accountability. Pittsburg State University shall ensure that all University policies are developed, disseminated, and managed in a manner that is compliant and consistent with legal and regulatory requirements and align with the University's mission. Policies promote operational efficiency and mitigate and manage institutional risk.

APPLIES TO

This policy applies to all units that develop and disseminate policies at Pittsburg State University.

DEFINITIONS

Policy: Written governing principles formally approved to provide the operational framework within which the institution functions.

Policy Title: Should be descriptive and informative without being verbose. Except for this policy, policy titles shall not begin with "Policy," "Pittsburg State University," "PSU," or "University."

Purpose: States the reason the policy exists.

Approved By: Names either the Executive or Executive Group that first approved the policy.

Date Approved: Shows when the policy was first approved and issued.

Change History: Shows the date the policy was most recently updated.

Contact: The Responsible Executive or Policy Contact with primary subject matter responsibility for interpretation, review, and compliance with the policy. Includes job title or unit, unit phone number, or unit email address.

Keywords: Used to identify and categorize the content of the policy within the Policy Library. A keyword should be a word that a user could potentially enter to search for a policy.

Policy Category: Used to identify and categorize the content of the policy within the Policy Library. Choose as many as are applicable. Categories are: Academic Affairs, Employees, Financial, Information Technology, Operations & Facilities, Research, Safety, and Students.

Initiating or Responsible Executive: The President, Provost, or Vice President who proposes a new policy or an amendment to an existing policy.

Unit: A division, school, college, department, center, institute, or other operational segment within the University.

Policy Contact: A designated individual with primary subject matter responsibility for interpretation, review, and compliance with the policy.

Policy Administrator: Facilitates and oversees the policy management process and the Policy Library.

POLICY STATEMENT

This policy is intended to encourage consistent format for policy creation, revision, management and dissemination and that all policies reside in the online Policy Library.

Format

In order to preserve a standard format for policy dissemination, the policy shall include the following information. Items marked with an asterisk are required.

- Policy Title*
- Purpose
- Applies To*
- Definitions*
- Policy Statement*
- Exclusions or Special Circumstances
- Consequences
- Related Information
- Contact*
- Approved By (may be TBD)
- Date Approved (may be TBD)
- Review Cycle*
- Keywords*
- Change History (if applicable)
- Policy Category(ies)*

Roles and Responsibilities

President: The President is responsible for final approval of all University policies, unless otherwise designated by federal or state law or the policies and regulations of the Kansas Board of Regents.

President's Cabinet: The President's Cabinet is a body of University officers appointed by the President to serve as senior advisors. The President's Cabinet provides institutional review of, and recommends action on, University policies.

General Counsel: The General Counsel represents the interests of the University. The General Counsel advises on University policies to ensure consistency with applicable laws, regulations, governing policies,

other requirements, and ensures conflicts between policies are eliminated to the extent possible. Specific questions regarding a policy shall be directed to the Policy Contact.

Policy Administrator: The Policy Administrator is the individual designated by the President to facilitate and oversee the policy management process and ensure access to all PSU policies through the Policy Library.

Responsible Executive/Policy Contact: Responsible Executive and/or Policy Contact are the individuals/owners responsible for implementing, communicating, reviewing, updating, and monitoring a PSU policy and its implementation for compliance and effectiveness. Each PSU policy is “owned” by a Responsible Executive and/or a Policy Contact.

Responsible Executive: A Responsible Executive is the President or appropriate Vice President who recommends new policy approval or existing policy revision. Depending on the scope of its subject matter, a policy may fall under the jurisdiction of more than one Responsible Executive.

Policy Contact: The Policy Contact is an individual designated by a Responsible Executive to 1) develop and administer a particular PSU policy, and if applicable, its supporting documents; 2) communicate with and train the PSU community in its requirements; and 3) execute its timely updating and revisions. The Policy Contact has expertise in the topic(s) addressed in any given policy. Depending on the scope of its subject matter, a policy may fall under the jurisdiction of more than one Policy Contact.

Policy Approval Process

Policies must be developed, reviewed, and approved in a manner that ensures their consistency with the University’s mission and with applicable laws, regulations, and external policies. Review and approval must be appropriate to the scope and impact of each policy.

Recommendations for new or revised policies may be proposed by any member of the PSU community with sponsorship from a Responsible Executive. The process to enact policies or changes to existing policies shall be approved and subsequently initiated by the President or the Responsible Executive.

The initiating Responsible Executive, or designated Policy Contact or working group, shall collaborate with the General Counsel for legal review during the drafting phase. This is essential when a proposed policy entails great legal risk.

The General Counsel’s mission is to review proposed or revised University policies to ensure that 1) conflicts between policies are eliminated to the extent possible; 2) there is consistency in the format and presentation of policies; and 3) policies comply with laws or other external regulations.

PSU policies shall be drafted or revised using the online Policy Template and must follow the specified procedures set forth in this policy and included on the Policy Template. It is recommended that the Policy Contact or Designee completes and submits the online Policy Template.

Once proposed or revised policies have been submitted through the online Template, the Initiating Responsible Executive or General Counsel will present proposed policy actions to the President’s Cabinet whose mission is to review proposed University policies to ensure that 1) there is consistency in the format and presentation of policies; 2) there is a clear process for disseminating policies; 3) conflicts between policies are eliminated to the extent possible; and 4) the policies are consistent with the mission of PSU.

Proposed policies exclusively developed by the General Counsel will be presented to the President's Cabinet by the General Counsel.

Once proposed or revised policies have been reviewed by the President's Cabinet, the Cabinet shall make a recommendation for or against approval of policies by the President or Responsible Executive. If policies are approved by the President, the Policy Administrator will be responsible for posting policies to the Policy Library. The initiating Responsible Executive and/or the Policy Contact shall be responsible for coordinating dissemination of policies and any related campus training.

Notwithstanding the other provisions of this policy, some policies are approved by the Kansas Board of Regents directly and do not go through the PSU policy process. In such instances the President's Office will coordinate dissemination of those policies.

Policy rescission follows the outlined process using the Policy Template.

Posting and Dissemination of Policies

All PSU policies must be published in the Policy Library. The Policy Administrator will be responsible for posting policies in the Policy Library.

The Policy Contact for a new or revised policy will ensure that notification regarding approval of new or revised policies is disseminated via email or another standard form of campus-wide communication.

All units wishing to include University policies on their websites must do so by linking to the Policy Library to ensure that the official version is referenced.

Disseminating printed versions of policies is disfavored because policies are often updated, leading to potential inconsistency between print versions and the most current approved version published in the Policy Library. In the event a policy must be printed, it must include a disclaimer that the official Policy Library should be consulted for the latest version.

Policy Review

PSU policies will generally require review and recommendation by the Policy Contact, Responsible Executive, and the President's Cabinet. All newly created policies must be reviewed at the end of their first year of implementation. The Policy Contact must monitor the ongoing implementation of any policies for which they are responsible and initiate a formal review of such policies every five years at a minimum, or more frequently, if required or necessary.

Substantive review of all policies must occur at regular intervals appropriate to the type and nature of the policy and sufficient to comply with applicable laws, regulations, and external policies. Such reviews should occur at intervals not to exceed every five years.

Some clerical or non-substantive revisions to existing policies may be approved by the Policy Contact and the Policy Administrator without full review and recommendation by the President's Cabinet.

Policy Rescission

Policies may be rescinded for several reasons, including but not limited to:

- Changes in federal, state, regulatory or local legislation;

- Changes in University operations; or
- Policy has been consolidated into other policies, guidelines, or procedures.

If a Responsible Executive or Policy Contact believes a policy should be rescinded, he/she must submit the Policy Template which will be reviewed and approved by the General Counsel and subsequently reviewed and approved by the President. If approved, the Policy Contact is responsible for communicating the rescission of the policy to all applicable stakeholders. If the rescinded policy has been replaced by a new policy, the communication of the rescinded policy should be included in the new policy announcement. The Policy Contact shall remove the Policy Library link to the rescinded policy from their website, and, if applicable, link to the new policy in the Policy Library.

The Policy Administrator will archive policies no longer in effect and remove the policies from Policy Library. Archival of policies will be maintained in accordance with the State of Kansas policy on Records Retention.

APPENDIX A

ACADEMIC FREEDOM AND TENURE

1940 Statement of Principles and Interpretive Comments

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Academic Freedom

- A. The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- B. The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
- C. The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

Academic Tenure

- A. After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

1. 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.
2. Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven 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 three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though there by the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one 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.
3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.
4. Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should 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 own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should 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.

1940 Interpretations

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 Statement of Principles on Academic Freedom and Tenure were agreed upon:

- A. That its operation should not be retroactive.
- B. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.
- C. If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning his fitness for his position, it may proceed to file

charges under Paragraph (A)(4) of the section of Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

1970 Interpretative Comments

In the thirty years since their promulgation, the principles of the 1940 *Statement of Principles on Academic Freedom and Tenure* have undergone a substantial amount of refinement. This has evolved through a variety of processes, including customary acceptance, understandings mutually arrived at between institutions and professors or their representatives, investigations and reports by the American Association of University Professors (AAUP), and formulations of statements by that Association either alone or in conjunction with the Association of American Colleges. These comments represent the attempt of the two associations, as the original sponsors of the 1940 *Statement*, to formulate the most important of these refinements. Their incorporation here as Interpretive Comments is based upon the premise that the 1940 *Statement* is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing items and circumstances.

Also, there have been relevant developments in the law itself reflecting a growing insistence by the courts on due process within the academic community which parallels the essential concepts of the 1940 *Statement*; particularly relevant is the identification by the Supreme Court of academic freedom as a right protected by the First Amendment. As the Supreme Court said in *Keyishian v. Board of Regents* 385 U.S. 589 (1967), “Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”

The numbers refer to the designated portion of the 1940 *Statement* on which interpretive comment is made.

1. The Association of American Colleges and the American Association of University Professors have long recognized that membership in the academic profession carries with it special responsibilities. Both Associations either separately or jointly have consistently affirmed these responsibilities in major policy statements, providing guidance to the professor in his utterances as a citizen, in the exercise of his responsibilities to the institution and the students, and in his conduct when resigning from his institution or when undertaking government-sponsored research. Of particular relevance is the *Statement on Professional Ethics*, adopted by the Fifty-second annual meeting of the AAUP as Association policy and published in the *AAUP Bulletin* (Autumn 1966, pp. 290-91).
2. The intent of this statement is not to discourage what is “controversial.” Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for the teacher to avoid persistently intruding material which has no relation to his subject.

3. Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 *Statement*, and we do not now endorse such a departure.
4. This paragraph is the subject of an Interpretation adopted by the sponsors of the 1940 *Statement* immediately following its endorsement which reads as follows:

If the administration of a college or university feels that the teacher has not observed the admonitions of paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the fitness for his position, it may proceed to file charges under paragraph (a)(4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the Association of American Colleges are free to make investigation.

Paragraph (c) of the 1940 *Statement* should also be interpreted in keeping with the 1964 “Committee A Statement on Extramural Utterances” (*AAUP Bulletin*, Spring, 1965 p. 29) which states inter alia: “The controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty members’ unfitness for his position. Extramural utterances rarely bear upon the faculty member’s fitness for his position. Moreover, a final decision should take into account the faculty member’s entire record as a teacher and a scholar.”

Paragraph V of the *Statement on Professional Ethics* also deals with the nature of the “special obligations” of the teacher. The paragraph reads as follows:

As a member of his community, the professor has the rights and obligations of any citizen. He measures the urgency of these obligations in the light of his responsibilities to his subject, to his students, to his professors, and to his institution. When he speaks or acts as a private person he avoids creating the impression that he speaks or acts for his college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Both the protection of academic freedom and the requirements of academic responsibility apply not only to the full-time probationary as well as to the tenured teacher, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching responsibilities.

5. The concept of “rank of full-time instructor or higher rank” is intended to include any person who teaches a full-time load regardless of his specific title.
6. In calling of an agreement “in writing” on the amount of credit for a faculty member’s prior service at other institutions, the *Statement* furthers the general policy of full understanding by the professor of the terms and conditions of his appointment. It does

not necessarily follow that a professor's tenure rights have been violated because of the absence of a written agreement on this matter. Nonetheless, especially because of the variation in permissible institutional practices, a written understanding concerning these matters at the time of appointment is particularly appropriate and advantageous to both the individual and the institution.

7. The effect of this subparagraph is that a decision on tenure, favorable or unfavorable, must be made at least twelve months prior to the completion of the probationary period. If the decision is negative, the appointment for the following year becomes a terminal one. If the decision is affirmative, the provisions in the 1940 *Statement* with respect to the termination of services of teachers or investigators after the expiration of a probationary period should apply from the date when the favorable decision is made.

The general principle of notice contained in this paragraph is developed with greater specificity in the *Standards for Notice of Nonreappointment*, endorsed by the Fiftieth Annual meeting of the American Association of University Professors (1964). These standards are:

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

- a. *Not later than March 1 of the first academic year of service*, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its expiration.
- b. *Not later than December 15 of the second academic year of service*, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- c. At least twelve months before the expiration of an appointment after two or more years in the institution.

Other obligations, both of institutions and individuals, are described in the *Statement on Recruitment and Resignation of Faculty Members*, as endorsed by the Association of American Colleges and the American Association of University Professors in 1961.

8. The freedom of probationary teachers is enhanced by the establishment of a regular procedure for the periodic evaluation and assessment of the teacher's academic performance during his probationary status. Provision should be made for regularized procedures for the consideration of complaints by probationary teachers that their academic freedom has been violated. One suggested procedure to serve these purposes is contained in the *Recommended Institutional Regulations on Academic Freedom and Tenure*, prepared by the American Association of University Professors.
9. A further specification of the academic due process to which the teacher is entitled under this paragraph is contained in the *Statement on Procedural Standards in Faculty Dismissal Proceedings*, jointly approved by the American Association of University Professors and the Association of American Colleges in 1958. This interpretive document deals with the issue of suspension, about which the 1940 *Statement* is silent.

The 1958 Statement provides: “suspension of the faculty member during the proceedings involving him is justified only if immediate harm to himself or others is threatened by his continuance. Unless legal considerations forbid, any such suspension should be with pay.” A suspension which is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.

The concept of “moral turpitude” identifies the exceptional case in which the professor may be denied a year’s teaching or pay in whole or in part. The statement applies to that kind of behavior which goes beyond simply warranting discharge and is so utterly blameworthy as to make it inappropriate to require the offering of a year’s teaching or pay. The standard is not that the moral sensibilities of persons in the particular community have been affronted. The standard is behavior that would evoke condemnation by the academic community generally.

APPENDIX B

RECRUITMENT AND SELECTION OF FACULTY

1. Allocation of Positions

- a. All vacated positions return to a central pool and will be reallocated by the President.
- b. A departmental recruitment plan, approved by the departmental faculty, Chairperson, and Dean shall accompany the request for reallocation of the vacated position. The recruitment plan shall include a calendar for the selection of the faculty member. The reallocated position will be advertised “From a base of _____” or “commensurate with qualifications.”
- c. The Dean and the Provost and Vice President for Academic Affairs shall have the flexibility to adjust the starting salary of the candidate when recommended by the Department Chairperson.
- d. All new positions generated by anticipated new funding shall be advertised as “anticipated.”

2. Recruitment of Faculty

- a. Ideally, the advertisement for recruitment of faculty for the subsequent academic year should be published by November.
- b. Faculty positions vacated after May 15 shall be advertised as “may be tenure-earning.” The type of appointment is contingent upon the credentials of the candidate.
- c. After July 1, but prior to the beginning of the fall semester, vacated faculty positions shall be advertised as non-tenure earning, one-year appointments.
- d. Library Services does not have to conform to 2b and 2c.
- e. All faculty searches must demonstrate that alternatives have been explored in order to identify minority and women candidates and must adhere to the Pittsburg State University Affirmative Action Plan.
- f. Prior to inviting candidates to campus for interviews, the applicant pool must be evaluated by the Department Search Committee, Chairperson, Dean, and the Affirmative Action Officer and a decision made as to its adequacy.
- g. A non-tenure earning faculty person may be appointed to a tenure-earning position if that person satisfies “terminal degree requirements” and has been selected through a previous pool established by a national search within the last three years.
- h. Recruitment for temporary, part-time positions are regional, and the established pool of candidates may be utilized for a maximum of three years.

3. Length of Search Period

- a. External search periods for tenure-earning positions will normally be a minimum of 30 days from the first appearance of public notification of the position to the date of the first consideration for the search.
- b. External search periods for non-tenure-earning positions will be a minimum of 14 days from the date of first appearance of public notification of the position availability to the date of first consideration for the search.

The Provost and Vice President for Academic Affairs can make reasonable exceptions to the above policies.

Approved by Faculty Senate, April 23, 2007.

APPENDIX C
RECRUITMENT AND SELECTION OF UNCLASSIFIED
ADMINISTRATIVE PROFESSIONALS AND ADMINISTRATIVE STAFF

1. Allocation of Positions

- a. All vacated positions return to a central pool and will be reallocated by the President.
- b. An area recruitment plan, approved by the appropriate Vice President shall accompany the request for reallocation of the vacated position. The recruitment plan shall include a calendar for the selection of the staff member. The reallocated position should be normally advertised “from a base of _____” or “commensurate with qualifications.”
- c. The appropriate Vice President shall have the flexibility to adjust the starting salary of the candidate when recommended by the Director/Vice President.
- d. All new positions generated by enrollment adjustment shall be advertised as “anticipated.”

2. Recruitment of Staff

- a. All searches must demonstrate that alternatives have been explored in order to identify minority and women candidates and must adhere to the Pittsburg State University Affirmative Action Plan.
- b. External search periods for staff positions will be a minimum of 14 days from the date of public notification of the position availability. Positions vacated after December 1 shall include an approved calendar for the selection of the staff person.
- c. Prior to inviting candidates to campus for interviews, the applicant pool must be evaluated by the Search Committee, immediate supervisor, the Affirmative Action Officer, and a decision made by the appropriate Vice President as to its adequacy.
- d. Recruitment for temporary, part-time positions are regional, and the established pool of candidates may be utilized for a maximum of three years.

The appropriate Vice President may make reasonable exceptions to the above policies.

Approved: May 7, 2007