

Pittsburg State University

Unclassified Personnel Handbook



August 2020

Pittsburg State University is an Equal Opportunity,
Affirmative Action Employer

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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 the Office of the President.

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 provide transformational experiences for its students and the community.

E. Pittsburg State University Vision Statement

Pittsburg State University will be the first choice for:

- Students seeking a quality education through nationally recognized programs;

- The most talented faculty and staff seeking dynamic careers;
- Partnerships with communities, businesses, organizations, and individuals in the region;
- External investment by donors, grant makers, and government.

F. Pittsburg State University Core Values

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| Student-Focused | Continue a campus environment where students feel a connection to the university and its faculty and staff by making students and their success the driving force behind institutional decisions at all levels. |
| Excellence | Ensure the university strives for outcomes that are exemplary by demanding quality in all aspects of the institution’s operations. |
| By Doing Learn | Perpetuate the university’s founding principal of “By doing learn” through the creation of academic programs and opportunities that engage students in real world activities. |
| Diversity | Foster a diverse and international campus culture among students, faculty, and staff that supports an understanding and acceptance of a variety of ideas, beliefs, and cultures, thereby creating opportunity for all. |
| Community | Enhance the university’s strong relationship with the region and the Pittsburg community by maintaining a welcoming campus and creating big university opportunities in a small campus atmosphere. |
| Innovation | Encourage students, faculty, and staff to take informed, calculated, and strategic risks to build upon their success, start new ventures, utilize new technologies, and forge an entrepreneurial path forward. |
| Sustainability | Recognize there are limited and finite resources in the world, and, therefore, commit ourselves to establishing best practices to conserve resources as well as decrease the university’s carbon footprint. |

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.

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 include:

1. **Lecturer**

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

2. **Instructor**

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

3. **Assistant Professor**

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

4. **Associate Professor**

Individuals on full-time, tenured or tenure-earning appointments.

5. **Professor**

Individuals on full-time, tenured or tenure-earning appointments.

6. **University Professor**

Individuals on full-time, tenured appointments.

7. **Visiting Lecturer**

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

8. **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, one semester or a summer session.

9. **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 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.

10. Emeritus Status

Emeritus status is an honorary title awarded to a retiring faculty member or administrative professional for extended meritorious service. At Pittsburg State University the following emeritus ranks are established but not limited to: University Professor Emeritus, Professor Emeritus, Associate Professor Emeritus, Assistant Professor Emeritus, and Instructor Emeritus.

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. All faculty must have a "RELEVANT" degree one level above the level they are teaching, except in terminal degree programs. Faculty teaching in bachelor's 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 hold the terminal degree determined by the discipline. Individual exceptions require evidence of relevant tested experience at the time of hire and must be approved by the Dean of the College and the Provost.

1. 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.

2. Assistant Professor, Visiting Professor and Visiting Lecturer

Appointment to these ranks requires possession of a terminal degree as defined by the Department in which the appointment is made. In the case of an Assistant Professor, a person may be hired without a terminal degree. However, the terminal degree must be obtained before tenure is considered.

3. Associate Professor

Appointment to this rank requires the possession of the terminal degree as defined by the Department.

4. Professor

Appointment to this rank requires the possession of the terminal degree as defined by the Department.

5. University Professor

To be considered a candidate for University Professor, a PSU faculty member must have been 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*.

6. **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 appropriate discipline.

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 justice studies/criminal studies/criminology, two-thirds of all full-time faculty in baccalaureate degree programs must hold an earned doctorate (Ph.D.) in criminal justice/criminology or a closely related discipline. If the Ph.D. is in a closely related discipline there should be evidence of experience, scholarship, and professional involvement, demonstrating a clear commitment to and identification with the field of criminal justice/criminology. 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

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. Upon written recommendation of the dean or director and Vice President or Provost, the President will send a written notice on non-reappointment to the employee. 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, Chief Financial Officer, Vice Presidents, Deans, Department Chairs/School Directors, General Counsel, Director of Intercollegiate Athletics, Chief Information Officer, Chief Marketing and Communications Officer, Associate Vice Presidents, Assistant Vice Presidents, Associate Deans, Assistant Deans, Chair of the Faculty, University Architect and Director of Planning, Design and Construction, Director of Student Publications, Athletic Coaches, Senior Associate Athletic Director and Senior Woman's Administrator, Director of Institutional Equity, Chief of Staff in the Office of the President, Special Assistants to the President, and the Chief Strategy Officer 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, 218 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 the Office of Institutional Equity, 218 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.

5. Diversity and Multiculturalism

Opportunities to gain experience within a diverse environment and to develop appreciation of multiculturalism are considered to be important elements of the educational experience for all students. An emphasis on multiculturalism and diversity should foster an atmosphere within the university which recognizes and celebrates both the similarities and differences among all persons to create a collegiate community which reflects the world community and which provides a wide range of role models for students.

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, 218 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 the only individuals 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, the Provost and Vice Presidents may further delegate authority to execute contracts (and thereby legally commit) on behalf of the University. A list of additional parties authorized to execute contracts on behalf of the University can be obtained from the Vice President for Administration and Finance.

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 - November 22, 2016

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 21 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 21 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.

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