
Table of Contents

1. Non-Discrimination	2
2. Drug Free Work Place.....	3
3. Smoking and Tobacco Use	4
4. Alcoholic Liquor and Cereal Malt Beverage.....	4
5. Conflict of Interest.....	5
6. Internal Audits.....	6
7. Sensitive Information Protection and Identity Theft Prevention.....	6
8. Reporting Wrongful Conduct and Protection from Retaliation	7
9. Tuberculosis Control and Prevention	8
10. Social Media	8
11. Kansas Open Records Act.....	9
12. Religious Accommodations	9
13. Bulletin Boards and Posting	9
14. Behavioral Assessment	10
15. Shared Governance	11

A. General Topics.

1. Non-Discrimination.

1.1. University Commitment to Equal Opportunity. Washburn University is committed to providing an environment for individuals to pursue educational and employment opportunities free from discrimination and/or harassment. The University prohibits discrimination on the basis of race, color, religion, age, national origin, ancestry, disability, sex, sexual orientation, gender identity, genetic information, veteran status, or marital or parental status (hereafter referred to as “**protected status**”). Each unit within the University is charged with conducting its programs and activities in accordance with the University’s commitment to equal opportunity for all.

1.1.1. Discrimination based on protected status is prohibited by this policy and Federal and state laws: Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.; the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.; 42 U.S.C. §§ 1981, 1983, and 1985; Title VI and VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended by the Civil Rights Act of 1991, 42 U.S.C. § 1981a; the Rehabilitation Act of 1973, 29 U.S.C. § 791 et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681; the Clery Act as part of the Higher Education Act of 1965, as amended in 2008 (HEOA) and 2013 (VAWA), 20 U.S. C. § 1092(f); the Kansas Acts Against Discrimination, 44 K.S.A. § 1001 et seq.;

1.2. Equal Educational Opportunity. Equal educational opportunity includes, but is not limited to, admissions, recruitment, extracurricular programs and activities, counseling and testing, financial aid, health services, and employment.

1.3. Equal Employment Opportunity. Equal employment opportunity includes, but is not limited to, recruitment, hiring, assignment of duties, tenure and promotion determinations, compensation, benefits, training, and termination.

1.4. Responsibility. Responsibility for monitoring and implementation of this policy is delegated to the Equal Opportunity Director, who is also designated as our Title IX Coordinator; however, all Employees will share in the specific activities necessary to achieve these goals.

1.4.1. The Equal Opportunity Director Phone: 785-670-1509. Email: eodirector@washburn.edu. The EOD also serves as the Title IX and ADA Coordinator. (In this policy, hereinafter referred to as EOD/Title IX Coordinator.)

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- 1.4.2.** Responsibility for maintaining a harassment free campus environment rests with all Employees and Students, and others while on the University campus or involved in University-sponsored activities.
- 1.4.3.** Any faculty member, Department Head, Area Head, or anyone in a supervisor role who becomes aware of sexual harassment on campus or during University-sponsored activities must take steps to prevent its recurrence and must report the matter to the EOD/Title IX Coordinator.
- 1.5. Who is Covered.** The policy covers employees, students, applicants for employment or admission, contractors, vendors, visitors, guests, and participants in University-sponsored programs or activities. All individuals, regardless of sexual orientation of either party, are subject to this policy. This means that it applies to conduct between two students, between two employees, between an employee and student, and between an employee or student and a non-employee or non-student (third-party).
- 1.5.1.** All persons covered under this policy are required to fully cooperate with the EOD/Title IX Coordinator during an investigation and to provide information and materials such as official personnel or student files and records, and other materials necessary to complete a thorough review of complaints. All information, materials, and proceedings will be kept confidential and only shared with those who have a legitimate need to know. Also see the Regulations for more detailed confidentiality provisions and for retaliation provisions.
- 1.6. Retaliation.** Retaliation against any person is prohibited under this policy and may result in sanctions or other disciplinary action. See Regulations and Procedures, A. General Topics, Section 2.9, for more information on retaliation.
- 1.7. Freedom of Expression.** This policy shall not be construed or applied to restrict academic freedom at the University, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.
- 1.8. Establishment of Regulations.** The Administration shall develop regulations and procedures consistent with this policy.
- 2. Drug Free Work Place.**
- Purpose.** This statement sets forth the policies applicable to the unlawful use, possession, manufacture or sale of controlled substances in the workplace.
- 2.2. Establishment of Regulations.** The Administration shall establish regulations and procedures governing the unlawful use, possession, manufacture or sale of controlled substances in the workplace consistent with Board policies and

applicable laws and regulations.

2.3. Drug-Free Awareness Program. The Administration shall establish a drug-free awareness program as required by the federal Drug-Free Workplace Act of 1988 and as amended thereafter.

3. Smoking and Tobacco Use. The Administration shall establish regulations and procedures regarding smoking and tobacco use on property owned or leased by the University consistent with Board policies, and applicable laws and regulations. The Smoking and Tobacco Use policy applies to faculty, staff, students, contractors, and visitors to Washburn University and Washburn Institute of Technology campuses. Tobacco includes all forms of tobacco and tobacco use, including but not limited to cigarettes, cigars, pipe tobacco, electronic cigarettes, vapor-delivery devices, and chewing tobacco.

4. Alcoholic Liquor and Cereal Malt Beverage.

Purpose. This statement sets forth the policies applicable to the possession, serving, and consumption of alcoholic liquor and cereal malt beverages on University premises.

4.2. Establishment of Regulations. The Administration shall establish regulations and procedures governing the possession, serving, and consumption of alcoholic liquor and cereal malt beverages on University premises consistent with Board policies and applicable laws and regulations.

4.3. Serving Areas. Alcoholic liquor and cereal malt beverages may be sold, served and/or consumed at an event only in or on the following designated areas:

- President's residence and adjacent grounds;
- International House;
- White Concert Hall foyer;
- Carole Chapel;
- Mulvane Art Museum and Mulvane Art Museum foyer;
- Law School Building; First and Second floor common areas, Dole Plaza, Divisible classroom;
- Memorial Union meeting rooms and adjacent lobbies;
- Bradbury Thompson Alumni Center;
- Gray University Theatre foyer;
- Hospitality areas of the Bianchino Pavilion;
- McPherson Room in Petro Allied Health Center;
- Lee Arena in Petro Allied Health Center;
- Athletic Conference Room; and,
- All outdoor areas of the University's campus; provided, however, the sponsoring organization shall designate and identify, subject to approval by the President, a specified area within which the consumption of alcoholic

liquor and cereal malt beverages shall be limited.

4.4. Nonalcoholic Beverages. Nonalcoholic beverages must be provided at all events at which alcoholic liquor and/or cereal malt beverages are served.

5. Conflict of Interest.

5.1. Purpose. This statement sets forth policies applicable to conflict of interest and ethical conduct in the operation of University business.

5.2. Establishment of Regulations. The Administration shall establish regulations and procedures governing conflict of interest and standards of conduct consistent with Board policies and sound and equitable business. These regulations and procedures shall serve to ensure University business is conducted fairly and impartially and confidence in the University is maintained by its many constituents.

5.3. Ethical Conduct. Employees and others acting for and/or on behalf of the University shall conduct themselves in an ethical manner, beyond reproach, exemplifying the principles of professionalism, honesty, trustworthiness, respect, and accountability.

5.4. Conflict of Interest. No Employee or other person acting for or on behalf of the University shall engage in any activity which is in conflict with, or appears to be in apparent conflict with, the interests of the University in dealing with any person or entity having or seeking to have any relationship with the University. A conflict of interest may exist in any situation in which financial or personal considerations of an individual may compromise or appear to compromise such individual's judgment in the performance of his/her duties for and/or on behalf of the University, creating actual or apparent impropriety, creating negative publicity and/or having the potential of loss or harm to the University including, but not limited to:

- Loss of confidence in the University;
- Monetary loss; or
- Erosion of Employee morale.

5.4.1. All persons involved in projects receiving federal funds shall review and comply with applicable federal laws, regulations and/or federal agency conflict of interest policies.

5.5. Supervisor's Role. Each supervisor shall ensure all persons acting for or on behalf of the University under his or her supervision are familiar with this policy and with the policies and procedural requirements of his/her position.

5.6. Disclosure

5.6.1. Each person acting for or on behalf of the University shall promptly and fully disclose any conflict, or potential conflict, of interest she or he has or may have individually, as a family member, or through other relationship with others and refrain from participating in any matter to which the conflict pertains until the conflict has been resolved in the best interests of the University.

5.6.2. Certain designated Employees of the University shall, on an annual basis, make a disclosure of all business interests, affiliations, or relationships which could reasonably give rise to a conflict of interest, or an apparent conflict of interest with the University.

5.7. Disciplinary Action. Disciplinary action, which may include suspension from or termination of employment, shall be taken when conduct by a person acting for or on behalf of the University is deemed to violate this policy and its regulations.

5.8. Enforcement. Enforcement of this policy is the ultimate responsibility of the President who may delegate authority for enforcement to other University officials.

6. Internal Audits. For the purpose of maintaining proper accounting and management controls and efficient systems and procedures, the Administration shall, as it deems appropriate, conduct internal audits of University operations.

7. Sensitive Information Protection and Identity Theft Prevention.

7.1. Purpose. To set forth policies to protect University and individuals from loss or damage, including identify theft, arising from the disclosure of sensitive information related to Employees and Students and establishing an identity theft prevention program.

7.2. Establishment of Regulations. The Administration shall establish regulations and procedures for the use of sensitive information or personally identifiable information in conducting the business of the University and for implementing an identity theft prevention program consistent with Board policies and applicable laws and regulations.

7.3. Administrative Review. The Administration shall periodically review the programs and procedures established to ensure compliance with these policies and related regulations, and shall periodically update regulations and procedures in response to changes in risks.

7.4. Security of Information. The regulations shall require secure storage of printed sensitive information and secured access to sensitive information in electronic format.

7.5. Identity Theft Prevention. The regulations shall include reasonable procedures designed to:

- Identify relevant patterns, practice, or specific activity which indicates possible existence of identity theft (red flags) for accounts which are designed to permit multiple payments or transactions;
- Detect red flags; and,
- Respond appropriately to any red flags detected to prevent and mitigate identity theft.

8. Reporting Wrongful Conduct and Protection from Retaliation. Washburn University is committed to a policy prohibiting retaliation for good faith disclosures of unlawful acts or violation of University policies, regulations and procedures, including financial irregularities. This policy does not prohibit an employment action or any other action that would have been taken regardless of disclosure of information. The report of wrongful conduct will be investigated and the rights of the Employees protected. Reports that are frivolous, vindictive, and without support or merit may constitute a violation of this policy and may result in disciplinary action.

8.1. Reporting allegations. Employees or Students who have knowledge of specific acts which they reasonably believe violate federal, state or local law or which violate the policies, regulations and procedures of Washburn University may report those acts to General Counsel and Secretary to the Board of Regents: Morgan Hall, Room 208C, 785-670-1712, or the appropriate University official as shown below:

Sexual Harassment, Discrimination or other Equal Opportunity issues:

Director, Equal Opportunity: Morgan Hall, Room 308A, 785-670-1509

Environment, Health or Safety:

Safety Director: Memorial Union, 785-670-1779

Misuse of Funds or Financial Irregularities:

Vice-President for Administration and Treasurer: Morgan Hall, Suite 215, 785-670-1745; AND,
Chair, Washburn Board of Regents

Student Misconduct:

Dean of Students: Morgan Hall, Room 104, 785-670-2100

NCAA Violations:

Director of Athletics: Petro Allied Health Center, Room 200, 785-670-1974

8.2. Retaliation prohibited. Employees or Students who engage in retaliatory conduct against one who has reported allegations pursuant to this policy will be subject to disciplinary actions pursuant to established University procedures, up to and including termination of employment or Student status.

8.3. Confidentiality. It is the obligation of administrators and supervisors to whom allegations are reported to maintain confidentiality to the extent possible.

9. Tuberculosis Control and Prevention. The Administration shall establish regulations and procedures governing the control and prevention of tuberculosis among Students consistent with Board policies and applicable laws and regulations.

9.1. Screening. A system of screening shall be established, the purpose of which shall be to identify the possibility of existing tuberculosis infection or past exposure to tuberculosis.

9.2. The screening shall be done on entering Students and on Students who have traveled for 90 or more consecutive days in countries with endemic Tuberculosis.

9.3. Restrictions. When evidence indicates a Student may have active tuberculosis, the Administration shall prevent the Student's physical presence in University classes or facilities until said Student is cleared by the Shawnee County Health Agency. Further, when any Student fails to follow prescribed procedures set forth in the screening process, the Administration shall impose appropriate restrictions on that Student until the Student has complied.

10. Social Media.

Purpose. To set forth policies for the creation and management of official Washburn University social media accounts/sites, as well as for proper content published and shared using these accounts. An official Washburn University social media account/site is one which carries the official university brand and speaks on the behalf of the University. This policy does not address the personal use of social media services by faculty, staff or students when not acting on behalf of the University. The University encourages the use of social media to strengthen its connection with current and future students, parents, alumni, donors, Employees, and the community.

10.2. Establishment of Regulations. The Administration shall establish regulations and procedures governing the development and maintenance of social media sites such as, but not limited to, Facebook, Twitter, YouTube, and blogs, which

are used to further the University's mission.

10.3. Permitted Participants. University Departments, University Groups, Employees, and Students are permitted to use social media sites within the established regulations.

11. Kansas Open Records Act. The Administration shall allow inspection and provide copies of public records of the University consistent with K.S.A. 45-215 et seq and amendments.

11.1. Official Record Custodian. The VPAT shall be the University's Official Record Custodian (ORC) and shall be responsible for the maintenance of public records, regardless of whether such records are in the ORC's actual personal custody and control.

11.2. Freedom of Information Officer. The General Counsel and Secretary to the Board of Regents shall be the Freedom of Information Officer and shall upon request assist individuals seeking access to University records.

12. Religious Accommodations.

12.1. Purpose. To set forth policies applicable to the provision of reasonable accommodations to Students and Employees with respect to their religious beliefs.

12.2. Establishment of Regulations. The Administration shall establish regulations and procedures governing the reasonable accommodation to Employees and Students for observances of special significance to their sincerely held religious beliefs. These regulations and procedures shall be consistent with Board policies, applicable laws and regulations, and fair and equitable practices.

12.3. Reasonable Accommodation. Employees' sincerely held religious beliefs shall be subject to reasonable accommodation with respect to work schedules and other workplace requirements. Students' sincerely held religious beliefs shall be reasonably accommodated with respect to academic requirements and scheduling.

12.4. University Commitment. Washburn University is committed to respecting the religious beliefs and practices of all members of the University community and prohibits discrimination by its Employees or Students on the basis of religion.

13. Bulletin Boards and Posting.

13.1. Purpose. To set forth policies promoting the use of bulletin board type postings as an effective, efficient, and inexpensive medium of communication

within the University.

13.2. Establishment of Regulations. The Administration shall establish regulations and procedures for the use of bulletin boards, building walls, and other appropriate University facilities for the posting of flyers, posters, sidewalk chalk messages, and other similar material, consistent with Board policies and applicable laws and regulations.

13.3. Safety Issues. The regulations shall include provisions for protecting the safety of individuals and University property.

14. Behavioral Assessment.

14.1. Purpose. The purpose is to set forth the policies for reporting, assessing, and responding to concerns regarding Student or Employee behavior that is troubling, disruptive, or threatening to individuals or the University community.

14.2. Establishment of Regulations. The Administration shall establish regulations and procedures governing the reporting, assessing, and responding to behavior that is troubling, disruptive, or threatening to the University community.

14.3. General Statement. The safety and security of University Employees, Students, and visitors are very important. **Threats, threatening behavior, acts of violence, or any conduct which disrupts another's work or academic performance or the University's ability to execute its mission will not be tolerated.**

14.3.1. Any individual who makes threats, exhibits threatening or disruptive behavior, or engages in violent acts on University-owned or controlled property may be removed from the premises pending the outcome of an investigation. Threats, threatening or disruptive behavior, or other acts of violence executed off University-owned or controlled property but directed at Employees, Students, or members of the public while conducting official University business is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

14.3.2. Violations or retaliation for reporting violations of this policy will lead to disciplinary action that may include suspension or expulsion, dismissal, arrest, and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the individual(s) from University-owned or controlled premises, termination of business relationships with that individual, and/or prosecution of the individual(s).

14.4. Behavioral Assessment Team. The President shall appoint a University Behavioral Assessment Team to assess and respond to behavioral concerns and violations of this policy.

14.5. Responsibility. The Vice President for Student Life or their designee will convene the University Behavioral Assessment Team monthly, or more frequently as needed. When notified of a threat or act of violence, the University Behavioral Assessment Team will initiate a prompt review assessing the level of concern and formulate a plan in response.

14.6. Confidentiality. The University Behavioral Assessment Team will keep information confidential to the greatest extent possible.

15. Shared Governance.

15.1 Rationale. The Board joins the administration, faculty, and staff in their commitment to Washburn University's tradition of shared governance. (The Board intends for "Washburn" to mean Washburn University and Washburn Institute of Technology.) The Board believes shared governance is imperative to achieving Washburn's mission, maintaining its enduring traditions, and continuing its commitment to excellence. The Board commends faculty, staff, and administration for working in concert with the Board, as a team, to share responsibility and accountability within decision-making systems to provide a premier community of higher learning. At the foundation of Washburn's shared governance is a commitment to timely engagement of appropriate constituencies on key decisions at formative stages. We value input, transparency, and meaningful interactions as part of our normal processes for gathering feedback. We believe this approach leads to mutual commitment, trust, and collaboration that is crucial to ensuring Washburn fulfills its mission.

15.2 Establishment of Regulations. The Board delegates to the President the responsibility to establish and maintain regulations and procedures regarding shared governance as authorized by this Policy.

15.3 Guiding Principles. Consistent with the *Statement on Government of Colleges and Universities*, jointly developed by the American Association of University Professors, the Association of Governing Boards of Universities and Colleges, and the American Council on Education, the Board believes primary decision-making authority resides with those who have the best expertise and most information to make the highest-quality decisions advancing Washburn's mission. Primary responsibility does not necessarily mean sole decision-making authority as most decisions are subject to the

approval of other constituencies. The essence of shared governance is soliciting and considering input from affected constituencies and engaging in an iterative decision-making process as policies and decisions evolve. This policy does not supplant other governing documents of Washburn or applicable laws and regulations.

15.4 Roles and Responsibilities.

15.4.1 The Board, under state law and by its Bylaws, has the fiduciary duty of oversight of Washburn, selecting the President, and ensuring plans are in place for excellence and the long-term sustainability of the institution. The Board is the final decision-making authority at Washburn.

15.4.2 The President, as the chief executive officer of Washburn, has primary decision-making authority for strategic planning, physical plant, organizational structure, academic and resource management, and most administrative actions. The President will ensure regular assessment and review of the state of shared governance at Washburn.

15.4.3 Academic decisions (such as curriculum, procedures of student instruction, research, faculty status, and how the faculty organizes its structures and procedures for participation in departments, colleges, and schools) are made primarily by the faculty in accordance with normal processes as outlined in Board Policy Section DD. Academic Affairs and related Regulations.

15.4.4 The Board expects Washburn to develop and maintain structured avenues for input from staff at appropriate times before decisions are made about policies impacting them, following the implementation principles outlined below.

15.4.5 Students are central to Washburn's mission, and the Board encourages Washburn to maintain structured avenues for student feedback at formative stages on key decisions impacting them.

15.5. Underlying Principles for Implementation. Though the faculty, staff, administration, and Board have different areas of primary responsibility, it is important to recognize areas of responsibility often overlap and require collaboration. Shared governance is not merely a set of rules concerning primary responsibility and how decisions are made but rather a system of shared responsibility and shared accountability. Shared governance at

Washburn requires the Board, administration, faculty, and staff to commit to these five principles:

- Build and maintain a culture of transparency and open communication about important issues affecting Washburn. Key to this principle is timely and consistent communication that includes adequate background and rationale for ultimate decisions.
- Jointly consider important issues through meaningful opportunities for input before decisions are finalized, clearly conveying how and who makes decisions, and using an iterative process to determine strategic directions.
- Collaboratively create forward-looking outcomes and measures of success.
- Respect the shared governance traditions within higher education, as informed by the *Statement on Government of Colleges and Universities*.
- Develop systems and processes to make timely decisions that support agility and action, ensuring that all key stakeholders are engaged at formative times on decisions impacting them.

15.5.1 In extraordinary times, when situations require Washburn leaders to make rapid and timely decisions for the benefit of Washburn without full consultation, Washburn will communicate the decision and rationale as promptly as practical with those affected. It is the goal and expectation of shared governance to minimize the number of important decisions made without the appropriate and reasonable degree of consultation.