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B. Recruitment and Employment

1. Purpose. To set forth policies regarding the recruitment and employment of individuals to fill University Positions.

2. Establishment of Regulations. The Administration shall establish regulations and procedures for a formal process for filling vacant Positions consistent with Board policies, applicable laws and regulations, and fair and equitable practices. There also shall be a formal process for termination from University employment.

3. Student Priority. Student workers shall be utilized to the maximum extent reasonable in filling work assignments requiring little or no work experience.

4. Age Requirement. Individuals who are under 18 years of age shall not be employed by the University except as Student Employees.

5. Appointment Process. The Administration shall have authority to employ individuals to work full or part-time in whatever capacity necessary to fulfill the mission of the University.

5.1 Board Approval Requirement. Approval by the Board shall be required for the appointment of a new Employee when the:

- Employment is to a new exempt staff or faculty Position;
- Proposed annual basic salary exceeds the budgeted amount for the Position in the then Fiscal Year Salary Supplement by more than 10%; or,
- Appointment is that of President or Vice President.

5.2 Other Appointments. For other Positions, final approval of employment shall be by the President or President's designee(s).

5.3 Employment Contracts. Employment contracts shall be issued on a Fiscal Year basis or portion thereof as appropriate.

5.3.1 Contracts shall not be issued until after the Board has approved:

- The Salary Supplement for the applicable Fiscal Year; or,
- An employment by specific action.

6. Employee Eligibility Verification. The University shall hire only citizens and nationals of the United States or aliens who are lawfully authorized to work in the United States. The Administration shall administer this requirement in compliance with the Immigration Reform and Control Act of 1986 (8 USC 1324a) and applicable regulations of the United States Citizenship and Immigration Services (USCIS).

7. Consensual and Familial Relationships. Washburn University is committed to providing an academic and working community environment that fosters intellectual, professional, and personal growth without discrimination. Central to the preservation of this environment is the trust that should characterize all interactions between students and faculty and supervisors and employees working toward the common educational goals of the institution. When members of the University engage in romantic or sexual relationships involving individuals of unequal power, trust is put at risk. Relationships between persons of unequal power and/or influence, even if consensual, are unwise and often contrary to professional ethics. Such relationships create the possibility of exploitation or favoritism, conflicts of interest and questions of fairness and bias. These same concerns about trust and conflict of interest arise when members of the same family supervise one another or attempt to influence the terms and conditions of employment of a family or household member or of a ward.

7.1 No University Employee or affiliate shall enter into a consensual relationship with any student or student-athlete currently enrolled at the University whom they teach, manage, supervise, advise, or evaluate in any way.

7.2. All Familial and Consensual Relationships must be reported as soon as possible as set out in the regulations. Individuals who notify appropriate University offices of the consensual or familial relationship covered by this policy and cooperate to mitigate the effects of the consensual or familial relationship will not be investigated for a conduct/discipline violation. Unreported consensual or familial relationships will be considered more severe violations of this policy.

7.3 Applicability. This policy applies to all employees, affiliates of the University, and student employees.

7.4 Establishment of Regulations. The administration is directed and authorized to develop regulations and procedures setting out the expectations and responsibilities regarding consensual and familial relationships in the Washburn University community.

8. Probationary Period. The Administration shall develop and maintain regulations providing for a probationary period for new Employees and for Employees promoted or transferred to a different position.

8.1 Non-exempt and Exempt Staff. For new non-exempt and exempt staff members the probationary period shall not be less than 6 months.

8.2 Faculty. Policies are set forth in the University By-Laws and the Faculty Handbook.

9. Hours of Work. The established hours of work comprising 1.0 FTE employment shall be 40 per week.

10. Personnel Records. The official University personnel records shall be maintained by the Administration.

11. Background Checks.

11.1 General.

11.1.1 The Administration may, as it deems prudent, conduct background checks including, but not limited to, criminal background checks and Motor Vehicle Records.

11.1.2 Information about arrests, indictments, or criminal charges shall not be considered in the selection process.

11.1.3 Background checks shall be conducted confidentially so as to respect the privacy of the individual. Disclosure of background check results and information shall be made only to those individuals who have a need to know.

11.2 Criminal Background Checks.

11.2.1 A criminal background check shall be conducted on all individuals to whom an offer of temporary or regular employment in a sensitive position has been made. See Subject C, Section 4 for additional policies regarding Student employment.

11.2.2 A criminal background check of an Employee shall be conducted when the Employee:

- Discloses a potentially job-related criminal history after being hired;
- Has been reported by a credible source as having a job-related criminal history after being hired; or,
- Is being considered for Transfer or Promotion into a sensitive position and on whom a criminal background check has not previously been conducted.

11.2.3 Only convictions of criminal offenses related to the position shall be considered in the determination of employment, or continued employment of an individual.

12. Drug and Alcohol Testing.

12.1 Purpose. This statement sets forth the policies applicable to the University's administration of drug and/or alcohol testing for the purpose of protecting the University and the University community from serious risk of injury to person or significant damage to property through actions of an Employee impaired by or under the influence of drugs or alcohol. These policies are in addition to the University's Alcoholic Liquor/Cereal Malt Beverage Policy permitting, under K.S.A. 41-719(g) *et seq.*, the consumption of such liquor and beverage on University property.

12.2 Establishment of Regulations. The Administration shall establish regulations and procedures governing the administration of drug and/or alcohol testing consistent with Board policies, applicable laws and regulations, and sound and equitable business and safety practices

12.3 Manufacturing, Dispensing, Possession of Illegal Drugs, Alcoholic Liquor, and/or Cereal Malt Beverages.

12.3.1 The manufacture, distribution, dispensing, use, or possession of illegal drugs or unauthorized controlled substances by a University representative, agent or Employee while on or in University property or in the conduct of University business shall be prohibited. *Exception:* This prohibition shall not apply to:

- Individuals licensed by the state of Kansas acting within the scope of such license;
- Possession for bona fide education purposes in academic coursework and/or Employee training; and,
- Possession as evidence in legal or disciplinary proceedings.

12.3.2 The unauthorized possession, distribution, dispensing, or use of alcoholic liquor or cereal malt beverages by a University representative, agent or Employee on University property or in the conduct of University business shall be prohibited. *Exceptions* are the:

- Consumption of alcoholic liquor and cereal malt beverages shall be authorized under a permit issued under the University's Alcoholic Liquor and Cereal Malt Beverage Policy;
- Possession for bona fide educational purposes in academic coursework and/or Employee training; or,
- Responsible consumption of alcoholic beverages shall be permitted at a University sponsored or co-sponsored event.

12.3.3 Possession or Use of Simulated Controlled Substances and Drug

Paraphernalia. The possession and/or use of simulated controlled substances or drug paraphernalia by a University representative, agent or Employee while on or in University property or in the conduct of University business shall be prohibited.

Exceptions: The possession of such substances and/or paraphernalia is permitted for:

- Academic coursework and/or training for courses offered by the University;
- Training of law enforcement officers and Employees; and,
- Evidence for prosecution under state law or for disciplinary proceedings.

12.4 Testing.

12.4.1 Testing shall be required of:

- Applicants for a designated safety sensitive position upon a conditional offer of employment; and,
- Employees upon reasonable suspicion the individual is impaired by or under the influence of drugs and/or alcohol.

12.4.2 Random testing may be conducted of Employees in safety sensitive positions or Employees on a performance improvement plan for violation of a drug and alcohol policy or regulation.

12.5 Failure to Participate and Positive Results.

12.5.1 When an applicant fails to participate in the required testing or the test result is a confirmed positive the conditional offer of employment shall be null and void.

12.5.2 When an Employee fails or refuses to participate in drug and/or alcohol testing or has positive test results, the Employee will be subject to disciplinary sanctions which may include, but are not limited to:

- Suspension without or with pay pending professional counseling and treatment; or,
- Termination.

12.6 Confidentiality.

12.6.1 Testing of Employees shall be administered and performed in a manner so as to respect the privacy of the individual.

12.6.2 Test results shall be maintained separately from the individual's official employment records and made available only to those individuals who have a "need to know" or as may otherwise be required by law or to whom the Employee has consented.