HLC Accreditation 2016-2017

Evidence Document

WSU Policies and Procedures Manual

Chapter 3 / General Employment Policies

Additional information: Available online: http://webs.wichita.edu/inaudit/ch_3.htm (accessed July 22, 2016)
CHAPTER 3 / GENERAL EMPLOYMENT POLICIES

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3.47 / Discrimination Review Procedures for Students, Employees and Visitors (Effective Date: June 17, 2016)

Policy manual sections lacking an effective date were in effect before the manual was first adopted, July 1, 1997.
3.01 / Affirmative Action Plan

It is the policy of Wichita State University to provide equal employment opportunity and advancement for all qualified persons, and to prohibit discrimination in employment on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation or status as a veteran. This policy also commits the University to take affirmative action to provide employment opportunities to members of minority groups, women, individuals with disabilities and veterans. The protections afforded by this policy apply equally to all University employees.


Revision Date:
July 14, 2000
March 17, 2010
December 9, 2015
3.02 / Notice of Nondiscrimination

The following notice of nondiscrimination must be printed on all University publications including catalogs, newsletters, magazines, brochures, folders, posters and flyers. University publications includes publications of University affiliated corporations (see Section 1.07).

Notice of Nondiscrimination

Wichita State University does not discriminate in its employment practices, educational programs or activities on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or status as a veteran. Retaliation against an individual filing or cooperating in a complaint process is also prohibited. Sexual misconduct, relationship violence and stalking are forms of sex discrimination and are prohibited under Title IX of the Education Amendments Act of 1972. Complaints or concerns related to alleged discrimination may be directed to the Director of Equal Opportunity or the Title IX Coordinator, Wichita State University, 1845 Fairmount, Wichita KS 67260-0138; telephone (316) 978-3187.

Effective Date:
March 25, 2016

For information regarding Deputy Title IX Coordinators or Associate Title IX Coordinators for specific University constituents, see Section 20.24, Designating University Title IX Coordinators.
3.03 / Drug Free Workplace

It is the policy of Wichita State University that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in buildings, facilities or grounds controlled by the University (hereinafter referred to as "workplace"). Any officer or employee of the University, including faculty, other unclassified personnel, university support staff and student employees, found to be illegally manufacturing, distributing, dispensing, possessing or using controlled substances at the workplace shall be subject to disciplinary action in accordance with applicable policies of the State of Kansas, the Board of Regents and Wichita 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 Wichita State University shall abide by the terms of this policy statement and will notify Wichita State University of any criminal drug conviction for a violation occurring in the workplace no later then five days after such conviction. Wichita State University will, in turn, notify as appropriate, the applicable federal agency of the conviction within ten 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 Schedule 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 Office of Equal Employment Opportunity, Human Resources, Research and Technology Transfer, and at other appropriate locations on campus. The term does not include the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Drug Awareness Program:
The Wichita State University Drug Awareness Program includes but is not limited to the following:

1. Drug-Free Workplace Policy statement (above) - This policy will be distributed to current employees at the time they sign up for employment, and will be referenced in the Handbook for Faculty, Staff and Students as each is updated.

2. Special programs - Educational programs on drug awareness and substance abuse will be presented on a periodic basis to inform employees of the dangers of drug abuse in the workplace and promote a drug-free work environment and workplace.

3. Counseling and Testing Center services - The Counseling and Testing Center is a resource available to all employees for drug awareness and substance abuse counseling, information, and programs. Employees are encouraged to use this resource to assure a drug-free environment and workplace.

4. Penalties for policy violation - In accordance with University disciplinary policies and practices, when an employee is found in violation of this policy he/she may be subject to penalties up to and including termination. Employees may also be required to satisfactorily participate, at their expense, in a substance abuse or rehabilitation program before being allowed to return to work. Appropriate action will be taken within 30 days of notice to the University of a conviction or violation of the statement on drug-free workplace.

Student Federal Financial Aid:
Students receiving Pell Grants and/or other types of federal financial assistance (as designated by the Department of
Education) will be required to sign a certification indicating compliance with the Drug-Free Workplace Act of 1988. The Financial Aid Office will assure institutional compliance with this federal requirement.

**Implementation:**

1. When required for the award of a grant and/or contract, the Office of Research and Technology Transfer will provide certification that the University is a drug-free workplace.

2. Employees must notify their supervisor of a criminal drug statute conviction for a violation occurring in the workplace no later than five working days after such conviction. The supervisor must notify the employee's vice president, who shall assure compliance with further notification requirements.

3. Within ten working days of notification of a drug conviction of an employee, the Office of Research and Technology Transfer shall notify the appropriate granting/contracting agency of the conviction. Within 30 days of the employee's notice, the University shall take appropriate disciplinary action.
3.04 / Commitment of Time, Conflict of Interest, Consulting and Other Employment

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

To these ends, the purposes of this policy are to:

1. educate about situations that generate conflicts;
2. provide means for faculty and unclassified staff and the university to manage real or apparent conflicts;
3. promote the best interests of students and others whose work depends on faculty direction; and
4. describe situations that are prohibited.

Every faculty member and member of the unclassified staff has an obligation to become familiar with and abide by the provisions of this policy. If a situation raising questions of real or apparent conflict of commitment or conflict of interest arises, affected faculty and/or unclassified staff must meet with their department chair, school dean or supervisor; report the conflict as described below; and eliminate the conflict or manage it in an acceptable manner.

General Principles:

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

2. **Conflict of Interest**
   a. A conflict of interest occurs when there is a divergence between an individual's private, personal relationships, or interest and his/her professional obligations to the university such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal benefit,
b. A conflict of interest or the appearance of it depends on the situation and not necessarily on the character or actions of the individual. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict. Thus, individuals are asked to report potential conflicts so that appearances can be separated from reality.

c. Potential conflicts of interest are not unusual in a modern university and must be addressed. For example, conflicts of interest can arise out of the fact that Regents institutions have as part of their mission the promotion of the public good by fostering the transfer of knowledge gained through university research and scholarship to the private sector. Two important means of accomplishing the institutional mission include consulting and the commercialization of technologies derived from research. It is appropriate that university personnel be rewarded for their participation in these activities through consulting fees and sharing in royalties resulting from the commercialization of their work. It is wrong, however, for an individual's actions or decisions made in the course of his or her university activities to be determined by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual, and it also reflects negatively on the employing university. Regents institutions are institutions of public trust; faculty and unclassified staff must respect that status and conduct their affairs in ways that will not compromise the integrity of the university.

d. Except in a purely incidental way, university resources, including but not limited to facilities, materials, personnel, or equipment, may not be used in external activities unless written approval has been received in advance from the institution's chief executive officer or his/her designee. Such permission shall be granted only when the use of university resources is determined to further the mission of the institution. When such is granted, the faculty member or unclassified staff member will make arrangements for reimbursement of the university for customarily priceable institutional materials, facilities, or services used in the external activity. Such use may never be authorized if it violates the Regents Policy on Sales of Products and Services.

e. Proprietary or other information confidential to a Regents institution may never be used in external activities unless written approval has been received in advance.

f. Faculties or unclassified staff may not involve university students, university support staff, unclassified staff, or faculty staff in their external activities if such involvement is in any way coerced or in any way conflicts with the involved participants' required commitment of time to their university. For example, a student's grades or progress toward a degree may not be conditioned on participation.

Consulting and Other Employment:

1. Consulting for Other State of Kansas Agencies

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

2. Consulting Outside the University

For members of the faculty, the Regents institution permits and, indeed, encourages, a limited amount of personal, professional activity outside the faculty member's reasonably construed total professional responsibilities of employment by and for the institution provided such activity:

a. further develops the faculty member in a professional sense or serves the community, state, or nation in a professional capacity;

b. does not interfere with the faculty member's teaching, research, and service to the institution; and

c. is consistent with the objectives of the institution.

Regular instructional service to other educational institutions is normally regarded as an inappropriate personal,
professional activity. Without prior approval, faculty members on full-time appointments must not have significant outside managerial responsibilities nor act as principal investigators on sponsored projects that could be conducted at their institution but, instead, are submitted and managed through another organization. Unless an exception is granted by the President, Chancellor, or a designee, unclassified staff members may consult only on nonuniversity time, including vacations.

3. Other Employment

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

Reporting Requirements:

1. Annual Reporting

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

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

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

3. Report of Consulting

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

4. Disposition of Reports

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

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

**Campus Policy Development and Enforcement:**
Additional rules and procedures for personal external activity, consistent with Board policy, will be established by each Regents institution. In situations in which the objectivity of a faculty or unclassified staff member could reasonably be questioned or where apparent conflicts of interest exist, each Regents institution will establish an effective review mechanism to determine if a conflict of time or interest exists and to facilitate resolution of the conflict where possible and to decide upon the appropriate sanctions when an unclassified staff or faculty member's activities have been determined to constitute a conflict. Such review mechanisms will include opportunity for appeal.

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

*Kansas Board of Regents Policy Manual, Chapter II, Section C, Item 12*

(Regarding Use of University Name above, see also Use of the University's Name, Seal, Logos or Marks at Section 20.11 of this manual.)
3.06 / Sexual Misconduct, Sexual Harassment, Relationship Violence and Stalking Policy for Employees and Visitors

Click here for the full text.

Effective Date:
January 8, 2016

Revision Date:
March 25, 2016
3.06 Sexual Misconduct, Sexual Harassment, Relationship Violence and Stalking Policy for Employees and Visitors

Wichita State University is committed to the elimination of sexual misconduct including all forms of sexual harassment, relationship violence, and stalking within the University community. These incidents may interfere with or limit an individual’s ability to work productively or to benefit from or fully participate in the University’s educational programs. Additionally, these incidents may cause serious physical and/or psychological harm.

Wichita State University maintains a comprehensive program to prevent these behaviors, provides resources to assist and support those who are involved in such incidents, and will respond promptly and equitably to reports of sexual misconduct, relationship violence, and stalking. The University has a responsibility to eliminate the behavior, prevent its recurrence, and address its effects on any individual and/or the community. Retaliatory actions against any individual involved in reporting or participating in the investigation of a complaint will not be tolerated. This policy shall apply to all employees and visitors to the University.

I. Purpose
This policy provides information regarding the University’s prevention and education efforts related to sexual misconduct, relationship violence, and stalking. The policy also explains how the University will proceed once it is made aware of a possible sexual misconduct, relationship violence, and/or stalking incident. In order to remain consistent with our institutional values, and to meet the University’s legal obligations under Title VII, Title IX and other applicable laws, this policy shall supersede all other University policies and procedures. The process outlined will be used to resolve alleged sexual misconduct, relationship violence, and stalking violations in a prompt, fair, and impartial manner.

II. Responsibility
It is the obligation of all designated responsible employees who become aware of discrimination on the basis of sex including incidents of sexual misconduct, relationship violence, or stalking to report the incident to the Title IX Coordinator and to take steps to prevent its continuation. Failure to do so is a violation of this policy.

III. Prohibition of Inappropriate Relationships
This policy prohibits intimate, sexual or inappropriate contact between employees
and students who have professional educational interaction. Intimate, sexual or inappropriate contact between employees within the same department, as well as supervisors and employees under their supervision, is also prohibited. Employees shall avoid any apparent or actual conflict between the employee’s professional responsibilities and his/her personal interests or relationships with students and employees where a professional power differential exists.

IV. Education and Awareness
A. Information on Risk Reduction, Prevention and Awareness Programs
Numerous University offices deliver harm-reduction and educational programming to promote the awareness of sexual misconduct, relationship violence, and stalking. Primary prevention and awareness programs for all new employees include mandatory training programs. Prevention training is offered to identify risky or unacceptable conduct before it occurs. This training promotes positive behaviors that foster healthy, mutually respectful relationships; encourages safe bystander intervention; and seeks to change behavior and social norms in healthy and safe directions. Awareness programs include community-wide or audience-specific programing which describes initiatives and strategies to prevent sexual misconduct, relationship violence, and stalking, and promote safety, and reduce perpetration of sexual misconduct. 

WSU Policy and Procedures Manual Section 3.33/Eschewing Campus/Workplace Violence and Section/8.18 Eschewing Campus/Workplace Violence describe annual training that is available to all University community members, including identifying and diffusing potentially violent or threatening situations. Additionally, the University acts in partnership with the Wichita Area Sexual Assault Center and YWCA Women’s Crisis Center to provide sexual misconduct and relationship violence educational materials, services, and programming to the campus community. These programs and resources can be found at www.wichita.edu/care/

B. Crime Prevention Programs
The University Police Department offers crime prevention programs, including sexual misconduct prevention programs. Additional information and resource referrals concerning personal safety and crime prevention information, including alcohol and drug abuse, sexual misconduct, relationship violence, and stalking and other safety information is available from the University Police Department.

C. Safe and Positive Options for Bystander Intervention
Recognizing when an incident of sexual misconduct or relationship violence is occurring or is likely to occur is the first step to intervening. If you make the decision to intervene, do so safely – violence does not stop violence. If you cannot stop the act with your words, call law enforcement. Do not be afraid to ask other people for help with intervention.

If an individual confides in you, listen respectfully and help identify others in whom they can confide. Ask what the individual needs to feel safe, encourage
seeking medical attention and counseling, and encourage reporting the incident to law enforcement, or a responsible employee if the individual is comfortable doing so. Be a supportive, kind, understanding, and nonjudgmental person and you can be a positive force for the individual to seek the help that is needed to move forward.

V. Jurisdiction
This policy applies to sexual misconduct, relationship violence, and/or stalking that is committed by a University employee or visitor at the time the behavior occurs:

A. On University property;
B. Off campus, if:
   i. In connection with a University or University-recognized program or activity; or
   ii. In a manner that may pose an obvious and serious threat of harm to, or that may have the effect of creating a hostile learning or working environment for, any member(s) of the University community.

Additional alleged violations of any other University policy that occur in connection with an alleged incident of sexual misconduct, relationship violence and/or stalking will be resolved through this policy.

VI. Definitions
For purposes of this policy, the following terms have the definitions provided below. Please note that some of these terms may have different meanings in other contexts.

A. **Sexual Misconduct** – unwelcome conduct of a sexual nature that is committed without consent between people regardless of sex or gender. Sexual misconduct can include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended.
   i. **Sexual Harassment** – unwelcome conduct of a sexual nature. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Sexual harassment can take several forms:
      1. **Quid Pro Quo Sexual Harassment** occurs when submission to unwelcome conduct of a sexual nature is made explicitly or implicitly a term or condition of employment or participation in an academic program; or submission to or rejection of unwelcome conduct of a sexual nature by an individual is used as the basis for employment decisions or academic decisions affecting that individual, including but not limited to grades, pay, promotion, and transfers.
      2. **Hostile Environment Sexual Harassment** occurs when unwelcome conduct of a sexual nature has the purpose or effect of unreasonably interfering with a person’s work or academic performance and/or creates an intimidating, hostile, or offensive environment for working, learning, or living on campus, or in connection to an institutional program. The determination for
whether an environment is “hostile” is often contextual and must be based on the circumstances.

3. **Third Party Sexual Harassment** occurs when unwelcome conduct of a sexual nature is perpetrated by individuals who are not employees or students at the University.

   ii. **Non-consensual Sexual Intercourse** – vaginal or anal penetration by any body part or foreign object or oral copulation (mouth to genital contact or genital to mouth contact), however slight, by a person upon another person without consent.

   iii. **Non-consensual Sexual Contact** – any intentional contact with the breasts, buttocks, groin, or genitals of another person without consent, including, but not limited to, touching another person or making another person touch you or themselves with any of these body parts.

   iv. **Sexual Exploitation** – taking non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit, or to benefit or provide advantage to anyone other than the person being exploited, when that behavior does not otherwise constitute one of the other aforementioned sexual misconduct violations. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy; prostituting another individual; non-consensual video or audio recording of sexual activity; distributing video or audio recordings or photographs of sexual activity without consent of the subject of the media; possession of child pornography; engaging in voyeurism; knowingly transmitting a sexually transmitted infection (STI) to another individual; exposing one’s breasts, buttocks, or genitals in non-consensual circumstances; inducing another to expose one’s breasts, buttocks, or genitals; or soliciting sexual acts with a minor whether in person or electronically.

B. **Relationship Violence**

   i. **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement, and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence does not include behaviors covered under the definition of Domestic Violence.

   ii. **Domestic Violence** – violence committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child; by a person cohabitating with the Complainant; or by a family or household member (i.e., parent, child, or other persons related by blood, marriage, or prior marriage; or roommates or former roommates).

C. **Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for one’s own safety or the safety of others; or suffer substantial emotional distress. “Reasonable person” refers to a person under similar circumstances and with similar identities to the Complainant.
“Substantial emotional distress” is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Except in situations where the Respondent has been served with or notified of a protective or no contact order prohibiting contact with the Complainant, “course of conduct” is defined as two or more incidents over a period of time. Stalking includes, but is not limited to:

1. acts in which the Respondent directly, indirectly, or through third parties;
2. by any action, method, device, or means;
3. follows, monitors, observes, surveils, threatens, or communicates to or about a person; or
4. interferes with a person’s property.

D. **Consent** – informed, knowing, and voluntary agreement to engage in a specific behavior. Consent must be clear and unambiguous for each person for the duration of any sexual contact. Consent to one sexual act does not imply consent to any other sexual act, nor does past consent to a sexual act imply ongoing or future consent. Silence or an absence of resistance does not in and of itself constitute consent. Consent can be revoked at any time. For all of these reasons, sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual contact.

Consent cannot be obtained from someone who is unconscious, physically powerless or otherwise physically or mentally incapacitated, whether due to alcohol, drugs, or other condition. Consent cannot be obtained by threat, coercion, or force. Agreement given under such conditions does not constitute consent. In order to give effective consent, one must be of legal age in the location of the sexual contact.

E. **Incapacitation** – lacking the physical and/or mental ability to make informed rational judgments. An incapacitated person cannot understand the “who, what, when, where, why, and/or how” of their sexual contact with another person or persons. This may have a variety of causes, including, but not limited to, being asleep or unconscious, having consumed alcohol or drugs, experiencing blackouts or flashbacks, or an intellectual or other disability.

F. **Retaliation** – an adverse action or threat of an adverse action taken against a Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation, and/or resolution of an allegation of sexual misconduct, relationship violence, or stalking; including any individual who attempts to intervene or prevent behavior prohibited by this policy. Retaliation can be committed by an individual or group of individuals, not just a Complainant or Respondent. Retaliation can take many forms including, but not limited to, threats, intimidation, pressuring, continued harassment, violence, or other forms of harm to others. Any complaint regarding retaliation by a student should be reported to the Deputy Title IX Coordinator for Students. Any complaint regarding retaliation by an employee or visitor should be reported to the Deputy Title IX Coordinator for Employees and Visitors. Retaliation is strictly prohibited and can result in disciplinary action up to and including termination of student
status and/or employment.

G. **Respondent** – Any individual or group that allegedly violated University policy. There may be more than one complainant and more than one respondent for an incident.

Complaints regarding employees or visitors as Respondents should be referred to the Deputy Title IX Coordinator for Employees and Visitors for resolution under the appropriate University policy. The behavior of Respondents who are both students and employees may subject to both student and employment policies.

H. **Complainant** – individual or group who was subject to alleged misconduct as described in any University policy. There may be more than one complainant for an incident.

I. **Witness** – individual who is requested to participate in an investigation or a hearing because that individual may have information about the alleged misconduct. Witness names may be provided by the Complainant, Respondent, or others with knowledge of the matter.

J. **Reporter** – individual or group who reports sexual misconduct, relationship violence, or stalking who is not otherwise defined by this policy as a Complainant, Witness, or Respondent.

K. **Advisor** – an individual selected by a Complainant or Respondent to assist the Complainant or Respondent throughout the University process including, but not limited to, a parent, friend, employee, advocate, or legal counsel. An advisor may advise and assist the Complainant or Respondent in preparation for any meetings, interviews, or hearings that may occur; accompany the Complainant or Respondent through all meetings, interviews, or hearings; or assist the Complainant or Respondent in preparing an appeal. An advisor may not participate in the process in any other capacity in reference to the same incident, including, but not limited to, serving as a Witness, Co-Complainant, or Co-Respondent. Advisors are observers and may not make any type of representation or argument on behalf of a Complainant or Respondent in any aspect of the process including, but not limited to: meetings, interviews, or hearings. The availability of an Advisor to attend a meeting, interview, or hearing shall not unreasonably interfere with or delay the proceedings.

L. **Deputy Title IX Coordinator for Employees and Visitors** – refers to Associate Director of Human Resources who also serves in this role.

M. **Deputy Title IX Coordinator for Students** – Refers to the Assistant Vice President for Student Advocacy, Intervention, and Accountability who also serves in this role.

N. **Title IX Coordinator** – refers to the University’s Title IX Coordinator, or designee, who is responsible for coordinating the University’s efforts in reference
to its Title IX responsibilities, overseeing the University’s response to Title IX violations, and identifying and addressing any patterns or systemic problems.

VII. Rights of the Complainant and Respondent
A. All Complainants and Respondents shall be entitled to the same rights in all investigations and resolution processes relating to reports of sexual misconduct, relationship violence, and/or stalking.

B. Complainants and Respondents will be advised of their rights, in writing, during their first meeting with the Deputy Title IX Coordinator or designee.

C. Complainants and Respondents have the right to:
   i. Be notified of the allegations;
   ii. Be provided advanced notice of all meetings in which they are requested or entitled to participate and notified of the purpose of those meetings;
   iii. Be accompanied by an Advisor of the Complainant or Respondent’s choice throughout the investigation and resolution process;
   iv. Request reasonable accommodations from the Office of Human Resources order to ensure full and equitable participation in the investigation and resolution process;
   v. Be informed of campus and community resources available for support and assistance;
   vi. Submit information, including the names of witnesses, for consideration in the investigation;
   vii. Choose not to provide a statement or respond to questions during the investigation and resolution process;
   viii. Submit a written impact statement to be considered before a decision on consequences (if applicable) is rendered;
   ix. Request that an individual responsible for investigating or resolving an alleged violation be removed from the case on the basis of actual or perceived bias; and
   x. Request one appeal within the University’s process.

VIII. Responsibilities of the Complainant, Respondent, and Witnesses
All Complainants, Respondents, and Witnesses have the following responsibilities relating to investigating and resolving alleged misconduct:

A. Honesty
   All participants are expected to be honest and forthright in all communication relating to the investigation and resolution of allegations of misconduct. Any individual who knowingly provides false information, makes a misleading or false claim, or engages in coercion of others may be subject to discipline or, under certain circumstances, legal action.

B. Communication & Responsiveness
   The University uses @wichita.edu e-mail addresses as its formal means of communication unless the individual’s @wichita.edu e-mail address is unavailable or inaccessible, in which case alternative means of communication will be utilized including certified mail via the U. S. Postal Service or other
expedient methods. Reasons @wichita.edu e-mail addresses may not be utilized include, but are not limited to: any party being in jail or having legal restrictions on internet use. Communication regarding an investigation and/or resolution process is deemed given when sent to an official @wichita.edu e-mail address. Students and employees are responsible for checking their University e-mail and responding to all requests for information or other responses within a timely manner. Failure to respond or appear by a given deadline may result in the process proceeding in an individual’s absence. Decisions will be made on the information that is available at the time the decision is made.

C. Preparation
All parties are responsible for adequately preparing themselves for investigation and resolution meetings including reviewing applicable University policies and procedures. All parties are also responsible for ensuring that their advisors are familiar with the appropriate policies and procedures. Failure to adequately prepare for a scheduled meeting will not be reason for delaying the meeting or other proceedings.

D. Adhere to Process
Individuals are to refrain from disrupting the orderly process of the investigation and resolution process for alleged violations of University policy. No individual involved in the process other than the investigator or appeal officer may record any investigation or resolution meetings or other portions of the process without prior authorization from the Title IX Coordinator or Deputy Title IX Coordinator. Any individual deemed to be disruptive may be removed from a meeting and/or charged with violating University policy.

IX. Reporting an Incident
The privacy of individuals involved in a report of sexual misconduct, relationship violence, or stalking will be protected to the extent permitted by law. All University employees who are involved in the University’s response, including the Title IX Coordinator, investigators, and all other parties, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this policy. Privacy generally means that information related to a report of misconduct will only be shared with a limited number of individuals. The use of this information is limited to those University employees who “need to know” in order to assist in the review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of individuals involved in the process.

Information shared by an individual with designated campus or community professionals who are acting within the scope of their professional credentialing is considered confidential. These campus and community professionals include licensed health care professionals, ordained clergy, and attorneys who are required to follow professional
rules of conduct and laws that control the disclosure of confidential information. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, are directed to do so by court order, are given consent or disclosure is provided for by the professional rule of conduct or the law. Additionally, when a report involves suspected abuse of a minor under the age of 18, or the elderly, these confidential resources are required by state law to notify the Department of Children and Families and/or local law enforcement.

A. Confidential University Reporting Options
An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. On campus, confidential reports may be made to licensed health care professionals in the Counseling and Testing Center (316-978-3440) and Student Health Services (316-978-3620). Information shared with these resources will remain confidential and will not be shared with the University or anyone else without express, written permission of the individual seeking services or to comply with a court order.

B. Non-Confidential University Reporting Options
In general, most University employees do not have legally protected confidentiality. Under Title IX, the University is required to take immediate and corrective action if a “responsible employee” knew or, in the exercise of reasonable care, should have known about sexual or gender-based violence or harassment that creates a hostile environment. A “responsible employee” includes any employee who:

i. Has the authority to take action to redress the harassment;
ii. Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
iii. A student, employee or visitor could reasonably believe has the authority or responsibility to take action.

The University has designated the following individuals as Responsible Employees:

i. Title IX Coordinator, Deputy Coordinators, Associate Coordinators, and designees;
ii. Resident Assistants, Peer Academic Leaders, and Residence Hall administrators, including Assistant Residence Life Coordinators;
iii. Deans, Associate Deans, Assistant Deans, and Chairs;
iv. Directors of University offices, centers, institutes, and laboratories;
v. President, Provost, all Vice Presidents, all Associate Vice Presidents, and all members of the President’s Executive Team, or their designees;
vi. Head Coaches, Assistant Coaches, Strength Coaches, and Volunteer Coaches;
vii. Faculty and Staff who supervise employees;
viii. Office of Human Resources personnel;
ix. Sworn law enforcement officers of the University Police Department and other University security personnel;
x. Faculty/Instructors;
xi. Student Organization Advisors;
xii. All individuals who are designated as Campus Security Authorities.

Non-confidential reports regarding incidents in which an employee or visitor is the Respondent should be made to the Deputy Title IX Coordinator for Employees and Visitors (316-978-6123). Reports or disclosures regarding incidents in which an employee or visitor is the Respondent made to any responsible employee will be directed to the Deputy Title IX Coordinator for Employees and Visitors for further review. Visit Wichita.edu/Title IX to access reporting form.

Non-confidential reports regarding incidents in which a student is the Respondent should be made to the Deputy Title IX Coordinator for Students (316-978-6681). An online reporting form can be found at:

C. Law Enforcement Reporting Options
The University encourages any individual who has experienced sexual misconduct, relationship violence, stalking, or any other crime to make a report to the Wichita State University Police Department (WSUPD) (316-978-3450) if the incident occurred on campus, or to local law enforcement, for incidents occurring off campus. Collection and preservation of evidence relating to the reported sexual misconduct or other crime is essential for law enforcement investigations. Specifically, clothing worn before, after, or during an incident should be retained and the person involved should avoid showering or bathing until medical attention has been sought. Prompt reporting to law enforcement is especially critical for the collection of evidence. A member of the Counseling and Testing Center advocate team is available to assist individuals with making a report to law enforcement.

In cases where a Complainant filed a report with law enforcement, the University is committed to appropriate coordination with WSUPD and local law enforcement agencies and may, if requested and appropriate, share information with those agencies. The University will fulfill its legal and ethical obligation to take immediate and appropriate action to investigate sexual misconduct, relationship violence, or stalking; even if there are other external processes or procedures pending in connection with the same reported behavior. In the event that law enforcement requests the University to temporarily suspend the fact-finding aspects of an investigation while the law enforcement agency gathers evidence, the University may comply with that request and will promptly resume its investigation upon notification from the law enforcement agency that its evidence gathering process is complete.

D. Timeliness of Reports
Individuals are encouraged to report sexual misconduct, relationship violence, or stalking as soon as possible after the incident occurs to maximize the University’s ability to respond promptly and effectively; however, the University does not limit the time for reporting. Prompt reporting allows for the University to obtain the most reliable
information, be able to contact relevant witnesses (if any), and provide reasonable assistance and interim measures for affected parties. In all cases, a decision will be made on existing facts to determine if an investigation is necessary for compliance with legal requirements.

E. The University will maintain as confidential any protective or interim measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide such measures or interventions. In cases involving sexual misconduct, complete confidentiality cannot be assured due to the University’s legal obligation to investigate such incidents under Title IX.

IX. University Response Procedures
A. Services and Support
   Upon receipt of notice of alleged sexual misconduct, relationship violence, or stalking, the Deputy Title IX Coordinator or designee will attempt to contact the Complainant to arrange a meeting to discuss available resources and resolution processes. During the meeting, the following will be covered with the Complainant:
   i. Medical, mental health, advocacy, law enforcement, and other resources available to Complainants both on campus and in the surrounding community;
   ii. Possible interim measures that are available (see section below);
   iii. The obligation of the University to investigate every report of alleged sexual misconduct, relationship violence, and stalking both under federal law and out of concern for the safety of members of our campus community;
   iv. The process for investigating and resolving alleged violations of sexual misconduct, relationship violence, and/or stalking;
   v. The rights that the Complainant and the Respondent have in the process (see section VI of this policy); and
   vi. The right for the Complainant to request confidentiality and the process by which the request will be evaluated (see Section X.C. of this policy).

After meeting with the Complainant, the Deputy Title IX Coordinator or designee will inform the Respondent of the allegations if an investigation will commence and/or a need for contact with the Respondent by the University is deemed necessary. During the meeting, the following will be covered with the Respondent:

   i. Medical, mental health, advocacy, law enforcement, and other resources available to Respondents both on campus and in the surrounding community;
   ii. Possible interim measures that are available (see section below);
   iii. The obligation of the University to investigate every report of alleged sexual misconduct, relationship violence, and stalking both under federal law and out of concern for the safety of members of our campus community;
iv. The process for investigating and resolving alleged violations of sexual misconduct, relationship violence, and/or stalking;
v. The rights that the Complainant and the Respondent have in the process (see section VI. of this policy); and
vi. The right for the Complainant to request confidentiality and the process by which the request will be evaluated (see Section X.C. of this policy).

B. Interim Measures
The Title IX Coordinator, or designee, will evaluate all reports to promptly determine the necessity of interim measures. The University may implement appropriate interim measures for the individuals involved and for the larger University community based on the information provided in the report and at no cost to the Complainant. Interim measures may be put in place or modified at any point after a report is received and can be implemented even if a formal investigation is not able to proceed. Such interim measures include, but are not limited to assistance in the following categories:
   i. Administrative directives for no contact;
   ii. Academic;
   iii. Housing;
   iv. Transportation;
   v. Employment;
   vi. Facility Access;
   vii. Activities;
   viii. Campus Escort;

Interim measures may be implemented at any time, even if originally declined, and any measures put into effect will remain in place until the institution determines that they are no longer necessary.

When the actions of a person present an ongoing threat to the health, safety, or well-being of others; disrupt the University community; or endanger University, public, or private property; the Title IX Coordinator, or designee, may implement interim measures that restrict access for the Respondent pending the outcome of an investigation and resolution process. These interim measures may include, but are not limited to:
   i. Restricted access to campus property and/or facilities;
   ii. Administrative leave with or without pay for employees;
   iii. Job reassignment;
   iv. Restricted access to participation in University resources, programs or activities;
   v. Restricted access to Housing & Residence Life facilities, including dining halls;
   vi. Restricted ability to participate in academic activities, including classes, internships, co-ops, etc.; or
   vii. Any other restriction that can be tailored to the involved individuals to achieve the goals of this policy.
The Title IX Coordinator, or designee, will notify the Complainant and Respondent in writing of any interim measures. The measures will take place immediately upon notification to both parties.

C. Decision to Investigate and Requests for Confidentiality and/or No Formal Action
If the Complainant is willing to participate in the investigation, the University will proceed as described in the Investigation section below.

A Complainant may request that the University maintain confidentiality and/or take no formal action regarding a report of sexual misconduct, relationship violence, or stalking; however, such a request may greatly impact the institution’s ability to investigate. Additionally, some interim measures—such as an administrative directive for no contact—cannot be implemented if the Complainant’s identity cannot be known.

Requests for confidentiality and/or no formal action will be referred to the Title IX Coordinator for review. The University will make every effort to honor confidentiality and/or no formal action requests; however, there are instances when such a request will not be able to be granted. Circumstances in which a confidentiality and/or no formal action request may be denied include, but are not limited to:

i. existence of past or concurrent complaints against the Respondent;
ii. the institution is aware of past arrests or disciplinary action involving the Respondent;
iii. significant physical injury resulting from an alleged violation of sexual misconduct, relationship violence, or stalking;
iv. the reported use of a weapon during the commission of an alleged violation of sexual misconduct, relationship violence, or stalking; or
v. the reported use of force during the commission of an alleged violation of sexual misconduct, relationship violence, or stalking.

In all cases, the decision on whether, how, and to what extent the University will conduct an investigation, and where other measures will be taken in connection with any allegation of sexual misconduct, relationship violence, or stalking, rests with the Deputy Title IX Coordinators. Any request for a review of such decision will be resolved by the Title IX Coordinator.

D. Investigation
When a decision to investigate has been made, the Deputy Title IX Coordinator or designee will conduct a prompt, thorough, and impartial investigation of the reported behavior. All investigators have received specific annual training on the issues related to sexual misconduct, relationship violence, and stalking, and how to conduct an investigation that protects the involved parties’ safety and promotes accountability. The University strives to avoid any conflict of interest or bias on the part of any individual responsible for investigating and/or resolving alleged misconduct. Any party who wishes to express concerns about a conflict of interest or bias should notify the Title IX Coordinator in writing. In instances where a conflict of interest or perceived bias on the part of the Title IX
Coordinator occurs, the notification should be made to the Deputy Title IX Coordinator for Employees and Visitors or the University President.

In most cases, the review will involve conducting a fact-finding investigation, which includes meeting separately with the Complainant (if participating), Respondent, Reporter (if applicable), and relevant Witnesses; and reviewing other pertinent information. At any time during the course of an investigation, the Complainant, Respondent, or any Witness may provide a written statement; other supporting materials including, but not limited to, electronic communication, photographs, or video or audio recording; or the names of other potential witnesses. Additionally, the investigator may determine through other means that it is necessary to speak with another individual and seek out that person independently. The investigator may need to conduct multiple interviews in order to follow up or clarify information provided by others. In general, the Complainant’s prior sexual history, with any individual including the Respondent, is not relevant and will not be considered as evidence during the investigation. Prior sexual history between the parties may be relevant to assess the manner and nature of communication between the Complainant and Respondent.

The University will inform the Complainant and the Respondent at regular intervals of the status of the investigation. Occasionally, a different or less formal response to the report may be warranted and will be determined by the Title IX Coordinator; however, mediation will not be used to resolve any complaints of sexual misconduct. Either party may elect to end an informal process to pursue the formal process at any time during the resolution of the complaint.

E. **Standard of Proof**

The investigator will make a finding using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have violated University policy unless a preponderance of the evidence supports a finding that a violation occurred.

F. **Time Frames**

The University seeks to resolve all reports within 60 days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening academic break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame the University will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing
principles of thoroughness and fundamental fairness with promptness. Either party may inquire about the status of the investigation at any point in the process.

G. **Investigation Finding and Outcome Notification**

At the conclusion of the investigation, the investigator will compile a written investigative report which will include the alleged violations of University policy. The final investigative report will include the following:

- A summary of the investigation;
- The investigator’s findings;
- The investigator’s rationale in support of the findings;
- The investigator’s recommendation for interventions and/or consequences (if applicable); and
- The investigator’s rationale in support of the recommended interventions and/or consequences (if applicable).

The investigator will submit the final investigative report to the Deputy Title IX Coordinator. The Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, will make a determination regarding appropriate interventions and/or consequences (if applicable) and notify the Complainant and Respondent in writing of the case outcome. Interventions and/or consequences (if applicable) become effective upon the written notification of the Deputy Title IX Coordinator’s decision. If a Complainant has chosen not to participate in the University’s review of the reported behavior but desires to be notified of the outcome, the University will notify the Complainant. If a Complainant has expressed, in writing, that the Complainant does not wish to be notified of the outcome, the University will honor that request. In such instances, the University will not send the notification itself to the Complainant, but may proceed with any necessary follow-up regarding consequences for the Respondent (if applicable) or other process matters.

X. **Process Outcomes & Consequences**

Individuals who are found to have violated University policy will receive disciplinary consequences appropriate to the current violation(s) and in consideration of any prior disciplinary, performance and/or behavioral issues while employed at the University. Consequences may be combined. Consequences may include, but are not limited to, the actions listed below.

A. **Consequences**

- **Written Reprimand**—Official written notification of unacceptable behavior and violation(s) of University policy. The written documentation becomes part of the employee’s personnel file.

- **Suspension**—An employee may be suspended without pay. The length of a suspension will be dependent upon the severity of the violation and will range in length from three to thirty University business days.
**Demotion** - An employee may be demoted to a position previously held or a position in a lower grade. Demotions may be within the same division of the University or to a position in another division.

**Disciplinary Probation** - An employee may be placed on disciplinary probation. This action is taken when a supervisor deems that the misconduct or violation of policy is of such a serious nature that if another violation occurs during the probationary period, steps for immediate dismissal will be initiated.

**Dismissal** – Final disciplinary action that permanently removes the employee from the work environment.

**Job Reassignment** – An employee may be moved temporarily or permanently to a different position or to a different work location.

**Restitution** – The individual is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

**Loss of University Privileges** – An employee or visitor may be restricted from accessing specific University privileges including, but not limited to: University computer and network access, sabbatical or eligibility for awards, participation in groups or associations, and utilization of recreation or fitness facilities.

**No Contact Order** – The individual is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.

**No Trespass Order** – The individual is prohibited from being on any campus property and/or entering specific University facilities.

**Knowledge Attainment Activities** – activities designed to increase knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, writing reflective papers or other relevant activities.

**Wellness Activities** – activities designed to address the individual’s wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: substance use assessments, counseling assessments, and/or a referral to an employee assistance program.

**Reflective Activities** – activities designed to allow the individual to reflect on one’s own behavior choices and the impact of those choices on the student and others, including potential future impacts if the same choices continue.

**XI. Appeals** - Either party may submit an appeal request of the Deputy Title IX Coordinator’s decision to the Director of Human Resources within five (5) University
business days. The first day shall be counted as the day following the date on the decision letter. The appeal request must be received no later than the close of business on the fifth day. Filing an appeal will not delay the sanctions if applicable. Once an appeal request is received, the other party will be notified and provided with an opportunity to review the submitted appeal and submit a written response within three (3) University business days, or by the original appeal submission deadline, whichever is greater. All supporting information from the Complainant and/or Respondent for the appeal request must be submitted by the specified submission deadline in order to be considered by the Director of Human Resources. Upon receipt of the appeal documents from the Complainant and/or Respondent, the Director of Human Resources will conduct an efficient and narrow review of the file limited to the grounds identified by the initiator of the review. Appeals may be filed on one or more of the following grounds:

i. A procedural or substantive error occurred that significantly affected the outcome of the case.

ii. There is new, relevant information that was not available at the time of the investigation that, if available, could have significantly affected the outcome of the case. This does not include statements from a Complainant or Respondent who chose not to participate in the investigation.

A great degree of deference is given to the original decision. The presumption is that the investigation and decision processes were appropriately conducted and the burden is on the individual requesting the appeal to prove that the appeal has merit. Appellate reviews are reviews of the record only. There are no additional meetings with the Complainant and/or Respondent unless there are exceptional circumstances as determined by the Title IX Coordinator, in which case the Director of Human Resources must offer both the Complainant and the Respondent the same opportunity to discuss the case. Upon review of the record, the Director of Human Resources may respond as follows:

i. Determine the appeal lacks standing and is dismissed, in which case the original decision stands;

ii. Determine that the appeal has standing and remand the case back to the original investigator to consider new information or reevaluate previous information; or

iii. Determine that the appeal has standing and remand the case to a new investigator with specific corrective instructions.

iv. When the appeal officer determines an appeal has standing under item ii. or iii. above, both parties will be granted appeal rights as stated in XII. Appeals at the conclusion of the remand of the case.

The decision issued by the Director of Human Resources is considered the final University decision and will be communicated simultaneously in writing to both the Complainant and Respondent. The Director of Human Resources will strive
to review and respond to the appeal request within ten (10) University business
days of receipt of all documentation.

In circumstances in which there is a conflict of interest or perception of bias on
behalf of the Director of Human Resources, or in cases in which the Director of
Human Resources is otherwise unable to perform these duties, appeal decisions
will be made by the Dean of Student Life.

XIII. Records
A. Records Retention
Investigation records are maintained electronically for a minimum of seven (7)
years from the date that the matter is closed. A record is considered closed when
the following criteria have been met:

i. It is determined that the employee or visitor was not in violation of a
University policy.
ii. The employee or visitor was in violation of University policy; and
iii. All periods of disciplinary actions and all associated consequences
have been completed; or
iv. The employee has been dismissed from University employment.

B. Records of Other Entities
Police reports may be obtained by contacting the records department at the law
enforcement agency which issued the report. In the State of Kansas, police
reports are not considered public records; therefore, limited information will be
accessible upon request.

XIV. Offices and Roles
Title IX Coordinator
The Title IX Coordinator is responsible for overseeing the University’s response to
Title IX reports and complaints and identifying and addressing any patterns or
systemic problems revealed by such reports and complaints.

Dr. Natasha M. Stephens  
Title IX Coordinator  
Human Resources Center, Room 116  
Phone: (316) 978-5177  
Natasha.Stephens@wichita.edu

Deputy Title IX Coordinator for Employees and Visitors
The Deputy Title IX Coordinator for Employees and Visitors is responsible for
overseeing the education, outreach, and resolution process related to Title IX
reports and complaints that name an employee or visitors as the Respondent.
Deputy Title IX Coordinator for Students
The Deputy Title IX Coordinator for Students is responsible for overseeing the education, outreach, and resolution process related to Title IX reports and complaints that name a student as the Respondent.

Mandy Hambleton
Assistant Vice President for Student Advocacy, Intervention, and Accountability
170 Grace Wilkie Annex
Phone: (316) 978-6681
Fax: (316) 978-3037
Mandy.Hambleton@wichita.edu

Director of Human Resources
The Director of Human Resources serves as the appellate authority for alleged violations of 3.06 Sexual Misconduct/Sexual Harassment, Relationship Violence and Stalking Policy for Employees and Visitors.

Frankie Kirkendoll
Director of Human Resources
Human Resources Center
Phone: (316) 978-3540
Fax: (316) 978-3201 or (316) 978-6809
Frankie.Kirkendoll@Wichita.edu

XV. Access to Assistance and Resources
A comprehensive listing of contact information for on- and off-campus assistance and support resources for Complainants and Respondents can be found at www.wichita.edu/care.

Approved: January 2016
Revised: March 2016
3.08 / Public Employee Organizations, Associations and Unions

State law, the Public Employer-Employee Relations Act, requires that the University remain completely neutral in dealings with employee organizations seeking recognition. The University cannot encourage or discourage membership in any employee organization. It is a prohibited practice for a public employer to dominate, interfere, or assist in the formation, existence, or administration of any employee organization. To comply with the law, the University has established the following procedures to guide organizing activities on the campus:

1. Representatives of public employee organizations, associations, unions, or similar groups seeking to make contacts with University employees should first contact the Director of Employee Relations, Human Resources Center.

2. Contacts by such representatives with University employees will be permitted on campus in "nonworking" locations and during "nonduty" time.
   a. "Nonworking" locations are considered to be rooms and facilities in the Rhatigan Student Center which are available for lease by the public at large for meetings.
   b. "Nonduty" time is considered to be the employee's free time, before and after the employee's regular work schedule and during the employee's lunch period.

3. Meetings of public organizations held in Rhatigan Student Center rooms are posted officially by the RSC as the daily schedule of events occur.
   a. Postings on bulletin boards by all off-campus organizations are subject to prior clearance by WSU representatives.
   b. Postings on bulletin boards by on-campus organizations and personnel are subject to clearance by the department or organization controlling the specific bulletin board. Such bulletin boards cannot be used by on-campus organizations seeking recognition.

4. Employee information (i.e., names, addresses, etc.) will not be provided to public employee organizations, associations, unions, or similar groups.
   a. On-campus organizations and groups acting as advisory bodies to the University administration may be provided information and assistance.
   b. On-campus recognized advisory organizations perceived by the administration to participate in unauthorized advocacy activities relating to working conditions may be denied further assistance since such activities would be construed to be related to the Public Employer-Employee Relations Act.

5. An interoffice mail service is provided for official communication between University offices and employees.
   a. It may not be utilized by any organization or group which seeks to represent employees in bargaining or negotiating with Wichita State University.
   b. A U.S. post office is available on campus for the convenience of those who wish to communicate with employees at their residences.

(Note: In reference to item 5 of the above policy, the reader should also refer to the Internal Mail Distribution System Policy at Section 20.13 of this manual.)
3.09 / English Language Proficiency

In an effort to assure that English Language Proficiency would not become an impediment to education, the Kansas Board of Regents has adopted policies affecting all applicants of whom teaching would be required. Regents policy defines "faculty" and "teaching" in the following: "Faculty shall include all full-time or part-time personnel having classroom or laboratory instructional responsibilities and/or direct tutorial or advisement contact, other than for courses or sessions conducted primarily in a foreign language." *Kansas Board of Regents Policy Manual, Chapter II, Section C, Item 2 (b) (iii)*

Wichita State University has adopted the following policies and procedures to comply with Regents requirements in this regard.

**Faculty/Unclassified Professionals:**
All candidates for a position with instructional duties that fit the preceding definition must have their spoken English assessed prior to employment through interviews with an Assessment Committee. Only a candidate who is part of a formal exchange agreement may be exempted from this requirement. Any exception must be approved by the Provost and Senior Vice President.

The Assessment Committee (which may be the Search Committee) will be appointed by the department chair or director and will be composed of at least three members: two faculty members and one student. The Assessment Committee will judge the candidate's spoken English by means of an oral interview to be conducted face-to-face or by mediated means and will sign and submit the required form.

Prospective faculty found to be potentially deficient in speaking ability shall be required to achieve a minimum score of 23 on the Test of English as a Foreign Language (TOEFL) or a minimum score of 50 on the Speaking Proficiency English Assessment Kit (SPEAK). The SPEAK is administered by the Intensive English Language Center while the TOEFL is Internet-based. A candidate is required to submit a TOEFL/SPEAK score consistent with Kansas Board of Regents requirements to be eligible for an appointment without spoken English remediation conditions.

A report detailing the process for interviewing prospective faculty, including the composition of the Assessment Committee and scores from the TOEFL or SPEAK for each new hire will be submitted to the President/CEO of the Board every year.

**Graduate Assistants with Teaching Responsibilities:**
All prospective graduate teaching assistants shall have their English competency assessed prior to being considered for any employment having classroom or laboratory instructional responsibility and/or direct tutorial responsibilities. The following shall be used to implement this policy:

1. All prospective graduate teaching assistants must be interviewed by and have their competency in spoken English assessed by no fewer than three University personnel, one of whom shall be a student. An oral interview shall be conducted either face-to-face or by mediated means.

2. Any prospective graduate teaching assistant whose first language is not English shall be required to achieve a minimum score of 23 on the TOEFL or a minimum score of 50 on the SPEAK to be eligible for an appointment without spoken English language remediation.
3. All prospective graduate teaching assistants who do not meet the above requirements shall not be assigned teaching responsibilities nor other tasks requiring direct instructional contact with students.

4. An exception will be made for courses taught in sign language.

5. A report detailing the process for interviewing graduate teaching assistants, whose first language is not English, including the composition of the interview team and scores from the TOEFL or SPEAK for each individual hired will be submitted to the President/CEO of the Board every other year.

Revision Date:
October 29, 1998
May 4, 2005
July 14, 2012
3.10 / Moving Expenses

**Purpose:**
To ensure consistent procedures and compliance with Internal Revenue Service regulations.

**Policy Statement:**
Wichita State University (through the WSU Foundation) will pay moving expenses when it is necessary to attract key administrators or faculty to the University. The President, vice presidents, or deans may authorize the payment of moving expenses. Payment must be from nonstate funds.

**Implementation:**
The maximum amount of moving expenses payable is a matter of negotiation and approved by the appropriate divisional vice president. The negotiated amount should be included in the letter offering the position with copies of the letter sent to the President, the appropriate divisional vice president, and the Vice President for Finance of the WSU Foundation.

The University will pay the moving company directly or will reimburse the employee upon the submission of receipts or other documentation to substantiate the moving expenses. The University will not pay unsubstantiated moving expenses.

Generally, the University will not pay moving expenses that are not deductible per Internal Revenue Service regulations. Examples of nondeductible expenses include house hunting expenses and the cost of living in temporary quarters. If payment of nondeductible moving expenses is negotiated, the payment is considered income to the employee and the University must collect the appropriate income taxes and report the income on the employee's Form W-2.
3.11 / Taxability of Complimentary Tickets

Purpose:
To state University policy with regard to accounting for the tax consequences of complimentary tickets made available to University employees.

Policy Statement:

1. Complimentary tickets/admissions which are made available to certain WSU employees are, with limited exceptions, considered to be taxable income to the recipient by the Internal Revenue Service.

2. Unless the complimentary tickets/admissions are provided in specific connection with the performance of the employee's employment responsibilities, the value (at faculty/staff rates) of the tickets/admissions will be added to the employee's income base during the tax year received and the appropriate income taxes withheld.

3. Unless the complimentary tickets/admissions are provided in connection with the performance of the employee's employment responsibilities, the benefited employee can decide not to accept the complimentary tickets/admissions.

Implementation:
This policy will be distributed to appropriate University personnel for dissemination and implementation.
3.12 / Security and Confidentiality of Student Records and Files

Purpose:
To state University policy relative to University employees and the security and confidentiality of student records and files.

Preamble:
The security and confidentiality of University records should be a matter of concern to all WSU employees. Many employees (including student employees) are placed in a unique position of trust and obligation with reference to having access to student records and files and the security and confidentiality of said records and files pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA). The purpose of this policy statement is to clarify employees' responsibilities in fulfilling that obligation. Since conduct, either on or off the job, could affect or threaten the security and confidentiality of student records and files, each employee with access to student records and files is expected to adhere to the following policy statement.

Policy Statement:

1. Security and confidentiality of student records and files and control of access to the Wichita State University Student Information System shall be the responsibility of the Provost and Senior Vice President or designee.

2. Employees are expected to maintain a clear understanding of the type of information which can be released without the student's consent, as defined by the Office of the Registrar on its homepage (go to Office of the Registrar and then click the Notification of FERPA Rights link. The Office of the Registrar provides an online FERPA tutorial for employees. All employees are expected to be knowledgeable of FERPA as evidenced by successful completion of the online tutorial. New employees are required to complete the tutorial within 30 days of beginning employment.

3. No employee may make unauthorized use of any student information in files maintained, stored, processed or accessed by any University office.

4. Employees may not seek personal benefit or allow others to benefit personally by knowledge of any student record which has come to them by virtue of their work assignment.

5. Employees may not exhibit or divulge the contents of any record or report to any person except in the conduct of their work assignment and in accordance with office guidelines and University policies and procedures.

6. No employee may knowingly include or cause to be included in any student record a false, inaccurate or misleading entry. No employee may knowingly alter or expunge from any student record, or cause to be altered or expunged, a true and proper entry.

7. No student record, or copy thereof, may be removed from the office where it is maintained, except in the performance of an employee's official duties.

8. No employee is to aid, abet or act with another to violate any part of this policy.

9. Any knowledge of a violation of this policy by any individual must immediately be reported to that person's supervisor.
10. Violation of the requirements of this policy may lead to reprimand, suspension or dismissal from the job, or other penalties consistent with general personnel policies. Violation by employees can lead to action under the applicable University policies or State of Kansas statutes pertaining to theft, alteration of records, or other applicable section.

1 After first logging in to myWSU and then going to the Faculty/Staff tab, "FERPA Online Training" can be found among the items included in the Employee Toolbox.

**Implementation:**
The policy statement will be included in the *WSU Policies and Procedures Manual*. Additionally, all employees with access to student records and files shall be provided with a copy of this policy.

**Effective Date:**
February 24, 1998

**Revision Date:**
May 1, 2001
September 11, 2012
January 21, 2014

(See also Parental Notification at Section 8.19 of this manual.)
3.13 / Benefits Applicable to Eligible University Employees

Purpose:
Wichita State University offers a comprehensive benefit program to faculty and staff filling benefits eligible positions. Employees (exempt or non-exempt) are eligible for benefits when they are filling a position that is .5 full-time equivalency (FTE) or greater. This policy outlines employee insurance benefits, leave categories and accrual, and retirement benefits. Additional information regarding employee benefits is available at [http://www.wichita.edu/hr](http://www.wichita.edu/hr) or by contacting the Office of Human Resources.

Dental Insurance:
All employees in health plans with single coverage are also enrolled in the dental program. A member may elect to provide dental coverage for all dependents enrolled in medical coverage through the State of Kansas group.

Employee Assistance Program:
All active, benefits-eligible employees of the State of Kansas, their dependents and other family members living in the same household are eligible to use the Employee Assistance Program (EAP). EAP offers a limited number of free, in-person counseling sessions as well as assistance for a variety of work-life services including child care, elder care, pet care, moving and relocation, schools and colleges, making a major purchase and home repairs, and legal or financial advice. Call ComPsych at 1-888-275-1205 (option 7) to receive confidential assistance 24 hours a day, seven days a week at no cost to the employee.

Flexible Spending Account Program:
A Flexible Spending Account (FSA) program is offered by the State of Kansas to benefits-eligible employees when newly eligible for health insurance, during annual open enrollment, or following certain qualifying events. An FSA allows the employee to pay for unreimbursed health care, dental, vision, prescription or dependent day care expenses (depending on the type of FSA chosen) with pretax dollars.

The Flexible Spending Account program offers three account types:

1. Health Care Flexible Spending Account - Allows the employee to use pretax money to pay for certain expenses allowed by the IRS but not reimbursed by medical, dental, prescription drug or vision insurance.
2. Dependent Care Flexible Spending Account - Allows the employee to use pretax money to pay for day care expenses.
3. Limited Purpose Flexible Spending Account - If you have a Health Savings Account (HSA), enrolling in a Limited Purpose FSA can pay for dental and vision expenses while conserving HSA dollars for future medical expenses.

Employees who wish to continue the flexible spending account(s) must re-enroll each year during the open enrollment period.

Health Insurance:
The State of Kansas has group health and hospitalization plans available to eligible employees. Employees pay a percentage of the cost of their health plan coverage. Dependent coverage is available at an additional cost. Go to [http://www.kdheks.gov/hcf/sehp/default.htm](http://www.kdheks.gov/hcf/sehp/default.htm) for complete information on the health plans available.

HealthQuest Rewards Program:
Employees enrolled in the State Employee Health Plan are eligible to participate in this program to receive premium discounts. Contact the Office of Human Resources for details.

**Healthy KIDS Program:**
The Healthy KIDS program is based in part on family income and helps eligible State employees cover the cost of the premiums for eligible children enrolled in the State Employee Health Plan. Annual enrollment is required.

**Life Insurance:**

a. **Accidental Death**  
The employee death benefit pays up to $50,000 for work-related death. This is a free benefit of state employment.

b. **Group Term Life**  
A state-paid benefit for active employees. To be eligible for this coverage, an employee must work a minimum of half-time and must be eligible to participate in a retirement program. This coverage is through Kansas Public Employees Retirement System (KPERS). The life insurance coverage amount is 150 percent of annual salary. Coverage is effective the date of employment and ceases the date of termination or retirement.

c. **Cancer, Personal & Accident (optional)**  
Premium rates vary for these optional plans that are in addition to the state insurance.

d. **Group Life and Dependent Life (optional)**  
Optional group life insurance is available for employees and eligible dependents. Varied amounts of coverage are available depending on type of plan chosen. Monthly premium rates are generally based upon age and paid entirely by the employee through payroll deduction.

e. **Accidental Death & Dismemberment (optional)**  
Accidental Death and Dismemberment insurance is available for employees and eligible dependents. Varied amounts of coverage are available depending on type of plan chosen. Monthly premium rates are generally based upon age and paid entirely by the employee through payroll deduction.

**Limited Retirement Health Care Bridge:**
Pursuant to Kansas Board of Regents policy, the University may assist certain unclassified employees who desire to retire before they become eligible for Medicare by contributing to the cost of the retiree's health care coverage. Eligibility for this privilege shall be made on a case-by-case basis taking the employee's appointment or job responsibilities, the timing of the request and other pertinent factors into consideration, as set forth in Board policy. The procedures for submission of a request for the limited retirement health care bridge by a University unclassified employee shall also be in accordance with Board policy.

**Long Term Care Insurance:**
Premiums vary for this optional nursing home or assisted living insurance and is available for employees, their spouse and/or family members.

**Long Term Disability:**
Long Term Disability (LTD) is a state paid benefit for employees. If approved, LTD benefits are payable after 180 days away from work. To be eligible for this coverage, an employee must work a minimum of half-time and must be eligible to participate in a retirement program. This coverage is provided through Kansas Public Employees Retirement System (KPERS). The disability coverage is 60 percent of annual salary, offset by awards from Social Security or Workers' Compensation. Coverage of this insurance commences upon the date of employment and ceases at date of termination or retirement.

**Retirement:**
Faculty and unclassified professional employees may be eligible to participate in the Board of Regents Mandatory Plan. University support staff may be eligible for participation in the Kansas Public Employees Retirement System.
University police officers may be eligible to participate in the Kansas Police and Fire System. Questions related to retirement plan provisions and options should be addressed to the Office of Human Resources.

a. Kansas Board of Regents Mandatory Plan
All faculty and unclassified professionals employed half-time (.5 FTE) or more in a benefits eligible position shall participate in the 403b retirement plan established by the Kansas Board of Regents, beginning on the first day of the pay period coinciding with or next following the completion of one year of service in an eligible category. The one-year waiting period may be waived and a newly employed faculty or unclassified professional shall begin participation in the Regents' plan upon employment, if at the time of employment the unclassified professional is eligible for immediate participate pursuant to K.S.A. 74-4925, as amended.

Contributions to the plan will be made by both the employer and the employee on a regular basis during years of participation, except for periods in which no salary is paid. In lieu of participating in the Regents' plan, eligible faculty and unclassified professionals, having accrued retirement benefits under the Kansas Public Employees Retirement System (KPERS), may elect to continue in KPERS. Conversely, participants in the Regents’ plan transferred or reclassified to a position that qualifies for participation in KPERS may elect to continue participating in the Regents' plan. Only one such election may be made by an unclassified professional, and the election is irrevocable.

b. Kansas Board of Regents Voluntary Plan
A separate voluntary 403b tax-deferred program is also available to eligible employees. There are multiple vendors approved by the Board of Regents, with many investment options available. In most cases, both pre-tax and Roth after-tax options are available for the voluntary options.

c. Kansas Public Employees Retirement System (KPERS)
Participation is mandatory and a contribution of a percentage of gross pay is required. Employees in university support staff positions requiring 1,000 or more hours of work per year become members of KPERS immediately upon employment. Purchase of service credit and/or forfeited service is allowable under specified circumstances. Five years of service credit are required for vesting.

d. Kansas Police and Fire Retirement System (KP&F)
A state employee, employed as a university police officer, is eligible to affiliate with KP&F if the position has been designated as a police officer, is not seasonal or temporary, and requires 1,000 or more hours of work per year. Membership is mandatory for all eligible employees and contributions are fixed by statute for all salary, wages and fees. Employer contributions are made at actuarially determined rates. Employer contributions remain with the system at the time a member terminates and withdraws. If an employee is receiving retirement benefits through KP&F, they are not eligible to participate in KP&F. If you have service credit with KPERS, it may be used to count toward the service requirement; however, the service will not be included in the computation of the KP&F monthly benefit. A separate benefit will be computed for KPERS service.

Phased Retirement:
The Kansas Legislature has authorized the Kansas Board of Regents to develop and implement a phased retirement program for unclassified employees who are at least 55 years of age and who have completed at least ten years of full-time service at a Regents University (see K.S.A. 76-746, as amended). The Kansas Board of Regents has chosen to develop and implement such a program and has promulgated regulations which can be found at Article 12 of Chapter 88 of the Kansas Administrative Regulations. Participation in the phased retirement program shall be voluntary on the part of the unclassified employee and Wichita State University, except that the University shall decline to enter into such an agreement when it is deemed not to be in its best interests.

1. Those interested in preliminary details regarding their benefits, if phased retirement would be approved, should contact the Assistant Director of Human Resources/Benefits.
2. Each eligible unclassified employee requesting participation in the program shall submit a written request for participation to their divisional vice president through their appropriate chain of command.
3. The divisional vice president will provide the final recommendation to the University President for approval.
Social Security:
The University is a participant in the Federal Social Security Program. This program is often referred to as OASDI (Old Age, Survivor and Disability Insurance). Under this plan, employee and employer contributions are deposited with the Social Security Administration and Medicare Administration and are available to employees in the form of retirement, disability and death benefits.

Tax Deferred Annuities/Deferred Compensation:
Two programs of tax deferral are available to University employees. Eligible employees may sign up for these plans at any time during their employment. All contributions are paid entirely by the employee through payroll deduction.

1. "Deferred Compensation" (457) is available immediately to all employees upon employment. All contracts are held by the State. This plan is designed as a retirement supplement.
2. Voluntary Tax Sheltered Annuities (403b) are available immediately to all benefits-eligible employees. For a list of participating companies, employees should contact the Office of Human Resources. The contract is between the employee and the company selected.

Vision Insurance:
Employees may choose to enroll themselves and any eligible dependents in a vision plan, whether or not employee or dependents are enrolled in the health plan. Premiums are based on basic or enhanced coverage and family members covered.

Leave:
Leave for benefits eligible positions must be recorded in 4 or 8-hour increments for exempt employees and in .25 hour increments for non-exempt employees. The exceptions to this policy are donor and jury leave, which are taken in quarter hour increments by all staff and discretionary holiday hours, which must all be taken on the same day. The provisions of the Memorandum of Agreement with the American Federation of Teachers affect some leave regulations.

Leave can be adjusted to avoid overtime liability at the employee's request. All extra hours worked in a week can be adjusted against leave time used except a legal/official holiday, discretionary holiday, donor leave or jury duty. Leave times that can be adjusted are military leave, vacation leave, sick leave, funeral leave and compensatory time taken.

Leave is transferred when an employee separates from one state agency and is appointed to another state agency on the following working day; the employee's discretionary day, accumulated vacation, and/or sick leave shall be transferred with the employee. If the employee has any compensatory time credits at the time of transfer, he/she will be paid for such credits by the agency from which he/she is transferring.

Leave Types are as follows:

a. Disaster Service Volunteer Leave
Disaster service volunteer leave is leave with pay that may be authorized for an employee who is a certified disaster service volunteer of the American Red Cross, and is requested by the American Red Cross to provide disaster services. The leave should not exceed twenty working days in the twelve month period that starts the first day the leave was used. The employee is not considered to be an employee of the state for the purposes of Workers' Compensation or the Kansas Tort Claims Act while on disaster service volunteer leave.

b. Discretionary Day
Employees who accrue vacation leave shall be entitled to a discretionary holiday each year, if authorized by the governor, to be taken at their discretion subject to the advance approval of the individual's supervisor. To be eligible for a discretionary holiday, the employee must have been in benefits eligible status for at least six months. Each benefits eligible employee working less than full-time shall receive a proportional number of hours. Each eligible employee shall receive the number of hours regularly scheduled to work on that day for a discretionary holiday. All hours for a discretionary holiday shall be taken on the same day.

c. Donor Leave
University employees will be granted leave with pay for recovery time away from work when they have chosen to donate organs, tissue, bone marrow, blood or blood products. Donor leave may not be used to care for family members who are donors. Employees may receive up to 30 working days of paid leave for recovery from an organ or tissue donation procedure, up to seven working days of paid leave following the donation of bone marrow, up to 1.5 hours of paid leave every four months for the donation of blood and up to three hours of paid leave every four months for the donation of blood platelets or other approved blood products. Donor leave is recorded for the exact number of hours used in quarter hour increments.

d. Education Release Time
The release of an employee to attend University classes during regular work hours is subject to the requirements of the employee's department. Release time may be granted to regular and probationary employees (full-time or part-time) to take one course per semester. Makeup time is not required for academic classes related to job duties or as preparation for promotion within the University. Release time for classes unrelated to the employee's job or performance must be unpaid, made up or charged to vacation leave with supervisor's approval. The Office of Human Resources informs and counsels departments regarding the education release time policy.

e. Family and Medical Leave Act
The Family and Medical Leave Act (FMLA) requires employers to provide 12 weeks of paid/unpaid leave to eligible employees for qualifying family and medical reasons. See Section 3.34 for specific information about eligibility and benefits under the Family and Medical Leave Act.

f. Funeral Leave
Reasonable leave with pay may be granted to employees by the departmental budget officer for the purpose of attending the funeral of any member of the employee's or their spouse's immediate family. The term "immediate family," as used here, includes spouse, parents, grandparents, children, grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, or those of similar close relationship by blood, marriage or adoption. "Reasonable leave" will generally be interpreted as one to six days, depending on the relationship of the deceased to the employee and the travel required.

g. Holidays
Regents institutions shall observe the following holidays:

<table>
<thead>
<tr>
<th>New Year's Day</th>
<th>Labor Day</th>
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<tbody>
<tr>
<td>Martin Luther King Day</td>
<td>Veterans' Day</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Thanksgiving Day</td>
</tr>
<tr>
<td>Independence Day</td>
<td>Christmas Day</td>
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</tbody>
</table>

Additional days may be authorized by the Governor in a particular year, e.g. day after Thanksgiving or Christmas Eve. All benefits-eligible, non-exempt employees required to work on a legal or officially observed holiday will receive compensatory time or holiday compensation at time and one-half for hours worked in addition to the employees' regular pay. If a non-exempt employee is required to work on two consecutive holidays (legal and officially observed) during his or her normal work week, the employee shall receive the appropriate credit of time and one-half for only one of the two days, whichever one is greater in accordance with existing State of Kansas regulations. When Thanksgiving and the following day are both legal holidays the employee shall receive time and one-half for both days worked. Holiday compensation may be used, carried or paid as authorized.

Each full-time benefits eligible employee will receive holiday compensation equal to the number of hours regularly scheduled for each holiday and will receive the same number of holidays in a calendar year as an employee whose regular workweek is Sunday through Saturday. A less than full-time employee who works a regular schedule will receive partial holiday credit if the employee's regular schedule includes the holiday as a regular working day. A less than full-time employee (including temporary employees) who works an irregular schedule will receive holiday compensation only if the employee works on the holiday.

Holiday Credits for Percentages:
An employee must be in pay status the entire workday before and the entire work day after the holiday in order to receive holiday credit.

h. Inclement Weather
During a Declaration of Inclement Weather, employees in nonessential operations may be released by their supervisor and are to be granted leave with pay. Those non-exempt employees who are in essential operations and are required to work either some or their entire regular shift during a Declaration of Inclement Weather will be granted Inclement Weather Pay. Inclement Weather Pay is equivalent to being paid regular pay for the entire scheduled shift in addition to the employee’s regular pay for actual hours worked during the declaration of inclement weather. Exempt employees are not eligible for additional pay. Employees on leave with pay during inclement weather will continue using their accumulated leave.

i. Jury Duty
A benefits-eligible employee may be granted leave with pay for any of the following reasons:

- Required jury duty.
- Required appearance before a court.
- On behalf of and the request of the University to appear before a legislative committee or other public body.
- To comply with a subpoena as a witness before the Kansas Human Rights Commission, the United States Equal Opportunity Commission, or a court if the budget officer and budget review officer consider granting of leave with pay to be in the best interest of the University.

When an employee travels in a state vehicle for a required appearance before a court, or a legislative committee, or other public body, the employee shall turn over to the state any mileage expense payments received. Each employee granted leave who receives pay or fees for a required appearance, excluding jury duty, shall turn over to the state the pay or fees in excess of $50. The employee may retain any amount paid to the employee for expenses in traveling to and from the place of the jury duty or required appearance. Leave with pay may not be granted when an employee is called as a witness on the employee’s behalf in an action in which the employee is a party or voluntarily seeks to testify as a witness against a state agency.

j. Leave without pay
An employee may be granted leave without pay when it is judged to be in the best interest of the University. Employees who hold a 12-month appointment may be required to use accrued vacation leave and, if appropriate, accrued sick leave before approval of leave without pay. Employees may be granted leave without pay, up to three years, by the divisional vice president when such leave is judged by the President to be in the best interest of the University. An extension of leave without pay beyond three years requires approval of the Kansas Board of Regents. No leave may be granted to any employee who has accepted a permanent position with another postsecondary education institution. Leaves without pay will not be regarded as a break in service. However, such leave will not count towards the earning of sabbatical leave, nor will other than a scholarly leave, count toward the tenured probationary period. Scholarly leave will count toward the tenured probationary period, unless the employee and the University agree in writing to the contrary at the time the leave is granted. An employee can be placed on leave without pay for unauthorized leave or for disciplinary purposes, in lieu of using accumulated leave, at the written request of the supervisor and the approval of the divisional vice president and the Offices of Equal Employment Opportunity and Human Resources. During the leave of absence without pay, an employee’s eligibility for health insurance shall be determined by and be in accordance with the policies, rules and regulations of the State Employees Health Insurance Plan (SEHP).

k. Maternity/Paternity Leave
Maternity/paternity leave is accumulated leave taken with and/or without pay for childbirth, the adoption of a child by an employee, or initial placement of a foster child in the home of an employee. See Section 3.34 for specific information about eligibility and benefits under the Family and Medical Leave Act.

l. Military Leave
Each employee in a regular position who is a member of a reserve component of the military service of the United States or National Guard shall be granted a maximum of 15 working days (120 hours) of military leave with pay for active duty within each 12-month period beginning October 1 and ending September 30 of the following year. Active duty in excess of 15 working days within the 12-month period shall be charged to military leave without pay or, at the employee’s request, to appropriate accrued leave. A copy of orders must be attached to exception report in the department files and a copy submitted to Office of Human Resources for filing in personnel file.

m. Faculty Sabbatical Leave
Sabbatical Leave is an approved leave of absence with full or partial pay for a full-time faculty member on a regular appointment who has served continuously for a period of six years or longer. See Section 5.05 for more information.

n. Shared Leave
Shared leave may be granted to an employee if the employee or a family member is experiencing a serious, extreme or life-threatening illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to take leave without pay or to terminate employment. Requests for shared leave must be approved by the Shared Leave Committee. Committee decisions are final, there is no appeal process. All benefits-eligible employees who accumulate sick leave, and have worked at the University for at least six continuous months, are eligible to participate in the shared leave program. The maximum number of hours of shared leave that may be used by an employee shall be the total hours that the employee would regularly be scheduled to work during a six-month period. While using shared leave, an employee will continue to accrue leave at the regular rate which must be deducted each pay period before shared leave is used. When an employee receives workers compensation, long-term disability payments, or both, the employee is not eligible to receive shared leave.

Recipient eligibility requirements:

1. Six months continuous state service.
2. Satisfactory attendance record and satisfactory performance rating.
3. Exhausted all paid leave (must use accumulated leave before the use of leave without pay).
4. Deemed medically unable to perform established job functions.

Donor eligibility:

1. USS and UP employees may make sick leave donations. This requires a balance of 480 hours after donation. Donations made at the time of an employee's separation from service require no remaining balance.
2. USS employees may donate vacation hours. This requires a balance of 80 hours after donation.
3. Donations may be made to an eligible employee in another state agency.

o. Sick Leave
Sick leave is accumulated paid leave allowed for illness, doctor appointments and disability of an employee or employee's immediate family member. Immediate family includes persons related to them by blood, marriage or adoption, and minors residing in their home as a result of court proceedings pursuant to the Kansas code for care of children or the Kansas juvenile offender’s code. After the first three days, FMLA requirements limit coverage to employee, spouse, children and parents. Also see Section 3.34, Family and Medical Leave.

Each probationary, provisional, and regular employee earns sick leave beginning with their first day of employment. Leave earned during a pay period cannot be used until the first day of the following pay period. Non-exempt employees use sick leave in .25 hour increments and exempt employees use in 4-hour increments. All full-time benefits-eligible employees will accrue 3.7 hours of sick leave per pay period with no maximum accrual. When an employee is not in pay status an entire pay period, leave is calculated on a pro rata basis of their regular schedule. No sick leave will be earned for periods when an employee is on leave without pay. If upon retirement, or upon termination of employment when retirement eligible, accrued sick leave is paid to eligible employees as follows:

- After 8 or more years of service and 800 hours accrued, 240 hours (30 days) paid.
- After 15 or more years of service and 1000 hours accrued, 360 hours (45 days) paid.
After 25 or more years of service and 1200 hours accrued, 480 hours (60 days) paid.

p. **Vacation Leave for 12-Month Faculty and Unclassified Professionals**

Vacation leave is the use of accumulated paid leave with prior approval of the budget officer. Benefits eligible 12-month faculty and unclassified professional staff earn vacation leave for hours worked in pay status. Leave earned during a pay period cannot be used until the first day of the following pay period. Employees who become ill while on vacation may use accumulated sick leave. When an employee is not in pay status for an entire payroll period, leave is calculated on a pro rata basis of their regular schedule. Overtime worked and additional payments for holidays worked are not counted in determining vacation leave earned. All full-time benefits-eligible employees will accumulate a maximum of 304 hours of vacation leave. Benefits eligible employees will earn 6.77 hours of vacation leave per each 80 hours in pay status. Part-time employees’ vacation earnings are prorated by number of hours in pay status. No vacation leave will be earned when an employee is on leave without pay.

Vacation leave should be arranged in advance with the approval of the employee’s budget officer. It should be recognized that utilization of accrued vacation time benefits the employee member and the University. Budget officers are encouraged to accommodate and facilitate reasonable requests for vacation leave. Subject to University needs, no employee should go longer than 12 months without taking vacation leave.

Upon leaving University service, accrued vacation leave should be taken prior to the end of the appointment period; and the budget officer may require that, if possible, all of the employee's accrued vacation leave be taken in lieu of payment. However, if any vacation leave remains unused as of the last day of service, for whatever reason, Board of Regents policy stipulates the employee may receive, upon termination from employment, payment for no more than 176 hours of vacation leave; and, at retirement or at termination of employment, if retirement-eligible, an employee may receive payment for up to 240 hours of vacation leave. Unclassified professional staff moving from a position earning vacation leave to a faculty position for less than twelve months will receive payment for no more than 176 hours of vacation leave. Nine-month and ten-month faculty do not earn vacation leave.

q. **Vacation Leave for University Support Staff**

Vacation leave is the use of accumulated paid leave with prior approval of the employee's supervisor. Non-exempt university support staff and exempt university support staff who report any hours in pay status per pay period shall earn vacation leave not to exceed 176 hours per fiscal year. Vacation leave is credited to the employee each biweekly pay period and can be used in 4 or 8-hour increments by exempt employees and in .25 hour increments by non-exempt employees. Leave earned during a pay period cannot be used until the first day of the following pay period. When an employee is not in pay status for an entire payroll period, leave earnings will be prorated according to hours in pay status. No vacation leave will be earned when an employee is on leave without pay. Overtime worked and additional payments for holidays worked are not counted in determining vacation leave earned. Employees who become ill while on vacation may use accumulated sick leave.

**Vacation Leave Earnings Schedule for University Support Staff Non-Exempt Employees in a Regular Position:**

<table>
<thead>
<tr>
<th>Hours in Pay Status Per Pay Period</th>
<th>Less Than 5 Years</th>
<th>5 Years &amp; Less Than 10 Years</th>
<th>10 Years &amp; Less Than 15 Years</th>
<th>15 Years &amp; Over</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 7</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>8 - 15</td>
<td>0.4</td>
<td>0.6</td>
<td>0.7</td>
<td>0.7</td>
</tr>
<tr>
<td>16 - 23</td>
<td>0.8</td>
<td>1.2</td>
<td>1.4</td>
<td>1.4</td>
</tr>
<tr>
<td>24 - 31</td>
<td>1.2</td>
<td>1.8</td>
<td>2.2</td>
<td>2.2</td>
</tr>
<tr>
<td>32 - 39</td>
<td>1.6</td>
<td>2.3</td>
<td>2.9</td>
<td>2.9</td>
</tr>
<tr>
<td>40 - 47</td>
<td>2.0</td>
<td>2.9</td>
<td>3.6</td>
<td>3.6</td>
</tr>
<tr>
<td>48 - 55</td>
<td>2.4</td>
<td>3.5</td>
<td>4.3</td>
<td>4.3</td>
</tr>
<tr>
<td>56 - 63</td>
<td>2.8</td>
<td>4.1</td>
<td>5.0</td>
<td>5.0</td>
</tr>
<tr>
<td>64 - 71</td>
<td>3.2</td>
<td>4.7</td>
<td>5.7</td>
<td>5.7</td>
</tr>
</tbody>
</table>
University support staff employees who are eligible to earn vacation leave may accumulate a maximum of 304 hours of vacation leave; provided, however, that an employee may receive, upon termination from employment or moving from a position earning vacation leave to a faculty position for less than twelve months, payment for no more than 176 hours of vacation leave, and, at retirement or at termination of employment when retirement-eligible, an employee may receive payment for up to 240 hours of vacation leave. Excess accrued vacation leave may not be converted to sick leave.

r. Voting
Department supervisors are required to excuse an employee with pay for up to two hours for voting purposes, provided the polls are open less than two hours during the period before or less than two hours during the period after the employee's scheduled work hours. (K.S.A. 25-418)

s. Workers' Compensation
Workers' Compensation is an insurance plan provided by the employer to pay employee benefits for job-related injuries, illness, disability or death. Benefits are paid at the employer's expense. Coverage begins the first day on the job. The employee must report accidents promptly to their supervisor who in turn will notify the Office of Human Resources (OHR) within 10 calendar days of the accident. Workers' compensation procedures are detailed by OHR on its Workers' Compensation web page.

Effective Date:
December 9, 2015
3.14 / Withholding of Paychecks and Set-off of Amounts Owed

The Board of Regents has adopted the following policy regarding the withholding of paychecks and set-off of amounts owed for fines, fees or penalties:

Each Regents institution shall be authorized to withhold payroll or other warrants issued by the state to, or set-off amounts owed by, any officer or employee of that institution against salary, other compensation or other amounts payable to such individual for any fine, fee or penalty owed by such officer or employee to the Regents institution.

*Kansas Board of Regents Policy Manual, Chapter II, Section C, Item 17*

Such authorization shall be subject to procedures and conditions approved by the Board.
3.16 / Employment of Relatives

Persons may be appointed to university support staff or unclassified positions without regard to family relationship to other members of faculty or staff. If a person is in a position that requires an evaluation on a personnel decision such as those concerning appointment, retention, promotion, tenure, or salary of a close relative, 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 that is considering any such decision.
3.17 / Political Activity

The Board of Regents has adopted the following policy regarding political activity of unclassified personnel at the state universities.

Faculty, administrators and other unclassified personnel are eligible to accept any public or political party position which does not involve any conflict of interest and does not require substantial time away from assigned duties or in other respects infringe upon them. Such eligibility covers membership on a city commission, school board, planning group, and county, state and national party committees and like organizations, by either appointment or election.

The filing of a declaration of intent to become a candidate shall not affect the status or appointment of an unclassified member of a college or university staff; provided, however, such person at all times while a candidate shall properly and fully perform all of his or her assigned duties; provided further, however, that should such person while he or she is a candidate for office fail to perform all of his or her assigned duties, such person shall not receive any salary or benefits from the date of filing for office.

Leave without salary or other benefits will be granted to those elected or appointed to public office requiring full time or lengthy sustained periods away from assigned duties, such as Congress, the State Legislature, and state and county offices or appointments to office falling within this category; effective, as to a person elected or appointed to Congress or the State Legislature, from the date such person takes the Oath of Office 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 State Legislature; effective, as to other state and county offices, during the entire time a person serves as such officer. Leave without salary or other benefits shall not be required for any person serving in the State Legislature 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.

In the interest of the fullest participation in public affairs, the same personnel is free to express opinions speaking or writing as an individual in signed advertisements, pamphlets and related material in support of or opposition to parties and causes. There will be the commensurate responsibility of making plain that each person so doing is acting for himself and not in behalf of an institution supported by tax funds drawn from citizens of varying political and economic views.

*Kansas Board of Regents Policy Manual, Chapter II, Section C, Item 13*

(See also Political Activities and Campus Facilities at Section 11.22 of this manual.)
3.18 / Employee Suggestion Program

Purpose:
The purpose of this statement is to set forth University policy with regard to implementation of an employee suggestion program consistent with the authorization provided by K.S.A. 75-37,105.

Preamble:
House bill No. 2369 was passed into law during the 2003 legislative session. The bill amends K.S.A. 2002 Supp. 75-37,105 and was intended to facilitate and improve the existing employee suggestion program. This policy statement is intended to implement the legislative intent and to create an incentive for WSU employees to submit suggestions that result in cost reductions through increased efficiencies or improvements in the operations of WSU.

Policy Statement:
A WSU employee whose suggestion is approved and implemented shall receive a "monetary employee award" and an "employee suggestion bonus" as permitted by law and as outlined in these policy guidelines. The following steps outline the WSU Employee Suggestion Program process:

Step 1
An employee submits a suggestion to the Director of Human Resources using the University's Employee Suggestion Program form. The Director of Human Resources will provide a copy of the submitted suggestion to the Division Vice President responsible for the unit.

Step 2
The Vice President for Administration and Finance and the University Review Committee shall determine whether or not the suggestion should be implemented and estimate the cost reduction associated with the suggestion. The Review Committee will be composed of the Dean or Director of the unit affected by the suggestion, the Director of Human Resources, and a person appointed by the President. The Division Vice President responsible for the unit must also approve the suggestion.

Step 3
An employee who makes a suggestion for cost reduction that is adopted by the University will receive a monetary employee award at the time of adoption. The monetary employee award will be 2.5% of the estimated cost reduction, as certified by the Director of Human Resources and Vice President for Administration and Finance, up to a maximum of $3,500.

Step 4
Twelve months following implementation, the employee will be paid the employee suggestion bonus component. The employee suggestion bonus is the difference between the monetary employee award (as described in Step 3) received by the employee and 10% of the actual cost reduction. The employee must still be employed by the University at the end of the twelve month period to be eligible for the employee suggestion bonus.

Step 5
The maximum amount an employee may receive under the Employee Suggestion Program is 10% of the actual cost reduction verified at the end of the 12 month evaluation period, including the amount received for the monetary employee award when the suggestion was approved, up to a maximum total amount of $37,500.

Amounts received pursuant to the Employee Suggestion Program (monetary employee award and employee suggestion bonus) are not taxable income for income tax purposes.
bonus) are considered regular earnings and will be added to the employee's paycheck.

**Implementation:**
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The Vice President for Administration and Finance shall have primary responsibility for publication, dissemination and implementation of this University policy.

**Effective Date:**
November 21, 2003
3.19 / Prohibition of Retaliation

Purpose:
The purpose of this policy is to clearly articulate that the University prohibits retaliatory conduct toward any individual or group participating in a complaint investigation or who has otherwise exercised their rights and privileges against illegal discrimination. Students, employees and visitors should feel comfortable coming forward to express concerns and/or to otherwise address prohibited and illegal discrimination. Retaliatory actions against any individual involved in reporting or the investigation of a complaint will not be tolerated.

Policy Statement:

1. It is the policy of Wichita State University to prohibit discrimination in its employment practices, educational programs or activities on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or status as a veteran.

2. To achieve and maintain a welcoming and discrimination-free environment, it is necessary and appropriate that students, employees and visitors be encouraged to make complaints about perceived discriminatory behaviors known to University officials.

3. For purposes of this policy, retaliation shall be defined as an adverse action or threat of an adverse action taken against a Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation, and/or resolution of an allegation of discrimination of any kind, including incidents of sexual misconduct, relationship violence or stalking. This shall also include any individual who attempts to intervene or prevent prohibited behavior. Retaliation can be committed by an individual or group of individuals, not just a Complainant or Respondent. Retaliation can take many forms including non-verbal behaviors, threats, intimidation, harassment, violence, adverse actions with respect to academic activities, work assignments, salary, vacation and other terms of employment including termination of employment.

4. Any University student, employee, visitor or group that engages in retaliatory conduct against a University student, employee or visitor who has filed a complaint alleging discrimination, participated in an investigation or otherwise exercised their rights and privileges against illegal discrimination will be subject to disciplinary actions pursuant to established University policy up to and including termination of employment or student status.

5. This prohibition against retaliatory conduct applies regardless of the merits of the initial complaint of illegal discrimination.

6. Any individual who becomes aware of conduct that he/she believes may constitute retaliatory action has an obligation to report that conduct regardless of whether he/she is directly involved in the conduct and regardless of whether the conduct involves students, employees or visitors.

7. Contact information:

   **Student Complaints**

   Any complaint related to retaliation against or by a student should be reported to:
Employee and Visitor Complaints
Any complaint regarding retaliation against or by an employee or visitor should be reported to:

Associate Director of Human Resources / Deputy Title IX Coordinator for Employees and Visitors
113A Human Resources Center
(316) 978-6123

Discrimination Complaints
Complaints of retaliatory actions may also be reported to:

Director of Equal Employment Opportunity
110A Human Resources Center
(316) 978-3186

Effective Date:
February 12, 2004

Revision Date:
March 25, 2015
December 9, 2015
3.20 / Initiation of Employment

Purpose:
The purpose of this statement is to set forth University policy with regard to when an individual can begin to perform services, as a University employee, for the University.

Preamble:
To protect the legal and financial interests of the University, as well as prospective University employees, it is necessary that the University have a policy to specify and communicate when a person can begin to perform duties and responsibilities, as an employee, on behalf of and for the University.

Policy Statement:

1. No individual shall begin her/his appointment and/or perform work for the University unless and until all University forms required for the appointment of a new employee, or the change of status of an existing employee, are properly completed and on file in the appropriate offices. This policy applies to all categories of University employment: university support staff, unclassified professional employees, faculty, and student employees.

2. Failure to comply with this policy will be grounds for immediate disciplinary action, including termination.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The General Counsel shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
July 1, 2004
3.21 / Emergency Hires

Purpose:
The purpose of this statement is to set forth University policy to describe and define when an emergency hire may be justified or appropriate.

Preamble:
It is recognized that there may be limited emergency circumstances where a University position may be temporarily filled without a search. This policy statement is intended to define and describe those limited circumstances.

Policy Statement:
In limited emergency circumstances where illness, death, an unexpected retirement or resignation, a change in enrollment or a change in departmental responsibility or direction creates a need for an immediate replacement or an additional employee, a faculty or an unclassified professional position may be temporarily filled without a search. Budget officers should submit a justification to their budget review officer and appropriate vice president explaining the need for an emergency hire. If the proposed emergency hire is authorized by the budget review officer and appropriate vice president, the proposal should then be submitted to the Director of Equal Employment Opportunity for review. After review by the Director of Equal Employment Opportunity, the vice president may finalize the emergency hire. The Director of Human Resources and the Director of Equal Employment Opportunity should receive notification of the hire. Any position filled by an emergency hire shall be a contingent, temporary or executive appointment. A search process must be initiated within twelve months unless otherwise authorized by the President or the President's designee.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The Director of Equal Employment Opportunity shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
December 3, 2004

Revision Date:
January 14, 2013
3.22 / Employment Oath

Purpose:
The purpose of this statement is to reenact University policy with regard to the employment oath previously located in Section 4.02.

Preamble:
Section 4.02 of the *WSU Policies and Procedures Manual* dealing with "Term of Appointment" previously included language regarding the employment oath required of all state employees by Kansas law. In revising Section 4.02 (effective December 3, 2004), it was determined that there should be a separate and distinct policy statement regarding the employment oath set forth in Chapter 3 relating to general employment policies.

Policy Statement:
Kansas law requires that all state employees sign the following employment oath:

> I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of my office or employment. So help me God. (The final sentence may be deleted.)

The oath is included in papers that must be signed at the time of employment. It must be on file before any checks in payment of salary or wages may be issued by the state treasurer.

Implementation:
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The Office of Human Resources shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
January 1, 2005
3.23 / Commercial Driver's License - Drug and Alcohol Testing

A commercial driver position means any position which is subject to the State of Kansas Alcohol and Controlled Substance Testing Program for Commercial Drivers established under the Federal Omnibus Transportation Employees Testing Act of 1991. Commercial driver positions require a commercial driver's license (CDL) to operate a commercial motor vehicle with a gross vehicle weight of over 26,000 lbs. or designed to carry more than 16 passengers, including the driver. Position descriptions for commercial driver positions must include a task statement describing commercial driver duties.

A drug and alcohol testing program for commercial drivers is designed to aid in the prevention of accidents and injuries resulting from the use of alcohol or controlled substances by commercial drivers. This program is in accordance with the Omnibus Transportation Employees Testing Act of 1991 and the State of Kansas Alcohol and Controlled Substance Testing Program for Commercial Drivers. This program is administered by the Office of Human Resources (OHR) and includes all positions requiring a CDL. The testing program includes pre-employment testing, pre-duty testing, random testing, reasonable suspicion testing, return-to-duty testing, follow-up testing and post-accident testing. All employees in a designated CDL position and all supervisors of these positions are required to attend training regarding the program from OHR.

Revision Date:  
July 10, 2006
3.24 / Use of Temporary Employment Agencies

Purpose:
The purpose of this statement is to set forth University policy with regard to usage of temporary employment agencies by the University.

Preamble:
It is recognized and acknowledged that the use of temporary employment agencies may be the best and most cost-efficient means of addressing temporary human resource needs of the University. It is also recognized that the establishment and publication of appropriate parameters for such usage is in the University's best interest.

Policy Statement:

1. Any usage of individuals from a temporary employment agency must be approved, in advance, by the Office of Human Resources.

2. All requests for use of a temporary employment agency shall be submitted in writing and shall provide explanation and justification why a temporary employment agency shall be used.

3. The services of an individual sent by a temporary employment agency shall be utilized for no longer than one year without the specific authorization and approval of the appropriate Vice President or the President of the University.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The Vice President for Administration and Finance shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
November 1, 2006
3.25 / Compensation in Excess of Full-Time Salary

Purpose:
The purpose of this statement is to set forth University policy with regard to the payment of compensation in excess of full-time salary to University faculty and staff.

Preamble:
University faculty and unclassified professional employees who are employed full-time are advised of the established salary or rate of pay for their respective full-time position in the annual notice of appointment each faculty and unclassified professional employee receives from the University. It is the expectation that the established salary or rate of pay will be the only compensation paid to the full-time employee and that compensation in excess of full-time salary is the exception and only to be paid in limited and approved circumstances.

Policy Statement:

1. The payment of compensation in excess of full-time salary is prohibited except in specific cases approved by the President or the President's designee. As a matter of policy, compensation in excess of full-time salary will not be authorized except in certain unusual cases where each of the following requirements are met:

   a. The additional services are requested by the college, school, department or division to be served.

   b. The additional services are to be provided during a specific, limited and proscribed time and can be fully and accurately described.

   c. The rendering of the additional services is in the best interest of the University, contributing to the improvement of its instructional activities or the professional development of the faculty or unclassified professional employee, continuing the provision of crucial University operations, strengthening the University's research and service program, supporting its cooperation with other Regents Universities and state agencies and/or enhancing the image of the University as a public entity.

   d. The faculty or unclassified professional employee is qualified to provide the additional services.

   e. The faculty or unclassified professional employee’s regular University assignments cannot be appropriately decreased to accommodate the additional services.

   f. The amount of time and effort to be expended by the faculty or unclassified professional employee in providing the additional services is consistent with the University limitations for personal professional services.

   g. The additional services cannot properly and reasonably be assigned under the University's policies and procedures for personal professional activity.

2. To permit time for receiving decisions from the President or the President's designee before additional services are to be authorized and performed in consideration of the payment of compensation in excess of full-time salary, requests submitted under this policy should be submitted well in advance of the time for performing the additional services. Any request for consideration of the payment of additional compensation should also be approved by the faculty or
unclassified professional employee’s immediate supervisor and division head.

**Implementation:**
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The General Counsel shall have primary responsibility for publication, dissemination and implementation of this University policy.

**Effective Date:**
May 15, 2007
3.26 / Carrying Concealed Weapons by Employees

Purpose:
The purpose of this statement is to set forth University personnel policy with regard to the carrying of a concealed weapon by University faculty and staff.

Preamble:
The Personal and Family Protection Act, which became effective as law in Kansas on July 1, 2006, as recently amended by the Kansas Legislature in 2013, authorizes employers to restrict and prohibit employees from carrying concealed weapons in certain circumstances. This policy statement is intended to comply with the law in this regard.

Policy Statement:

1. As authorized by the Personal and Family Protection Act, as amended, University faculty and staff are prohibited from carrying a concealed weapon while on the premises of the University or while engaged in the duties of the faculty or staff member's employment with the University.

2. This prohibition is not intended to apply to law enforcement officers.

Implementation:

This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The Vice President for Administration and Finance shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
July 14, 2007

Revision Date:
September 24, 2013

(See also Prohibiting Weapons on University Property at Section 11.19 of this manual.)
3.27 / Emeritus Status

Purpose:
The purpose of this statement is to set forth University policy with regard to emeritus appointments as required by Kansas Board of Regents policy.

Preamble:
Emeritus status is an honorary title awarded to a retiring faculty member or an unclassified professional employee for extended meritorious service to Wichita State University. The purpose of this policy statement is to set forth University criteria for awarding such status.

Policy Statement:

1. Emeritus status recognizes meritorious service to Wichita State University by a retiring faculty member or unclassified professional employee who has served the University for a minimum of ten continuous years. Factors to be considered in the evaluation and determination of meritorious service are contributions in the areas of teaching, scholarly activity, service or leadership. Exceptions to these criteria may be authorized and approved by the President.

2. Recommendations for the award of emeritus status to a faculty member are initiated by the department. Upon review and concurrence by the appropriate dean and the Provost and Senior Vice President, recommendations are forwarded to the President for final review.

3. Recommendations for the award of emeritus status to an unclassified professional employee can be initiated by a Dean, Director or higher level University administrator and are forwarded to the President for final review.

4. There is no salary or emolument associated with the awarding of emeritus status.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The Provost and Senior Vice President shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
January 1, 2005

Revision Date:
August 1, 2007
3.28 / Out-of-State Travel

Purpose:
The purpose of this statement is to set forth University policy with regard to out-of-state travel by University employees.

Preamble:
This policy has been developed and put in place to maximize utilization of financial resources allocated for travel expenditures and to provide University faculty and staff members with alternatives for making travel arrangements. State of Kansas Travel policies are found at [http://da.ks.gov/ar/employee/travel/default.htm](http://da.ks.gov/ar/employee/travel/default.htm) (Travel Center for State Employees).

Policy Statement:

1. Any University employee proposing to travel out-of-state on behalf of the University must complete and submit a travel authorization form to be reviewed and approved by the employee’s direct supervisor and by the funding Budget Officer (Department Chair/Director). In situations where the traveler is the Budget Officer or Budget Review Officer, the approvals will be provided by the next highest level (Budget Review Officer or Vice President). Vice Presidents’ out-of-state travel will be approved by the President. The President and Vice Presidents may appoint a proxy for their approvals. This proxy may only be authorized by the President or Vice Presidents who will communicate this directly to the Office of Financial Operations.

2. Upon authorization of out-of-state travel, the employee may utilize the services of the travel agent designated by the employee’s direct supervisor and by the funding Budget Officer (Department Chair/Director). In situations where the traveler is the Budget Officer or Budget Review Officer, the approvals will be provided by the next highest level (Budget Review Officer or Vice President). Vice Presidents’ out of state travel will be approved by the President. The President and Vice Presidents may appoint a proxy for their approvals. This proxy may only be authorized by the President or Vice Presidents who will communicate this directly to the Office of Financial Operations. Wichita State’s designated travel center is Sunflower Travel.

3. Alternatively, an employee may make his or her own arrangements for airplane, train or other commonly recognized transportation, hotels and/or car rentals; provided, however, that all charges be made to the employee’s personal credit card and the employee will not be reimbursed for expenses until after the employee submits the request for reimbursement of travel expenses. Should an employee choose to make his or her own arrangements for airplane, train or other commonly recognized transportation, the employee must provide a minimum of two quotes for documentation of efforts to obtain the best pricing available. The documentation of alternate quotes must be attached to the travel reimbursement form that is filed with the Office of Financial Operations for payment.

4. An employee may ONLY exceed the State of Kansas Daily Lodging Maximums (as defined at [http://da.ks.gov/ar/employee/travel/default.htm](http://da.ks.gov/ar/employee/travel/default.htm)) upon written approval by the employee’s Vice President (Vice Presidential exceptions will be approved by the President). Exceptions will require documentation stating the reason for the exception, with the approving Vice President’s signature, attached to the Out-of-State Travel Authorization.

5. Various miscellaneous expenses MAY be reimbursable for an employee when in travel status. Some require receipts. Receipts are not required for taxis, Kansas Turnpike tolls or from any unattended toll booth. See [http://da.ks.gov/ar/employee/travel/default.htm](http://da.ks.gov/ar/employee/travel/default.htm) section 5001 and 5100 for details. The Office of Financial Operations will audit all travel expenditures for reasonableness and send any questionable expenditures to the employee’s Vice
President for review and approval.

6. All requests for travel reimbursements will be processed by the Office of Financial Operations using the online Banner Travel System. Receipts may be scanned and electronically attached to the online request, or if a scanner is not available, the receipts may be sent to the Office of Financial Operations for inclusion with the reimbursement request. Reimbursement requests must be signed by the traveler and the funding Budget Officer.

**Implementation:**
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

**Effective Date:**
November 1, 2007

**Revision Date:**
July 1, 2014
3.29 / Search Waivers

Purpose:
The purpose of this statement is to set forth University policy on how a hiring decision can appropriately be made without having a search process.

Preamble:
The primary focus and purpose of a search process is to employ persons whose qualifications enhance the University's commitment to academic excellence, while providing equal opportunity and taking affirmative steps toward employing a workforce which is representative of the available labor supply. While recognizing that an open and competitive search process is the preferred methodology to recruit faculty and staff, it is recognized that there are situations where a hiring decision can be appropriately made without a formal search process when the candidate meets the minimum requirements established for the position.

Policy Statement:

1. An individual may be hired without a formal search process if the individual, or the position the individual is to assume, was provided for and/or referenced in a grant application or contract proposal that has been approved and funded.

2. An individual may be hired without a formal search process if the position is funded by a grant or contract and the employment relationship is anticipated to be no longer than eighteen (18) months in duration.

3. An individual may be hired without a formal search process if the individual has been previously employed by the University as a student employee or a research assistant for a minimum of eighteen (18) months prior to the proposed hire.

4. An individual may be hired without a formal search process if the position is a Visiting Professor or Visiting Scholar position anticipated to be no longer than three (3) years in duration.

5. An individual may be hired without a formal search process if the individual has previously been employed in private business or industry or in a governmental position, and possesses unique qualifications, experiences, talents and skills that would benefit current or prospective University students.

6. An individual may be hired without a formal search process if the individual meets the minimum requirements for the position and helps the University meet its goal of a diverse workforce. This applies to those who fall within job groups with goals targeted by the Affirmative Action Plan including individuals with disabilities, veterans, minorities and females. Job groups not targeted by the Affirmative Action Plan will be considered under appropriate circumstances. An interview process is necessary to ensure the candidate meets the job qualifications and is committed to WSU’s goals.

7. Any request for a search waiver must be submitted to the Director of Equal Opportunity and the Director of Human Resources for review and comment prior to a final decision being made by the responsible vice president or the President of the University.

Implementation:
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

**Effective Date:**
February 1, 2008

**Revision Date:**
March 25, 2016
3.30 / Exempt and Non-Exempt Employees

Purpose:
The purpose of this statement is to set forth University policy with regard to determinations made regarding University compliance with the Fair Labor Standards Act.

Preamble:
The Fair Labor Standards Act was enacted by Congress in 1938. It requires that certain types of employees [those who are non-exempt from application of the law] be paid a minimum wage and an overtime wage of one and one-half times the employee’s regular rate for all hours worked in excess of forty in any workweek. The Fair Labor Standards Act exempts certain classifications of employees [those who are exempt from application of the law] from its minimum wage and overtime provisions and these employees generally work whatever hours each week are required to perform their duties and responsibilities without consideration for overtime pay or time off.

Policy Statement:

1. The determination of what positions are exempt and non-exempt from application of the Fair Labor Standards Act (FLSA) is to be made by the University's Office of Human Resources.

2. Positions will be reviewed annually by the Director of Human Resources, or the Director's designee, to assure compliance with FLSA guidelines. The Director or designee will also request selected positions for review, and after consultation with the appropriate Vice President, update or revise the FLSA status as required.

3. Advance review by the Office of Human Resources to determine FLSA status is required with regard to the creation and/or establishment of any new position at the University.

4. The Office of Human Resources shall also review any proposed changes made to the duties and responsibilities of a previously existing position to determine the FLSA status of the revised position.

5. Before a vacant position can be advertised, the hiring department must provide an updated position description to the Office of Human Resources for an FLSA review and determination.

6. Any questions or concerns about the determinations made by the Office of Human Resources regarding the FLSA status of a position shall be reviewed with the University's Vice President for Administration and Finance.

7. Unless overtime pay is approved, in advance, by their Budget Officer, employees who are not exempt from the FLSA shall receive compensatory time off at the rate of one-and-one-half hours for each hour worked over 40 hours in any workweek. For the purpose of this act, the University's workweek begins at 12:01 a.m. Sunday and ends at midnight the following Saturday. Compensatory time off shall not exceed a total of 120 hours (80 hours of actual work time) at any point in time and should be used in a reasonable period of time, generally within a twelve-month period from when accrued. Any accrued compensatory time shall be paid to the employee upon termination of employment. Use of compensatory time should be scheduled with the unit's budget officer. Hours worked in excess of eight hours in one day may be used at straight time within the same regularly scheduled forty-hour workweek. For example, within the same workweek an employee works eight hours for three days, ten hours one day and six hours the last day. No compensatory time credit is established in this example because the hours total 40 hours for that workweek. Non-exempt employees must complete biweekly an "Exception Reporting" form which is to be approved by the immediate supervisor then
forwarded to the unit's payroll representative for entry onto the University's timekeeping system on a biweekly basis.

**Implementation:**
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The Vice President for Administration and Finance shall have responsibility for publication, dissemination and implementation of this University policy.

**Effective Date:**
July 14, 2008

**Revision Date:**
September 1, 2010
August 15, 2011
3.31 / Background Checks for Employment

Purpose:
The purpose of this statement is to set forth University policy responsive to Board of Regents policy (adopted May of 2008) requiring employee background checks on new hires.

Preamble:
Regents policy requires that each state university require a criminal background check on each person hired for a state university position, other than temporary or limited term employees employed for six months or less or student hourly employees. This statement is intended as the University’s plan for implementing Regents policy.

Policy Statement:

1. For purposes of this policy, a criminal background check shall include:
   a. Criminal history record searches for felony and misdemeanor convictions at the county and federal levels in every jurisdiction where the candidate currently resides or has resided. Such searches should cover a minimum of the last seven years.
   b. Sex offender registry searches at the county and federal levels in every jurisdiction where the candidate currently resides or has resided; and
   c. Other verifications as required by law for specified positions.

2. As of and after September 1, 2008, a criminal background check must be conducted prior to the extension of an offer for employment, or as part of an offer of employment that is made contingent upon a successful criminal background check, on each person hired for a faculty position, an unclassified professional position, a university support staff position or a graduate assistantship at Wichita State University that will continue for a term longer than six months. Criminal background checks will not be required for positions to be filled by a vendor or contractor; interns; and unpaid volunteers.

3. All job advertisements from Wichita State University shall refer to the Board of Regents requirements regarding criminal background checks and advise job applicants of the necessity of providing a release for the University to perform the required criminal background check. No criminal background check shall be performed without prior authorization and a release from the job applicant.

4. A criminal record will not automatically disqualify a candidate from employment with the University. University personnel will review the nature and relevance of the candidate’s criminal record in relationship to the position offered, as well as review subsequent employment and conduct to seek to determine if that criminal history reasonably bears upon the candidate’s trustworthiness, or the safety or well-being of the University’s faculty, staff, students, visitors and guests.

5. Any applicant who is not extended an offer of employment and/or whose contingent offer of employment is withdrawn as a consequence of the results of a criminal background check shall be so advised and informed of the determined relevance of the information received from the criminal background check. The applicant will be allowed to provide responsive information regarding their criminal history record, including evidence of rehabilitation, educational achievements, and the length of time since the last criminal conviction and other extenuating circumstances or factors of mitigation.

http://webs.wichita.edu/inaudit/ch3_31.htm[6/15/2016 4:35:02 PM]
6. Records gathered as part of a criminal background check shall be maintained in a secure, confidential location. Information regarding the review will be shared only with those responsible for or reasonably involved with the hiring decision.

7. Wichita State University reserves the right to require a criminal background check that is more extensive than that set forth in paragraph 1 above and/or to require a criminal background check for positions other than those set forth in paragraph 2 above. In addition, Wichita State University shall implement any additional requirements imposed by law or contract with regard to certain positions.

8. Wichita State University shall comply with applicable provisions and requirements of the Fair Credit Reporting Act and K.S.A. 22-4710, as amended.

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1 A criminal history record does not include an individual's arrest record or any conviction records that have been sealed by court order.

**Implementation:**
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The General Counsel shall have primary responsibility for publication, dissemination and implementation of this University policy.

**Effective Date:**
August 31, 2008

**Revision Date:**
September 19, 2008
3.32 / Employment of Foreign Nationals

Purpose:
This policy is to provide for uniformity in regard to University assistance with applications for temporary employment status and/or with applications for lawful permanent residency within the United States.

I. Preamble

The University can be a resource for full-time faculty and administrative staff in acquiring or, in some instances, maintaining lawful presence in the United States and eligibility to be employed with Wichita State University. Foreign nationals may lawfully enter the United States pursuant to a nonimmigrant or immigrant visa issued at a U.S. Consulate or documentation issued by the U.S. Citizenship and Immigration Services. It is important that the University have policies in place to seek compliance with all federal immigration and employment requirements.

This policy is intended to set forth the University’s position on assisting employees with immigration matters and expenses. It is not a complete outline of the immigration process or the responsibilities of all the various offices of the University during that process. If this policy is ever in conflict with existing federal immigration law, federal law prevails.

Departments that anticipate foreign national applicants for job openings should consult with the Office of International Education or the Office of Academic Affairs as soon as possible. Questions of a legal nature should be referred to the General Counsel's Office. Early involvement with these offices will ensure that University policies are adhered to, federal law is complied with, and that timing and other hiring issues are resolved prior to the start of the individual's employment.

II. Definitions

A. Foreign National: Any person residing in the United States who is not a U.S. citizen, or a permanent resident or "immigrant" as defined herein.

B. Department of Homeland Security (DHS): Oversees all functions of the U.S. Citizenship and Immigration Services (USCIS) and other governmental agencies assigned to administering and protecting U.S. borders.

C. U.S. Citizenship and Immigration Services (USCIS): Is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration policies and priorities.

D. U.S. Department of Labor (DOL): Provides, through its Office of Foreign Labor Certification, national leadership and policy guidance to carry out the responsibilities of the Secretary of Labor under the Immigration and Nationality Act, as amended, concerning foreign nationals seeking admission to the United States for employment.

E. Immigrant: A foreign national in the United States for an indefinite period as a U.S. lawful permanent resident, with Lawful Permanent Residency (LPR) status, i.e., “green card” holder. An immigrant can remain in the United States indefinitely and work without restriction for any U.S. employer.
F. **Nonimmigrant**: A foreign national in the United States for a finite period on temporary legal status. A nonimmigrant can work only for a petitioning employer for the period of time granted by DHS.

G. **Nonimmigrant classifications (as relevant to this policy):**

1. **F-1**: Status accorded to foreign national students admitted to the United States to study in an approved program.

2. **J-1**: Status accorded to foreign national exchange visitors including students, faculty, researchers and scholars eligible to conduct duties as delineated by their status and program sponsor.

3. **H-1B**: Status accorded to foreign national specialty occupation professionals who have been petitioned by an employer for a position that requires a bachelor degree or its equivalent as a minimum for entry into that position.

4. **TN**: Status accorded to a Mexican or Canadian foreign national who has been petitioned by an employer for a position listed in the North American Free Trade Agreement.

5. **O-1**: Status accorded to foreign nationals who have reached the very top of their field of endeavor and are considered one of the top experts in their field.

H. **PERM Labor Certification application**: An application filed with the DOL for labor certification to proceed with application to USCIS for LPR status on behalf of non-teaching faculty and staff which involves a process called “Program Electronic Review Management” (PERM) Labor Certification. Under this method of obtaining a labor certification, the employer must advertise the employee's position to determine if there are available U.S. workers who meet the minimum requirements for the position.

I. **Optional Special Recruitment**: A labor certification application with the DOL filed on behalf of college and university teaching faculty which has a beneficial standard of evaluation compared to the regular "Program Electronic Review Management" (PERM) Labor Certification applications defined herein. Under the Optional Special Recruitment process, if the foreign national who is a candidate for a teaching position is the *best qualified* candidate, the employer can proceed with the Labor Certification application even if other minimally qualified U.S. workers apply.

J. **Visa**: Stamp placed in the foreign national’s passport that enables the foreign national to apply for entry into the United States in the status listed on the visa.

III. **Policy Statement**

A. The University will not knowingly employ, or continue in employment, individuals who do not meet the requirements of federal laws pertaining to immigration and naturalization. Further, all faculty and staff of the University must complete a Form I-9, Employment Eligibility Verification, in the presence of a designated representative of the University within three (3) days of commencing employment pursuant to the Immigration Reform and Control Act of 1986. See Section 3.20 of the WSU Policies and Procedures Manual.

B. Federal law strictly regulates the employment of foreign nationals in the United States. The Provost and Senior Vice President is the designated signatory for applications and petitions to be filed on behalf of the University with USCIS, DOL, or other immigration-related government agencies, which are related to the employment of foreign national faculty, staff, and/or students. These applications or petitions include, but are not limited to, the following:
1. ETA 9035, Labor Condition Application, submitted to the DOL to support an H-1B petition;
2. ETA 9089, Labor Certification Application, submitted to the DOL to initiate the "green card" process on behalf of an employee of the University; and
3. Form I-129, Petition for a Nonimmigrant Worker, submitted to the USCIS.

C. All employment-based applications and petitions relating to requests for LPR status must be reviewed by the General Counsel's Office before these documents are submitted to the appropriate government agency. Nonimmigrant applications and petitions prepared by outside legal counsel when the University is sponsoring a student, faculty or staff for nonimmigrant status must be reviewed by the Office of International Education before these documents are submitted to the appropriate government agency.

D. Services rendered to, and on behalf of, foreign national employees under any aspect of this policy are at the discretion of the University. No right or entitlement accrues to any employee by virtue of this policy, or by virtue of having received any services under this policy.

E. This policy does not relieve the H-1B employee with a temporary nonimmigrant status of their responsibilities in maintaining their immigration status, or the status of their dependents, nor does it limit the employee’s right to be represented by legal counsel.

F. Nonimmigrant status for temporary work authorization: Most appointments of foreign national faculty or staff will first require the services of the Office of International Education. The determination of a prevailing wage for a position is an initial and integral step in the recruitment process. The hiring department should contact the Office of International Education for more information about a prevailing wage determination. Petitions for nonimmigrant (temporary) employment (H-1B, TN, O-1, J-1) are generally not referred to outside counsel and will be prepared by the Office of International Education.

G. Immigration petitions for Permanent Residency (Green Card) Status: Foreign nationals appointed to faculty or staff positions, who are without LPR status, must work with their hiring departments, the Office of Academic Affairs, and the General Counsel's Office if they wish to pursue permanent residency. Employment-based petitions for permanent residency status are time-consuming and complex. Employment-based applications for DOL certification will generally be referred to outside counsel who have been approved by the General Counsel’s Office.

H. Self-petitioned immigration applications for permanent residency status: The University cannot advise on immigration applications when an employee self-petitions for LPR status (i.e., National Interest Waivers and Alien of Extraordinary Ability petitions). The University will not contract with outside counsel to provide such services for its employees.

IV. Implementation

A. General

1. When interviewing candidates for employment, the hiring department may obtain information concerning immigration status only when first raised by the applicant, or with narrowly tailored questions. For example, the interviewer should never specifically request a potential employee’s employment eligibility documents before making an offer of employment but may make an offer of employment contingent upon work eligibility. It is generally permissible to ask applicants two questions: “Are you authorized to work in the U.S. full-time for all employers?” and “Will you require assistance from the University to obtain legal authorization to work?”

2. During the course of the hiring process, a foreign national may require sponsorship to work for the
University. If the applicant asks for sponsorship for an application for permanent residence or temporary work authorization, he/she has opened the door for a discussion of his/her status. All job offers shall be made subject to the prospective employee’s authorization to work in the United States.

3. The hiring unit cannot and must not promise LPR status to a foreign national as the process is complex, lengthy and inherently uncertain.

B. Temporary Work Authorization

1. The Office of International Education will coordinate and handle the processing of H-1B and/or other temporary employment-related statuses for foreign nationals seeking permission to work in the United States at the University. The Office of International Education will initiate the petition process for H1-B status, upon receiving a request for preparing an H1-B form authorized by the appropriate dean or department chair, or in the case of research positions under the Office of Research and Technology Transfer, the Vice President for Research and Technology Transfer. The Office of International Education will provide a checklist of items that need to be compiled and provided by the relevant dean or department head of the hiring department, or his or her designee. Such items include a data form which needs to be completed regarding the foreign national and a copy of the signed offer letter, specifying the terms and conditions of employment before an application for H1-B or other temporary status may be submitted.

2. The University is responsible for the Form I-129 filing fee and Fraud Detection fee associated with the filing of an application for H-1B status or other temporary employment-related status. The Office of International Education is responsible for contacting the Office of Academic Affairs to request checks for payment of such fees. In the case of fees not normally associated with the particular process, i.e., request for expedited processing by the USCIS or filing fees for dependent applications, the hiring department must submit, in writing, to the Office of Academic Affairs a request for approval, demonstrating the specific business-related necessity for the request. Documentation approving or denying the request will be retained in the same manner and for the same duration as other similar budget requests. Any fees paid by the University under this section will be paid by the department or employing unit of the University where the foreign national will be employed.

3. The Office of International Education will prepare temporary work authorization petitions on behalf of the University, in consultation with the hiring department. However, if the hire of outside legal counsel is necessary to prepare the labor condition application and petition for H-1B status, such hire must be authorized by the Office of Academic Affairs. The General Counsel's Office must approve any fee agreement between the University and outside legal counsel.

4. In cases where the foreign national has enlisted his or her own counsel for assistance in petitioning for any temporary status, the University will not pay any legal fees or expenses associated with such filing.

C. U.S. Lawful Permanent Residency

1. A "Request for Assistance with Employment-based Petitions for U.S. Lawful Permanent Residence" form must be completed and submitted by a department or hiring unit to the Office of Academic Affairs for approval. If approved, the General Counsel's Office will serve as a liaison with outside legal counsel during the LPR process.

2. To receive University sponsorship for an employment-based petition for permanent residency, the foreign national employee must meet the eligibility requirements of this policy in either Section IV.C.7 or IV.C.8.

3. The Office of Academic Affairs must authorize the hiring of outside legal counsel for assistance in employment-related immigration petitions where the University is sponsoring the application or when
financial support is provided by the University prior to the retention of such counsel. The General Counsel's Office must review and approve any fee agreement between the University and outside legal counsel, and should be consulted if legal questions arise during the process. The University is legally responsible for the payment of legal fees and expenses relating to the ETA 9089, Labor Certification process with the DOL, but is not responsible for other legal fees or expenses, such as the filing fees in connection with the I-140 or I-485 petitions with the USCIS. The University is not responsible for legal fees when the employee elects to retain separate counsel.

a. If a department voluntarily chooses to pay the legal fees, expenses or filing fees associated with the I-140 or I-485 petitions, such payment must be recommended by the relevant dean or department head and approved by the Office of Academic Affairs.

b. In the case of fees not normally associated with the particular process i.e., request for expedited processing by the USCIS or filing fees for dependent applications, the particular department must submit a written request for approval demonstrating the specific business-related necessity for the request to the Office of Academic Affairs. Documentation approving or denying the request will be retained in the same manner and for the same duration as other similar budget requests.

c. Any immigration-related expenses paid by the University must be approved by the department head and the Office of Academic Affairs prior to the expense being incurred. Approval of expenses after-the-fact will be reviewed only in rare circumstances and approved on a case-by-case basis.

d. Any fees paid by the University under this section will be paid by the department or employing unit of the University where the foreign national employee will be employed.

4. The Provost and Senior Vice President is the designated University signatory for all outside attorney representations, i.e., G-28 which enables designated legal counsel to represent the University in support of an institutional immigration petition.

5. The General Counsel’s Office must review and the Provost and Senior Vice President must sign DOL applications for certification and the immigration petition(s) before such petitions or applications are submitted to federal authorities.

6. Self-petitions that do not require University signature (i.e., National Interest Waiver and Alien of Extraordinary Ability petitions) may be pursued with privately retained counsel, but the University is not responsible for any fees or expenses associated with such petitions.

7. TEACHING FACULTY

a. Upon request by a foreign national employee, the relevant dean must approve employment-based permanent residency requests by submitting the “Request for Assistance with Employment-based Petitions for U.S. Lawful Permanent Residence” (form provided by the Office of Academic Affairs) to the Office of Academic Affairs for approval. If sponsorship is approved, the Office of Academic Affairs will provide a copy of the form to the Office of International Education and to the General Counsel's Office. Once approved by the Office of Academic Affairs, the employee may be referred to an outside attorney approved by the General Counsel for assistance with initiating the process for obtaining permanent residency on behalf of the foreign national employee.

b. If the foreign national faculty member is not tenured, the hiring department must be able to confirm that the faculty is on tenure-track or the employment is for an “indefinite duration” as defined by DHS (see subsection (c)(iii) below). The Office of Academic Affairs will review these requests on a case-
by-case basis and will return the form as approved or not approved to the relevant dean and, if approved, a copy to the Office of International Education. The foreign national faculty member’s ability to apply for permanent residency is not an indication or determination of the faculty member’s eligibility or qualification for tenure at the University. See Section 4.10 of this manual.

c. The following are minimum requirements for consideration of University sponsorship for LPR status:

i. The position must be full-time.

ii. The position must meet the DHS’s definition of permanent. A permanent position is one that is tenured, tenure-track or does not have a definite termination point defined either by date or completion of a project or assignment, is not seasonal or intermittent, and is not presently intended or contemplated by the employer to have some specified end date in the future.

iii. To qualify for Optional Special Recruitment or “special handling” as a teaching position, the position must include classroom teaching which includes a registered course number at the University and the employee must be listed as the instructor of record.

(A) Optional Special Recruitment is the preferred method for obtaining permanent residency for teaching faculty. Optional special recruitment requires that the position be advertised in a national print journal or publication. The U.S. Department of Labor also accepts electronic or web-based national professional journal advertisements, which must be posted for at least 30 calendar days on the journal's website. Documentation of the placement of an advertisement in an electronic or web-based national professional journal must include evidence of the start and end dates of the ad placement and the text of the advertisement.

(B) To apply under the Optional Special Recruitment rules, the date of the original offer letter from the Office of Academic Affairs should be within the previous 15 months to complete the required verification process in time to meet federal requirements. The application with the DOL must be filed within 18 months of the decision to hire the individual in order to qualify for special handling.

d. Departments are strongly encouraged to set up a preliminary informational meeting with the General Counsel's Office to discuss this policy, review the basic requirements for permanent residency, and assess the employee's eligibility for institutional support. The timing guideline immediately above for teaching positions must be followed.

e. The General Counsel's Office will be the liaison between the hiring department and outside counsel for all labor certifications for teaching positions that meet the DOL’s criteria for special handling. To meet the criteria for special handling, the employee’s formal job responsibilities must include serving as the instructor of record and the teaching of an official university course or courses. Other academic appointee positions must follow the guidelines for non-teaching positions, set forth in Subsection IV.C.8 below.

f. Applications for faculty and researchers who meet the criteria for “Outstanding Researcher or Professor” as defined by the DHS will be reviewed by the General Counsel's Office. Faculty or staff seeking to apply for permanent residency under this category will need to obtain outside legal counsel. To qualify, scholars must document that they are recognized internationally as outstanding in a specific academic area and have at least three years of experience in teaching or a permanent research position.

g. The hiring department will be responsible for all fees required to be paid by the employer under federal law and regulations, including legal fees for an outside legal counsel who is retained to represent the
University as the employer and the beneficiary jointly through the DOL PERM process, where applicable. The hiring department may pay the costs and expenses associated with the filing of the Form I-140 and the Form I-485 upon approval of the Office of Academic Affairs pursuant to Section IV.C.3.a.

8. STAFF AND NON-TEACHING FACULTY

a. Upon request by a foreign national employee, the relevant dean or department head must approve University sponsorship of employment-based permanent residency by submitting the form “Request for Assistance with Employment-based Petitions for U.S. Lawful Permanent Residence” (form provided by the Office of Academic Affairs) to the Office of Academic Affairs for approval. If sponsorship is approved, the Office of Academic Affairs will provide a copy of the form to the Office of International Education and to the General Counsel's Office. Once approved by the Office of Academic Affairs, the employee may be referred to an outside attorney approved by the General Counsel’s Office for assistance with initiating the process for obtaining LPR status.

b. The following are minimum requirements for consideration of University sponsorship for permanent residency:

i. Generally, staff or non-teaching faculty members must be employed for at least two years before the University will consider a request for initiating the process to obtain permanent residency.

ii. The position must be full-time.

iii. The position must meet the DHS’s definition of permanent. A permanent position is defined as one that does not have a definite termination point defined either by date or the completion of a project or assignment, is not seasonal or intermittent, and is not presently intended or contemplated by the employer to have a specified end date in the future.

iv. The foreign national must have been working at the University in a professional position in the sponsoring unit for a minimum of 12 consecutive months prior to the time of submitting the "Request for Assistance with Employment-based Petitions for U.S. Lawful Permanent Residence" to the Office of Academic Affairs.

v. The University must have at least 36 months of expected future funding for the position held by the employee, as verified by the relevant department head. Grant-funded positions in which a three-year funding projection is not possible can still move forward if the department provides a statement of intent to fund the foreign national employee from grant funds, projected grant funds, or other funds available to the department.

vi. In some cases, foreign national employees may, because of timing or other immigration-related issues, require a determination before the required period of employment in subsection 8(b)(i) has ended. If the department approves a request for permanent residency sponsorship before the required employment period has ended, the department head must recommend to the Office of Academic Affairs that such sponsorship should be initiated on behalf of the foreign national employee and provide a definitive statement as to why the normal procedures cannot be followed in this instance. The Office of Academic Affairs will review requests on a case-by-case basis.

c. Departments are strongly encouraged to set up a preliminary informational meeting with the General Counsel's Office to discuss this policy, review the basic requirements for permanent residency eligibility, and assess the employee’s eligibility for institutional support. The timing guidelines
immediately above for staff and non-teaching positions must be followed.

d. After preliminary review of eligibility for institutional support, all non-teaching academic and professional staff requests may be referred to legal counsel who have been approved by the General Counsel’s Office.

e. Employer-related portions of the permanent residency process include Form ETA 9089, Application for Alien Employment Certification (where appropriate), and Form I-140, Immigrant Petition for Alien Worker. Employer-related portions do not include Form I-485, Application to Adjust Status, or Form DS-230, Application for Immigrant Visa. Upon approval of Form I-140 by the USCIS, the foreign national employee is responsible for filing Form I-485 or Form DS-230 with the appropriate government agency and within the appropriate time frame.

f. In the event that the University enlists counsel to handle and/or assist with the filing of Form ETA 9089 and/or I-140, the University will be responsible for the attorney’s legal fees and expenses associated with the preparation and filing of the foreign national employee’s application only with regard to the Form ETA 9089. The University will not pay any expenses or fees associated with the preparation and filing of Form I-140 and “green card” application through Form I-485 or Form DS-230 on behalf of a foreign national employee and/or the foreign national employee’s family members unless approved in accordance with Section IV.C.3.a above.

g. The General Counsel’s Office will not provide legal advice to the foreign national. The University will not advise the foreign national regarding the completion of Form I-485 or Form DS-230 or their submission to the appropriate office. The University will not advise the foreign national with regard to immigration issues concerning family members of the applicant and/or employee.

Implementation:
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The Provost and Senior Vice President shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
November 10, 2008

Revision Date:
May 1, 2012
3.33 / Eschewing Campus/Workplace Violence

Purpose:
The purpose of this statement is to set forth University policy with regard to the prevention, deterrence and response to workplace and campus violence.

Preamble:
It is recognized that it is important that the University have a comprehensive policy statement, in supplementation of the State of Kansas Workplace Violence Policy that is consistent with best practices in campus violence prevention.

Policy Statement:

1. Wichita State University emphatically supports a violence-free workplace and campus.

2. The University is committed to taking all reasonable steps necessary to seek to avoid and prevent acts of violence and deter acts of violence on campus, and to be prepared to respond to acts of violence that may occur on campus, in spite of all such efforts.

3. Immediate threats or situations of immediate concern should always be directed to the University Police Department or local, state or federal law enforcement authorities.

4. Faculty and staff who want to report concerns about their personal safety, the personal safety of a co-worker or any concern about a possible act of violence on campus should notify their supervisor, the Dean of their College, the Office of Human Resources, the Office of Academic Affairs, the University Behavior Intervention Team, the University's General Counsel, the University Police Department or local, state or federal law enforcement authorities.

5. Students who want to report concerns about their personal safety, the personal safety of a fellow student or any concern about a possible act of violence on campus should notify a faculty member, the Chair of their Department, the Dean of their College, a member of the Residence Life Staff, the Director of Student Conduct and Community Standards, the University Behavior Intervention Team, the International Students Office, the Office of Student Engagement, the Office of Academic Affairs, the University's General Counsel, the University Police Department or local, state or federal law enforcement authorities.

6. The University is committed to identify, investigate, assess, manage and attempt to resolve identified concerns and/or to prevent and avoid any workplace and campus violence, to the extent reasonably and practicably possible.

7. Individuals are encouraged to report any concerns about violence or the possibility of violence on campus and no retaliatory actions shall be taken against those who report a concern in good faith and/or who cooperate with an investigation about any such report.

8. All reports and any follow-up investigations deemed necessary and appropriate will be confidential to the extent permitted by applicable state and federal laws and to the extent consistent with a fair, comprehensive and thorough investigation and follow-up.

9. The filing of false reports or information is prohibited and any person who knowingly or carelessly submits a false report will be subject to discipline, up to and including suspension or expulsion from the University and/or termination.
of employment, subject to all applicable University policies.

10. The University will, as appropriate, consider declaration of a crisis situation, thereby activating all crisis response mechanisms provided for by University policy and the University's Emergency Operations Plan until such time as an end of the crisis is formally declared and announced. As a part of the crisis response, the University will identify resources and services that are available to help recover from crisis situations.

11. The University will provide and make available annual training to students, faculty and staff on procedures for identifying, reporting and addressing concerns of violence, said training to address and cover the following topics:

   a. Applicable University policies
   b. Identifying potentially violent or threatening situations
   c. Defusing volatile or threatening situations
   d. Reporting emergent concerns
   e. Where and how to report developing concerns
   f. Responsibility for cooperating with investigations
   g. Processes used to investigate and address concerns
   h. Support services to assist with recovery from a crisis involving violence

**Implementation:**
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The General Counsel and the Vice President for Administration and Finance shall share responsibility for publication, dissemination and implementation of this University policy.

**Effective Date:**
February 13, 2009

**Revision Date:**
January 18, 2011

(Note: Because this policy applies directly to students and employees at Wichita State University, Eschewing Campus/Workplace Violence has also been included in Chapter 8, Student Policies and Procedures, at Section 8.18.)
3.34 / Family and Medical Leave Act

Purpose:
The purpose of this policy is to provide guidance and assistance regarding implementation of the Family and Medical Leave Act of 1993 (FMLA), as amended.

I. Preamble

The FMLA provides eligible employees with job-protected leave for certain qualifying events or circumstances. Those events or circumstances may involve the employee's own health event or circumstance, or may involve the health needs of the employee's family member. Additionally, the FMLA may provide eligible employees with job-protected leave for certain exigencies related to military service or the health needs of a covered member of the Armed Forces.

II. Definitions

A. Child: Biological, adopted, foster, or stepchild or legal ward, or child of a person standing "in loco parentis" by providing day-to-day care and financial support, where the child is under age 18, or age 18 or older and incapable of self care because of a mental or physical disability.

B. Continuing Treatment by a Health Care Provider means any one of the following:

1. A period of incapacity of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves either treatment two or more times within 30 days, or treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

2. Any period of incapacity due to pregnancy or prenatal care.

3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which requires periodic visits (i.e., at least twice per year) for treatment by a health care provider, which continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity.

4. Permanent or long-term conditions.

5. Conditions requiring multiple treatments.

C. Covered Active Duty: Means duty of a Covered Service Member during deployment to a foreign country. This term, as applied to members of the reserve component of the Armed Services, shall mean covered active duty as defined by federal law.

D. Covered Service Member: Means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
E. **Incapacity:** Inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment for such condition, or recovery from such condition.

F. **Inpatient Care:** An overnight stay in a hospital, hospice, or residential medical care or any subsequent treatment in connection with the inpatient care.

G. **Next of Kin:** The nearest blood relative other than the Covered Service Member's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the Service Member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered Service Member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

H. **Parent:** A biological, adoptive, step or foster parent, or other person who stood "in loco parentis" to a child by providing day-to-day care and financial support. In-laws are not covered by this policy.

I. **Qualifying Exigencies:** Relate to the active or impending duty of Covered Service Member, including attending certain military events, arranging or providing for alternative child care or school, addressing certain financial and legal arrangements, addressing issues arising from short-term deployment, attending certain counseling sessions, and attending post-deployment reintegration briefings.

J. **Spouse:** A legal spouse or a common law spouse.

K. **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves Inpatient Care (definition E above) or Continuing Treatment by a Health Care Provider (definition B above).

L. **Treatment:** Includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, dental examinations, over-the-counter drugs, or bed rest.

M. **Service Member:** For purposes of this policy, a Service Member is a Covered Service Member as defined above.

III. **Policy Statement**

The FMLA requires employers to provide 12 weeks of unpaid leave to eligible employees for qualifying family and medical reasons, i.e., birth or adoption of a child or relating to a serious health condition, or for certain exigencies for Covered Service Members, or up to 26 weeks to care for a covered current Service Member who has a serious injury or illness incurred in the line of duty.

Leave taken pursuant to the FMLA may be taken in continuous full-time periods or may include a reduced or intermittent schedule when medically necessary, or for a qualifying exigency due to a call to active duty. When intermittent or reduced schedule leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must consult with the employee's supervisor and make a reasonable effort to schedule treatment so as not to unduly disrupt the business of the employee's department or unit.

A. **Employee Eligibility**

An employee is eligible for FMLA leave if he or she has:

1. Been employed by the University or the State of Kansas for 12 months, and
2. Worked at least 1,250 hours during the 12 months prior to the start of FMLA leave.
For purposes of this policy, full-time employment is considered to be 2,080 hours per year. An employee returning from fulfilling his or her National Guard or Reserve military obligation will be credited with the hours of work that would have been performed during the period of military service.

B. Reasons for Leave

The FMLA allows eligible employees to take leave for the following qualifying events or circumstances:

1. Family Leave

An employee may take family leave for the following events or circumstances:

   a. Birth and care of a child during the first year.
   b. Adoption or foster placement of a child and care during first year.
   c. Care for an employee's spouse, child, or parent with a diagnosed serious health condition.

**Amount of Leave:** Employees taking family leave may take up to twelve (12) weeks of family leave during a 12-month period.

Leave for birth, adoption of a child, or placement of a foster child must be taken in one single period and must be taken within one year of the birth or placement of the child. If both parents work for WSU and request leave for birth or placement of a child, care of that child in the first year, or care for a parent with a serious health condition, the 12-week leave period for both employees is combined. Parents do not each have 12 weeks of FMLA available for those situations.

2. Medical Leave

An employee may take leave for his or her own diagnosed Serious Health Condition.

**Amount of Leave:** Employees taking medical leave for their own Serious Health Condition may take up to twelve (12) weeks of medical leave during a 12-month period.

3. Service Member Leave

   a. Exigency - Employees with a spouse, son, daughter, or parent who is on Covered Active Duty, or who has been notified of an impending call or order to Covered Active Duty, may use leave to address certain Qualifying Exigencies relating to such covered active duty.

An employee whose family member is on active duty or called to active duty as a member of the Regular Armed Forces is not eligible to take leave because of Qualifying Exigencies.

**Amount of Leave:** An employee may take up to twelve (12) weeks of medical leave during a 12-month period.

   b. Injury or Illness - Employees may also take leave to care for a Covered Service Member who has a serious injury or illness incurred in the line of duty that may render the Service Member medically unfit to perform his or her own duties and for which the Service Member is undergoing medical treatment, recuperation, or therapy; or is on an outpatient status; or is on the temporary disability retired list.

In order to care for the Covered Service Member the employee must be the spouse, son, daughter, parent or Next of Kin of the Service Member.

**Amount of Leave:** An employee may take up to twenty-six (26) weeks of leave per Service Member or per injury/illness during a 12-month period, beginning on the first day of leave.
IV. Procedures

A. Notice and Documentation

1. Notice - When the need for leave is foreseeable, the employee must notify the Office of Human Resources (OHR) within 30 days of the anticipated date of leave. When the need for leave is not foreseeable, the employee must notify OHR as soon as practicable. An employee requesting leave must provide enough information for the requested leave so as to allow the University to determine whether the leave qualifies under FMLA.

2. Information to be provided - The employee must provide to OHR complete and sufficient medical or military documentation in support of a request for FMLA leave. Failure to provide such documentation may result in the denial or delay of FMLA. The University may seek a second or third opinion of medical documentation, and may also request reasonable updates of supporting documentation. The employee may also be required to provide documentation of the familial relationship to support Service Member leave.

3. Notification of eligibility - The University will notify the employee in writing if the employee is eligible for FMLA and, if so, whether the requested leave will be counted as FMLA leave, or if it is determined that the leave is not FMLA-protected. In certain circumstances the University may designate an absence as FMLA even if the employee did not request FMLA. The University may not retroactively designate an absence as FMLA unless the reasons for the absence were not known to the University at the time leave began.

4. An employee taking FMLA leave must comply with their department's established call-in procedures appropriate for the situation. When calling in, employees must also inform their department if the requested leave or absence is for a reason for which FMLA was previously taken or certified.

5. An employee on leave for his or her own medical condition must present a medical release to return to work, including medical certification that the employee is able to perform the essential functions of the position. Failure to submit a sufficient and complete release may delay the employee's return to work.

6. Employees are encouraged to review their rights and responsibilities under the FMLA at http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf

B. Paid versus Unpaid Leave

1. FMLA does not provide for paid leave. However, employees may be paid during a FMLA covered absence(s) in accordance with applicable University policy and memorandums of understanding.

2. Employees eligible for FMLA will be required to use accumulated leave concurrently with FMLA. Leave benefits may be sick leave (and/or shared leave) and/or vacation leave. Sick leave (including that acquired under the shared leave policy), compensatory leave and vacation leave must all be exhausted before the employee will be placed on unpaid leave (leave without pay).

C. Continuation of Insurance Benefits During Unpaid Leave

1. During approved leave, paid or unpaid, the University will continue to pay the employer's share of the employee's medical and dental insurance plan(s). If the employee is responsible for a share of the premium(s) through payroll deduction, the employee must continue to pay his or her share during any unpaid leave.
2. Life insurance, long-term disability and waiver of annuity contribution benefit may be continued at employee expense under the leave without pay rules. If leave is due to an employee's illness, life insurance, long-term disability and waiver of annuity contribution benefit coverage may be continued through the policy provisions. Contributions to KPERS and the Board of Regents Mandatory Retirement Plan cannot continue during a period of unpaid FMLA or other form of unpaid leave.

D. Return to Employment After FMLA Leave

1. At the end of FMLA leave, an employee must be restored to the job he or she left or one with equivalent benefits, pay and "other terms and conditions of employment."

2. The FMLA contemplates that there may be situations when an employee cannot return to employment during or after leave. Termination of employment may occur, for example, while an employee is on leave if there is a layoff or reduction in force, or cause that would otherwise support dismissal, if the employee's job would have been lost if he or she was actively working. Similarly, termination of employment may occur if the employee is unable to perform one or more of the essential functions of the position, with or without reasonable accommodation, after the leave is over.

**Implementation:**
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The Vice President for Administration and Finance shall have primary responsibility for publication, dissemination and implementation of this University policy.

**Effective Date:**
August 1, 2009

**Revision Date:**
November 4, 2010
3.35 / Independent Contractor

The use of individuals for consulting and specialized service is expected in the university setting. When the individual to be utilized is an employee of the State of Kansas, even if in another agency, payment must be made by payroll - they cannot be paid by agency purchase order.

For services to be considered an independent contract rather than employment, the service relationship needs to have certain distinguishing characteristics. Consultants and individual contractors usually provide defined services for a designated time. They usually provide the equipment and supplies necessary to complete the project and work at their own discretion and direction. The University's role in a contractual relationship is to specify the end product or service, and not to define the process for achieving the product or service. If the service is performed under the direct supervision and guidance of a University employee, federal laws consider the relationship employment and payments for services must be on payroll. If the work to be performed would normally be completed by a regular employee, it would be difficult to establish a consultant relationship, even for a specified period of time.

All questions should be directed to the Office of Human Resources, the Office of Purchasing or the General Counsel.

**Revision Date:**
August 1, 2009

(See also Payments to University Employees for Services or Recognition with Monies Held by the Wichita State University Foundation or the Wichita State University Board of Trustees at Section 13.03 of this manual.)
3.36 / Copyright

Purpose:
To state University policy relative to the use of copyrighted materials by faculty and staff of the University.

Preamble:
The federal copyright law (Title 17, United States Code, Section 101, et seq.) protects creative works. It is appropriate, and required, that all members of the Wichita State University community, including faculty, staff, students and volunteers respect the proprietary rights of owners of copyrights and refrain from actions that constitute an infringement of copyright or other proprietary rights.

Policy Statement:

1. All faculty and staff are expected to comply with the federal copyright law and obtain permission for use unless the use can fairly and reasonably be interpreted as "fair use." Faculty, staff and employees are expected to review this policy and request further information and resources as needed that may be utilized for purposes of determining compliance with the federal copyright law.

2. Copyright Guidelines have been prepared by the General Counsel's Office and can be located here to assist members of the WSU community in complying with federal copyright law and to enable individuals to distinguish between permitted and prohibited uses of copyrighted materials. Members of the WSU community are expected to familiarize themselves with these guidelines and to fully comply with their requirements.

3. Faculty members and staff who willfully disregard this Copyright Policy place themselves individually at risk of legal action. In such cases, the University may refuse to defend the employee named in any litigation and personal liability may be incurred by the employee.

4. The University copy center located in WSU Copy and Print Services is available for copying services. All material to be copied by WSU Copy and Print Services must be reviewed by the faculty or staff member requesting copy services for copyright implications and the faculty or staff member must sign the Customer Statement of the Duplication of Copyrighted Written Works which is provided here and in the WSU Copy and Print Services office. Material may be presented for copying only where copying of the material can fairly and reasonably be considered fair use or where there is a University license to copy the material or where there is permission to copy, which shall be clearly set forth on the material to be copied.

5. The General Counsel's Office is available for further guidance on specific questions regarding the application of the federal copyright law to specific factual scenarios.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The General Counsel and the Vice President for Administration and Finance shall share responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
3.37 / Official Personnel Files

Purpose:
The purpose of this statement is to set forth University policy with regard to the maintenance of official personnel files for faculty, support staff and unclassified professional employees of the University.

Preamble:
The University shall maintain one official personnel file for each employee of the University and said official personnel file shall be maintained in accordance with this policy statement.

Policy Statement:

1. The official personnel file shall contain all documentation relating to the employment relationship between the University and the respective employee, except for medical information, which shall be maintained in the Office of Human Resources.

2. The official personnel file shall be maintained as a confidential personnel record.

3. Each employee should be aware of all documentation in the official personnel file and shall be provided access to his/her own official personnel file upon request.

4. Should an employee dispute or disagree with information or documentation in the official personnel file, the employee should discuss his/her concerns with the immediate supervisor. After such discussion, the employee shall be provided the opportunity to add an explanation or commentary to the official personnel file.

5. The official personnel file shall be maintained as follows:

   a. The official personnel file for faculty shall be maintained in the Office of Academic Affairs, as provided in Section 5.11.

   b. The official personnel file for university support staff shall be maintained in the Office of Human Resources.

   c. The official personnel file for unclassified professional employees shall be maintained by the President or the Vice President for the unclassified professional employees in their respective areas.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The General Counsel shall have responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
February 14, 2010

(Faculty should see also Faculty Personnel Records at Section 5.11 of this manual.)
3.38 / Support of Nursing Mothers

Purpose:
The purpose of this statement is to set forth University policy to provide certain specified benefits and protections to nursing mothers.

Preamble:
It is the public policy of Kansas that a mother's choice to breastfeed should be supported and encouraged to the greatest extent possible.\(^1\) In addition, the recently passed Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to impose certain requirements on employers relative to nursing mothers.\(^2\) The purpose of this policy is to provide institutional guidance regarding these matters.\(^3\)

Policy Statement:

1. The University will seek to provide a "reasonable break time" for an employee to express breast milk for her nursing child for up to one (1) year after the child's birth.

2. The University will seek to provide a location, other than a bathroom, that is private (shielded from view and free from intrusion from coworkers and the public) that may be used by the employee for such purposes.

3. Mothers intending to take breaks for purposes of this policy must provide advance notice of their intent to utilize this policy. Such notice should be provided to the employee's immediate supervisor and the Office of Human Resources.

4. Non-exempt employees should, to the extent possible, use their regularly provided rest period for purposes of this policy. If extended or additional rest periods are necessary, the employee will be required to use vacation leave or compensatory time; otherwise, such rest periods will be without compensation. See generally Section 7.07 of the WSU Policies and Procedures Manual.

5. Supervisors and employees should work together to comply with the intent and purposes of this policy. Questions about implementation of the policy should be addressed to the Office of Human Resources and/or the General Counsel.

6. Time spent expressing milk at work will not count against an employee's Family Medical Leave Act entitlement. See generally Section 3.34 of the WSU Policies and Procedures Manual.

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\(^3\) While this policy statement is intended to address concerns relating to University employees and address requirements of federal law, administrators, faculty and staff are asked to consider and accommodate the needs of students who are mothers, particularly in light of the stated public policy of Kansas.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of
the University.

The Vice President for Administration and Finance shall have primary responsibility for publication, dissemination and implementation of this University policy.

**Effective Date:**
March 7, 2011
3.39 / Gifts to Employees

Purpose:
The purpose of this statement is to provide guidance regarding limitations and restrictions imposed by the State of Kansas regarding gifts to state employees.

Preamble:
The State of Kansas imposes limitations and restrictions on gifts to state employees. This policy statement is intended to provide guidance on those limitations and restrictions, as interpreted and construed by the Governmental Ethics Commission.

Policy Statement:

1. University employees may be given a gift¹ by the University if it is valued at less than $40 and if the gift is given at a ceremony or public function.

2. No cash or cash equivalent, i.e., gift cards,² may be given as a gratuity, gift or other favor to a University employee from any fund source.

3. Gifts from personal friends may be given/exchanged when it is obvious that the gift is not being given because of the employee's official position with the University.

4. Questions regarding interpretation of this policy and the applicable state statutes should be directed to the General Counsel's Office.

¹ A "gift" would not include employee recognition awards given as a part of the total compensation package.

² A "gift card" would not include a coupon or certificate redeemable for one specifically identified item, e.g., a ham or turkey.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The Director of Financial Operations and Business Technology shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
April 15, 2011

(See also Payments to University Employees for Services or Recognition with Monies Held by the Wichita State University Foundation or the Wichita State University Board of Trustees at Section 13.03 of this manual.)
3.40 / Payment of Professional Dues or Licensing Fees

Purpose:
The purpose of this statement is to set forth University policy with regard to the payment of employee professional dues or licensing fees, regardless of the source of funding.

Preamble:
Acknowledging and understanding that professional dues or licensing fees may be required for a University employee to perform her/his duties for the University, this policy is intended to provide guidance on when and how the University may pay for or reimburse the employee for such expenditures.

Policy Statement:

1. The University may pay/reimburse the professional dues or licensing fees of a University employee if said dues or licensing fees are a requirement for the employee to perform the primary function of her or his position with the University.

2. Any request for payment or reimbursement must be supported, in writing, by the employee's Budget Officer and Budget Review Officer, and approved by the appropriate Vice President.

3. An explanation of how and/or why the professional dues or licensing fees are a requirement for the employee to perform the primary function of her/his position with the University must be included in any request for payment or reimbursement.

4. A University employee shall reimburse the University for all professional dues and licensing fees paid or reimbursed on behalf of the University employee should the employee leave University employment with more than six months remaining in the term covered by the professional dues or licensing fees.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The Vice President for Administration and Finance shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
July 14, 2011
3.41 / Compliance with ADA/Section 504 - Employees

Purpose:
The purpose of this statement is to designate an "ADA/504 Coordinator" and set forth University policy with regard to the handling of employee grievances regarding University compliance with Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act, as amended.

Preamble:
It is important that University employees be provided a means to identify gaps in services, procedures and policies of the University relative to compliance with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the Americans with Disabilities Act ("ADA").

Policy Statement:

1. The Director of the Office of Disability Services shall serve as the University's designated ADA/504 Coordinator. The duties of the ADA/504 Coordinator shall include, but not be limited to:

   A. Responsibility to accept, investigate and address any complaints filed by an employee concerning the accessibility of facilities, program access, employee requests for reasonable accommodation at the University or other issues relating to the University's compliance with Section 504 and/or the ADA.

   B. Responsibility for monitoring construction projects relative to compliance with Section 504 and the ADA, including service on the review panel for all construction plans at the University; and

   C. Serving as the Chair of the Campus Access Committee.

2. The Section 504 and ADA Grievance Process shall be as follows:

   A. An employee who believes that s/he has been denied an equal opportunity to benefit from University programs, services or activities on the basis of a disability has the right to file an incident report with the ADA/504 Coordinator.

   B. Incident forms are available in the main office of the Office of Disability Services and the employee must take the initiative to file a form on her/his behalf. An incident report must be filed within forty-five (45) days of the alleged denial of programs, services or activities.

   C. Incident forms should be completed and mailed/provided to the ADA/504 Coordinator at 1845 Fairmount, 152 Grace Wilke Annex, Wichita, Kansas 67260-0132.

   D. The ADA/504 Coordinator or designee shall meet with the employee. The employee shall receive a written response/reply from the ADA/504 Coordinator or designee within fifteen (15) calendar days of the meeting.

   E. If the employee is not satisfied with the response of the ADA/504 Coordinator or designee, the employee may file a complaint with the Executive Director of the Equal Employment Opportunity. This complaint must be filed by the employee within ten (10) calendar days of the date of the written response/reply from the ADA/504 Coordinator or the Coordinator's designee.
F. The Executive Director of Equal Employment Opportunity or designee shall have twenty (20) calendar days to review the complaint of the employee and issue a written report. This report of the Executive Director of Equal Employment Opportunity or designee shall be the final determination made by the University.

1 This policy will also be used to address complaints of University guests or visitors to the University.

2 If and when deemed appropriate, the ADA/504 Coordinator may select and designate up to three members of the Campus Access Committee to review, respond and work for resolution of an employee complaint relative to compliance with Section 504 or the ADA. Efforts by this group to review and resolve a complaint may be utilized at any time during the Section 504 and/or ADA Grievance Process described herein.

3 The Campus Access Committee shall be made of 13 individuals appointed by the President. The ADA/504 Coordinator and the Director of Facilities Planning shall be permanent members. The Faculty Senate shall recommend two members; the Unclassified Senate shall recommend two members; the University Support Staff Senate will recommend two members; and the Student Government Association shall recommend two members.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The Executive Director of Equal Employment Opportunity shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
July 14, 2011

(Students should refer to Compliance with ADA/Section 504 - Students at Section 8.20 of this manual.)
3.42 / Tuition Assistance Program for Employees

Purpose:
The purpose of this policy is to implement state law regarding the payment of tuition and other education expenses of eligible University employees.

Preamble:
The University has authority under state law to pay tuition and other education expenses for the education or training of eligible University employees when such education or training has been determined to be of value to the state and the University.

Policy Statement:

1. Wichita State University may pay, from available appropriations, the actual cost of tuition and required fees in order to provide education or training for any eligible university support staff or unclassified non-teaching employee when such education or training is determined to be of value to Wichita State University.

2. Employees eligible for tuition assistance will be those Wichita State University support staff and unclassified professional non-teaching employees who hold at least a half-time, benefits eligible appointment. Assistance is not payable to employees on unpaid leave. Employees would also be eligible to apply for grants or scholarships that may be available to them through their departments or other resources. The employee must have a current performance evaluation of “satisfactory,” “meets expectations” or an equivalent rating, or be pursuing training or education directly related to a specific performance deficiency.

3. To maintain eligibility, the employee must satisfactorily pass all courses with a “C” or better while receiving assistance for undergraduate coursework, or a “B” or better for graduate courses. Failure to meet this requirement will make the employee ineligible for tuition assistance until the employee has satisfactorily passed another qualified course of the same number of hours at the employee’s expense.

4. A Wichita State University course or seminar will be considered to be of value to the state and the University and thus eligible for tuition assistance if it is determined that the course can be credited towards a degree, will provide professional growth or development for the employee, or is job-related training.

5. Subject to availability of funds, assistance is limited to two courses or seminars per semester, not to exceed payment for six semester hours in the fall or spring semesters, or three hours in the summer semester. Assistance is limited to tuition cost only and does not include books, student fees or housing. Seminars that exceed the cost of the maximum undergraduate hours allowed in a semester will be limited to a reimbursement amount that is equivalent to the cost of the maximum undergraduate hours that could have been taken that semester.

6. The Tuition Assistance Program will be administered by the Director of Human Resources including establishing and communicating an appropriate application process to University employees.

7. In the event insufficient funds are available to fund all tuition assistance requests, the decision of which applications will be approved will be determined by the Director of Human Resources or the Director's designee.

8. Release of an employee to attend University classes or seminars during regular work hours is subject to the requirements and discretion of the employee’s supervisor and budget officer. Release time may be granted to eligible
university support staff and unclassified professional non-teaching employees to take one course or seminar per semester. Makeup time is not required for academic classes or seminars related to the employee’s job or performance, as determined by the employee’s supervisor and budget officer. Release time for classes, which are not directly related to the employee’s job or performance, must be unpaid, made up, or charged to vacation leave with the supervisor’s approval. There is no appeal for release time beyond the decision of the employee’s budget officer.

**Implementation:**
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The Director of Human Resources shall have primary responsibility for publication, dissemination and implementation of this University policy.

**Effective Date:**
May 10, 2001

**Revision Date:**
August 1, 2007
December 24, 2011
June 8, 2014
3.43 / Tuition Assistance Program for Spouses and Dependent Children

Purpose:
The purpose of this statement is to set forth University policy with regard to the provision of tuition assistance to spouses and dependent children of University employees.

Preamble:
In consideration of the value and importance of a college education, in recognition of the significant contributions made by University employees relating to the continuing successful operation of Wichita State University, and in an effort to provide a competitive benefits package to University employees, the University is implementing a tuition assistance program as permitted and provided for by policies of the Kansas Board of Regents.

Policy Statement:

1. The spouse and the dependent children of a full-time employee of the University may be eligible for tuition assistance in accordance with the parameters of this policy.

   a. “Full-time employee” is defined as an employee holding a 1.0 FTE appointment at Wichita State University as a faculty member, an unclassified professional employee or university support staff.

   b. “Spouse” is defined as a husband or wife as recognized under Kansas state law or purposes of marriage, including common law, or a domestic partner of a University employee.

   c. “Dependent children” refers to natural, step, adopted, or foster children under the age of 25, who are unmarried and are claimed as a dependent for income tax purposes.

   d. All enrollment defined in this policy must be at Wichita State University.

2. Employees of affiliated corporations and related corporations are not eligible for this benefit.

3. Spouses must be admitted to a degree-seeking graduate or undergraduate academic program at Wichita State University to be eligible for tuition assistance. They may be part-time students.

4. Dependent children must be admitted to a degree-seeking graduate, undergraduate or professional academic program at Wichita State University to be eligible for tuition assistance. Dependent children must be enrolled in twelve (12) credit hours if seeking tuition assistance for an undergraduate program, but may be part-time if enrolled in a graduate program. All spouses and dependent children must be admitted into such programs in the semester for which they are applying for tuition assistance.

5. To maintain eligibility for continuing tuition assistance, spouses and dependent children must be in good academic standing and not on academic probation.

6. If both spouses are employees of the University, neither spouse is eligible to receive tuition assistance from this program.
7. The tuition assistance from this program is limited to the cost of undergraduate or graduate level resident courses.

8. Tuition assistance is only for classes taken during the Fall or Spring Semesters.

9. The amount of tuition assistance provided for undergraduate courses will be limited to the cost of resident tuition up to a maximum of seven (7) credit hours of courses per semester.

10. The amount of tuition assistance provided for graduate courses will be limited to the cost of resident tuition up to a maximum of three (3) credit hours of courses per semester.

11. If spouse or dependent child is enrolled in some combination of undergraduate and graduate courses, the amount of assistance will be based on the student’s primary program.

12. If both parents of a dependent child are eligible employees of the University, the dependent child will only be eligible for a maximum of seven (7) credit hours per semester for undergraduate courses or a maximum of three (3) credit hours per semester for graduate courses.

13. Tuition assistance will be provided during no more than eight (8) semesters in the spouse or dependent child’s academic career, no matter how many courses are taken in any of those semesters.

14. Tuition assistance for each semester may be applied in addition to any financial aid received by the student, up to the cost of attendance at the University, which includes tuition, fees, room and board, books and supplies.

15. Funds will be awarded on a first-come, first-served basis until budgeted resources are exhausted.

16. The Office of Human Resources will administer this tuition assistance program. The Office of Human Resources will provide a report of applications and grants provided at the end of each fiscal year and distribute the report to the President, the Vice Presidents and the Constituent Heads.

17. Eligible employees must complete an application form for a spouse and each dependent child who seeks tuition assistance and submit that form to the Office of Human Resources.

18. Applications for participation in the tuition assistance program shall be created and provided by the Office of Human Resources.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

Effective Date:
December 1, 2011

Revision Date:
December 9, 2015
3.44 / Mandatory Reporting of Sexual Abuse of Minors

Purpose:
The purpose of this policy is to require University employees to report any child sexual abuse witnessed by said employees on University property or in connection with a University event or activity. This policy also requires University employees to report any child sexual abuse if witnessed by another and reported to a WSU employee.

Preamble:
The Kansas Board of Regents adopted a requirement that each "... University shall specifically address and adopt procedures for the mandatory reporting, to appropriate law enforcement agencies, of any child sexual abuse witnessed by staff or faculty. For purposes of this provision, child sexual abuse means those crimes defined in K.S.A. 21-5501 et seq. that relate to minors as victims." This policy statement has been promulgated in response to this Board of Regents requirement.

Policy Statement:

1. The reporting obligations of those University employees who are currently required by state law or federal law, by virtue of their professional or employment responsibilities, to report situations where they suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse remain unchanged and are not impacted by this policy statement.

2. All University employees are required to report any incident of child sexual abuse which they witness or is reported to them by another who witnessed such an incident occurring on University property or in connection with a University event or activity. Reports should be made as soon as possible to an appropriate law enforcement agency, including the Wichita State University Police Department or a local law enforcement agency or both.

3. For purposes of this policy, "sexual abuse" should generally be considered as any contact or interaction with a child in which the child is being used for sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but not be limited to, those crimes defined in K.S.A. 21-5501 et seq. that relate to minors as victims; acts done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or the perpetrator, or both; or allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material.

4. For purposes of this policy, a child is anyone under the age of eighteen.

5. For additional information related to sexual misconduct and campus violence, also see Section 3.06, Section 8.16, Section 3.33, and Section 8.18.

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1 This policy shall apply to camps and sports clinics hosted or sponsored by coaches of intercollegiate sports at Wichita State University and all events or activities sponsored or hosted by Wichita State University regardless of location.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

Effective Date:
3.45 / Salary Spread

Purpose:
The purpose of this statement is to set forth University policy with regard to providing certain University employees with the option of spreading their nine or ten-month salaries over 12 months.

Preamble:
In 2008, the University rescinded its policy on "check spread" due to changes in federal law regarding deferred compensation and the taxation thereof. Subsequent revisions in federal law and continuing employee interest have led to the reinstatement of the salary spread option under certain specified conditions.

Policy Statement:

1. Certain employees on nine or ten-month appointments have the option to have their salary (as stated on their current notice of appointment) paid in 26 biweekly installments; provided, however, this option is not available to any employee whose appointment is 100% grant-funded.

2. The salary spread option must be specifically authorized by the employee, be in accord with currently applicable tax requirements, and once the authorization is made, it is irrevocable for the academic year.

3. Employees electing to spread their salary should consult with their tax advisor[s] about potential tax implications of choosing the salary spread option.

Implementation:
This policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.

The Vice President for Administration and Finance shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:
May 10, 2013
Policies and Procedures

3.46 / Veterans Preference in the Application Process

Purpose:
The purpose of this statement is to set forth University policy with regard to affording veterans preference to qualified veterans in the job application process.

Preamble:
Wichita State University fully recognizes and honors the Uniformed Services Employment and Reemployment Rights Act (USERRA). We value the leadership and unique skills Veterans bring to the workforce. We are committed to providing Veterans employment opportunities throughout our organization. This policy supports that commitment. Furthermore, as a contractor required to develop a written Affirmative Action Program (AAP), this policy supports our organization's compliance with Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) in achieving our hiring benchmark goal established for veteran employment.

Policy Statement:

1. Wichita State University is committed to being a veteran friendly workplace.

2. To be considered for veteran's preference an applicant must submit a complete and legible member copy 4 of their DD214 to the University Office of Human Resources (OHR) for verification. Uploading the DD214 to an application does not meet this requirement; it must be sent to and verified by OHR. DD214's can be submitted by fax to 316-978-3201 or by email at employment@wichita.edu. After submitting your DD214 to OHR it is not necessary to submit it with each application.

3. For purposes of this policy, to be awarded veterans preference for job consideration at WSU one must:

   Have received an honorable discharge

   AND

   A) Have served on active duty for a minimum of three years in either the regular service or the National Guard or Reserves (as annotated on the DD214)

   OR

   B) Have a service connected medical discharge with a minimum disability of 10% (as annotated on the DD214 or official Veterans Administration documentation)

   OR

   C) Have received a campaign medal (as annotated on the DD214)

   OR

   D) Have received a general discharge and be willing to provide an explanation of circumstances pertaining to general discharge.
4. Veterans with preference are not guaranteed jobs, but are guaranteed first level interviews if they meet all the minimum job requirements for the position applied. It is the University's intent to include in the interview process as many as possible who have served our country. As such the above is the minimum expectation.

5. Applicants meeting criteria to be considered for veteran's preference will show an applicant status of "Veteran's Preference" in the People Admin applicant tracking system. This information will be seen by the appropriate search chair or search committee for consideration in the application process according to paragraph 4.

**Implementation:**
This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

**Effective Date:**
September 8, 2014

**Revision Date:**
March 25, 2016
3.47 / Discrimination Review Procedures for Students, Employees and Visitors

Click here for the full text.

Effective Date:
June 17, 2016
3.47 / Discrimination Review Procedures for Students, Employees and Visitors

I. Purpose
To establish review procedures to be followed when a complaint is made by a student, employee or visitor that alleges discrimination on the basis of a protected status (excluding discrimination based on sex), or retaliation in the University's employment practices, educational programs and activities.

II. Preamble
Wichita State University is committed to maintaining a working, learning and living environment that is free from discrimination on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or status as a veteran. Retaliation against an individual filing or cooperating in a complaint process is also prohibited. Sexual misconduct, sexual harassment, relationship violence, and stalking are forms of sex discrimination and are prohibited under Title IX of the Education Amendments of 1972.

Unlawful discrimination and retaliation will not be tolerated. This policy sets forth procedures for investigation of complaints alleging discrimination or retaliation in the University’s employment practices, educational programs and activities that are not included under Title IX of the Education Amendments of 1972. Discrimination based on sex including, sexual misconduct, sexual harassment, relationship violence, and stalking is addressed in Section 3.06 Sexual Misconduct, Sexual Harassment, Relationship Violence, and Stalking Policy for Employees and Visitors and Section 8.16 Sexual Misconduct, Relationship Violence, and Stalking Policy for Students.

III. Policy Statement
A. Wichita State University does not discriminate in its employment practices, programs and/or activities on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or status as a veteran.

B. The University also prohibits retaliation for making a complaint of discrimination or participating in a review of a complaint. See Section 3.19 Prohibition of Retaliation.

C. The University will respond to complaints of unlawful discrimination by completing a review of the complaint as set forth herein. Appropriate corrective action will be taken to prevent recurrence of any discrimination or retaliation, and to remedy the effects of any discrimination or retaliation.

D. References to the Director of Equal Opportunity, Director of Human Resources, Associate Director of Human Resources, or the Assistant Vice President for Student Advocacy, Intervention, and Accountability shall mean the person who serves in that position or that person’s designee.
IV. Reporting Discrimination

Students, employees or visitors who believe that they have been subjected to discrimination based on age, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, status as a veteran or as retaliation for participating in a complaint process are encouraged to report such conduct immediately. Complainants are individuals or groups subjected to alleged discrimination. Respondents are individuals or groups who have allegedly engaged in discrimination. (See section VIII. For definitions)

A. For complaints of sex based discrimination when the respondent is a student contact:

Mandy Hambleton, Assistant Vice President for Student Advocacy, Intervention, and Accountability/Deputy Title IX Coordinator, (316) 978-6681, Mandy.Hambleton@wichita.edu

B. For complaints of sex based discrimination when the respondent is an employee or visitor contact:

Matthew A. Johnston, Associate Director of Human Resources/Deputy Title IX Coordinator, (316) 978-6123, Matthew.Johnston@wichita.edu

Also see Section 20.24 Designating University Title IX Coordinators.

C. For all other complaints of discrimination contact: Jane Link, Director of Equal Opportunity, (316) 978- 3186, Jane.Link@wichita.edu.

A Complainant is encouraged to use the form available online on the webpage of the Office of Equal Opportunity. However, a written complaint is not required to report discrimination.

V. Procedures for Review of a Discrimination Complaint

A. Any University employee that receives a complaint or report of conduct that alleges unlawful discrimination must promptly notify the Director of Equal Opportunity of the complaint or information received. Failure to report is violation of this policy.

B. Upon receipt of a complaint of discrimination the Director of Equal Opportunity, or designee, will meet with the Complainant to gain a clear understanding of the complaint to determine whether an investigation is warranted. If the determination is made that the complaint does not allege discrimination based on a protected class and further investigation is not required, the Director of Equal Opportunity will notify the Complainant of that determination and may proceed with other appropriate actions or recommendations, if warranted.

C. If a determination is made that an investigation is warranted, the Director of Equal Opportunity will complete a thorough, and impartial investigation. The Complainant will be asked to submit a signed, written, detailed complaint of the alleged conduct. However, the Director of Equal Opportunity will undertake an investigation with or without a written complaint signed by the Complainant.

D. The University will receive complaints up to 365 days from the date of the most recent incident of alleged discrimination. Exceptions to this timeframe will be considered on a case-by-case basis.
Individuals are encouraged to report alleged incidents of discrimination as soon as possible after the incident occurs to maximize the University’s ability to respond promptly and effectively. Prompt reporting allows for the University to obtain the most reliable information, be able to contact relevant witnesses (if any), and provide reasonable assistance for affected parties. In all cases, a decision will be made on existing facts to determine if an investigation is warranted for compliance with legal requirements and University policy.

VI. Rights of the Complainant and Respondent
A. All Complainants and Respondents shall be entitled to the same rights in all investigations and resolution processes.

B. Complainants and Respondents will be advised of their rights, in writing, during their first meeting with the Director of Equal Opportunity.

C. Complainants and Respondents have the right to:
   i. Be notified of the alleged violations of University policy;
   ii. Be provided advanced notice of all meetings in which they are requested or entitled to participate and notified of the purpose of those meetings;
   iii. Be accompanied by an Advisor of the Complainant or Respondent’s choice throughout the investigation and resolution process;
   iv. Request reasonable accommodations from the Office of Disability Services (for students) or the Office of Human Resources (for employees) in order to ensure full and equitable participation in the investigation and resolution process;
   v. Be informed of the available resolution options;
   vi. Be informed of campus and community resources available for support and assistance;
   vii. Submit information, including the names of witnesses, for consideration in the investigation;
   viii. Choose not to provide a statement or respond to questions during the investigation and resolution process;
   ix. Submit a written impact statement to be considered before a decision on consequences (if applicable) is rendered;
   x. Request that an individual responsible for investigating or resolving an alleged violation be removed from the case on the basis of actual bias; making a request does not ensure removal. The Director of Equal Opportunity will review requests for the removal of the investigator and make a determination. If the request is to remove the Director Equal Opportunity, the request will be reviewed and the outcome determined by the Director of Human Resources; and
   xi. Request one appeal within the University’s process.

VII. Responsibilities of the Complainant, Respondent, and Witnesses
All Complainants, Respondents, and Witnesses who are members of the University community have the following responsibilities relating to investigating and resolving alleged discrimination:
A. All participants are expected to be honest and forthright in all communication relating to the investigation and resolution of alleged discrimination. For complaints involving students, providing false or misleading information is a violation of Section 8.05/Student Code of Conduct.

B. The University uses @wichita.edu e-mail addresses as its formal means of communication with students and employees unless the individual’s @wichita.edu e-mail address is unavailable or inaccessible, in which case alternative means of communication will be utilized including certified mail via the U. S. Postal Service or other expedient methods. Reasons @wichita.edu e-mail addresses may not be utilized include, but are not limited to: any party being in jail or having legal restrictions on internet use. Communication regarding an investigation and/or resolution process is deemed given when sent to an official @wichita.edu e-mail address. Students and employees are responsible for checking their University e-mail and responding to all requests for information or other responses within a timely manner. Visitors will be contacted via the U.S. Postal Service or other expedient methods. Failure to respond or appear by a given deadline may result in the process proceeding in an individual’s absence. Decisions will be made on the information that is available at the time the decision is made.

C. All parties are responsible for adequately preparing themselves for investigation and resolution meetings including reviewing applicable University policies and procedures. Involved parties are also responsible for ensuring that their advisors are familiar with the appropriate policies and procedures. Failure to adequately prepare for a scheduled meeting will not be reason for delaying the meeting or other proceedings.

D. Individuals are to refrain from disrupting the orderly process of the investigation and resolution process for alleged violations of University policy. No individual involved in the process other than the investigator or appeal officer may audio or video record any investigation or resolution meetings or other portions of the process without prior authorization from the Director of Equal Opportunity. Any individual deemed to be disruptive may be removed from a meeting and/or charged with violating University policy.

VIII. Definitions
A. Complainant – individual, group, or organization claiming alleged discrimination as described in any University policy. There may be more than one complainant for an incident.

B. Respondent – individual, group, or organization that has allegedly engaged in discrimination. There may be more than one respondent for an incident. In incidents involving groups or organizations, the president, director, or other member of leadership will participate in the investigation on behalf of the group or organization. Student groups and organizations may not be represented by non-students, alumni, or inactive members.

C. Witness – individual who is requested to participate in an investigation or a hearing because that individual may have information about the alleged misconduct. Witness names may be provided by the Complainant, Respondent, or others with knowledge of the matter.

D. Reporter – individual or group who reports the alleged discrimination who is not otherwise defined as a Complainant, Witness, or Respondent.
E. **Advisor** – an individual selected by a Complainant or Respondent to assist the Complainant or Respondent throughout the complaint process including, but not limited to, a parent, friend, faculty member, advocate, or legal counsel. An advisor may advise and assist the Complainant or Respondent in preparation for any meetings, interviews, or hearings that may occur; accompany the Complainant or Respondent through all meetings, interviews, or hearings; or assist the Complainant or Respondent in preparing an appeal. An advisor may not participate in the complaint process in any other capacity in reference to the same incident, including, but not limited to, serving as a Witness, Co-Complainant, or Co-Respondent. Advisors may not directly participate or make any type of representation or argument on behalf of a Complainant or Respondent in any aspect of the complaint process including, but not limited to: meetings, interviews, or hearings. The availability of an Advisor to attend a meeting, interview, or hearing shall not unreasonably interfere with or delay the proceedings.

F. **Retaliation** – an adverse action or threat of an adverse action taken against those defined above in A. – E., or any individual, group of individuals, or organizations involved in the complaint, investigation, and/or resolution of an allegation of discrimination including any individual who attempts to intervene or prevent behavior prohibited by this policy. Retaliation can be committed by an individual or group of individuals, not just a Complainant or Respondent. Retaliation can take many forms including threats, intimidation, pressuring, continued harassment, violence, or other forms of harm to others. Any complaint regarding retaliation by a student, employee or visitor should be reported to the Director of Equal Opportunity. Retaliation is strictly prohibited and can result in disciplinary action up to an including termination of student status and/or employment.

G. **University business day** – shall be defined as any weekday (Monday- Friday) that the University is open.

IX. **University Response Procedures**

A. **Services and Support**

Upon receipt of notice of alleged discrimination the Director of Equal Opportunity or designee will attempt to contact the Complainant to arrange a meeting to discuss available resources and resolution processes. During the meeting, the following will be covered with the Complainant:

i. Resources available to Complainants both on campus and in the surrounding community;

ii. Possible interim measures (see Section B. below)

iii. The obligation of the University to investigate every report of alleged discrimination both under federal law and out of concern for the safety of members of our campus community;

iv. The process for investigating and resolving alleged violations of discrimination;

v. The rights that the Complainant and the Respondent have in the process (see section VI. of this policy); and

vi. The right for the Complainant to request confidentiality and the process by which the request will be evaluated (see Section C. below)

After meeting with the Complainant the Director of Equal Opportunity will inform the Respondent of the allegations if an investigation will commence and/or a need for contact with the Respondent by the University is deemed necessary. During the meeting, the following will be covered with the Respondent:
i. Medical, mental health, advocacy, law enforcement, and other resources available to Respondents both on campus and in the surrounding community;

ii. Possible interim measures that are available (see Section B. below);

iii. The obligation of the University to investigate every report of alleged discrimination under federal law and out of concern for the safety of members of our campus community;

iv. The process for investigating and resolving alleged discrimination;

v. The rights that the Complainant and the Respondent have in the process (see section VI. of this policy); and

vi. The right of the Complainant to request confidentiality and the process by which the request will be evaluated. (see Section C. below)

B. Interim Measures

The Director of Equal Opportunity will evaluate all reports to promptly determine the necessity of interim measures. The University may implement appropriate interim measures for the individuals involved and for the larger University community based on the information provided in the report and at no cost to the Complainant. Interim measures may be put in place or modified at any point after a report is received and can be implemented even if a formal investigation is not able to proceed. Such interim measures include, but are not limited to assistance in the following categories:

i. Administrative directives for no contact;

ii. Academic;

iii. Housing;

iv. Transportation;

v. Employment;

vi. Facility Access;

vii. Activities;

viii. Campus Escort;

Interim measures may be implemented at any time, even if originally declined, and any measures put into effect will remain in place until the institution determines that they are no longer necessary.

When the actions of a person present an ongoing threat to the health, safety, or well-being of others; disrupt the University community; or endanger University, public, or private property; the Director of Equal Opportunity, or designee, may implement interim measures that restrict access for the Respondent pending the outcome of an investigation and resolution process. These interim measures may include, but are not limited to:

i. Restricted access to campus property and/or facilities;

ii. Administrative leave with or without pay for employees;

iii. Job reassignment;

iv. Restricted access to participation in University resources, programs or activities;

v. Restricted access to Housing & Residence Life facilities, including dining halls;

vi. Restricted ability to participate in academic activities, including classes, internships, co-ops, etc.; or

vii. Any other restriction that can be tailored to the involved individuals to achieve the goals of this policy.
The Director of Equal Opportunity, or designee, will notify the Complainant and Respondent in writing of any interim measures. The measures will take place immediately upon notification to both parties.

C. Decision to Investigate and Requests for Confidentiality and/or No Formal Action
If the Complainant is willing to participate in the investigation, the University will proceed as described in the Investigation section below.

A Complainant may request that the University maintain confidentiality and/or take no formal action regarding a report of alleged discrimination; however, such a request may greatly impact the institution’s ability to investigate. Additionally, some interim measures—such as an administrative directive for no contact—cannot be implemented if the Complainant’s identity cannot be known.

Requests for confidentiality and/or no formal action will be referred to the Director of Equal Opportunity for review. The University will make every effort to honor confidentiality and/or no formal action requests; however, there are instances when such a request will not be able to be granted. Circumstances in which a confidentiality and/or no formal action request may be denied include, but are not limited to:

i. existence of past or concurrent complaints against the Respondent;
ii. the institution is aware of past arrests or disciplinary action involving the Respondent;
iii. significant physical injury resulting from alleged discrimination;
iv. the reported use of a weapon during the commission of alleged discrimination; or
v. the reported use of force during the commission of alleged discrimination.

In all cases, the decision on whether, how, and to what extent the University will conduct an investigation, and where other measures will be taken in connection with any allegation of discrimination rests with the Director of Equal Opportunity.

D. Investigation
When a decision to investigate has been made, the Director of Equal Opportunity or designee will conduct a prompt, thorough, and impartial investigation of the alleged discrimination. The University strives to avoid any conflict of interest or bias on the part of any individual responsible for investigating and/or resolving alleged discrimination. A complainant or respondent who wishes to express concerns about a conflict of interest or bias should notify the Director of Equal Opportunity in writing. The Director of Equal Opportunity will determine whether or not there is a conflict of interest or actual bias and, if so, will review the decision to investigate. In instances where a conflict of interest or actual bias on the part of the Director of Equal Opportunity is alleged, the notification should be made to the Director of Human Resources who will determine whether or not there is a conflict of interest or actual bias and, if so, will review the decision to investigate.

In most cases, the review will involve a fact-finding investigation, which includes meeting separately with the Complainant (if participating), Respondent, Reporter (if applicable), and relevant Witnesses; and reviewing other pertinent information. At any time during the course of an investigation, the Complainant, Respondent, or any Witness may provide a written statement; other supporting materials including, but not limited to, electronic communication, photographs, or video or audio recording; or the names of other potential witnesses. Additionally, the investigator may determine through other
means that it is necessary to speak with another individual and seek out that person independently. The investigator may need to conduct multiple interviews in order to follow up or clarify information provided by others.

The University will inform the Complainant and the Respondent at regular intervals of the status of the investigation. Occasionally, a different or less formal response to the report may be warranted and will be determined by the Director of Equal Opportunity. Either the complainant or respondent may elect to end an informal process to pursue the formal process at any time during the resolution of the complaint.

E. Standard of Proof
The investigator will make a finding using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have violated University policy unless a preponderance of the evidence supports a finding that a violation occurred.

F. Time Frames
The University seeks to resolve all reports within sixty (60) days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening academic break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame the University will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. Either party may inquire about the status of the investigation at any point in the process.

G. Investigation Finding and Outcome Notification
At the conclusion of the investigation, the investigator will compile a written investigative report which will include the alleged violations of University policy. The final investigative report will include the following:

i. A summary of the investigation;
ii. The investigator’s findings of facts;
iii. The investigator’s rationale in support of the findings of facts;
iv. The investigator’s recommendation for interventions and/or consequences (if applicable); and
v. The investigator’s rationale in support of the recommended interventions and/or consequences (if applicable).

The investigator will submit the final investigative report to the Director of Equal Opportunity. The Director of Equal Opportunity, in consultation with the investigator, will make a determination regarding appropriate interventions and/or consequences (if applicable) and notify the Complainant and Respondent in writing of the case outcome. Interventions and/or consequences (if applicable) become effective upon the written notification of the decision. If a Complainant has chosen not to
participate in the University’s review of the reported behavior but desires to be notified of the outcome, the University will notify the Complainant. If a Complainant has expressed, in writing, that the Complainant does not wish to be notified of the outcome, the University will honor that request. In such instances, the University will not send the notification itself to the Complainant, but may proceed with any necessary follow-up regarding consequences for the Respondent (if applicable) or other process matters.

H. Process Outcomes & Consequences
Individuals who are found to have violated University policy will receive disciplinary consequences appropriate to the current violation(s), their relationship to the University, and in consideration of any prior disciplinary, performance and/or behavioral issues while employed at the University. Consequences may be combined. For a list of consequences see Appendix I.

X. Appeal Process
A. Either party may submit an appeal request of the investigator’s decision to the Director of Human Resources within five (5) University business days. The first day shall be counted as the day following the date on the decision letter. The appeal request must be received no later than the close of business on the fifth day. Filing an appeal will not delay the consequences (if applicable). Once an appeal request is received, the other party will be notified and provided with an opportunity to review the submitted appeal and submit a written response within three (3) University business days, or by the original appeal submission deadline, whichever is greater. All supporting information from the Complainant and/or Respondent for the appeal request must be submitted by the specified submission deadline in order to be considered by the Director of Human Resources. Upon receipt of the appeal documents from the Complainant and/or Respondent, the Director of Human Resources will conduct an efficient and narrow review of the file limited to the grounds identified by the initiator of the appeal review. Appeals may be filed on one or more of the following grounds:

i. A procedural or substantive error occurred that significantly affected the outcome of the case.

ii. There is new, relevant information that was not available at the time of the investigation that, if available, could have significantly affected the outcome of the case. This does not include statements from a Complainant or Respondent who chose not to participate in the investigation.

A great degree of deference is given to the original decision. The presumption is that the investigation and decision processes were appropriately conducted and the burden is on the individual requesting the appeal to prove that the appeal has merit. Appeals are reviews of the record only. The record consists of a summary of the investigation; the investigator’s findings of facts; the investigator’s rationale in support of the findings of facts; the investigator’s recommendation for interventions and/or consequences (if applicable); the investigator’s rationale in support of the recommended interventions and/or consequences (if applicable) and any additional documents submitted by the complainant, respondent, or others involved in the initial investigation. There are no additional meetings with the Complainant and/or Respondent unless there are exceptional circumstances as determined by the Director of Human Resources. In which case the Director of Human Resources must offer both the Complainant and the Respondent the same opportunity to discuss the case. Upon review of the record, the Director of Human Resources may respond as follows:
i. Determine the appeal lacks standing and is dismissed, in which case the original decision stands;

ii. Determine that the appeal has standing and remand the case back to the original investigator to consider new information or reevaluate previous information; or

iii. Determine that the appeal has standing and remand the case to a new investigator with specific corrective instructions.

iv. When the appeal officer determines an appeal has standing under item ii. or iii. above, both parties will be granted appeal rights, as stated in section X. Appeal Process, at the conclusion of the remand of the case.

The decision issued by the Director of Human Resources is considered the final University decision and will be communicated simultaneously in writing to both the Complainant and Respondent. The Director of Human Resources will strive to review and respond to the appeal request within ten (10) University business days of receipt of all documentation.

In circumstances in which there is a conflict of interest or actual bias on behalf of the Director of Human Resources, or in cases in which the Director of Human Resources is otherwise unable to perform these duties, appeal decisions will be made by the Dean of Student Life.

XI. Records
A. Records Retention
Investigation records are maintained electronically for a minimum of seven (7) years from the date that the matter is closed. A record is considered closed when the following criteria have been met:

i. It is determined that the student, employee, visitor, student group, or organization was not in violation of a University policy.

ii. The student, employee, visitor, student group, or organization was in violation of University policy; and

iii. All periods of disciplinary action, probation, deferred suspension, suspension and all associated consequences have been completed; or

iv. The employee has been dismissed from University employment; or

v. The student, student group, or student organization has been expelled from the University.

If a student remains enrolled after the seven-year retention period has lapsed, the record will be maintained until the student graduates or is no longer enrolled at the University. When a student proceeds directly from one academic program into another academic program (e.g. undergraduate study to graduate study), the records will be maintained until the completion of the final academic program. Records of incidents involving student, student group, or student organization as respondents culminating in deferred suspension, suspension, or expulsion will be permanently maintained by the University.

B. Records of Other Entities
Police reports may be obtained by contacting the records department at the law enforcement agency which issued the report. In the State of Kansas, police reports are not considered public records; therefore, limited information will be accessible upon request.
XII. Implementation
The Director of Equal Opportunity is responsible for informing members of the University community regarding this policy. This policy and related policies must be communicated to all new students and employees as an integral part of their orientation experience and periodically thereafter during employment or matriculation.

Effective Date:
June 17, 2016
Appendix I. – 3.47 Discrimination Review Procedures for Students, Employees and Visitors

Process Outcomes & Consequences
Individuals or groups found to have violated University policy will receive disciplinary consequences appropriate to the current violation(s) and in consideration of any prior disciplinary, performance and/or behavioral issues while associated with the University. Consequences may be issued individually, or a combination of consequences may be issued. In the case of student groups and organizations, if a consequence issued by a national or other governing body exceeds that of the University, the University may concur with that consequence. Consequences may include, but are not limited to, the actions listed below.

A. Consequences for Individual Students

i. **Written Warning** – Official notification of unacceptable behavior and violation(s) of University policy. Any further misconduct may result in more serious disciplinary consequences.

ii. **Disciplinary Probation** – The student is deemed not in good conduct standing with the University. The duration of any probationary period will be determined by the resolution body on a case-by-case basis. Any further violations of University policy while on probation may result in more serious consequences being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, or University computer and network usage.

iii. **Deferred Suspension** – The student will be officially suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes at this time. The suspension will be automatically enforced for failure to complete any assigned consequences by the deadline and/or for any subsequent violation of University policy, unless the Assistant Vice President for Student Advocacy, Intervention, and Accountability (Assistant Vice President) determines otherwise in exceptional circumstances. If the student is found responsible for any subsequent violation of Section 8.05/Student Code of Conduct, the student will be automatically suspended for the length of the original deferred suspension in addition to the other consequences imposed for the subsequent violation. Some of the restrictions that may be placed on the student during the deferred suspension period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, or University computer and network usage. The duration of any deferred suspension period will be determined by the resolution body on a case-by-case basis.
iv. **Suspension** – The student is required to leave the University for a designated period of time. During the suspension period, a student may not attend classes (either in person or online), or participate in University-related activities, whether they occur on or off campus. The student may not be present on University premises unless authorized in writing in advance under conditions approved by the Assistant Vice President. A student may be withdrawn from any classes in which the student is currently enrolled and will not be eligible for a refund. A registration and records hold will be placed on the student’s account until the conclusion of the suspension period. If the student is an on-campus resident, the student’s contract with Housing & Residence Life will also be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period. The student must successfully complete all assigned educational consequences prior to the conclusion of the suspension period, or the suspension will remain in effect until they are completed. The student must meet with a member of the Student Conduct & Community Standards staff during the last month of the suspension period in order to initiate the removal of the registration and records hold.

v. **Expulsion** – The student will be separated from the University without the possibility of graduation or future enrollment. The student may not be present on University premises unless authorized in writing in advance under conditions approved by the Assistant Vice President. A student may be withdrawn from any classes in which they are currently enrolled and will not be eligible for a refund. A permanent registration hold will be placed on the student’s account. If the student is an on-campus resident, the student’s contract with Housing & Residence Life will also be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period.

vi. **Withholding of Transcripts or Degree** – The University may withhold copies of student transcripts or awarding a degree otherwise earned until the completion of the process set forth University policy, including the completion of all consequences imposed, if any.

vii. **Revocation of Admission and/or Degree** – Admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University policy in obtaining the degree from or gaining admission to the University or for other serious violations committed by a student prior to graduation.

viii. **Restitution** – The student is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

ix. **Loss of University Privileges** – The student is restricted from accessing specific University privileges including, but not limited to: parking on campus, participation in student activities, holding a student leadership position, participation in a study abroad program, and University computer and network access.

x. **Residence Hall Transfer or Removal** – The student will be placed in another room or residence hall or restricted from living on campus for a specified or indefinite period of time. If a student is restricted from living on campus, the student’s Housing and Residence Life
contract will be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period.

xi. **No Contact Order** – The student is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.

xii. **No Trespass Order** – The student is prohibited from being on any campus property and/or entering specific University facilities.

xiii. **Knowledge Attainment Activities** – activities designed to increase a student’s knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, research on a specific topic, interviewing a professional in a specific field, etc.

xiv. **Restorative Activities** – activities designed to repair harms caused and give back to others or the larger community including, but not limited to: community restitution service, letters of apology, educational presentations, etc.

xv. **Wellness Activities** – activities designed to address student’s wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: substance use assessments, counseling assessments, meeting with an academic advisor, meeting with a Student Involvement staff member, etc.

xvi. **Reflective Activities** – activities designed to allow the student to reflect on one’s own behavior choices and the impact of those choices on the student and others, including potential future impacts if the same choices continue.

**B. Consequences for Student Groups and Organizations**

i. **Written Warning** – Official notification of unacceptable behavior and violation(s) of University policy. Any further misconduct may result in more serious disciplinary consequences.

ii. **Disciplinary Probation** – The student group or organization is deemed not in good conduct standing with the University. The duration of any probationary period will be determined by the resolution body on a case-by-case basis. Any further violations of University policy while on probation may result in more serious consequences being imposed. Some of the restrictions that may be placed on the student group or organization during the probationary period include, but are not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.
iii. **Deferred Suspension** – The student group or organization will be officially suspended from the University, but the suspension will be deferred, meaning that the student group or organization may continue to function at this time. The suspension will be automatically enforced for failure to complete any assigned consequences by the deadline and/or for any subsequent violation of University policy, unless the Assistant Vice President determines otherwise in exceptional circumstances. If the student group or organization is found responsible for any subsequent violation of Section 8.05/Student Code of Conduct, the student will be automatically suspended for the length of the original deferred suspension in addition to the other consequences imposed for the subsequent violation. Some of the restrictions that may be placed on the student during the deferred suspension period include, but are not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

iv. **Suspension** – The student group or organization is no longer recognized by the University for a designated period of time. During the suspension period, a student group or organization may not conduct any formal or informal business, or participate in University-related activities, whether they occur on or off campus. This includes, but is not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the University. Any evidence that members of a student group or organization have attempted to sustain an unofficial student group or organization will result in individual charges and will postpone the group or organizations ability to be re-recognized or registered in the future. Any further violations of University policy while on suspension will result in more serious consequences being imposed.

v. **Expulsion** – The student group or organization will permanently lose its University recognition and/or registration and is ineligible to utilize University resources including facilities and financial support.

vi. **No Contact Order** – The student group or organization is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.
vii. **Recommendation for Charter Revocation** – The University will submit an official request to the national or other governing organization to revoke the charter for a student group or organization.

viii. **Restitution** – The student group or organization is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property. University funds may not be used to pay restitution.

ix. **Loss of University Privileges** – The student group or organization is restricted from accessing specific University privileges including, but not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

x. **Knowledge Attainment Activities** – activities designed to increase members’ knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, interviewing a professional in a specific field, etc.

xi. **Restorative Activities** – activities designed to repair harms caused and give back to others or the larger community including, but not limited to: community restitution service, letters of apology, educational presentations, etc.

xii. **Wellness Activities** – activities designed to address members’ wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: risk management workshops, assessment and revision of risk management practices, financial management training, communication or teambuilding workshops, leadership or values congruence workshops, etc.

xiii. **Reflective Activities** – activities designed to allow the student group or organization to reflect on its members’ behavior choices and the impact of those choices on the group/organization and others, including potential future impacts if the same choices continue.

C. **Consequences for Employees**

i. **Written Reprimand** – Official written notification of unacceptable behavior and violation(s) of University policy. The written documentation becomes part of the employee’s personnel file.

ii. **Suspension** – An employee may be suspended without pay. The length of a suspension will be dependent upon the severity of the violation and will range in length from three to thirty University business days.
iii. **Demotion**- An employee may be demoted to a position previously held or a position in a lower grade. Demotions may be within the same division of the University or to a position in another division.

iv. **Disciplinary Probation**- An employee may be placed on disciplinary probation. This action is taken when a supervisor deems that the misconduct or violation of policy is of such a serious nature that if another violation occurs during the probationary period the employee may be subject to additional disciplinary action, up to and including dismissal. Steps for immediate dismissal will be initiated.

v. **Dismissal** – Final disciplinary action that permanently removes the employee from the work environment.

vi. **Job Reassignment** – An employee may be moved temporarily or permanently to a different position or to a different work location.

vii. **Restitution** – The individual is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

viii. **Loss of University Privileges** – An employee may be restricted from accessing specific University privileges including, but not limited to: University computer and network access, sabbatical or eligibility for awards, participation in groups or associations, and utilization of recreation or fitness facilities.

ix. **No Contact Order** – The individual is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.

x. **No Trespass Order** – The individual is prohibited from being on any campus property and/or entering specific University facilities.

xi. **Knowledge Attainment Activities** – activities designed to increase knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, writing reflective papers or other relevant activities.

xii. **Wellness Activities** – activities designed to address the individual’s wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: substance use assessments, counseling assessments, and/or a referral to an employee assistance program.

xiii. **Reflective Activities** – activities designed to allow the individual to reflect on one’s own behavior choices and the impact of those choices on the student and others, including potential future impacts if the same choices continue.
D. Consequences for Visitors

i. **Restitution** – The individual is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

ii. **Loss of University Privileges** – A visitor may be restricted from accessing specific University privileges including, but not limited to: University computer and network access, sabbatical or eligibility for awards, participation in groups or associations, and utilization of recreation or fitness facilities.

iii. **No Contact Order** – The individual is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.

iv. **No Trespass Order** – The individual is prohibited from being on any campus property and/or entering specific University facilities.