

**The Rules and Regulations**  
**of**  
**Lincoln University**

**Amended**  
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# **CHAPTER I**

## **UNIVERSITY GOVERNANCE: STRUCTURE AND FUNCTIONS**

**Authorization and the Board of Curators (1.00-1.25)**  
**Authority of the University President (1.40-1.58)**

### **Authorization and the Board of Curators**

#### **1.00 Authorization: Public Education and State Function**

The Tenth Amendment to the Constitution of the United States has been construed as making education a state function and responsibility. The Tenth Amendment states:

The powers not delegated to the United States by the constitution nor prohibited by it to the states are reserved to the states respectively or to the people.

#### **1.01 Establishment and State Support of Educational Institutions of Higher Learning in Missouri**

The government of the state University shall be vested in a Board of Curators consisting of nine (9) members appointed by the Governor, by and with the advice and consent of the Senate (Missouri State Constitution, Article IX, Section 9a).

The general assembly shall adequately maintain the state University and such other educational institutes as it may deem necessary (Missouri State Constitution, Article IX, Section 9b).

#### **1.02 Authority**

A University is hereby instituted in this state, the government whereof shall be vested in a Board of Curators (Section 172.010, RSMo).

It is hereby provided that the Board of Curators of the Lincoln University shall organize after the manner of the Board of Curators of the state University of Missouri; and it is further provided, that the powers, authority, responsibilities, privileges, immunities, liabilities and compensation of the Board of Curators of the Lincoln University shall be the same as those prescribed by statute for the Board of Curators of the state University of Missouri, except as stated in this chapter (Section 175.040, RSMo).

The Board of Curators of the Lincoln University shall be authorized to afford to its students training up to the standards furnished at the state University of Missouri. To this end the Board of Curators shall be authorized to purchase necessary additional



land, erect necessary additional buildings, to open and establish any new school, department or course of instruction, to provide necessary additional equipment, and to locate the respective units of the University wherever in the state of Missouri in their opinion the various schools will most effectively promote the purposes of this chapter (Section 175.050, RSMo).

### **1.03 Board to Prescribe Own Government**

The Curators shall have power to make such bylaws or ordinances, rules and regulations as they may judge most expedient for the accomplishment of the trust reposed in them, and for the government of their officers and employees, and to secure their accountability, and to delegate so much of their authority as they may deem necessary to such officers and employees or to committees appointed by the Board (Section 172.100, RSMo).

### **1.04 Guiding Principle**

As its guiding principle in the control and administration of the University, the Board of Curators conforms to the following statement of policy:

It is a rather generally accepted opinion that the functions of the Board and of committees of the Board should be the consideration and approval of policies rather than the execution of these policies.

The Board may properly act either directly or through its committees on any question in which its legal responsibilities are involved or on matters affecting the administration of invested funds. On other matters, the Board is expected to act through its constituted executive officers.

This principle does not preclude action of an advisory nature by the Board or by committees of the Board, but there should be no interference by the Board with the detailed administration of the University, and Curators should act in accordance with Bylaws and Rules of Procedure, Chapter II.

The Board should act either as a whole or through committees with specifically delegated power. It should be clear that the members of the Board have no power individually or personally to make decisions concerning the University except as that power has been specifically delegated to them by the Board itself.

The Board should have authority to make final decisions affecting the University without the necessity of having such decisions reviewed, and possibly reversed, by any higher agency.

## **1.05 Qualifications**

The Board of Curators of Lincoln University of Missouri shall hereafter consist of nine (9) members who shall be appointed by the Governor, by and with the advice and consent of the Senate. No person shall be appointed a Curator who shall not be a citizen of the United States and who shall not have been a resident of the state of Missouri for the two (2) years prior to her/his appointment. Not more than five (5) Curators shall belong to any one political party (Section 175.020, RSMo).

## **1.06 Non-voting Student Representative Appointed to the Board**

1. The Governor shall, by and with the advice and consent of the Missouri State Senate, appoint a student representative to the Board of Curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the Board. Such student representative shall not have the right to vote on any matter before the Board.
2. Such student representative shall be a full-time student at the University as defined by the Board, selected from a panel of three (3) names submitted to the Governor by the student government association of the University, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of her/his appointment as a student at the University.
3. The term of the student representative shall be two (2) years.
4. If a vacancy occurs for any reason in the position of student representative, the Governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until her/his successor is appointed and qualified.
5. If the student representative ceases to be a student at the University, or a resident of the state of Missouri, or fails to attend any regularly called meeting of the Board of which the representative has due notice, the position shall at once become vacant unless the absence is caused by sickness or some accident preventing the representative's arrival at the time and place appointed for the meeting.
6. The student representative shall receive the same reimbursement for expenses as other members of the Board of Curators receive pursuant to Section 175.030, RSMo.
7. Unless alternative arrangements for payment have been made and agreed to by the student and the University, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due (Section

175.021, RSMo).

### **1.07 Confidentiality**

1. For the purpose of this chapter, confidentiality, as determined by the Board and provided by law, shall apply to all members and representatives on the Board.
2. Any member or representative on the Board may excuse herself/himself from any deliberation or proceeding of the Board.
3. Upon a unanimous affirmative vote of the members of the Board who are present and who are not student representatives, a given meeting closed pursuant to Sections 610.021 and 610.022, RSMo, shall be closed to the student representative(Section 175.023, RSMo).

### **1.08 Records Open to Public and Exceptions**

1. Any citizen of the state shall, at all times, have access to and be permitted to take copies of any or all the records, books, and papers of the Board except as described below or as otherwise prescribed by law or by action of the Board of Curators.

#### **2. Designation of Closed Records**

The following records and records relating to the following subjects, whether currently existing or hereafter created or received, are hereby designated as closed records:

- A. Legal actions, causes of action or litigation and any confidential or privileged communications with representatives and attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving the Curators of Lincoln University of Missouri or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of the University as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011. RSMo; however, the amount of any moneys paid for settlement shall be disclosed, provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

- B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration thereof. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate shall be made public upon execution of the lease, purchase or sale of the real estate.
- C. Hiring, firing, disciplining or promoting of particular employees when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken, to hire, fire, promote or discipline an employee shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees.
- D. The state militia or National Guard or any part thereof.
- E. Non-judicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
- F. Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen (18) years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen (18) years. This paragraph shall be subject to and construed to be consistent with existing and subsequent policies regarding maintenance and disclosure of educational records, including but not limited to policies issued in compliance with or in regard to the federal Family Educational Rights and Privacy Act (FERPA).
- G. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
- H. Welfare cases of identifiable individuals.
- I. Preparation, including any discussions or work product, on behalf of the Board of Curators or its representatives for negotiations with employee groups.
- J. Software codes for electronic data processing and documentation thereof.

- K. Specifications for competitive bidding, until either the specifications are officially approved by the Board of Curators or the specifications are published for bid.
- L. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
- M. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees once they are employed as such, and the names of private sources donating or contributing money to the salary of the President of the University and the amount of money contributed by the source.
- N. Records which are protected from disclosure by law.
- O. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- P. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
- Q. Confidential or privileged communications with auditors, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to Chapter 610, RSMo.
- R. Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, it shall be affirmatively stated in writing that disclosure would impair the ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
- S. Existing or proposed security systems and structural plans of real property owned or leased by the University, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to the University for use by the University to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.

1. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.
  2. When seeking to close specific information pursuant to this exception, the Board of Curators shall affirmatively state in writing that disclosure would impair the Board's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
  3. Records that are voluntarily submitted by the University shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned or destroyed.
- T. The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property.
- U. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of the University. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, the University for such computer, computer system, computer network, or telecommunications network shall be open.
- V. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the University and a person or entity doing business with the University. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of the University or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by the University.
- W. Records submitted by an individual, corporation, or other business entity to the University in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business.

- X. Investigative reports of the LUPD or other law enforcement agencies are hereby designated as closed records pursuant to Section 610.100.2, RSMo. That section provides that "... mobile video recordings and investigative reports of all law enforcement agencies ... are closed records until the investigation becomes inactive." Section 610.100.1(3) defines "inactive" as (a) when the law enforcement agency has decided not to pursue the case, (b) the statute of limitations has expired, or (c) all resulting convictions have become final. Although investigation reports are closed records, arrest and incident reports are open records.
  - Y. Records of, regarding or submitted to the Board of Curators during or in connection with a lawfully closed meeting or vote.
3. The purpose of this rule is to close all records that may legally be closed until such time as they are made open by majority vote of the Board of Curators or by written decision of the President of the University. Closed records shall not become open as a result of the negligent or unauthorized use or disclosure of those records.
  4. Closed records may be made available to individuals with a legitimate need to know as necessary for the accomplishment of University business and such availability and use shall not open the records generally. The University's attorney may authorize disclosure of closed records when such disclosure may avoid litigation or settle disputes or as required by a court or in the process of litigation. Such disclosure shall not open the records generally. Individuals receiving or using closed records owe a duty to the Board of Curators to maintain the confidentiality of those records.
  5. This rule shall be construed to be consistent with applicable law and guided by the concept that all records allowed to be closed are and shall be closed until opened by majority vote of the Board or Curators or by written decision of the President of the University.
  6. If the laws governing public access to records are amended from time to time to limit the ability of the Board of Curators to lawfully close records, this rule shall be automatically amended to make it consistent with such newly adopted law. If a change in the applicable law allows the Board of Curators to close a new category of records, this rule shall be automatically amended to designate such records as closed.

(Chapter 610, RSMo. and Section 172.180, RSMo).

### **1.08.1 Records Access Policy**

Lincoln University has adopted the following policy with regard to the access to and/or release of copies of records of the Curators of the University:

1. The University shall provide access to records of the Board which have not been designated "closed records" (as defined above in Section 1.09 herein and in Chapter 610, RSMo). Copies of records which have not been designated as "closed records" shall be available upon request and as provided therein.
2. Requests for access to records shall be made to the University Staff Secretary to the Board of Curators (who has been named by the Board as the Custodian of Records).
3. Copies of public records shall be available. A fee for copying may be assessed.
4. Original documents may not be removed from the Office of the Custodian of Records.
5. The University reserves the right to revise this policy as staffing and circumstances require.

### **1.09 Attendance of Press at Board Meetings**

All open meetings of the Board of Curators shall be open to the news media.

News representatives may be seated in a designated area of the meeting room. They may not have direct contact or communication with the Board of Curators unless first recognized by the President of the Board of Curators. The news media is permitted to operate still and television cameras and other recording devices during the open session.

At the conclusion of the meetings, a press conference may be held for press representatives attending the meeting in order to clarify actions taken by the Board. Background materials, if available, will be distributed to the media in order to provide greater understanding of matters considered by the Curators. At the press conference, still and television cameras and other recording devices will be permitted.

### **1.10 Communications with the Board**

All communications to the Board of Curators shall be filed in writing with the President of the University. The President of the University shall have authority to read the communications and to make thereon any comments he/she may see fit, but the President may have no authority to delay or withhold any communication addressed to the Board or to any of its committees or officers.

### **1.11 Presentations before the Board**

Any individual or group desiring to make a presentation before the Board of Curators may be placed on the agenda for a regular meeting if a written request to the Board through the Office of the President of the University is received at least two (2) weeks prior to the meeting. The request shall include the name(s) of the individual or group making the request together with a summary of the presentation. It will be the responsibility of the Executive Committee of the Board of Curators to decide whether the request will be



approved. If the request is approved, the President of the Board shall determine an appropriate amount of time to be allowed for the presentation and shall relay the decision to the initiator of the request.

A request by an individual or group to present a matter that should be handled by the University administration shall be denied.

Presentation request forms are available in the Office of the President of the University.

### **1.12 Effective Date of New Policies**

Each University policy statement, rule or regulation approved by the Board of Curators shall become effective at the beginning of the first business day following approval unless a different day and time is fixed, upon approval, as the effective day and time of said policy statement, rule or regulation.

### **1.13 Students' Right to Present Petitions**

No rule or regulation shall ever be established by the Board which shall in any way limit the right of the students of the University, or any of its departments, to present their grievances, and to ask for their redress by respectful petitions presented to the Board (Section 172.370, RSMo).

### **1.14 Authority to Confer Degrees**

The Curators shall have the authority to confer, by diploma, under their common seal, on any person whom they may judge worthy thereof, such degrees as are known to and usually granted by any college or university (Section 172.280, RSMo).

Commencement will be held once each year in May for students who complete all degree requirements in the previous December or in May. Students who will complete all requirements during the summer semester immediately following May commencement will be allowed to participate providing they comply with the requirements of Chapter III, Section 3.85.

### **1.15 Relatives of Curators Not to be Employed**

No person who is related by blood or marriage to any member of the Board of Curators of the University shall be appointed to any position in the University as an officer, faculty, or employee (Section 172.310, RSMo). (See Chapter X, Section 10.67: Nepotism Policy.)

## **1.16 Employment of Faculty and Employees: Compensation, Retirement, Death and Disability Plans**

The Curators may appoint and remove, at discretion, the President, Deans, professors, instructors and other employees of the University; define and assign their powers and duties, and fix their compensation, and such compensation may include payments under, or provision for, such retirement, disability, or death plan or plans as the Curators deem proper for persons employed by the University and paid out of any of its public funds for educational services, their beneficiaries or estates, and the Curators may administer such plan or plans under such rules and regulations as they deem proper; and for these purposes the Curators may use state-appropriated or other public funds under their control and pay or transfer such funds into a fund or funds for paying such benefits, and they may enter into agreements for and make contributions to both voluntary and statutory plans for paying such benefits (Section 172.300, RSMo).

## **1.17 Personnel Action Policy**

The following personnel actions are to be sent to the Board of Curators for **approval**:

1. All actions involving changes in compensation of Vice Presidents;
2. Certain personnel actions, as designated by the Board of Curators, during Board-declared periods of financial exigency, reductions in force, and/or administrative crises;
3. All recommendations for faculty promotion and tenure;
4. All recommendations for sabbaticals and leaves of absence.

The following personnel information will be furnished to the Board of Curators for **information only**:

1. All new, part-time and continuing appointments in the following categories:
  - a. administrative officers
  - b. administrative staff
  - c. academic administrative staff
  - d. any employee category if the personnel action has been recommended for a member of the immediate family of an administrative officer
2. All actions involving termination or non-reappointment of categories a, b, c, and d above.
3. A complete list of all University employees with their total salaries (annually).

## **1.18 Salary Administration Policy**

The President of the University shall administer the salary program of the University. The President shall submit to the Board of Curators for approval the total amount requested for salary increases and a listing of salary ranges for each job description

annually.

### **1.18.1 Salaries-When Suspended**

Should the President, or any professor, instructor or other person holding office in the University, by selection, appointment, contract or engagement of the Board of Curators, fail to discharge for any length of time her/his official duties, without having obtained the permission of said Board, the salary or compensation of such President, professor, instructor or other person holding office in the University shall cease for the time he/she shall so fail to discharge her/his official duties, and no compensation shall be allowed for such time, but if said Board shall be satisfied that such President, professor, instructor or other person holding office in the University as aforesaid had good cause for failing to discharge her/his official duties, then no part of her/his salary or compensation shall be deducted or withheld on account of such failure (Section 172.340, RSMo).

### **1.19 Hiring Procedures Exemption**

Lincoln University, in compliance with the Equal Employment Opportunity Commission's "Uniform Guidelines for Employee Selection Procedures," has established the following hiring procedures exemption policy statement:

1. Any situation which, in the opinion of the area head or appointing officer, makes advertising impractical due to special circumstances may be considered for a hiring procedures exemption by the President of the University if so requested by the area head.
2. The presidential direct appointment procedure should be utilized under the special circumstances that make the regular selection and hiring process impractical. Hiring procedure exemptions shall be limited to ten (10) appointments per fiscal year. Direct appointments will be monitored yearly by the Office of Human Resources to ensure that there is no adverse impact on the hiring, promotion, or other employment opportunities of members of any race, gender, or ethnic group. If a pattern of demographic appointments suggests such an adverse impact on any of the aforementioned groups, the President will be informed so that proper diversification of the workforce can be maintained and Equal Employment Opportunity guidelines can be met.
3. An intradepartmental promotion may be made without advertising a vacancy if the person promoted possesses the skills and qualifications required in the new assignment. All departmental personnel who are qualified will be considered.
4. Changes in titles and/or duties due to departmental reorganization shall not require the advertising of position vacancies.

## **1.20 Policy on Gifts and Donations**

All gifts to the University in the form of money and securities or in other forms, whether for the benefit of the entire institution or any of its departments or activities, must be reported to the President of the University and the Board of Curators. Gifts to the University may be accepted by the Board or by the President of the University or her/his designee. No officer or member of the staff of the University is permitted, without express permission of the Board of Curators, to accept a gift for building purposes or to accept a gift, the maintenance of which will add to the ordinary operating budget of the University.

"Each gift is accepted subject to the general policy of the Board of Curators that the wishes of the donor(s) with respect to the disposition of the gift shall be observed, so long as in the opinion of the Board such wishes do not conflict with the proper administration of the University.

### **1.20.1 Accepting Gifts**

The Vice President for University Advancement ensures that all gifts are properly processed and acknowledged and that accounts are established for use of the proceeds.

Restricted gifts shall be accepted on condition that the University may use the funds or gift for other purposes if it becomes impractical or impossible to use the funds or gift for the original purpose.

The University reserves the right to dispose of gifts of tangible personal property as it deems appropriate and discourages such gifts that are made subject to the condition that they be kept for a certain period of time.

## **1.21 Expenditures from Gifts or Trust Funds**

Expenditures from gifts or trust funds or from income thereof shall be made in accordance with budgets approved by the Board of Curators and such expenditures shall be made in accordance with regular University policies and procedures and with requirements requested by the donors and approved by the Board. In all cases where no instructions have been provided by the donors, the Board shall approve the expenditures.

No pledge shall be made of or encumbrance placed upon any of the securities or other investments of the University, other than a pledge of securities in the General Fund upon the approval of the Board of Curators.

## **1.22 Student Loan Practices Code of Conduct**

The following policies are in regard to limitations on the University and its employees relative to lending institutions:

### **1.22.1 Prohibition of Certain Remuneration to University Employees**

1. No employee or agent of the University shall accept anything on her/his own behalf or on behalf of another from or on behalf of a lending institution, except that this provision shall not be construed to prohibit any employee or agent of the University from conducting 1) non- University business with any lending institution, or 2) University business unrelated to education loans. As used in the preceding sentence and throughout the Student Loan Practices Code of Conduct, a lending institution is defined as:
  - a. any entity that itself or through an affiliate engages in the business of making loans to students, parents or others for purposes of financing higher education expenses or that securitizes such loans; or
  - b. any entity, or association of entities, that guarantees education loans; or
  - c. any industry, trade or professional association that, to the best of the University's knowledge after reasonable inquiry, receives money from any entity described above in subsections (a) and (b).

Nothing in this provision or throughout the Student Loan Practices Code of Conduct shall prevent the University from holding membership in any nonprofit professional association.

2. The prohibition set forth in the previous subsection shall include, but not be limited to, a ban on any payment or reimbursement by a lending institution to a University employee for lodging, meals, or travel to conferences or training seminars unless such payment or reimbursement is related solely to non- University business or University business unrelated to education loans.

### **1.22.2 Limitations on University Employees Participating on Lender Advisory Boards**

No employee or agent of the University shall receive any remuneration for serving as a member or participant of an advisory board of a lending institution, or receive any reimbursement of expenses for so serving, provided, however, that participation on advisory boards that are unrelated in any way to higher education loans shall not be prohibited by the Student Loan Practices Code of Conduct.

### **1.22.3 Prohibition of Certain Remuneration to the University**

The University will not accept on its own behalf anything of value from any lending institution in exchange for any advantage or consideration provided to the lending

institution related to its education loan activity. This prohibition shall include, but not be limited to 1) "revenue sharing" by a lending institution with the University, 2) the University's receipt from any lending institution of any computer hardware for which the University pays below-market prices, and 3) printing costs or services. Notwithstanding anything else in this section, the University may accept assistance as contemplated in 34 CFR 682.200(b) (definition of "Lender") (5)(I).

#### **1.22.4 Preferred Lender Lists**

In the event that the University promulgates a list of preferred or recommended lenders of similar ranking or designation ("Preferred Lender List"), then:

1. Every brochure, Web page or other document that sets forth a Preferred Lender List must clearly disclose the process by which the University selected lenders for said Preferred Lender List, including but not limited to the criteria used in compiling said list and the relative importance of those criteria.
2. Every brochure, Web page or other document that sets forth a Preferred Lender List or identifies any lender as being on said Preferred Lender List shall state in the same font and same manner as the predominant text on the document that students and their parents have the right and ability to select the education loan provider of their choice, are not required to use any of the lenders on said Preferred Lender List, and will suffer no penalty for choosing a lender that is not on said Preferred Lender List.
3. The University's decision to include a lending institution on any such list and the University's decision as to where on the list the lending institution's name appears shall be determined solely by consideration of the best interests of the students or parents who may use said list without regard to the pecuniary interests of the University.
4. The constitution of any Preferred Lender List shall be reviewed no less than annually.
5. No lending institution shall be placed on any Preferred Lender List unless the said lender provides assurance to the University and to student and parent borrowers who take out loans from said lending institution that the advertised benefits upon repayment will continue to inure to the benefit of student and parent borrowers regardless of whether the lending institution's loans are sold.
6. No lending institution that to the best of the University's knowledge after reasonable inquiry, has an agreement to sell its loans to another unaffiliated lending institution shall be included on any Preferred Lender List unless such agreement is disclosed therein in the same font and same manner as the predominant text on the document in which the Preferred Lender List appears.
7. No lending institution shall be placed on any one of the University's Preferred

Lender Lists or in favored placement on any one of the University's Preferred Lender Lists for a particular type of loan, in exchange for benefits provided to the University or to the University's students in connection with a different type of loan.

8. No lending institution shall be placed on any one of the University's Preferred Lender Lists unless said lending institution has agreed with the Missouri Attorney General to abide by a Lending Code of Conduct, unless the Missouri Attorney General informs the University that it no longer offers such agreements.

#### **1.22.5 Prohibition of Lending Institution's Staffing of University Financial Aid Offices**

No employee or other agent of a lending institution may ever be identified to students or prospective students of the University or their parents as an employee or agent of the University. No employee or other agent of a lending institution may staff the University financial aid offices at any time.

#### **1.22.6 Proper Execution of Master Promissory Notes**

The University shall not link or otherwise direct potential borrowers to any electronic master promissory notes or other loan agreements that do not allow students to enter the lender code or name for any lender offering the relevant loan.

#### **1.22.7 School as Lender**

If the University participates in the "School as Lender" program under 20 U.S.C. § 1085(d)(1)(E), the University may not treat School As Lender loans any differently than if the loans originated directly from another lender; all sections of the Student Loan Practices Code of Conduct apply equally to such School as Lender loans as if the loans were provided by another lender.

#### **1.22.8 Prohibition of Opportunity Loans**

1. As used herein, "override pools," "opportunity funds," and "opportunity loans" refer to any agreement, understanding or practice in which a lender applies more lenient loan underwriting criteria than it otherwise would to a certain class of loan applicants if the University meets certain milestones or metrics with respect to other loans with that lender, such as the number of loans initiated or in force, or the dollar amount of such loans, or where the lender agrees with the University to lend money to students outside the Federal Family Education Loan Program (FFELP), at the direction of the University, in exchange for the University

dropping out of the federal direct loan program and/or marketing the lender's separate FFELP loans to students.

2. The University shall not arrange with a lending institution to participate in any override pools, opportunity funds, or opportunity loans, as defined above, if the participation in such program(s) prejudices any other borrower.

### **1.23 Social Security Number Policy**

Given that social security numbers are highly confidential and legally protected, the University shall protect the privacy and legal rights of its employees and students, including potential employees and potential students, by the institutionalization of safeguards on the collection and use of social security numbers. To this end, the University will work diligently toward the disuse of social security numbers as common identifiers, except where required for employment, financial aid, and other legal transactions. When the social security number is required or requested, a disclosure statement will be provided in compliance with the Federal Privacy Act of 1974, the Family Education Rights and Privacy Act (FERPA), and other applicable federal and state laws.

### **1.24 Lincoln University Code of Conduct, Ethics, and Civility in the Workplace**

This code establishes the University's expectation of integrity and ethical and professional conduct that creates and maintains a positive work and learning environment built on mutual respect by the following members of the University community: members of the Board of Curators; executive officers, faculty, staff, and other individuals employed by the University and using University resources or facilities; consultants, vendors and contractors when they are doing business with the University; and volunteers and representatives acting as agents of the University. The code is not an attempt to define specifically what one should and should not do, but to communicate that the University affirms that conduct consistent with accepted standards is an integral part of its mission.

Consequently, each University community member must transact University business in compliance with all federal and state laws and in accordance with the University policies and regulations established by the Board of Curators. Executive officers, managers and supervisors are responsible for knowing the laws and regulations that are relative to their positions and responsibilities and for systematically teaching and monitoring compliance in their areas. Examples include but are not limited to human resources and employment regulations, conflict of interest policies, confidentiality, security and integrity of University documents and records, computer use and security policies, procurement guidelines, sound business practices, environmental health and safety regulations, and ethical stewardship of the University's property and resources. Located appropriately throughout the Rules and Regulations, these standards of conduct, supported through policies, procedures and workplace rules, provide guidance for making decisions and exemplify the University's commitment to responsible and ethical behavior.



While disagreements can occur between members of the University community, open communication, mutual respect for diverse opinions, freedom of expression, and a climate of civility are essential principles that the University embraces. All University community members should act with integrity, personal accountability, support an inclusive culture, and follow established guidelines for civility and professionalism on the University's campus and where any such person acts on behalf of the University.

All University employees are expected to conduct themselves in a professional manner that promotes a safe, healthy, inclusive, and productive work environment. Employees are expected to exhibit a high degree of personal integrity, civility, and professionalism at all times while on the job. This expectation applies to all interactions with coworkers, supervisors, subordinates, customers, vendors, contractors, students, and/or visitors. Interactions may be verbal, nonverbal, physical, written, through imagery, electronic or digital means.

All supervisors also are expected to demonstrate leadership in exhibiting and promoting professionalism, civility, and respect. This includes setting clear expectations and managing the performance of those they supervise in accordance with these standards through regular communication and performance feedback. Supervisors are expected to address professionalism, civility and respect concerns and deficiencies through coaching and/or corrective action as appropriate.

Students are not subject to this code unless they are employed by the University, but must comply with the University's Student Code of Conduct as described in Chapter VI and as published in the official Student Handbook.

The University is committed to ensuring compliance with its Code of Conduct, Ethics, and Civility in the Workplace policies. Should any employee believe that a violation of the Code of Conduct, Ethics, and Civility in the Workplace has arisen, the employee should file a complaint under the procedures in Chapter X.

## **1.25 Tobacco Policy**

The University strives to present a healthy, safe and clean campus environment for its students, employees, and visitors. For this reason, use of any tobacco product, including but not limited to cigarettes, smokeless tobacco, marijuana and e-cigarettes is prohibited on campus. The policy applies to all buildings on and off the main campus whether owned or leased by the University, University vehicles, open-air spaces and common areas.

## **Authority of the University President**

### **1.40 Authority of the University President**

The President of the University is appointed by and serves at the discretion of the Board of Curators. Units and personnel which report directly to the President are listed in the current University organizational structure. Chairpersons of ad hoc task forces and other committees appointed by the President also report directly to the President. The various Vice Presidents are the administrative officers of the University. They also serve on the President's Cabinet, along with other members selected by the President.

### **1.41 Duties and Responsibilities of the President**

The President shall have general supervision of all business and financial operations of the University, including but not limited to the following:

- Shall execute deeds and instruments necessary for the proper conduct of University business including all contracts and memorandums of understanding with partner agencies with values over \$25,000.00 and may delegate the execution of contracts of lesser sums to his/her designee
- May sign contracts dealing with operations and capital improvements for \$150,000 or less
- Approves travel expenses and requisitions
- Presents annually to the Board of Curators a budget with estimates of income and expenditures
- When necessary, is authorized to transfer funds from one expenditure category to another (Funds transferred must not result in a subsequent over-expenditure in the category from which the transfer was made.)
- Serves as executive head of the University faculty and of all colleges and departments
- Recommends/appoints suitable persons to fill vacancies
- May assign, transfer or reassign any employee to best achieve the mission and goals of the University
- Assumes primary responsibility for the enforcement of discipline
- May, for just cause, alter teaching loads
- May initiate the procedure for suspension or termination of any employee
- Shall be the official medium of communication between faculty, staff, and students of the University on the one hand and the Board of Curators on the other
- Supervises all University announcements and publications, none of which shall be officially issued without presidential approval
- Advises and informs the Board of Curators fully and promptly on all matters relating to the operations and welfare of the University
- Prepares an annual report on the work of the past year and the needs of the current year for presentation to the Board of Curators

- Has the right of veto upon any action or resolution of any college or school faculty or administrative body, if in her/his judgment the larger interests of the University so require
- In the event of the intervention of her/his veto, shall communicate at once in writing to the body immediately affected by the reasons for such veto, which reasons shall be entered into the minutes of the proceedings. Should the faculty or administrative body enacting the resolution vetoed reconsider and reenact the same by a two-thirds (2/3) vote, the measure shall become effective unless the same is nullified or reversed by the Board of Curators.

#### **1.42 Vice President for Academic Affairs and Provost**

The Vice President for Academic Affairs and Provost (VPAA) is appointed by and reports to the President of the University. Areas reporting to the VPAA are listed in the current University organizational structure. The primary duties of the VPAA are outlined in Chapter III. The VPAA shall have additional duties and responsibilities as may be assigned by the President. In the absence of the President, the VPAA shall serve on her/his behalf.

#### **1.43 Chief Operating Officer**

The Chief Operating Officer (COO) is appointed by and reports to the President of the University. Areas reporting to the COO are listed in the current University organizational structure. The primary duties of the COO are outlined in Chapter IV. The COO shall have additional duties and responsibilities as may be assigned by the President. In the absence of the President and the VPAA, the COO shall serve on their behalf.

#### **1.44 Vice President for Administration and Finance**

The Vice President for Administration and Finance (VPAF) is appointed by and reports to the President of the University. Areas reporting to the VPAF are listed in the current University organizational structure. The primary duties of the VPAF are outlined in Chapter V. The VPAF shall have additional duties and responsibilities as may be assigned by the President. In the absence of the President, the VPAA, and the COO, the VPAF shall serve on their behalf.

#### **1.45 Chief Student Affairs Officer**

The Chief Student Affairs Officer (CSAO) is appointed by and reports to the President of the University. Areas reporting to the CSAO are listed in the current University organizational structure. The primary duties of the CSAO are outlined in Chapter VI. The CSAO shall have additional duties and responsibilities as may be assigned by the President. In the absence of the President, the VPAA, the COO, and the VPAF, the CSAO shall serve on their behalf.

#### **1.46 Vice President for University Advancement**

The Vice President for University Advancement, (VPUA) is appointed by and reports to the President of the University. Areas reporting to the VPUA are listed in the current University organizational structure. The primary duties of the VPUA are outlined in Chapter VII.

#### **1.47 Vice President for Land Grant Engagement**

The Vice President for Land Grant Engagement (VPE) is appointed by and reports to the President of the University. Areas reporting to the VPE are listed in the current University organizational structure. The primary duties of the VPE are outlined in Chapter VIII. The VPE shall have additional duties and responsibilities as may be assigned by the President.

#### **1.48 Executive Director & Chief HR Officer**

The Executive Director & Chief HR Officer is responsible for the planning, directing, and coordinating of the human resource management activities of the University. The main goals of this area include maximizing the strategic use of human resources and coordinating the key areas of employee relations, personnel policy administration, compensation, and recruitment and employment law compliance. Policies relating to these areas under the Executive Director & Chief HR Officer are found in Chapter X: University Employment.

#### **1.49 Internal Auditor**

An internal auditor may be appointed or contracted by and report to the President or his/her designee at the discretion of the President and is responsible for the following:

- Reviewing and appraising the business activities of the University, the integrity of its records, and the general effectiveness of operations
- Development of a comprehensive audit program designed to ensure that internal control system safeguards are in place
- Performance of various types of audits, such as financial/controls, compliance, operational, construction, integrated, information systems, performance, and special investigations.
- Any additional responsibilities as may be assigned by the President

#### **1.50 Director of Athletics and Campus Recreation**

The Director of Athletics and Campus Recreation, is appointed by and reports to the President and is responsible for the following:

- Planning, administering, coordinating, organizing, and evaluating the entire athletic program
- Ensuring compliance with all NCAA, Conference, and University regulations
- Preparing and implementing a long-range plan for intercollegiate athletics,

- including the development of a policy manual
- Budget preparation
- Management of athletic facilities
- Developing and conducting fund-raising activities within University guidelines
- Promoting athletics to the general public
- Promoting the educational welfare of the student athlete
- Any additional responsibilities as may be assigned by the President

### **1.51 Counsel to the President**

The Counsel to the President is appointed by and reports to the President, to whom he/she serves as legal advisor. The Counsel is responsible for the following:

- Providing advice to the administration as directed by the President, wherever legal questions arise
- Drafting, revision and review of contracts
- Preparation of instruments for the conveyance of real property
- Review of institutional employment practices
- Review of policies governing student conduct, student discipline, requirements for non-discrimination in educational benefits, and other matters
- Review of institutional policies
- Examination of University activities as they may relate to possible tort liability
- Participation in all other areas of the University operation in which legal questions may arise
- Any additional responsibilities as may be assigned by the President

The Counsel to the President shall not provide legal advice to individuals or University employees on matters unrelated to University business or on matters which create a potential or actual conflict of interest with respect to Counsel's role as Counsel to the University.

### **1.52 Executive Assistant to the President**

The Executive Assistant to the President is appointed by and reports to the President. He/she shall have such duties and responsibilities as assigned by the President.

### **1.53 University Marshal**

The University Marshal's duties are assigned to various University personnel by the President. Such responsibilities of the position include:

- Administers the details related to the planning, coordination and implementation of formal academic activities such as commencement, inaugurations, coronations, and convocations in which the University as a whole may be represented
- Participation in activities or programs in which special or official guests of the University are hosted
- Any additional responsibilities as may be assigned by the President

#### **1.54 Development and Oversight of University Policies**

An individual, a committee, a department, a college, a unit, or any other University group may bring a proposal for a new policy, a change in policy, or a deletion of a policy to the appropriate chair(s) of one or both shared governance bodies or to the appropriate administrative officer. If the proposal is passed or accepted, it will then be sent through the appropriate chain of command. At any point in this process, the President may seek the advice of any individual or committee. The Board will be the final authority on all policies in the Lincoln University Rules and Regulations.

Once the proposal has final approval, it must be sent to the Rules and Regulations Review Committee (a standing University committee charged by the President). This committee shall be responsible for determining where the new policy should be placed in the Rules and Regulations document and whether it replaces or conflicts with an existing policy, in which case the existing policy would be revised to reflect adoption of the new policy or deleted.

#### **1.55 Communicating University Policy Changes**

Policy changes affecting employees and students will be sent to the appropriate shared governance body for information and comment before being sent through the appropriate chain of command.

#### **1.56 Honorary Degrees**

The President of the University awards honorary degrees upon approval by the Board of Curators.

The Board of Curators is authorized by the state of Missouri to award the honorary degrees of Doctor of Laws (Hon. LLD), Doctor of Humane Letters (Hon. D.H.L.), Doctor of Science (Hon. D. Sc.), Doctor of Fine Arts (Hon. D.F.A.), Doctor of Divinity (Hon. D.D.), and Doctor of Letters (Hon. Litt.D). Individuals eligible for nomination and consideration for these degrees are persons who 1) have achieved records of distinction at the local, state, national or international level in education, public service, literature, business or other professions; and 2) have made a significant financial contribution to the University, or have made some other extraordinary, widely-recognized and noteworthy contribution to the enhancement of the University.

The names of candidates for an appropriate honorary degree must be submitted to the President of the University for consideration by February 1<sup>st</sup> for the May commencement. The President makes the final selection and submits the name(s) of the candidate(s) to the Board of Curators for approval. The Board will act on the recommendation in closed session of the Board meeting.

Anyone submitting a name for consideration should provide to the President a letter of recommendation, a resume including biographical information, and three (3) letters supporting the nomination of the candidate.

During the nomination and approval process, the names of the nominees must be held in the strictest of confidence until the Board has approved the award(s) and the intended recipient(s) indicate(s) willingness to accept the honor and attend the commencement ceremonies.

## **1.57 Policy on Naming of Campus Facilities, Rooms & Programs**

### Procedural Guidelines

When it appears that a contribution to the University will result in a request to name a building, portion of a building or University program for a donor or individual, the VPUA should be notified. A profile of the donor and of the honoree, the area of interest with any proposed stipulations, and information on how the gift will be paid should be provided.

The VPUA will discuss the potential naming with the President, who will submit the naming request to the Building and Grounds Committee. Should a potential naming directly involve an academic department or program, the VPUA will consult with the VPAA, who will consult with the faculty involved prior to the potential naming being submitted to the President, and with the President's approval, to the Building and Grounds Committee.

The Building and Grounds Committee will consider the naming request and make a recommendation to the full Board of Curators for action on the request. The Board of Curators has the authority for naming (re renaming) buildings, components of buildings, open spaces, other physical facilities, and programs of the University.

An acceptable written statement of intent from the donor must be made prior to the Board of Curators being asked to approve the naming.

### General Guidelines

Buildings, rooms and facilities may be named for:

- A. A corporation, individual or individuals deserving special recognition for a significant and substantial financial contribution toward the construction of the

facility which otherwise would not be available.

- B. A former faculty member or administrator who has given outstanding service to the University and/or has made noteworthy contributions in his/her profession or area.
- C. An Alumnus or former student who has given outstanding service to the University and/or has made noteworthy contributions in his/her profession or area.
- D. A former member of the Board of Curators who has distinguished and outstanding service to the University.
- E. Any individual who has received national or international recognition/distinction in a service or profession related to the use and purpose of the facility.
- F. Classroom facilities, administration facilities, and residence facilities shall use the term "Hall" in the name. Other facilities shall use "Building" in the name unless the facility is one that in common practice has a particular designation (library, chapel, for example).
  - 1. The official name of a facility names for an individual shall include the full name of the individual for whom it is names.
  - 2. A room or special use facility may be given a name suggestive of the general purpose for which the room or facility will be used.
  - 3. Name only shall be assigned to a single purpose building. Multi-wing buildings and buildings clearly designed and divided for major separate disciplines or purposes may be given a distinct name for each wing or division.
- G. Any other naming opportunity not specifically stated in this policy will be submitted to the Office of University Advancement for proper evaluation and submission.

### Procedural Guidelines

In order for a building, facility, monument or program to be named based upon a contribution, the following will normally be met:

- A. The amount of the gift will comply with the guideline established for naming particular facilities.



- B. The gift must be in irrevocable form (e.g.: trust, contract for will, or to be paid over a period no longer than five (5) years based upon a signed commitment and binding on the donor's estate). A deferred gift is not normally acceptable for a facility where construction is dependent on the gift.
- C. The donor for whom the name is assigned has some reasonable connection to the University.
- D. Unless the gift is required to construct the facility to be named, consideration should be given to using the gift corpus to establish an unrestricted endowment. This endowment may carry the name of the donor.
- E. If a department or program is to be named, a restricted endowment supporting that department or program will be established.

Suggested Levels of Contributions

The following amounts are suggested to establish a naming opportunity for a University building, facility, monument or program. In general, the Board of Curators reserves the right to change the amounts below or to use a combination of gifts and service as criteria for naming. The University also reserves the right to recommend to the Board of Curators a change in the amounts below with the acceptable written justification.

<b>Facility</b>	<b>Minimum Contribution</b>
New Buildings (private funds)	20% to 50% of cost (50% of bldg. cost recommended)
Major University Programs	\$750,000
Additions to Existing Buildings	\$500,000
Department	\$500,000
Main Quad	\$500,000
Institutes / Program Centers	\$150,000
Major Components of facilities (major lecture halls, meeting rooms, lobby and reception areas)	\$100,000
Office Suites, conference rooms (depending on scale)	\$ 50,000
Individual classrooms, faculty offices, study rooms	\$ 30,000 and up depending on size
Student program offices	\$ 25,000
Residence Hall rooms	\$ 25,000
Renovation of Selected Campus Facilities	To be determined

The amount required to name a University building shall be set at the same time the Board of Curators formally approves construction. The Curators shall take into account the percentage of the total estimated cost. Guidelines should reflect approximately 20% to 50% of the total cost for new buildings and at least 10% for additions. The suggested levels shall be reviewed periodically by the Board of Curators.

**NOTES:**

The term "Facilities" includes buildings, rooms, interior spaces, streets (including landscape material and associated exterior furnishings), courts, monuments, athletic fields, open spaces, forests, and all other areas owned, operated, and controlled by the University.

The term "program" includes colleges, departments, institutes, centers, and other units associated with University functions.

Endowments and Scholarships

An endowed gift is one in which the original principal is never invaded; the gift exists in perpetuity. Endowments are generally funded within five (5) years of the initial contribution. Income paid out of the fund is distributed annually according to approved policies. There is no minimum limit for gifts to already existing endowments, but the minimum amount for establishing an endowed fund is \$10,000. The following table lists the minimum requirements for establishing new endowments.

<b>Student Support</b>	<b>Minimum Contribution</b>
<b>Endowed Scholarships/Fellowships (restricted):</b> Support to outstanding students based on exceptional academic achievement without regard to financial need.	\$10,000- \$25,000
<b>Endowed Scholarships/Fellowships (unrestricted)</b>	\$15,000
Annual Academic Scholarships	\$5,000 annually
Research Awards: Support to students to pursue research awards	\$20,000

<b>Faculty Support</b>	<b>Minimum Contribution</b>
Distinguished/Full Professorship	\$1,000,000
Associate Professorship	\$500,000
Assistant Professorship	\$250,000
Visiting Professorship: Support for bringing outstanding visitors to teach, do research and be available as resources for the entire University community	\$200,000

Faculty Development Funds	\$200,000
Research Awards	\$100,000
Teaching Excellence Awards	\$100,000

**NOTES:**

The term "Facilities" includes buildings, rooms, interior spaces, streets (including landscape material and associated exterior furnishings), courts, monuments, athletic fields, open spaces, forest's, and all other areas owned, operated, and controlled by the University.

The term "program" includes colleges, departments, institutes, centers, and other units associated with University functions.

**1.58 Use of the University Seal**

The official University seal, adopted by the Board of Curators, is circular shaped, measuring approximately 5.5 cm. with a profile likeness of Abraham Lincoln centered within and containing the following inscriptions:

1. LINCOLN UNIVERSITY, JEFFERSON CITY, MISSOURI  
(around the border)
2. LABORARE ET STUDERE (below Lincoln's profile)
3. FOUNDED 1866 BY THE 62nd and 65th COLORED INFANTRIES  
(above Lincoln's profile)

The official Keeper of the Seal shall be the President of the University. The following guidelines determine the official uses of the University Seal:

1. The seal may be affixed to all degrees, diplomas and certificates awarded by the University, or any official act of the Board of Curators.
2. Any legal agreement binding the University may have the seal affixed.
3. A facsimile of the seal may be reproduced to a desired scale in the school colors, in black and white, or other appropriate colors for uses on official University letterhead and official University invitations, announcements, and publications.

The Keeper of the Seal shall be consulted for other uses of the Seal. The following suggestions will be helpful in making any determination on the use of the seal:

1. Only scaled reproductions shall be made of the seal.
2. The seal should never be used alongside other symbols purely as decoration.
3. Care should be taken never to use the seal in any manner which appears to be in poor taste.

A copy of the Logo and Seal Users' Guide is available from the Office of Marketing and Communications.

## **CHAPTER II SHARED GOVERNANCE**

### **Shared Governance Bodies and University Committees (2.00-2.09)**

#### **The Faculty Senate (2.20-2.27)**

#### **The Staff Council (2.30-2.40)**

#### **The Student Government Association (2.60-2.68)**

#### **Collective Bargaining Regulations (2.80-2.87)**

### **Shared Governance Bodies and University Committees**

#### **2.00 Shared Governance Bodies and Open Meetings**

The faculty, staff, and students of the Lincoln University shall share a role in the governance of the institution. Each group shall have its distinct body, the purposes and functions of which shall be outlined in the groups' bylaws. Each group shall have regular meetings as outlined in the groups' bylaws. Additionally, there shall be University committees of various types involving University employees from all units to facilitate broad participation in the governance of the campus. In accordance with Missouri state law, all such meetings shall be open, unless otherwise provided by law, to members of the other groups or committees as well as to any other interested parties.

#### **2.01 University Committees**

Committees at the University shall be of five types:

- Standing University committees
- Advisory committees
- Ad hoc task forces
- Search and screening committees
- Other

##### **2.01.1 General Policies on Committees**

Functions of the committees are to be listed in the Committee Listing which is updated and published regularly. Any changes in established functions must be approved by the President.

Each committee may invite University personnel for consultation on relevant committee business, and all employees of the University are encouraged to cooperate upon receipt of such invitations. Any employee of the University may at any time make suggestions or recommendations in writing to any committee, or ask to appear in person before any committee in order to make recommendations on matters which fall within the jurisdiction of that committee. However, unless he/she

is a member of that committee, he/she shall not have the right to vote on its motions.

Administrative officers and academic administrators who have been appointed to committees shall have the same rights and privileges as other members of the committee. Ex officio members of any committee shall not have voting rights.

The President of the University shall have the right to veto any action or resolution of any University committee if in her/his judgment the larger interests of the University so require. In the event of veto, the President shall immediately inform the committee, stating the reasons for such veto. The reasons for the veto shall also be entered into the minutes of the proceedings of that committee. Should the committee proposing the vetoed policy or action reconsider the issue and re-enact the same resolution by a two-thirds (2/3) vote, the measure shall become effective unless nullified or reversed by the Board of Curators.

For record-keeping purposes and the historic record, all University standing committees shall provide minutes of all meetings to the appropriate administrative officer as identified in the Committee Listing. All advisory, ad hoc, and other committees shall provide minutes of all meetings to the President and/or the appropriate administrative officer.

## **2.02 Standing University Committees**

To facilitate the work of the University, standing University committees shall be established to study, prepare, and recommend policies; to hear appeals; to recommend courses of action; and to fulfill other functions as set forth in their charges. Standing committees shall assist administrative officers in the implementation of policies and courses of action after such have been adopted.

The President shall appoint committee chairpersons and one-third (1/3) of the membership of the standing committees. The officers (or an ad hoc nominating committee) of the Faculty Senate and Staff Council shall make recommendations to the President for the remaining two-thirds (2/3) of the membership, according to the functions of the committees, by May 1 of each academic year. All full-time employees shall be eligible to serve on standing committees. Students may, at the President's discretion, serve on a standing University committee if the function of the committee is appropriate to student concerns.

Except for the initial appointment of the standing University committees, members shall serve terms of three (3) years. Upon appointment of any new standing University committee, one-third (1/3) of the membership shall serve for one (1) year, the second third (1/3) for a period of two (2) years, and the remaining third (1/3) for a period of three (3) years. Thereafter, the appointments shall take place annually for three (3)-year periods. No member shall serve longer than three (3) successive years. Not all members eligible to serve on standing committees shall necessarily serve on such committees at any one time. As a general rule, simultaneous assignment to more than two (2) standing committees shall be avoided, although this guideline shall not prejudice the selection of any member of the

University for such committees.

Standing University committees shall serve in an advisory capacity. Policies, procedures, courses of action, etc., recommended by the committees shall be transmitted through the chain of command to the appropriate administrative officer for approval.

The following shall be standing University committees:

- Assessment
- Employee Compensation and Benefits
- Internal Grievance Panel
- Rules and Regulations Review
- 504/ADA
- Emergency Preparedness formerly known as Safety and Security

The President may, at her/his discretion, charge other standing University committees if needs dictate.

### **2.03 Advisory Committees**

Advisory committees may be established when authorized by the President of the University. Advisory committees generally serve one of the following functions:

- Assure compliance with legal requirements of federal and state mandates
- Serve as the liaison between the unit providing a service and the function served
- Monitor a specific on-going function such as energy utilization, recruitment, etc.

Membership on an advisory committee is by appointment made by the President. The term of appointment is for two (2) years and appointment may be renewed. Students may, at the President's discretion, serve on an advisory committee if the function of the committee is appropriate to student concerns.

All advisory committees shall provide minutes of all meetings to the appropriate administrative officer.

Advisory committees are continuous until released. Committees may be added or committee functions modified by the President, as deemed appropriate.

### **2.04 Ad Hoc Task Forces**

An ad hoc task force refers to a group called together to examine a specific subject or solve a specific problem. The task force members will generally be given a deadline by which they must complete their work, at which point the charge will expire. The President may

appoint ad hoc task forces. They may also be convened by Vice Presidents, Deans, department heads, directors, and the chairs of the Faculty Senate and Staff Council.

## **2.05 Search and Screening Committees**

The purpose of search and screening committees is to insure that the University hires the best available candidate for each job without regard to race, gender, national origin, religion, age or handicapping condition. Search and screening committees are a necessary part of the employment process and procedures, which are found in Chapter X, Section 10.01.

Employment is not finalized until it is approved by the President of the University. The President may appoint and remove employees of the University at her/his discretion or make the final decision on any personnel matter and/or recommendation regarding any employee of the University.

## **2.06 Other Committees of the University**

The President may, at her/his discretion, appoint committees for purposes other than those described above, establish or modify functions, and assign members who will serve one (1)-year terms. These committees meet at the request of the President and report directly to the President or to her/his designee.

## **2.07 Proposals and Recommendations**

In accordance with their bylaws, the shared governance groups and committees shall make proposals and recommendations germane to their functions. Such proposals and recommendations shall, if passed by the body, be sent through the appropriate administrative channels for approval in accordance with the Development and Oversight of University Policies regulations. (See Chapter I, Section 1.54.)

## **2.08 Communication with the Administration**

The chair and/or president of each of the shared governance bodies shall be the group's liaison with the University President and/or other members of the administration. All proposals, recommendations, resolutions, etc., approved by the bodies shall be conveyed to the administration by this means.

## **2.09 Changes to the Governance Plan**

The Board of Curators shall have the authority to change any provision of this governance plan if in the judgment of the Board the larger interests of the University so require.



## **The Faculty Senate**

### **2.20 The Faculty Senate: Composition, Purpose, and Functions**

The Faculty Senate shall be composed of all permanent and temporary, full-time members of the academic faculty (academic appointment of .75 FTE or higher). It shall serve as a major advisory body to the President. Its primary functions are as follows:

1. To initiate and participate in formulating the general educational curriculum and policies of the University;
2. To recommend policies governing the conduct of students in academic environments;
3. To recommend approval of new degree and minor programs;
4. To recommend elimination of degree programs;
5. To recommend candidates for the various undergraduate degrees;
6. To recommend standards concerning academic competence, ethics, and academic freedom.

### **2.21 Leadership of the Faculty Senate**

The Faculty Senate shall be presided over by an elected chairperson who may vote only in the case of a tie. A vice chair, secretary, and parliamentarian shall also be elected by the Faculty Senate from among its members. The vice chair shall preside over meetings when the chair is absent. All officers shall be elected for a term of office of one (1) year and may be re-elected for no more than three (3) consecutive one (1)-year terms.

A slate of candidates for each of the four (4) Senate officers shall be presented to the Faculty Senate by the Executive Committee. Members of the Senate, in session, may nominate additional persons to be included on the slate.

Elections shall take place by secret ballot while the Faculty Senate is in session during the April meeting.

#### **2.21.1 Duties of the Officers of the Faculty Senate**

The chair shall have the following duties:

1. Issue notices of Senate meetings;
2. Preside at meetings of the Senate;
3. Supervise the functioning of the Senate and its established bodies;
4. Prepare and send an agenda for each meeting of the Senate five (5) working days before the meeting;
5. Organize and appoint ad hoc committees as directed by the

- Senate;
6. Represent the faculty to the administration and Board of Curators and serve as liaison between the faculty and external committees;
  7. Forward any Senate actions to the appropriate Vice President of the University;
  8. Represent the Senate as Lincoln University's voting member at meetings of the Missouri Association of Faculty Senates.

The vice chair shall have the following duties:

1. Preside at meetings of the Senate in the absence of the chair;
2. Assist in the supervision of the working of the Senate in such a manner as directed by the Senate or by the chair of the Senate.

The secretary shall have the following duties:

1. Record the minutes of Senate meetings: regular, special, and executive;
2. Preside at meetings of the Senate in the absence of both the chair and vice chair of the Senate;
3. Publish for the faculty the minutes of the meetings by the second Thursday of the month.

The parliamentarian shall have the following duties:

1. Assure that Senate meetings are conducted in accordance with the bylaws of the Faculty Senate and the current edition of *Robert's Rules of Order*;
2. Advise the chair on *Robert's Rules of Order*;
3. Assist the chair in determining a quorum.

## **2.22 Faculty Senate Meetings**

The regular meetings of the Faculty Senate shall be the last Thursday of the month during the academic year at 11:00 a.m., except December and May. The Faculty Senate shall meet at least twice each semester. Special or emergency meetings may be convened by the chair, signature petition of one-third (1/3) of the Senate members, or a two-thirds (2/3) vote of the Executive Committee.

The business of the Faculty Senate shall be conducted according to the current edition of *Robert's Rules of Order*. If a two-thirds (2/3) majority vote is required, that majority shall be interpreted to mean an affirmative vote equal to two-thirds (2/3) majority of the senators present and voting. The usual order of business shall be as follows:

1. Approval of the minutes of the previous meeting;

2. Reports;
3. Unfinished business;
4. New business.

The Faculty Senate shall have the power to modify the agenda by a two-thirds (2/3) majority vote of members present and voting. A quorum shall consist of one (1) senator more than a total of fifty percent (50%) of the on-campus Senate members.

#### **2.22.1 Non-voting Staff Representative to the Faculty Senate**

1. In an effort to promote collegiality and transparency, and recognizing the importance of shared information and shared governance, the Staff Council shall be invited to appoint a member of the Staff Council as staff representative to the Faculty Senate.
2. The staff representative shall not have the right to vote on any matter before the Senate. However, when there is an item of business from the Staff Council which the staff representative wishes to share, the staff representative must submit in writing to the Faculty Senate chairperson, no less than fourteen (14) days in advance of the Faculty Senate meeting, the item to be placed on the Faculty Senate agenda. After review by the Senate chairperson, and/or at the discretion of the Faculty Senate Executive Committee, the item may be placed on the agenda.
3. The term of the staff representative shall be two (2) years.
4. The staff representative shall serve as a liaison between the Staff Council and the Faculty Senate.

#### **2.22.2 Non-voting Student Representative to the Faculty Senate**

1. In an effort to promote collaboration and foster increased communication between faculty and students, and recognizing the importance of shared information and shared governance, the Student Government Association shall be invited to appoint a member of the student government association as a student representative to the Faculty Senate.
2. The student government representative shall not have the right to vote on any matter before the Senate. However, when there is an item of business from the Student Government Association which the student representative wishes to share, the student representative must submit in writing to the Faculty Senate chairperson, no less than fourteen (14) days in advance of the Faculty Senate meeting, the item to be placed on the Faculty Senate agenda. After review by the Senate chairperson, and/or at the discretion of the Faculty Senate Executive Committee, the item may be placed on the agenda.
3. The term of the student representative shall be one (1) year.
4. The student representative shall serve as a liaison between the Student Government Association and the Faculty Senate.

## **2.23 Executive Committee of the Faculty Senate**

The Executive Committee shall act as liaison between the Faculty Senate and the academic departments. The committee shall also perform other such duties and obligations as deemed appropriate by the Senate as well as those listed below (Section 2.23.1).

Each academic department shall be entitled to one (1) representative on the Executive Committee. The chair and secretary of the Faculty Senate shall be the chair and secretary of the Executive Committee. The chair and secretary shall not be considered representatives of any department. The chair may vote only in case of a tie. The secretary shall be a non-voting member.

Each academic department shall elect their representatives by secret ballot no later than March 15 of the academic year preceding that in which newly elected representatives will take office.

Executive Committee members shall serve three (3)-year terms. No member shall serve more than two (2) consecutive terms. A member may serve any number of nonconsecutive terms. No more than one-third (1/3) of the Executive Committee memberships shall expire in any given year. A member's seat on the Executive Committee may be declared vacant by a majority vote of the remaining members if a member has missed more than three (3) consecutive meetings, has left the University, or has submitted a letter to the Senate chairperson resigning from the Executive Committee. Vacancies shall be filled by election of a new representative within thirty (30) days.

### **2.23.1 Duties of the Executive Committee**

The Executive Committee shall have the following duties:

- Provide oversight for membership and composition for the Senate and University standing committees;
- Recommend faculty members for such committees and announce those recommendations at the April meeting of the Senate;
- Review lists of prospective graduates as provided by the VPAA and recommend approval by the Faculty Senate;
- Maintain current listings of faculty for Senate voting purposes;
- Solicit candidates for Senate office; develop and present the slate for Senate elections;
- Conduct Senate elections during the April meeting;
- Consider issues that do not fall under the charge of any other standing committee of the Senate.

### **2.23.2 Meetings of the Executive Committee**

The Executive Committee shall meet at least once a semester. The chairperson may call the committee into session for special meetings as necessary. Each member of the committee shall be given written notice of all meetings of the committee at least seven (7) days prior to such meetings.

The business of the Executive Committee shall be conducted in the same manner as the meetings of the Senate. A quorum for the Executive Committee shall consist of two-thirds (2/3) of the membership of the committee. No committee business shall be conducted unless said quorum is present.

Should a member of the committee be unable to attend the meeting, whether special or regularly scheduled, that member shall designate an alternate from her/his unit and provide the chosen representative with her/his proxy.

### **2.24 Standing Committees of the Faculty Senate**

To facilitate the work of the Faculty Senate, standing committees and sometimes special committees (ad hoc) are necessary and shall be established to study, prepare, and recommend policies on educational practice; review curriculum; and fulfill other functions as set forth in their charges. Standing committees of the Faculty Senate shall assist administrative officers in the implementation of such policies after they have been adopted.

Standing committees shall serve in an advisory capacity. Policies, procedures, programs, etc., recommended by those committees shall be presented to the Faculty Senate for consideration. Upon approval, they shall be transmitted through the appropriate chain of command.

The officers of the Faculty Senate shall appoint committee chairpersons and one-third (1/3) of the membership. The Executive Committee shall recommend the remaining two-thirds (2/3) membership of the committees. Except for the initial appointment of the standing committees, members shall serve terms of three (3) years. Upon appointment of any new standing committee, one-third (1/3) of the membership shall serve for one (1) year, the second third (1/3) for a period of two (2) years, and the remaining third (1/3) for a period of three (3) years. Thereafter the appointments shall take place annually for three (3)-year periods. The Executive Committee shall recommend committee appointments to the chair by April 1 of each academic year. As a general rule, simultaneous assignment to more than two (2) standing Faculty Senate committees shall be avoided, although this guideline shall not prejudice the selection of any member of the Faculty Senate for such committees. The chairpersons of the standing committees, with the exception of the Executive Committee, shall serve as the Faculty Senate representation on the University Shared Governance Committee. The Faculty Senate chairperson and secretary shall serve as ex officio officers, with the

Staff Council chairperson and secretary, having the duties of presiding and recording minutes, in turn or jointly, as designated by the University Shared Governance Committee.

#### **2.24.1 The Standing Committees of the Faculty Senate**

- Executive
- Curriculum
- Educational Policies
- General Education

The Curriculum Committee shall have the following functions:

- Review and approve, or reject, all changes in undergraduate courses, curricular and degree requirements proposed by academic units;
- Advise the University President on criteria for the establishment and deletion of courses and curricula;
- Coordinate its activities with those of the Educational Policies Committee and other appropriate University committees.

The Educational Policies Committee shall have the following function:

- Consider and recommend policies and procedures in matters related to academic regulations.

The General Education Committee shall have the following functions:

- Recommend and/or approve revisions to the existing general education curriculum;
- Ensure that assessment measures are developed;
- Review and recommend approval or denial of proposals for new general education courses;
- Evaluate all general education courses periodically in relation to general education program objectives;
- Promote a climate for discussion about and act as a clearing house for information on general education issues;
- Keep faculty abreast of current developments in general education and the role their courses play within the larger context of general education.

All Faculty Senate standing committees shall provide minutes of all meetings to the chair of the Senate (for record-keeping purposes) with copies to appropriate administrative units.

The Senate may, at its discretion, charge other standing Faculty Senate committees if needs dictate.

## **2.25 Recommendations and Proposals**

Any committee, department, college, Faculty Senate member or group of members, or other area of Academic Affairs may bring a recommendation, a resolution, or a proposal for a new policy, a change in policy, or the deletion of an existing policy to the Faculty Senate.

Proposals or resolutions for new policies, any change in a policy, or deletion of an existing policy will then follow the procedure prescribed in Chapter I of the Lincoln University Rules and Regulations, Section 1.54: Development and Oversight of University Policies. Recommendations for new programs, changes in a program, or deletion of a program will be sent through the established chain of command. If the resolution, proposal, or recommendation is passed, it will be sent through the appropriate chain of command. If it is an action requiring Board approval, the Board of Curators will be the final authority.

Actions passed by the Faculty Senate in its shared governance capacity are communicated to the University administration for approval and implementation. These actions shall be recorded within the minutes and subsequent records of the Faculty Senate with proper designations. The designation for each action shall conform to the following format: Faculty Senate, Term, and Number, e.g.: FS-2007-2008-01.

## **2.26 Amendments to the Faculty Senate Bylaws**

The bylaws of the Faculty Senate may be amended at any regular Senate meeting by a three-fourths ( $3/4$ ) vote of all members present and voting. The proposed amendment(s) must be submitted at a prior Faculty Senate meeting.

## **2.27 Faculty Membership on Standing University Committees**

The University President shall appoint committee chairpersons and one-third ( $1/3$ ) of the membership of the standing committees of the University. The Executive Committee of the Faculty Senate shall recommend one-third ( $1/3$ ) of faculty committee appointments to the President by May 1 of each academic year. All full-time faculty members are eligible to serve on University committees. As a general rule, simultaneous appointment to more than two (2) standing committees shall be avoided, although this guideline shall not prejudice the selection of any Faculty Senate member for standing committees. (See Section 2.02: Standing University Committees.)

## The Staff Council

### 2.30 The Staff Council: Composition, Purpose, and Functions

The Staff Council shall be composed of members elected according to their employment classifications as outlined below in Section 2.31. The Staff Council shall serve as a representative body of all University staff employees and as a major advisory body to the University President. The Council's primary functions are as follows:

- To promote opportunities for communication and collaboration among members of the staff, and between staff and students, faculty, administrators, alumni, and other University stakeholders;
- To provide a forum for discussion of staff-related issues;
- To represent, collectively, staff issues and concerns;
- To make recommendations concerning staff issues to the University President or appropriate administrator or committee;
- To ensure adequate staff representation on University committees, in University planning, and in University decision-making that affects the institution as a whole;
- To ensure recognition of the value of staff contributions both individually and collectively.

### 2.31 Composition of the Staff Council

Representation will be by job classification with three (3) Council seats each and six (6) additional at-large seats open to any staff employee regardless of job classification as follows:

<u>Staff Classifications</u>	<u># of Council seats</u>
Administrative directors (positions reporting to University Vice Presidents)	3
Professional (personnel in the areas of advancement, financial services and human resources)	3
Administrative support (all administrative personnel below the director level)	3
Extension Representatives	3
Technical and skilled crafts (personnel in the facilities area)	3
Representatives at-large	<u>6</u>
	21



## **2.32 Term of Service**

Members elected to the Staff Council shall serve three (3)-year terms and shall not serve more than two (2) consecutive terms. Terms shall be staggered so that approximately one-third (1/3) of the Staff Council is replaced each year. (See Section 2.33: Elections.)

Terms shall start and end at the regular June meeting. A member who has served two (2) terms may be re-elected after a period of no less than a one (1)-year absence from the Council.

### **2.32.1 Vacancies**

In the event of a vacancy on the Staff Council, the Nominations and Elections Committee shall recommend an appropriate replacement to the chair of the Staff Council who shall appoint a replacement to complete the term of the vacant Council seat. In the instance that the chair's position becomes vacant, the vice chair shall assume the role of chair until the next scheduled election.

## **2.33 Elections**

Elections for Staff Council members shall be held during the month of April.

### **2.33.1 Voting**

All permanent University staff shall vote for the Staff Council candidates and the at-large candidates.

### **2.33.2 Candidacy**

Nominations for candidates will open one (1) month prior to the election date and close two (2) weeks prior to the election date. Candidates must indicate their acceptance of the nomination before being placed on the ballot. The names of the candidates shall be submitted to the chair of the Nominations and Elections Committee.

### **2.33.3 Distribution of Candidate Lists**

A list of candidates, with accompanying personal statements if available, shall be distributed by the Nominations and Elections Committee no less than two (2) weeks prior to election date.

### **2.33.4 Balloting**

Individuals voting in the Staff Council election must cast their own ballots.

Following the election, the Nominations and Election Committee shall be responsible for counting the votes.

The candidates with the most votes shall become members of the Staff Council. In the event of a tie, a run-off election shall be held within two (2) weeks of the initial election.

#### **2.33.5 Announcement of Election Results**

The current chair of the Staff Council shall announce the names and employment classifications of those elected to the Staff Council. This announcement shall not include the number of votes each candidate received.

#### **2.33.6 Withdrawal or Ineligibility of Candidacy**

A candidate may withdraw from the ballot at any time before the conclusion of the election. If a candidate becomes ineligible after the election but before the term begins, the position shall be awarded to the candidate with the next highest number of votes. If there is no other candidate, the position shall be filled as with any other vacancy. (See Section 2.32.1.)

#### **2.33.7 Unfilled Seats**

In the event that a seat is not filled during the regular election, the seat shall be filled as with any other vacancy. (See Section 2.32.1.)

### **2.34 Leadership of the Staff Council (Executive Committee)**

The Staff Council shall be presided over by an Executive Committee led by a chair elected from the members of the Staff Council. A vice chair, secretary, and parliamentarian shall also be elected by the Staff Council from among its members. The election of Executive Committee members shall be held at the first meeting following the April elections (e.g. the May meeting). The Nomination and Election committee will collect candidates from those elected to Staff Council and will distribute the list of candidates for each position to the Council no later than two weeks prior to the May meeting. The voting shall be by secret ballot and counted in the presence of the full Staff Council.

The Executive Committee will meet a minimum of one (1) week prior to the scheduled Staff Council meeting. The meeting will be run according to Robert's Rules and shall have as its purpose the creation of a formal agenda for the proceeding Staff Council meeting. All Executive Committee meetings should operate according to an established agenda and associated minutes.

### **2.34.1 Terms of Service**

All officers shall be elected for a term of one (1) year and may serve for no more than three (3) consecutive one (1)-year terms.

### **2.34.2 Chair**

The duties of the chair of the Staff Council shall be as follows:

- To preside over meetings of the Staff Council;
- To call special meetings of the Staff Council when deemed necessary;
- To prepare meeting agendas;
- To serve as spokesperson for the Staff Council;
- To represent the interests and concerns of the Staff Council to the University President and the campus community;
- To serve on the University Shared Governance Committee;
- To appoint committee chairs (see Section 2.37.1);
- To delegate tasks to committees or individual members;
- To cast the deciding vote in the case of deadlocked decisions.

### **2.34.3 Vice Chair**

The duties of the vice chair of the Staff Council shall be as follows:

- To fill the unexpired portion of the chair's term in the event of a vacancy in that position;
- To assume any or all of the chair's duties in the absence of, or at the request of, the chair;
- To serve on the University Shared Governance Committee.

### **2.34.4 Secretary**

The duties of the secretary of the Staff Council shall be as follows:

- To prepare and distribute the Staff Council minutes and any other appropriate communications;
- To maintain a permanent record of all Staff Council activities;
- To serve on the University Shared Governance Committee;
- To supervise the collection, maintenance, and availability of resource materials for the Staff Council;
- To serve as de facto chair of the Staff Council Communication Committee.

### **2.34.5 Parliamentarian**

The duties of the parliamentarian of the Staff Council shall be as follows:

- To advise the chair on parliamentary procedures in accordance with the current edition of *Robert's Rules of Order*;
- To serve on the University Shared Governance Committee.

### **2.34.6 Filling Vacancies (Officers)**

With the exception of the chair (see Section 2.34.2), if a vacancy among officers occurs, Council members may choose to hold a special election or through consultation with the full Staff Council choose to appoint an interim to the open position. If the vacancy occurs less than two (2) months before that person's term is due to expire, a temporary representative may be appointed by the Council chair.

## **2.35 Membership Responsibilities and Regulations**

### **2.35.1 Responsibilities**

The responsibilities of the members of the Staff Council shall be as follows:

- To attend and participate in all regular and special meetings of the Staff Council;
- To engage in communication and to solicit feedback from their respective classification staff employees regarding Staff Council activities;
- To actively participate in any committee(s) to which the member is appointed.

### **2.35.2 Service as a Part of Workload**

Service on the Staff Council and attendance at meetings shall constitute a part of the member's regular work assignment.

### **2.35.3 Absences**

Members shall notify the chair in the event of an anticipated absence from a regularly-scheduled or special meeting. After three (3) absences by a member in an academic year, the Staff Council chair will appoint a new Council member according to Section 2.32.1.

## **2.36 Staff Council Meetings**

The Staff Council shall meet on the second Thursday of each month at 11:00 a.m., unless holidays, previously scheduled University events, or inclement weather dictates it to be rescheduled to an appropriate date. An email notification from the chair of the Executive Committee should notify the staff when changes are made.

Absent substantive issues to discuss, the monthly Staff Council meeting may be canceled by the chair of the Staff Council at their discretion; however, the full Staff Council must hold at least one (1) meeting per quarter.

The Staff Council secretary shall notify all University staff in writing of regular meetings one (1) week prior to the meeting date.

Special or emergency meetings may be called by the chair with a twenty-four (24) hour notice or by signature petition of one-third (1/3) of elected Council members or by signature petition of twenty percent (20%) of the entire staff.

### **2.36.1 Procedures for Meetings**

Meetings and business of the Staff Council shall be conducted according to the current edition of *Robert's Rules of Order*. The usual order of business shall be (but shall not be limited to) the following:

- Approval of the minutes from the previous meeting
- Individual and committee/subcommittee reports
- Unfinished (old) business
- New business
- Announcements

Items for new business must be submitted in writing to the secretary of the Staff Council no less than fourteen (14) days in advance of the next Council meeting. After review by the chair, these must be posted to the staff listserv for discussion not less than seven (7) days before the meeting.

During Council meetings, Lincoln University administrators, faculty, and/or students may receive special recognition by the Staff Council and may address the Council.

### **2.36.2 Modifying the Agenda**

The Staff Council shall have the power to modify an agenda item by motion and majority vote.

### **2.36.3 Voting**

University staff members who do not hold an elected seat on the Staff Council are not eligible to participate in the voting process.

Voting on an issue shall be oral unless a ballot is moved and seconded by Council members. In those instances where the meeting is conducted virtually, an electronic survey or ballot process may be used with the consent of the full Staff Council.

Adoption of said issue shall be by simple majority, except in case of amendments to bylaws, which always require a ballot and must pass by a two-thirds (2/3) majority. (See Section 2.40.)

In non-ballot voting regarding issues and motions, any representative may request that the members be polled, and results recorded by roll call.

### **2.36.4 Quorum**

A quorum shall consist of fifty-one percent (51%) of the Staff Council members.

### **2.36.5 Minutes**

The secretary shall record the minutes of Staff Council meetings. After the minutes have been approved (as amended, if necessary at the following meeting) they will be posted on the listserv and the Staff Council Web site. A copy of the approved minutes shall be provided to the Office of the President and made available to all University staff for consideration.

## **2.37 Standing Committees of the Staff Council**

To facilitate the work of the Staff Council, standing committees and sometimes special committees (ad hoc) shall be established to study issues and prepare and make recommendations to the Council. All committees will serve in an advisory capacity. All committees will maintain records of meetings and activities. Minutes of all meetings will be provided to the Staff Council secretary for inclusion in the historical record.

Following are the ad-hoc committees of the Staff Council, which meet at the request of the Executive Committee, and their functions:

- Nominations and Elections: Solicit nominations; prepare ballots; oversee the election process as outlined in the bylaws; develop and maintain a committee membership pool list.
- Bylaws: Review and propose revisions to the bylaws as needed.

The Staff Interest and Events committee will be a standing committee of Staff Council.

### **2.37.1 Committee Chairs, Membership, and Terms of Service**

The Staff Council chair will appoint chairs for each standing committee and will define each committee's scope and charge. Committee chairs must be chosen from Council members.

The committee chair will establish membership from a committee pool of interested staff employees maintained by the Nominations and Elections Committee. Each standing committee will be composed of six (6) members and an ex officio member as appropriate. An ad hoc committee may have more than six (6) members if the Council deems it necessary by majority vote.

Committee membership shall be representative of a cross-section of staff classifications. A committee may remove by vote any member who does not actively participate, defined as missing three (3) consecutive meetings, in the committee's work. Upon a vacancy, the committee chair will fill the vacancy with a staff employee from the committee pool and shall so notify the chair of the Staff Council.

Staff Council standing committee membership will be announced by the Council chair.

Committee members shall serve three (3)-year terms. Terms shall be staggered so that approximately one-third (1/3) of the Staff Council standing committee members are replaced each year.

No individual shall serve more than two (2) consecutive terms on the same standing committee unless approved by simple majority vote of the Staff Council.

Staff members shall serve on no more than two (2) standing committees concurrently.

The Staff Council chair may, at her/his discretion and/or the direction of the Council, appoint special and ad hoc committees and assign members who will serve one (1)-year terms. Such groups will generally be given a deadline by which they must complete their work and at which point their charge will expire.

### **2.38 Staff Membership on University Committees**

The University President shall appoint committee chairpersons and one-third (1/3) of the membership of the standing committees of the University. The Executive Committees of the Faculty Senate and Staff Council shall make recommendations to the President for the remaining two-thirds (2/3) of the membership, according to the functions of the committees, by May 1 of each academic year. All full-time permanent staff employees shall be eligible to serve on standing committees. (See Section 2.02: Standing University Committees.)

### **2.39 Recommendations and Proposals**

Recommendations from the Staff Council shall be forwarded to the University President, the chair of the Faculty Senate, the president of the Student Government Association, and/or other appropriate administrator or group, for consideration, input, and/or action.

All decisions by the University President are final.

### **2.40 Amendments to the Staff Council Bylaws**

Amendments to the bylaws may be proposed by any member of the University staff at any time, but must be brought before the bylaws committee for discussion and submitted to the Council for consideration. Approval requires a two-thirds (2/3) vote of the complete staff council.

## **The Student Government Association**

### **2.60 The Student Government Association: Name and Purposes**

The name of this organization shall be the Student Government Association of Lincoln University (SGA).

The purposes of the SGA are as follows:

- To serve as the voice of the student body;
- To enable students to exercise self-government through the democratic processes;
- To foster communication among all members of the University family;
- To provide a channel for student participation in University affairs;
- To foster and promote a spirit of unity, understanding, and cooperation among all student organizations; and
- To cultivate a spirit of loyalty to University among students, alumni, faculty and staff.



## **2.61 Membership**

All full-time students on the undergraduate level shall be regular members of the Student Government Association (SGA) and shall be entitled to all the rights and privileges of such membership, with the exception that part-time students are not eligible to hold office. All regularly enrolled graduate students shall be associate members and shall have the right to attend meetings, voice opinions, and serve on committees. They are not eligible to hold office. All enrolled students are eligible to vote in elections.

## **2.62 Student Government Composition**

The SGA shall be composed of three (3) major branches: the administrative branch, the legislative branch, and the judicial branch. The administrative branch shall consist of the president, vice president, treasurer, secretary, Mr. and Miss Lincoln University, and two representatives-at-large. The legislative branch, or the Student Senate, shall consist of one (1) elected representative and their alternate from each residence hall; one (1) elected representative and her/his alternate from each chartered organization on campus; the vice president of each class; and five (5) representatives of off-campus students who will be appointed by the president of the administrative branch. The judicial branch, or Student Court, shall consist of appointed students who have been nominated by the vice president of the SGA administrative branch and approved by the Student Senate.

### **2.62.1 Requirements for the SGA Administrative Branch Officers**

Requirements for all candidates for SGA office and for Mr. and Miss Lincoln University are listed in Article V of the SGA constitution, which is published in the current student handbook.

## **2.63 Authority of the SGA**

The authority of the SGA is delineated in Article IV of the SGA constitution, which is published in the current student handbook.

## **2.64 Duties of Officers**

The duties and responsibilities of each presiding officer shall be as follows:

- To serve as an administrator and spokesperson of the officers' respective agencies;
- To coordinate the office and the work of the other related agencies;
- To report the progress and achievements of the agencies to the SGA administrative branch; and
- To make such recommendations for legislative action as pertains to the agencies' goals.

Other duties and responsibilities of each officer, the representatives-at-large, and Miss Lincoln University are outlined in Article VI of the SGA constitution.

## **2.65 Responsibilities of the Student Senate**

The Student Senate shall have the following responsibilities:

- To serve as a check and balance in the SGA;
- To vote for the approval or disapproval of appointments made by the administrative branch;
- To originate and pass legislation involving rules and regulations for the governing of student life (not to conflict with the rules and regulations governing the university);
- To approve or disapprove all expenditures of SGA funds over the amount of \$100 and to ask periodically for a review of the books handled by the administrative branch treasurer; and
- To ask for impeachment of administrative and judicial branch officers when there are appropriate grounds.

Other duties and responsibilities of the Student Senate are outlined in Article VII of the SGA constitution.

## **2.66 Elections**

All elections shall be conducted under laws and procedures enacted by the Student Senate. Policies governing time of elections, establishment and hours of polling places, nomination and campaign procedures, and inaugurations are outlined in the SGA Election Bylaws and Procedures, published in the current student handbook.

## **2.67 Student Participation in University Governance**

The SGA shall provide a channel for student participation in University affairs. The president of the SGA shall be the official liaison to the University President. The University President may, at her/his discretion, appoint students to University committees when the committee charge is relevant to student concerns.

## **2.68 Representation on the Board of Curators**

The SGA shall select a panel of three (3) names to submit to the Governor of the state of Missouri as candidates for a student representative to be appointed to the University Board of Curators. The student representative to the Board shall be a non-voting member. (See Chapter 1, Section 1.06.)

## **Collective Bargaining Regulations of Lincoln University**

### **2.80 Collective Bargaining**

The purpose of this rule is to preserve and prescribe how the right to collective bargaining included in the Missouri Constitution shall be implemented at the University. It shall be interpreted and be applied in such a manner as to protect and regulate the orderly administration of all rights granted by the Constitution to all employees of the University and to provide for good-faith bargaining and earnest effort to reach a fair and equitable agreement by the University, its Curators, Administration and all others acting on its behalf.

### **2.81 The University's Bargaining Team**

The team negotiating on behalf of the University shall be appointed by the President of the University in such number as he/she sees fit but shall not include any Curator, student nor the President of the University.

### **2.82 Scope of the Bargaining Unit**

- The Bargaining Representative shall be chosen by election of a majority of the members included in the Unit unless there is only one (1) representative actively seeking the position and the Board of Curators elects to accept written designations of the choice of the members of the proposed unit and the evidence presented represents a fair, open and verifiable selection by a clear majority of the members of the proposed unit.
- The Union must submit information regarding its legal existence, its affiliations and any other information reasonably requested by the University to enable the University to determine whether it will be recognized as a bargaining unit representative.
- The definition of the criteria determining the membership of the Bargaining Unit shall be clearly defined in language proposed by the Bargaining Representatives seeking recognition and approved by the President of the University prior to the election and included on the ballot or prior to any written designation. If the definition language cannot be mutually agreed upon, the Board of Curators shall make the final decision.
- No occupant of a Supervisor, Manager, or Confidential Employee position may be a member of a Bargaining Unit.
- Only one (1) card check or election shall be held to recognize a bargaining representative regarding any proposed bargaining unit or members thereof in the same year as such recognition. A decertification may take place at any time.

## 2.83 Bargaining, Content and Construction

- All terms and conditions of employment, pending an initial contract agreed to by both parties, shall be subject to management rights, without bargaining or other restriction. Once a contract is entered into by the parties only a specific contract restriction can modify or interfere with management rights.
- The University shall not be required to bargain over matters of managerial rights, which shall include such areas of discretion or policy as the functions of the University, standards of services, its overall budget, the organizational structure and selection of new employees, and examination techniques.
- Each January 15 or prior thereto, that no collective bargaining agreement is in force for any recognized campus bargaining unit, the President of the University shall propose a date, time and location, on or after February 1 at which time the respective representatives will meet.
- At least one (1) week before such first meeting the representatives of the bargaining unit(s) shall present to the University's team through the President's office, a written proposal for consideration and bargaining.
- The parties shall meet thereafter and exchange proposals and bargain in good faith in a fair and earnest attempt to produce and finalize an agreed upon collective bargaining agreement.
- The bargaining shall conclude by the end of April of that same year, absent mutual agreement of the parties to extend such bargaining.
- Any proposal presented by a party shall identify in the written proposal document, and in the final agreement, any existing provision of the Rules and Regulations or Employee Handbook which is inconsistent with the proposed contract term and shall specifically state that the agreement provision shall prevail over the Rule or Regulation or Employee Handbook as to members of the Bargaining Unit. Failure to do so shall result in the Rule or Regulation and Employee Handbook prevailing over the agreement provision.
- Any final agreement shall contain a provision stating, and any final agreement shall be construed to provide that any collective bargaining agreement provisions shall not be binding on the University if changed appropriations, financial condition, weather, terrorism, strike, force majeure or emergency conditions arise and materially adversely change the financial and administrative condition of the University.
- Nothing in this Policy prevents an employee from presenting a grievance to the University and having the grievance heard and settled without the intervention of any labor organization. However, once an employee elects a process for review of any grievance the employee shall have waived any other internal review process.

External processes are not waived unless the parties agree to do so through the collective bargaining process. Internal processes are those developed by the University. External processes are those developed by outside parties, such as the EEOC.

#### **2.84 Impasse**

- If either party believes an impasse has been reached on any issue or issues it may so inform the other party and propose such means and methods as it believes will aid in resolving the impasse. The other party will accept or reject such proposal within five (5) working days and if rejected propose an alternative method or means to resolve the impasse, including mediation.
- If the initiating party rejects such counter-proposal, the University's negotiating team shall report the issue(s) resulting in the impasse and any other information as they see fit to the Board of Curators in writing and shall re-engage on such terms as are prescribed by the Board, if any. If further negotiations result in impasse, then the Board of Curators may implement all, part, or none of the last and final offer of its bargaining committee.

#### **2.85 Proposed Written Agreement**

If an agreement is reached it shall be reduced to writing and each representative team shall affix by signature thereon its endorsement of the written proposed agreement and the endorsed original written proposed agreement shall be delivered to the representative of the bargaining unit and a copy thereof shall be delivered to the President of the University.

#### **2.86 Submission of Proposed Contract**

- The proposed contract negotiated and recommended by the representatives of the Board of Curators and the Bargaining Unit shall be presented to the Bargaining Unit for consideration.
- An affirmative vote by a majority of the members of the Bargaining Unit shall constitute approval of the proposed contract by the Bargaining Unit. The Unit shall notify the President of the University of the outcome of the vote.
- If the Bargaining Unit approves the proposed contract, the proposed contract shall be submitted to the Board of Curators by the President of the University with such comments as he/she sees fit.
- An affirmative vote of a majority of the members of the Board of Curators shall constitute approval by the University.
- If the proposed contract is approved by both the Bargaining Unit and the University, it shall be signed by the Representative of the Bargaining Unit and then by the President of the Board of Curators and shall upon the affixing of the last signature

become effective unless another date is stated in the contract.

- If the proposed contract is not approved by both parties, then the impasse provisions set forth in Section 2.84 shall be invoked.

## **2.87 Decertification**

A majority of any recognized bargaining unit may petition the Board of Curators in writing to decertify their bargaining representative at any time. The Board will determine if the petition represents a fair, open, and verifiable statement of decertification by a majority of such employees and, if so found, will issue a statement decertifying such bargaining representative. Such decertification will void any duty to bargain and any contract then in effect.

## **CHAPTER III ACADEMIC AFFAIRS**

**Administrative Units and Programs (3.00 – 3.13)  
The Academic Faculty: Policies and Regulations (3.20 – 3.43)  
Student Matriculation: Policies and Programs (3.60 – 3.86)**

### **Administrative Units and Programs**

#### **3.00 The Area of Academic Affairs**

The area of Academic Affairs encompasses the instructional and academic aspects of the University, providing academic programs and services to students, and facilitating the academic and professional life of the faculty. The area is presided over by the Provost and Vice President for Academic Affairs (VPAA).

#### **3.01 Administration of Academic Affairs**

The (VPAA) is appointed by the President of the University and has administrative responsibility for all areas of Academic Affairs. Areas reporting to the VPAA are listed in the current University organizational structure (available in the Office of the President). In addition to serving as the acting President during her/his absence, the VPAA shall have the following responsibilities:

- Review academic/instructional activities
- Approve academic programs and their curricula
- Recommend faculty appointments, promotion, tenure and termination
- Support faculty development
- Promote coordination among areas and colleges of the University
- Supervise and evaluate the Deans of the colleges and directors
- Serve as liaison between University academic programs and external agencies
- Participate in fiscal year budget planning
- Oversee the bi-annual publication of the undergraduate bulletin
- Assume additional responsibilities as may be assigned by the President

#### **3.02 Colleges: Leadership**

Each college shall be headed by a Dean. The Dean shall have the academic rank of professor. Deans are selected by the President of the University upon recommendation of the VPAA. The search for appropriate candidates must be conducted in accordance with the University's hiring practices and procedures. The Dean shall be appointed for a term of one, two, or three years and shall be eligible for reappointment. Reappointment shall be at the discretion of the President and shall be based upon recommendation of the VPAA. Prior to reappointment of a Dean, the VPAA shall initiate a systematic, anonymous

evaluation of the Dean by department heads and faculty members of the department, college or area, as appropriate. The Dean shall have the following responsibilities:

- Oversee academic/instructional activities
- Foster the development of academic programs and their curricula
- Recommend faculty appointments, promotion, tenure and termination
- Promote faculty development
- Facilitate interdisciplinary collaboration and development of programs, courses, grants and projects
- Supervise and evaluate department heads, directors, and associate directors
- Participate in fiscal year budget planning
- Assume other responsibilities as assigned by the VPAA or President

### **3.03 Academic Departments: Leadership**

Each academic department shall be chaired by a department head. A department head is a “leader among peers,” and therefore department faculty members are instrumental in the selection of their department head. When there is a department head vacancy, the departmental faculty must first decide whether a new head is to be chosen internally or through an external search. (There must be an open position within the department if there is to be an external search.) Department heads are nominated or screened by the faculty and are chosen based upon a simple majority vote by the faculty in the department. If a majority vote of faculty results in a tie, the VPAA shall cast the deciding vote. The recommendation from the faculty must be sent for approval through the levels of Dean and VPAA. When an internal appointment is made, the department head shall have the academic rank of at least associate professor or assistant professor with a minimum of 10 years' service to Lincoln University. Official appointment to the position is by the President. Department heads are appointed for a period of one (1) to three (3) years.

In line with the University’s regular yearly evaluation cycle, the Dean will initiate a review of the department head by departmental faculty. Results of the evaluation will go through the Dean to the VPAA and President. A poor evaluation by the majority of the faculty for two (2) consecutive years will be grounds for a Dean to recommend removal as department head to the VPAA. The VPAA will review the evaluations and recommendation and forward her/his recommendation to the President. A department head may be relieved of her/his duties at any time by the President.

A departmental faculty may also choose, at any point, to initiate a vote of no confidence if circumstances dictate. A vote of no confidence by two-thirds of the department faculty will be forwarded to the Dean, the VPAA, and the President. The decision of the President is final.

The department head shall have the following responsibilities:

- Provide leadership for the department
- Serve as liaison between the College Dean and the faculty of the unit



- Recommend to the College Dean the appointment, promotion, tenure or termination of members of the unit
- Evaluate the job performance of faculty and staff within the unit
- Oversee the curriculum and assessment within the unit
- Determine departmental needs and submit budget requests
- Assume other responsibilities as assigned by the Dean, the VPAA, or the President

A person serving in the position of department head will be compensated as a member of the faculty in accordance with factors such as her or his academic rank, years of experience, and service to the University. Additionally, the department head shall receive a stipend.

The department heads during the academic year (August through May) will receive a 0.75 F.T.E. per week release from their normal duties of teaching, research or extension to manage the administrative tasks of their department. The workload for the remaining 0.25 F.T.E. per week should include activities related to maintaining specific accreditation, as well as teaching, research or cooperative extension efforts. The workload of department heads during the summer session (June and July) shall be .33 F.T.E., with the option that they are eligible to teach courses, receive funding from grants or participate in cooperative research or cooperative extension up to 1.00 F.T.E. The department head is ineligible to engage in overload teaching assignments.

### **3.04 Units and Areas under Academic Affairs**

In addition to the colleges, various units and areas also report to the VPAA, including the Office of Graduate and Extended Studies, the Office of the Registrar, and Office of Institutional Research and Honors Program, Inman E. Page Library, Center for Teaching & Learning, Mentoring & Tutoring, the Academic Success Center and Online Learning.

### **3.05 The Office of Graduate and Extended Studies**

The Office of Graduate and Extended Studies is presided over by the Dean who reports to the VPAA. The mission of the area shall be to oversee the graduate programs including all aspects of admission, matriculation and graduation, and to provide administrative support for all graduate degree programs.

All faculty members who are qualified to teach graduate-level courses from all departments which offer graduate courses shall be eligible for appointment to the graduate faculty. The categories for graduate faculty appointment are regular, adjunct, temporary, and professional specialist. The possession of the doctorate or other terminal degree in the area of specialization is generally required before a person is assigned to teach a graduate course. A maximum of fifteen percent of the total graduate faculty may be those who have not completed requirements for the terminal degree.

The members of the graduate faculty are responsible for the development of graduate programs in their respective departments. Program revisions, changes and proposals submitted and/or approved by the department graduate committee must be received and/or

approved by the department head and submitted to the Graduate Studies director for action. The Dean will forward them through appropriate channels for approval.

### **3.05.1 Duties and Responsibilities of Dean of Graduate and Extended Studies**

The Dean of Graduate and Extended Studies shall have the following responsibilities:

- Provide leadership, supervise, and coordinate the area of Graduate Studies
- Formulate policies, regulations, and procedures which, when approved by the VPAA, the President, and the Board of Curators, shall govern the operation of Graduate Studies
- Prepare items to be included on the Graduate Council's agenda
- Serve as an ex officio member of the Graduate Council
- Foster and provide direction for continuous study of the graduate curricula, determining and recommending such revisions and additions as are necessary to promote an effective program of graduate study
- Develop and publish a bi-annual graduate bulletin, including procedures and details of each graduate degree program
- Approve all qualified candidates for graduate degrees
- Submit to the VPAA an annual report of the operations of Graduate Studies along with recommendations for improvement of the graduate programs
- Receive and review applications for the Bachelor of Liberal Studies (BLS) degree program
- Review and approve final graduate checks for all BLS students to the Registrar's office
- Serve as ex-officio on the BLS committee, a representative body of the various degree programs within the University
- Oversee the maintenance of graduate student records

### **3.05.2 The Graduate Faculty**

Faculty members may be appointed to the graduate faculty in one of the following categories:

1. Regular status
  - a. Possesses an earned doctorate or the equivalent as defined in the Rules and Regulations in appropriate areas of specialization (requirement);
  - b. Teaches graduate courses (requirement);
  - c. Supervises students who are working on a master's thesis or who are serving as graduate assistants (option);
  - d. Conducts scholarly-related research and presents or publishes the results (requirement); and
  - e. Provides academic advisement for graduate students (option).

2. Adjunct status
  - a. Possesses an earned doctorate or the equivalent as defined in the Rules and Regulations in the appropriate area of specialization; and
  - b. Is an active practitioner in her/his field of preparation.

Adjunct status is by appointment for one (1) to three (3) years and may be renewed.

3. Temporary status
  - a. Possesses qualifications no less than the minimal requirements for eligibility for the rank of assistant professor or visiting lecturer; and
  - b. Has responsibilities which include teaching and/or thesis committee membership.

Temporary status is by appointment for up to one (1) year and may be renewed.

4. Professional Specialist
  - a. Must have earned a master's degree in the area of specialization which is consistent with her/his field of full-time employment;
  - b. Must be employed full time in, or has retired from, a position in business or a government agency in which he/she practices or has practiced the skills or understandings being taught; and
  - c. Is restricted to providing instruction in courses that carry graduate credit, but which are not a permanent part of the curriculum required for an approved program.

Recommendations for graduate faculty appointment will be made by the appropriate department head, College Dean, Graduate Council, and the Dean of Graduate and Extended Studies with final approval by the President based on the recommendation of the VPAA.

### **3.05.3 The Graduate Council**

The Graduate Council shall be comprised of two (2) members from each of the graduate degree-granting departments except for the Department of Education, and one (1) student member to be elected by the full Council membership. The Department of Education, having its own Graduate Education Council, shall be entitled to only one (1) member. The term of appointment, beginning October 1 of each academic year, is for two (2) years. The Graduate Council shall be the executive committee of the Graduate Studies program.

Members of graduate committees within the various departments are to be faculty in degree-granting disciplines.

### **3.05.4 Duties and Responsibilities of the Graduate Council**

The Graduate Council shall have the following duties and responsibilities:

1. Review and approve general graduate policies and procedures for a bi-annual graduate bulletin;
2. Initiate and participate in formulation of the general educational policies for the graduate program;
3. Approve and recommend to the Dean of Graduate and Extended Studies, or reject and return to the appropriate college, all new degree programs proposed for the area of Graduate Studies;
4. Approve and recommend to the Dean of Graduate and Extended Studies, or reject and return to the appropriate department, all new courses to be offered through the area of Graduate Studies;
5. Review all proposals submitted by the Graduate Education Council, seek information regarding issues of concern, and make recommendations for approval or disapproval to the Dean of Graduate and Extended Studies for transmittal to the VPAA;
6. Review and make recommendations regarding graduate student appeals related to exceptions to current graduate policies and procedures (i.e., number of conference courses allowed; extensions to the five (5)-year time limit);
7. Serve as an advisory body to the Dean of Graduate and Extended Studies on such matters as the Dean of Graduate and Extended Studies or any member of the Graduate Studies programs may present to the group;
8. Make continuous studies of graduate curricula, determining and recommending such revisions as are necessary to promote the most effective programs of graduate study.

### **3.05.5 Office for Veteran Affairs**

Working with the Office of Financial Aid and reporting to the Assistant Provost, the Office for Veteran Affairs shall provide assistance to any veteran and/or eligible dependent with educational benefits under the Montgomery G.I. Bill and Tuition Assistance Program. Prior military courses or experiences may be evaluated by staff for equation to Lincoln University coursework. Staff in Veteran Affairs shall serve as advocates for veterans and dependents and provide professional assistance or referral on personal, family, educational, and/or career goals. Each term, staff

must report the academic status of students receiving veterans' educational benefits, as well as any change of status in academic progress.

### **3.06 Office of University Assessment**

The mission of the Office of University Assessment is to support the assessment, strategic planning, policy formation, and decision-making processes of the University by providing accurate, timely and useful information. To accomplish this mission, the Office of University Assessment collects, manipulates and analyzes institutional data resulting in official University statistics and serves as the official data hub of the University.

### **3.07 Honors Program**

The mission of the University Honors Program is to provide the diverse student body with enhanced University experiences that are intellectually challenging, interdisciplinary, and enriching beyond the traditional classroom; thereby increasing retention and graduation rates, student engagement, and raising the level of academic interaction among all University students. The program is committed to service and scholarship that contributes to the formation of global citizens able to think critically and engage with their communities, states, and world.

### **3.08 The University Library (Inman E. Page Library)**

Page Library serves as the University's primary information resource center. It is a repository for both print and non-print informational materials, a communications link with several information data bases, and a study center for students. Library materials are either purchased with University funds or acquired through a variety of externally supported resources.

The library staff is comprised of both professional and non-professional personnel who seek to meet the educational needs of the University community and fulfill the standards of accrediting agencies and associations in which the University holds membership. Standard library lists and formulae are utilized when determining the adequacy of the collection's size and quality.

#### **3.08.1 The University Librarian**

The University Librarian is appointed by the President, upon the recommendation of the VPAA to whom he/she reports. The librarian is responsible for managing activities related to acquisitions, circulation, archival preservation, media services, and personnel supervision

#### **3.08.2 The Ethnic Studies Center and Archives**

The Ethnic Studies Center and Archives is a facility that houses the collection of materials by and/or about African Americans and other ethnic groups as well as

materials related to the history of Lincoln University. These materials and artifacts may be used by the University community to enhance and supplement the educational curriculum and programs of the University. Library materials housed in this collection are governed by the rules and regulations of the library. The area is staffed by an archivist with expertise in preservation and access to historical documents. The archivist reports to the University Librarian.

### **3.09 Center for Teaching and Learning**

The Center for Teaching and Learning serves as the hub for professional development for faculty and staff to address institutional directives and personal growth goals in academia. The Center provides resources and support so faculty/staff can implement evidenced-based practices to improve the student experience and increase recruitment/retention rates. In addition, the Center highlights trends in higher education that will help the institution optimize its resources and operate more efficiently.

### **3.10 Center for Mentoring and Tutoring**

The Center for Mentoring and Tutoring helps students develop the mindset, attitude, and confidence to excel academically. The Center for Mentoring and Tutoring provides support to all University students where the focus is on individual needs through coaching, mentoring, social support, and tutoring services to support students on their academic journey.

### **3.11 The Academic Success Center**

The Academic Success Center supports the University's First Year Success Initiative, provides programming aimed at improving student retention and provides advising for student on academic probation or returning to the University after academic suspension.

Freshmen in the First Year Success Initiative and freshmen that have not declared a major are advised by professional advisors within the Academic Success Center.

In addition to responsibility for advisement, the Center director also coordinates GE 101: University Seminar.

#### GE 101: University Seminar

University Seminar, the freshman orientation course, is required for all first-time, full-time freshmen during their first semester and for part-time freshmen by no later than the semester in which they will accumulate sixteen credit hours. Other course provisions and the course description are found in the current undergraduate bulletin.

### **3.12 Center for Online Learning**

The Center for Online Learning manages all aspects of online curriculum delivery through the campus Learning Management System, Canvas, including instructional design and technology services. The Center oversees professional development and authorization of

instructors to teach online and hybrid courses. The Center will assess current and potential programs for expansion of online and hybrid course delivery. In regard to the learning management system, the Center will provide training in the use of Canvas, respond to online learning ITS helpdesk tickets, and manage all aspects any integrated technology.

### **3.13 Career Services**

The Office of Career Services will assist students with career development, exploration, and preparation in the careers of their choice. Staff shall publish information regarding internship programs for both college credit and work experience and assist students in applying for such opportunities.

## **The Academic Faculty: Policies and Regulations**

### **3.20 The Academic Faculty**

Academic faculty are those members of the faculty whose academic appointment is .75 FTE or higher, who are members of a department in which a degree program is housed and whose conditions of employment are a probationary tenured or tenure-track appointments.

#### **3.20.1 Appointment Policy**

The search for appropriate candidates is the responsibility of the unit head and must be conducted in accordance with the University Hiring Policy. (See Chapter X, Section 10.01.) All faculty appointments at Lincoln University shall be made by the President upon recommendation of the VPAA. Annual notices of continued appointment shall be issued to all academic and research faculty.

#### **3.20.2 Initial Appointment: Minimum Qualifications for the Various Academic Ranks**

Initial appointment to full-time ranked faculty positions shall be defined in writing as tenure-track or non-tenure track. All degrees and qualifications listed below must be in a field relevant to the position:

1. Candidates for appointment at the rank of instructor must have earned an appropriate master's degree from an accredited university or a baccalaureate degree from an accredited college or university and the appropriate certification, license or clinical experience in the area of assigned responsibility.
2. Candidates for appointment at the rank of assistant professor must have one of the following:
  - a. an earned terminal degree from an accredited university;
  - b. doctoral course work completed and dissertation in progress;
  - or
  - c. the master's degree and the appropriate certification, license, or clinical experience in the area(s) of assigned teaching/research responsibility.
3. Candidates for appointment at the rank of associate professor must possess a terminal degree from an accredited university and a minimum of seven (7) years of appropriate professional experience in the area of assigned responsibility at the rank of assistant professor.
4. Candidates for appointment at the rank of full professor must possess a terminal degree from an accredited university and a minimum of ten (10) years of appropriate professional experience in the area of assigned responsibility at the rank of associate professor.



Compensation at the time of appointment is recommended by the appropriate hiring authority and must fall within the guidelines set forth by the Employee Compensation and Benefits Committee. The most recent Faculty Salary Plan approved by the Employee Compensation and Benefits Committee and the President shall determine specific salary ranges.

### **3.20.3 Appointment to Adjunct Faculty**

Adjunct faculty shall be defined as temporary faculty who are hired on less than a full-time basis to provide instructional services on a course-by-course basis or perform other faculty-related duties. All adjunct faculty must meet the minimum academic requirements as defined in the Faculty Employee Handbook.

Compensation for adjunct faculty is a flat rate per credit hour in accordance with the University pay scale regardless of degree or years of experience.

### **3.20.4 Appointment of Lecturer**

The position of lecturer shall be defined as a non-tenure track, temporary full-time faculty who is hired on a yearly basis (3 year max), renewable appointment to teach in their discipline. The qualification for this appointment is doctoral student or doctoral candidate (note: one who has completed all doctoral coursework with the exception of the dissertation, its defense, and/or the conferral of doctorate degree

As full-time faculty, the lecturer is governed by the University Rules and Regulations applying to faculty and Faculty Employee Handbook. Lecturer pay shall be commensurate with the Assistant Professor rank on the University's compensation scale and general benefit.

The lecturer position is not intended to supplant the instructor or the adjunct positions. It will, however, allow those departments the opportunity to assess the overall possibilities of a potential and/or new Ph.D. for their department along with the flexibility of releasing junior and senior faculty to pursue research and/or administrative duties without putting the department or college at a disadvantage.

### **3.20.5 Conditions of Appointment: Cooperative Extension, Cooperative Research, and Extramurally-Funded Projects Personnel**

Cooperative Extension State Specialists and Cooperative Research Investigators shall be issued appointment letters defining both their academic rank and areas of professional responsibility. Academic rank shall be assigned within the academic department most closely associated with the faculty member's professional field of specialization or within Cooperative Research or Cooperative Extension, depending upon the area supporting the primary appointment. Such appointees shall be eligible for all the benefits and privileges of faculty, including tenure. Therefore, tenure can be awarded through Cooperative Research, Cooperative

Extension, or the appropriate academic department. The appointment letter defining the area where they may be eligible for tenure must come from the area in which tenure is being offered.

Faculty in Cooperative Research and Cooperative Extension may also be appointed to permanent non-tenure track positions depending upon the needs of the University and program area. Persons hired to these positions shall be issued appointment letters commensurate with their work assignments and shall be eligible for promotion and salary increases.

### **3.20.6 Special Appointments**

The University shall recognize the following special appointments: Professor Emeritus and Curators' Distinguished Professor. Eligibility, procedures, and privileges are outlined below:

#### Professor Emeritus

Faculty and administrative officers who have tenured, faculty status are eligible for consideration for emeritus status upon retirement if they 1) hold the rank of full professor, have served the University for at least twenty (20) years, and have made a major, positive impact on the growth, development, and/or image of the University; or 2) hold the rank of associate professor, have served the University for at least thirty (30) years, and have made a major, positive impact on the growth, development, and/or image of the University.

Significant contributions may be demonstrated by examples such as the following:

1. Meritorious service in the areas of teaching and University service;
2. Peer reviewed scholarly publications;
3. Publication of scholarly and/or creative works including, but not limited to, compositions, arrangements, and/or recordings;
4. Author of major, funded grants;
5. Offices held in state, regional, national and/or international professional associations and/or societies; and
6. Administrative assignments which have been performed at the highest level of service as reflected by evaluations and accomplishments.

The following process will be in place:

1. The applicant shall submit a letter with accompanying documentation providing evidence of the above to her/his department head. (If the applicant is a department head, he/she should send the documentation to her/his Dean. Deans and Vice Presidents should send their documentation to the head of the department in which they hold rank and tenure.)

2. The department head will review the materials and forward them with her/his recommendation to the Dean.
3. The Dean will review the materials and forward them with her/his recommendation to the VPAA.
4. The VPAA will review the materials and forward them with her/his recommendation to the President.
5. The President will review the materials and forward them with her/his recommendation to the Board of Curators.
6. The decision of the Board will be final.

Emeritus status carries the following privileges:

1. University subsidized health insurance for:
 

Current Professors Emeriti who are enrolled in the Lincoln University health care plan have been transitioned into the UHC-AARP Medicare Supplement Insurance Plan and Part D Drug Plan. The University will contribute, in a direct payment to AARP, the cost of the Medicare Supplement Plan F. In addition, the University will also contribute a total premium cost of up to \$42.64 for any of the AARP MedicareRx Drug Plan options that permit employers to subsidize. The covered premium costs will continue for the life of the retiree and include future inflationary increases. University subsidized health insurance is not available for persons granted Professor Emeritus status after July 1, 2008.
2. University identification card signifying professor emeritus status.
3. Listing of name in the Faculty Directory of the undergraduate bulletin.
4. Use of the University library.
5. Receipt of bulletins and other official material.
6. Parking rights on campus in any designated faculty/staff parking lot. (Parking will not be allowed in handicapped spaces unless the professor emeritus individual is entitled to such privilege under the law.)
7. Invitations to University receptions and other events.
8. Passes for all athletic and cultural events to include one guest (e.g., Share in the Arts, concerts, lectures, theater, dance recitals, sporting events, Homecoming).
9. University Bookstore faculty discounts.
10. Office space or research facility, if available.
11. Non-voting attendance at faculty meetings.
12. Participation in academic processions.

#### Curators' Distinguished Professor

Persons eligible for appointment to the position of Curators' Distinguished Professor should be tenured, full-time employees of the University who have made significant contributions to Lincoln University over an extended period of time.

Persons may receive this appointment one time. Eligibility for consideration requires the following:

1. Full-time employment at Lincoln University during period of appointment;
2. The rank of full professor;
3. Minimum of twenty (20) years' service and a rank of full professor for at least ten (10) years;
4. Evidence of significant contributions to Lincoln University;
5. Evidence of broad participation in professional organizations;
6. Evidence of meritorious service to the local community; and
7. Expectation of continued productivity associated with the University and broader society.

Privileges and obligations for five (5) years:

1. Each distinguished professor will have a reduced workload to allow her or him to devote 50% of her/his effort to research and the production of research findings.
2. A distinguished professor who has no administrative duties shall teach twelve (12) hours each academic year. The teaching load shall be assigned in consultation with the department head.
3. The University will pay the expenses for the distinguished professor to attend one (1) major professional meeting each calendar year.
4. The distinguished professor will have access to secretarial services.
5. Expectation of continued productivity associated with the University and broader society.

Upon completion of the five (5) years, the full professor may retain the title of distinguished professor and may return to a tenured, full-time position.

The duration of the appointment for Curators' Distinguished Professors appointed prior to January 1, 2014 is not term limited. All candidates selected for a Curators' Distinguished Professor appointment after January 1, 2014 will be appointed for a one time five (5) year term appointment.

The maximum number of Curators' Distinguished Professors at any time will be limited to five (5).

### **3.20.7 Notification of Non-Reappointment of Faculty**

Faculty shall receive written notification of non-reappointment according to the following schedule:

1. In the first year of service, faculty shall receive notification by March 1.
2. In the second or later years of continuous service, faculty shall receive notification by December 15 of the current academic year.

Faculty with tenure may be terminated for cause or under financial exigency. (See Chapter III, Sections 3.29 and 3.42.)

### **3.20.8 Performance Evaluation**

All Lincoln University faculty are required to be evaluated annually. At the beginning of each academic year by the established deadline or within two (2) weeks of initial appointment, each faculty member shall complete a “Faculty-Supervisor Preliminary Evaluation Agreement,” to be signed by the faculty member and the area supervisor and sent to the Dean by the date published in the annual “Schedule of Required Administrative Actions.” It shall be the responsibility of each area supervisor to make known and implement the instrument and weighing factors for the evaluation of the faculty assigned to the unit. It shall also be the responsibility of the supervisor to implement the evaluation processes that are in place, i.e., conferences with the faculty member, classroom visits, etc. During the spring semester, each faculty member will complete a self-evaluation form, based on the evaluation agreement, and submit it to the area supervisor. The supervisor will then complete a “Faculty Evaluation” and share the results with the faculty member. Both will sign the evaluation. All faculty evaluations will be sent to the Dean by the published deadline. A copy of the evaluation must be made available to the faculty member and should be maintained in the faculty member's personnel file.

### **3.21 Promotion and Tenure: Principles and Changes to Promotion and Tenure Policies Amendments**

Three principles shall inform Lincoln University’s policies on promotion and tenure: they shall be fair; they shall be meaningful; and they shall be in the mutual interest of individual faculty members and of the University as a whole. A detailed explanation of these principles along with the complete philosophical underpinnings of the promotion and tenure policies can be found in the Promotion and Tenure Report in the Faculty Employee Handbook.

The policies contained within the Promotion and Tenure Report in the Faculty Employee Handbook and laid out in Sections 3.21, 3.22, 3.23, 3.24, 3.25, 3.26, and 3.27 of Chapter III of the Lincoln University Rules and Regulations, may not be changed, added to, deleted, or disregarded in any fashion except by means of the procedure for changes to policies delineated in Chapter I, Section 1.54: Development and Oversight of University Policies.

### **3.22 Promotion and Tenure: Annual Performance Evaluations**

A faculty member's initial appointment letter will indicate whether the position is "tenure track" or "non-tenure track." Faculty will receive promotion and/or tenure criteria with the annual appointment letter. New employees should discuss promotion and tenure requirements with their department heads to ensure that they understand all requirements.

Annual evaluations are integral to the promotion and tenure process and must be consistent with promotion and tenure criteria. Promotion and tenure awards are based on performance in scholarship/research, service/extension, and/or teaching. Percentage of the work effort (in scholarship/research, service/extension, and/or teaching) for the promotion and tenure application shall be agreed upon by the candidate and the department head. This agreement shall reflect average annual percentage effort estimates for each year included in the promotion and/or tenure decision.

Annual evaluations shall serve as a gauge as to whether the candidate is progressing adequately toward the promotion and/or tenure award. If annual evaluations reveal concerns with meeting promotion and/or tenure criteria, the candidate will be advised (by the department head) to work to remedy these concerns prior to the candidate's applying for promotion and/or tenure. A negative promotion and/or tenure decision should not be the first criticism the candidate receives.

#### **3.22.1 Promotion and Tenure Criteria: Percentage of Work Effort**

The criterion of teaching shall require a minimum of zero percent (0%) of effort and a maximum of eighty percent (80%) of effort.

The criterion of scholarship/research shall require a minimum of ten percent (10%) of effort and a maximum of ninety percent (90%) of effort.

The criterion of service/extension shall require a minimum of ten percent (10%) of effort and a maximum of ninety percent (90%) of effort.

#### **3.22.2 Promotion and Tenure Criteria and the Evaluation Process**

Committees and individuals who evaluate promotion and tenure applications will assess each area of the application using a three-point scale. The evaluation will focus on the quality of performance in each area. The tables below provide examples of how quality of performance in each of the three criteria might be scored:

**(3) Outstanding: Extensive and Continuous Record of Top Quality Work**

<u>Teaching</u>	<u>Scholarship/Research</u>	<u>Service/Extension</u>
<p>Receives excellent teaching evaluations.</p> <p>Record of quality advising.</p> <p>Superior competence.</p> <p>Clear commitment to pedagogy.</p>	<p>Annual records of continuous, scholarly, peer-reviewed work.</p> <p>Record of nationally recognized accomplishments.</p>	<p>Annual records of continuous multiple service or extension responsibilities with well defined, beneficial outcomes.</p>

**(2) Neutral: Completes the Minimum Requirements of the Position**

<u>Teaching</u>	<u>Scholarship/Research</u>	<u>Service/Extension</u>
<p>Receives positive teaching evaluations.</p> <p>Fulfills typical advising responsibilities.</p> <p>Demonstrates basic competence.</p> <p>Fulfills typical teaching responsibilities (e.g., providing feedback to students; record-keeping).</p>	<p>Annual records of continuous, scholarly work.</p>	<p>Fulfills typical service or extension responsibilities (e.g., membership on committees).</p>

**(1) Poor: Does Not Meet Minimum Requirements of the Position**

<u>Teaching</u>	<u>Scholarship/Research</u>	<u>Service/Extension</u>
<p>Receives poor teaching evaluations.</p> <p>Problems fulfilling basic teaching responsibilities (e.g., poor quality course materials; student complaints)</p>	<p>No scholarly work of any discernible quality.</p>	<p>Failure to fulfill service or extension responsibilities (e.g., membership on committees).</p>

The preceding examples should serve as guides, not checklists. Each candidate for promotion and/or tenure will present a unique set of accomplishments. Department heads will also be expected to delineate the specific requirements of the positions within the area and to convey these requirements to the candidate upon initial appointment.

**3.23 Minimum Eligibility Requirements for Promotion**

A faculty member, regardless of tenure or non-tenure status, who has met minimum qualifications for appointment (see Section 3.20.2) and has been hired in a permanent position, shall be eligible to apply for promotion provided that he/she meets qualifications as outlined in the Faculty Employee Handbook..

**3.23.1 Eligibility for Promotion to the Rank of Assistant Professor**

An instructor with one of the following is minimally qualified to apply for promotion to assistant professor:

- Earned doctorate or other terminal degree in the field (see Section 3.25) from an accredited institution **and** the completion of two (2) years of service at the rank of instructor at Lincoln University.
- A master’s degree **and** thirty (30) graduate hours from an accredited institution (in the area of professional specialization) **and** the completion of three (3) years of service at the rank of instructor at Lincoln University.
- A master’s degree from an accredited institution **and** an appropriate



professional certificate/license **and** the completion of three (3) years of service at the rank of instructor at Lincoln University.

- A master's degree from an accredited institution **and** the completion of ten (10) years of service at the rank of instructor at Lincoln University.

### **3.23.2 Eligibility for Promotion to the Rank of Associate Professor**

An assistant professor with one of the following is minimally qualified to apply for promotion to associate professor:

- Earned doctorate or other terminal degree in the field (see Section 3.25) from an accredited institution **and** the completion of five (5) years of service at the rank of assistant professor at Lincoln University.
- A master's degree **and** thirty (30) graduate hours from an accredited institution (in the area of professional specialization) **and** the completion of twenty (20) years of service at the rank of assistant professor at Lincoln University.
- A master's degree from an accredited institution (in the area of professional specialization) **and** an appropriate professional certificate/license **and** the completion of twenty (20) years of service at the rank of assistant professor at Lincoln University.

### **3.23.3 Eligibility for Promotion to the Rank of Professor**

An associate professor is minimally qualified to apply for promotion to professor if he/she has an earned doctorate or other terminal degree in the field (see Section 3.25) from an accredited institution **and** the completion of four (4) years of service at the rank of associate professor at Lincoln University.

## **3.24 Minimum Eligibility Requirements for Tenure**

A full-time assistant (or higher-ranking) professor, in a permanent position and on a tenure-track appointment, with one of the following is minimally qualified to apply for tenure:

- Earned doctorate or other terminal degree in the field (see Section 3.25) from an accredited institution **and** the completion of five (5) years of service at the rank of assistant professor at Lincoln University.
- A master's degree **and** thirty (30) graduate hours from an accredited institution (in the area of professional specialization) **and** the completion of five (5) years of service at the rank of assistant professor at Lincoln University.
- A master's degree from an accredited institution (in the area of professional specialization) **and** an appropriate professional certificate/license **and** the completion of five (5) years of service at the rank of assistant professor at Lincoln University.

### **3.25 Terminal Degrees of Faculty by Area**

The doctoral degree in the faculty member's field is recognized as the terminal degree. Lincoln University also recognizes masters degrees in the following specific fields as "terminal degrees":

1. Art: studio art and design M.F.A.
2. Theater: creative artist or technical artist M.F.A.
3. English: creative writing M.F.A.
4. Social Work M.S.W.
5. Nursing and Business Administration doctorate in related field
6. Library Science M.L.S.

### **3.26 Probationary Service for Tenure**

For a tenure-track appointment, maximum length of probation shall be seven (7) years. The contract for the seventh year shall be a one (1)-year terminal contract unless the decision to award tenure has been made or postponed by act of the Board of Curators.

#### **3.26.1 Credit Toward Probationary Period**

Up to three (3) years prior full-time service at the rank of instructor or above may be credited toward the probationary requirement. Any agreement to credit prior service must be stated in writing at the time of appointment. Whether and how much service to credit will depend on such factors as academic rank, prior tenure status, quality of prior service, and relevance of prior service to the requirements of the new position.

#### **3.26.2 Three-Year Pre-Tenure Review**

The purpose of the pre-tenure review is to provide the tenure-track faculty member with valuable information about her or his strengths and weaknesses. Every tenure-track faculty member will be responsible for submitting an application for a pre-tenure review to her/his unit supervisor. This application will be due on the first working day of September of the fourth year of the probationary period. Faculty members who were awarded credit toward the probationary period during the hiring process may request an extension or alternate accommodation from the unit supervisor. The application will meet the requirements for the formal application for tenure. However, the candidate does not need to provide letters of recommendation. The unit supervisor, after receiving the candidate's application, will forward the application to the department promotion and tenure committee. The committee will review the application and prepare a recommendation. The committee chair will then forward the application and the committee's recommendations to the Dean within fifteen (15) working days of receiving the application. The Dean will also prepare a recommendation enumerating the candidate's strengths, weaknesses, and opportunities for growth. The Dean will forward copies of her/his recommendation to the candidate and unit supervisor

within fifteen working days of receiving the application. Information contained in the final assessment of the pre-tenure review should not be interpreted as a decision regarding subsequent tenure applications. That is, a favorable pre-tenure review is not a guarantee of a favorable tenure review.

### **3.26.3 Stopping the Tenure Clock**

In the event of difficult circumstances, a faculty member may submit a request to temporarily “stop the tenure clock” for one (1) academic year. “Difficult circumstances” include, but are not limited to, the following:

- physical or mental illness;
- pregnancy or parenting obligations;
- caregiver responsibilities for someone in a close relationship;
- military service; or
- legal responsibilities.

A request to stop the tenure clock will be submitted in writing to the department head. The faculty member may include medical information or other documented reasons for the request. The department head will make a recommendation and forward the request and the recommendation to the College Dean within two (2) weeks of receipt of the request. The College Dean will then make a recommendation and forward the recommendations and request to the VPAA within two (2) weeks of the receipt of the request. Finally, the VPAA will make a recommendation and forward the recommendations and request to the President within two (2) weeks of receipt of the request. The President will make the final decision on whether the stop will be granted. The President will make her/his recommendation in writing within two weeks of the receipt of the request. When possible, the request should be submitted prior to the first day of the academic year in question.

If the stop is granted, the academic year in question will not be evaluated towards tenure or tenure eligibility. At the end of the year, the faculty member will return to the tenure probationary period where he/she left off. Generally, the tenure clock may be stopped only once for an individual faculty member. Only under extreme circumstances should a faculty member request to stop the tenure clock more than once.

### **3.26.4 Non-Reappointment**

Notification of non-reappointment shall be given by March 1 for persons in their first year of probationary service and by December 15 for persons in their second year, and for persons in their third through sixth years of probationary service, notification of non-reappointment shall be given by August 1 of the terminal year.

### 3.27 Procedures for Promotion and Tenure Evaluation

The VPAA shall notify, in writing, each candidate who is eligible to apply for promotion and tenure in a given year. A candidate who is notified of eligibility for tenure must apply that year. An individual who is notified about eligibility for promotion may opt not to apply.

Candidates will take primary responsibility for preparing their applications for promotion and/or tenure. Candidates must submit complete applications to the department head on or before the due date. New evidence of the candidate's qualifications will not be solicited or accepted after the due date, except under special circumstances requiring the permission of the VPAA.

If eligibility for promotion and tenure fall in the same year, a candidate may apply for both in the same application. In this case, the cover letter will clearly indicate that the candidate wishes to be considered for both promotion and tenure.

The promotion and tenure evaluation process shall consist of six (6) levels. Each application for promotion and/or tenure shall be evaluated by the following individuals and groups in order: 1) the department promotion and tenure committee, 2) the department head, 3) the college promotion and tenure committee, 4) the College Dean, 5) the VPAA, and 6) the President of the University. The President's decision will form a recommendation to the Board of Curators. The final decision on the granting of promotion and tenure rests with the Board of Curators. The final promotion and/or tenure decision shall be announced as a Board action and entered into the Board minutes.

The timeline for evaluation shall be as follows:

<b>Level of Evaluation</b>	<b>Deadline</b>
VPAA notifies candidates of eligibility	First working day of May
Faculty member submits application to department head who makes applications available to committee	First working day of September
Departmental subcommittee submits recommendations and applications to department head	15 working days following receipt of application
Department head submits applications and recommendations to the Dean who makes them available to the college committee	10 working days following receipt of applications and recommendations
College committee submits applications and recommendations to College Dean	15 working days following receipt of application and recommendations

Dean submits applications and recommendations to VPAA	15 working days following receipt of applications and recommendations
VPAA submits applications and recommendations to President	Fifth working day in January
President reports to Board of Curators	February/March Board meeting

Following each level of the evaluation process, a designated individual from each level (e.g., the College Dean, or committee chair) shall prepare a decision letter stating the decision regarding promotion and/or tenure, in addition to the rationale for the decision. This letter will be forwarded with the application to the next evaluative level. Therefore, each evaluation level will receive the application in addition to the decision letters from any lower levels of evaluation. At the same time, a copy of each letter will also be sent to the faculty applicant, so that the applicant is informed of the decision (and rationale for the decision) at every level of evaluation. The decision letter from the VPAA must be sent to the faculty applicant via certified mail.

During the evaluation process for promotion, a candidate receiving unfavorable decision letters may withdraw the application at any time before evaluation by the VPAA.

Tenure applications may not be withdrawn during the evaluation process.

Persons at each evaluative level shall primarily base their decisions on a substantive review of the candidate's accomplishments as evidenced in the application. However, tenure decisions may also reflect the long-term needs and plans of the University, which may include examination of 1) projected student enrollments, 2) curricular changes, and 3) faculty retirement schedules.

### **3.27.1 Components of Promotion and Tenure Applications**

Applications for promotion and/or tenure shall include the following elements in order:

1. A cover letter from the candidate addressed to the department head. This cover letter shall include the purpose of the application (request for promotion and/or tenure), a list of how the candidate has met minimum eligibility requirements, percentage efforts for scholarship/research, service/extension, and/or teaching, and summaries of accomplishments in teaching, service, and scholarship/research (as necessary).
2. The candidate's curriculum vitae.
3. At least four (4) letters of recommendation (two (2) from inside of the University but outside of the candidate's department **and** two (2) from professional colleagues outside of the University).
4. A copy of the candidate's graduate transcripts.

5. A copy of annual performance evaluations for the years under consideration.
6. A copy of annual student evaluations for the years under consideration.
7. Evidence of accomplishments in scholarship/research, service/extension, and/or teaching for the years under consideration.

### **3.27.2 Promotion and Tenure: Appeal**

Although a candidate may appeal decisions made at any evaluative level before the decision of the President, the appeal may not be submitted until after the VPAA has reviewed the application and issued a recommendation via certified mail. A candidate wishing to appeal must declare his or her intention to appeal in writing, within five (5) working days of the receipt of the certified decision letter from the VPAA. The candidate shall submit the notification of the intention to appeal to the Campus Complaint Coordinator and the VPAA. The candidate shall then submit the appeal to the Campus Complaint Coordinator. (See Chapter III, Section 3.40, and Chapter X, Section 10.80.) The appeal must be submitted within ten (10) working days of the receipt of the certified decision letter from the VPAA. The Campus Complaint Coordinator will forward the appeal, along with the candidate's application, to an ad hoc Promotion and Tenure Appeals Committee, comprised of one (1) elected, tenured faculty member from each department, with a chair selected from among the members by the ad hoc committee. The University's legal counsel shall serve as a non-voting member of the committee. After hearing the appeal, the committee chair shall prepare a letter stating the decision of the committee and rationale for the decision. This letter shall be sent to the candidate and the President. The President shall determine the final outcome of the appeal.

The burden of proof is on the faculty member, who shall prepare the appeal by stating the grounds for appeal and the evidence against the promotion or tenure decision.

Grounds for appeal may be based on 1) use of improper procedure, 2) failure to consider the merits of the application, 3) use of arbitrary or capricious reasons for the negative decision, 4) use of gender, ethnicity, or other protected status in decision-making, 5) violation of the academic freedom or constitutional rights of the applicant, or 6) improper reasoning with regard to the long-term needs and plans of the University, including projected student enrollments, curricular changes, and/or faculty retirement schedules.

### **3.28 Tenure Status and Administrative Appointments**

Appointment to an administrative position shall not be construed as conferring academic tenure for or awarding service credit toward achievement of academic tenure. However, persons appointed to positions as administrative officers may at the discretion of the Board of Curators concurrently be appointed to an academic position in an appropriate department and on that basis be awarded immediate tenure or credit toward academic tenure.

Appointment to an administrative or other non-academic-tenure-bearing position shall not deprive that person so appointed of tenure previously acquired at Lincoln University.

### **3.29 Termination of Employment for Cause**

In cases of termination other than financial exigency (see Section 3.42), a letter citing reasons for termination shall be written by the President and delivered to the faculty member by certified mail. The faculty member is then entitled to her or his full rights under the law.

#### **A. Causes for Dismissal**

Lincoln University may consider substantial proof of any one (1) of or a combination of the following charges as adequate cause for the dismissal of a tenured faculty member or a faculty member with an unexpired term appointment:

1. incompetence
2. gross neglect of duty
3. violation of any state statute relating to professional employment
4. immoral conduct
5. conviction of a felony
6. insubordination
7. repeated violation of institutional policies

Substantial proof shall be deemed to exist if one or more of the above charges shall be admitted by the charged party.

#### **B. Preliminary Proceedings**

Whenever the question arises about the fitness of a faculty member with continuous tenure, or a term appointment which has not expired, appropriate academic administrative officers (department head, Dean, etc., as titled) should discuss the matter with the faculty member. Should it become apparent that informal discussion(s) will not or cannot lead to a satisfactory agreement or solution, the President of the University shall appoint an ad hoc advisory committee to conduct an informal investigation to determine whether dismissal proceedings should be instituted. This committee, at its discretion, may recommend another available course of action to the President.

## C. Formal Proceedings

### Notice

Following a determination that dismissal proceedings should be instituted, notice of the same together with written charges shall be prepared by the President or her/his designee and mailed to the charged party by registered or certified mail.

The statement of charges shall be framed with such specificity as to reasonably notify the party of that with which he/she is being charged.

### Request for Hearing

Within ten (10) working days after the receipt of the statement of charges, the charged party may file, with the University-designated official, a request for a hearing before an ad hoc Committee on Professional Conduct. A copy of the charges and the answer thereto must be included with the hearing request. The designated official shall transmit, within two (2) working days, the hearing request, the statement of charges and the answer to the Committee on Professional Conduct.

### Hearing

The hearing shall be conducted not less than twenty (20) calendar days nor more than thirty (30) calendar days after the committee receives the request. Written notice of time and place for the hearing shall be delivered personally or by registered or certified mail to the faculty member charged not less than ten (10) days prior to the date set for the hearing.

The committee shall conduct the hearing in accordance with the following guidelines:

1. Members who deem themselves disqualified for bias or interest shall remove themselves from the hearing panel at the request of either party or of their own initiative. Either party shall have a maximum of two (2) challenges without stated cause. Replacements for members removed shall be made by the chief academic officer of the University.
2. Evidence against the charged party will be presented by the appropriate academic officer (College Dean, chairperson of the department, as titled) as the party representing the University.
3. The hearing committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (a) simplify the issues, (b) effect stipulations of facts, (c) provide for exchange of documentary or other information, and (d) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective and expeditious.



4. After consultation with the President and the faculty member, the committee will decide whether the hearing should be public or private.
5. The faculty member may waive a hearing. This should be done, in writing, at any time before the hearing. If the faculty member waives a hearing and denies the charges against her or him or asserts that the charges do not support a finding of adequate cause, the hearing tribunal will evaluate all available evidence in the record.
6. During the proceedings the faculty member will be permitted to have an academic advisor and counsel of her or his own choice, who will be able only to advise, not participate in the proceedings.
7. A complete record of the hearing or hearings will be taken and a printed copy will be made available to the faculty member, upon request, without cost.
8. The burden of proof that adequate cause exists rests with the University and shall be satisfied only by a preponderance of the evidence in the record considered as a whole.
9. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The charged party and the appropriate academic officer (College Dean, chairperson of the department, as titled) shall have the right to confront and cross-examine all witnesses. If a person having relevant information cannot or will not appear as a witness, but the committee determines that the interests of justice require admission of her or his statement, the committee will identify the witness, disclose the statement and make every effort to provide for written questions.
10. In a hearing where a charge of incompetence has been made, testimony shall include that of qualified faculty members from this and/or other institutions of higher education.
11. The committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issue(s) involved. Every possible effort will be made to obtain the most reliable evidence available.
12. The findings of fact and the decision will be based solely on the hearing record.
13. Except for simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the

case either by the charged party or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Curators. The President and the charged party will be notified of the committee's decision, in writing, and each will be provided with a copy of the hearing record.

14. A simple majority of the Committee on Professional Conduct shall constitute a quorum.

#### Decisions of Committee and President

At the conclusion of the hearing, the committee shall, without delay, make findings of fact, conclusions and recommendations. A decision of the committee shall be determined by a majority of the members present and voting. The complete hearing record, together with all tangible evidence, the findings, conclusions and recommendations shall be submitted to the President of the University. The President may concur with or modify the committee's decision or may make such other findings and conclusions as in her/his opinion are supported by the hearing record. A copy of the President's decision shall be mailed to each party by registered or certified mail.

#### Appeal

The aggrieved party may file written notice of appeal, through the Office of the President to the Board of Curators, within ten (10) working days after the mailing of the President's decision. Any notice of appeal shall be transmitted by the President, together with the complete hearing record, to the Board of Curators.

The Board, in its discretion, may grant the appellant a hearing. The decision of the Board of Curators, upon review of the complete record, shall be final.

The computation of a number of days in any time period contained herein shall exclude official University holidays and breaks.

#### D. Disciplinary Actions

##### Suspension

Pending a final decision by the Board of Curators, the charged party will be suspended, or assigned to other duties in lieu of suspension, only if harm to her/himself or others is threatened by her/his continuance. Before suspending a faculty member, pending an ultimate determination of her/his status, the administration will consult with the Committee on Professional Conduct concerning the propriety, length, or other conditions of suspension.

### Dismissal

If a decision to terminate is rendered, the effective date of termination shall be one (1) year from the date of the final decision of the Board unless the Board determines that an earlier date is appropriate, due to the gravity of the offense or other considerations.

### **3.30 Policy on Reassignment of Administrators to Faculty Appointments**

Administrative salaries are based on market comparisons and responsibilities. In many cases individuals move internally from faculty position to administrative appointments or are external hires granted faculty status.

If an individual transitions from an administrative position to the faculty, the following policy will be used to establish compensation.

1. Individuals who previously served as full-time faculty at the University will receive a salary based on their previous salary as a faculty member, plus applicable adjustments.
2. Offer letters for administrators hired with tenured faculty appointments shall include the faculty salary should they be reassigned to a faculty position. Individuals who were external hires will receive a salary based on actual salaries for current faculty with comparable rank and experience within the appropriate academic department.
3. Should the transition result in a gap between the administrative term and the beginning of the faculty appointment, the individual will receive a bridge contract for the appropriate period at the rate based upon the new faculty salary. During this period, duties will be assigned which are appropriate based on the experience and expertise of the employee in transition.

### **3.31 Workload Policy for Undergraduate Faculty**

The following definitions of work year, work week, and teaching load define the faculty's responsibilities to students and the University.

#### Work Year

The normal full-time faculty appointment year is nine (9) months, as specified in the academic calendar.

#### Work Week on Campus

Instructional faculty meet a significant part of their responsibilities, such as class preparation and professional development, off campus. However, formal teaching and/or

support responsibilities, plus the need to be available to work with students and other University staff, require a faculty member's presence on campus for a significant time period each week. Therefore, in addition to assigned teaching responsibilities, exclusive of overload, full-time instructional faculty are to schedule no fewer than ten (10) office hours per week, normally spread over five (5) days per week, for student consultation and assistance. Faculty with a reduced instructional load will schedule office hours on a prorated basis according to teaching F.T.E. Music, art, and nursing science faculty who meet with students individually on a regular basis are to schedule no fewer than five (5) office hours per week for student consultation and assistance.

### Teaching Load

The normal teaching load for full-time instructional faculty will be twelve (12) credit hours per semester or twenty-four (24) credit hours per academic year. Exceptions to the policy are listed below:

1. In cases involving studio teaching, such as in art and music, where contact hours exceed credit hours, the contact hours will not exceed an average of eighteen (18) class contact hours per semester or thirty-six (36) class contact hours per year, even if fewer than twelve (12) credit hours per semester are produced.
2. In cases involving laboratory instruction, such as in natural sciences, agriculture, and technology, the laboratory hours will be equated to credit hours on the basis of a 1:1 ratio.
3. In cases involving activity-type teaching, such as physical education, where class contact hours exceed credit hours, the contact hours per semester will not exceed an average of fifteen (15) class contact hours per semester or thirty (30) class contact hours per year, even if fewer than twelve (12) credit hours per semester are produced.
4. In cases involving a substantial number of clinical or open laboratory teaching hours, such as in nursing science, where class contact hours exceed credit hours, the normal load will consist of an average of twenty-two (22) hours per week of combined teaching and/or student conference office hours.

All full-time teaching faculty will normally be assigned full teaching loads each semester, unless there are administratively approved reductions for non-teaching assignments. If full teaching loads are not available, faculty members will be assigned other administratively approved responsibilities in order to provide a full workload.

### 3.31.1 Overload Policies

An overload during a fall or spring semester is defined as any instructional duties beyond the normal twelve-credit-hour load. The following Stipulations regarding overloads shall apply:

1. The maximum overload for any one faculty member per semester will be one (1) course or three (3) hours, whichever is greater.
2. No overloads are allowed during the summer session.
3. Full-time faculty will receive payment for overloads during the regular academic year for approved teaching beyond the normal credit or contact hours. Overload payment will be based upon credit hours in excess of twelve (12) per semester or twenty-four (24) per academic year, or upon contact hours in excess of those described above in Section 3.31. Overload payment will be calculated per credit hour.
4. In cases where a fall semester overload may be balanced out or averaged as a normal load via an underload in the spring semester, any potential overload payment will be delayed to the spring semester or until such time as the year's average is ascertained.
5. In cases when the semester overload is for a course that does not meet minimum enrollment standards, the faculty member may be compensated on a prorated basis where the pay for instructional services will be equivalent to the amount of fees generated through per student credit hour charged. The amount of pay for "tuition only" shall not exceed the regular overload compensation. Faculty who elect to provide instruction in special situations for which compensation is not provided will be credited in performance ratings with having made special contributions to the University's programs and the welfare of the student(s).

### 3.31.2 Minimum Class Enrollment

As a general rule, the following minimum levels of enrollment are required in order for classes to be held:

Graduate Level	5 students
Upper Division (Undergraduate Level)	15 students
Lower Division (Undergraduate Level)	15 students

In cases where class enrollment minimums are not met, department heads are authorized to negotiate and make recommendations to adjust compensation in accordance with the stipulations outlined below. Final adjustments are pending approval from the College Dean and VPAA.

1. When regularly advertised classes that do not reach minimum enrollment levels are offered, the faculty member may be compensated on a tuition-only rate. The tuition-only rate shall be defined as the total number of credit

hours generated in the class on the deadline date for adding classes multiplied by the appropriate graduate or undergraduate in-state tuition rate and **shall not** be reduced by any fringe benefit cost.

2. The amount of pay for tuition-only cannot exceed the normal rate of pay.
3. However, under-enrolled courses which are either new or exploratory in nature, required in the major for candidates for degrees, or presented by the same instructor in conjunction with other, heavily-enrolled courses may be conducted at full compensation, as an exception to the general rule, at the discretion of the College Dean.
4. Faculty who elect to provide instruction in special situations for which compensation is not provided will be credited in performance ratings with having made special contributions to the University's programs and the welfare of the student(s).
5. All adjustments in compensation will require administrative approval.

### **3.32 The Summer Session**

The summer session shall be organized and conducted under the jurisdiction and direction of the VPAA. The schedule of courses shall be determined by the demand for courses and the adequacy of University resources to provide them.

#### **3.32.1 Selection of Faculty for the Summer Session**

Members of the instructional faculty for the summer session shall be selected on the basis of qualification to teach the courses to be offered. Instructional assignments shall be made from a prepared list of qualified faculty who have indicated interest and have been recommended by their immediate supervisors.

#### **3.32.2 Summer Workload Policy and Pay**

The maximum load for summer shall be nine (9) credits with no more than six (6) credits in a four (4)-week session. No overloads will be allowed during the summer session. Faculty will be paid a flat pay rate as approved by the Board of Curators for courses with fifteen (15) students or more in one (1) section of the same course. The current flat pay rate is available upon inquiry at the Office of Human Resources.

#### **3.32.3 Summer Instruction for Classes with Below Minimum or Small Enrollments**

As a general rule, the following minimum levels of enrollment are required in order for summer classes to be held:

Graduate Level	5 students
Upper Division (Undergraduate Level)	15 students
Lower Division (Undergraduate Level)	15 students

In cases where class enrollment minimums are not met, the College Dean is authorized to adjust compensation in accordance with the following stipulations:

1. When regularly advertised classes that do not reach minimum enrollment levels are offered, the faculty member may be compensated at a prorated basis calculated on the flat course fee with less than minimum enrollment of fifteen (15) students to the level of five (5) students. At four (4) or fewer students, uncompensated conference courses should be considered.
2. However, under-enrolled courses which are either new or exploratory in nature, required in the major for candidates for degrees, or presented by the same instructor in conjunction with other, heavily-enrolled courses may be conducted at full compensation, as an exception to the general rule, at the discretion of the College Dean.

### **3.33 Grant Reassigned Time and Salary Adjustment**

A faculty member who is a grant recipient may be partially or fully reassigned from instructional duties to carry out the special assignment. Upon approval of the administration, the faculty member may have her/his base salary increased up to a maximum of 125% of the base. (Complete guidelines for reassigned time and salary adjustment are found in Chapter V, Section 5.15, and are referenced in Chapter X, Section 10.20.1.)

### **3.34 Compensation for Retired Faculty**

All Lincoln University retired faculty, including professors emeriti, who are hired on less than a full-time basis, will be paid at the adjunct rate based on highest degree held. (See Chapter X, Section 10.20.3).

### **3.35 Faculty Absence and Leave**

Complete policies relating to the employee benefits of sick leave, personal leave, and vacation are detailed in Chapter X University Employment. Faculty who take planned leave of any type during the regular semesters must arrange for the coverage and/or management of their courses during their absence. Such arrangements must be approved by the area supervisor by means of the "Leave Request" form.

#### **3.35.1 Personal Leave**

Faculty are granted personal leave with pay each fiscal year as set out under Chapter X, Section 10.34.

#### **3.35.2 Sick Leave**

Full-time faculty who miss assigned classes, office hours, or other duties due to illness or injury will report and be assessed sick leave for time missed, even in those instances when their teaching assignments, committee responsibilities, etc., are

absorbed by colleagues. See Chapter X, Section 10.35, for the policy on sick leave accrual.

Requests for, or reports of, sick leave shall be submitted to the department head when the faculty member plans to be absent or has been absent due to illness or an emergency. Such requests or reports shall be made and recorded in increments of no less than fifteen (15) minutes.

If the illness or injury extends past two (2) weeks, the faculty member will report eight (8) hours of sick leave per day beginning with the third week.

When it becomes necessary to cover the extended absence of an ill or injured faculty member, persons providing class coverage shall receive one of the following forms of compensation: 1) pro-rated overload pay if the person providing class coverage is already assigned a twelve (12)-hour load for the semester, or 2) a reduced load for the following semester.

### **3.35.3 Vacation for Academic Faculty on Academic Year Contracts**

During the academic-year contract period, times when classes are not in session, such as spring and winter break, are generally assumed to constitute vacation with pay for academic faculty on nine (9)-month appointments. University business, however, may require that these faculty members attend meetings or prepare reports or perform other essential tasks during what would normally be considered “vacations.” Such participation may legitimately be required by administrative officers, College Deans, department heads, and University committee chairpersons.

### **3.35.4 Annual Leave for Academic Faculty on Twelve (12)-Month Appointments**

Faculty in twelve (12)-month positions shall be entitled to accumulate annual leave as follows:

Faculty with less than ten (10) years of total University service earn ten (10) hours of annual leave each pay period with a maximum annual leave balance of 240 hours (i.e., a cap of thirty (30) days or two (2) times the annual total of fifteen (15) days).

Faculty who have completed ten (10) years of total University service earn twelve (12) hours of annual leave each pay period with a maximum annual leave balance of 288 hours (i.e., a cap of thirty-six (36) days or two (2) times the annual total of eighteen (18) days).

Faculty who have completed fifteen (15) years of total University service earn fourteen (14) hours of annual leave each pay period with a maximum annual leave balance of 336 hours (i.e., a cap of forty-two (42) days or two (2) times the annual total of twenty-one (21) days).



The rate of accrual of annual leave is based upon total uninterrupted years of service at the University, not upon years in a particular position.

Faculty may accumulate more annual leave than their allowed maximum until June 30 of any year. After June 30, any excess annual leave over an employee's maximum balance is reduced to the maximum, at which time the employee can begin accumulating above the maximum.

Any faculty member entitled to annual leave who has resigned or otherwise separated from University service at any time are entitled to only receive reimbursement for the amount of accrued annual leave which does not exceed the faculty member's maximum annual leave balance allowable accumulation. Any excess annual leave accrued after June 30 above the maximum annual leave balance shall not be paid to a separating faculty member. (See Chapter X, Section 10.33: Annual Leave Policy.)

### **3.35.5 Professional Development**

Faculty who wish to engage in professional development that involves time away from campus must receive prior approval from the immediate supervisor and must file a "Leave Request" form.

### **3.35.6 University Business**

Faculty must receive approval from the immediate supervisor prior to the planned activity. A "Leave Request" form must be completed if applicable. If the activity involves travel, the faculty member must file a "Travel Authorization Request." If the activity involves students, their names must be listed on the request.

### **3.35.7 Leaves of Absence**

Leaves of absence may be granted with or without pay for professional development, for illness, and for other valid reasons. (See Chapter X)

### **3.35.8 Sabbatical Leave**

Faculty Sabbatical Leave provisions are set out in Chapter X, Section 10.38.

## **3.36 Reporting of Grades**

At the close of each semester, all members of the academic faculty shall submit grades for all students registered for credit in their classes. Grades shall be submitted not later than 5:00 p.m. on the second working day following the end of final examinations. Copies of grade reports shall be submitted to the department head by the instructor, at the same time.

### **3.37 Review of the Undergraduate Curricula**

Proposals for the following (outside of the exceptions for honors courses and education courses, as outlined below) require only the approval of the Dean (upon support of the college) and the VPAA:

- new courses in the major
- deleting courses from the major
- change in number, title, and/or credit hours of a course
- an honors counterpart to an already existing course

No action is required by the Senate Curriculum Committee and/or the Faculty Senate.

All honors courses require the approval of the Honors Committee.

Matters of curriculum and policies for Teacher Education are under the jurisdiction of the Teacher Education Council and are exempt from this section.

### **3.38 Use of Copyrighted Materials for Educational and Research Purposes**

It is the policy of the University to respect the copyright protections given by federal law to owners of intellectual property, including books, journals, music, art, multi-media materials, digital materials and software ("Copyright-Protected Materials"). All individuals (whether or not employed by, compensated by or enrolled at the University), participating in a sponsored project and/or making significant use of University resources ("Individuals") are expected to act as responsible users of Copyright-Protected Material, which includes making informed, good faith decisions that comply with Federal Copyright Law, as contained in Title 17 of the U.S. Code ("Copyright Law"). It is against University policy for individuals to use University resources such as equipment, services, or facilities to access, use, copy, reproduce, distribute, or display Copyright-Protected Materials except as permitted under copyright law. Application of the legal principle of "fair use" or other exemptions under Federal Copyright Law which protect many teaching and learning activities; obtaining the permission of the copyright holder; or receiving a license to use Copyright-Protected Materials are ways to address the federal copyright requirements. It is the Individual responsibility of faculty, staff, students and other Individuals to comply with this policy. The University may monitor use of Copyright-Protected Materials pursuant to this policy, including, but not limited to, reviewing items placed on reserve at the library, items on e-reserve, or any University web sites, social media sites and blogs.

Violations of the copyright law may result in civil and criminal penalties, including imprisonment. The University regards violation of its policy as a serious matter. Any such violation is without its consent and is subject to appropriate disciplinary action or sanction ranging from loss of access to the relevant University services or property (including computing privileges) to dismissal or removal from the University. Additional University policies related to the creation of Intellectual Property are set out in Chapter IX.

### 3.39 Teaching Dual Credit Courses

Dual credit courses are coordinated by staff in the Division for Continuing Education and Extended Studies. Dual credit courses shall be paid based on the number of students enrolled in the course. Payment may be issued directly to the instructor or to the institution at which the instructor is employed.

### 3.40 Faculty Grievance Policy

In addition to the complaint procedures outlined in Chapter X, Sections 10.80, 10.81, and 10.82, a faculty member may also submit, through the Campus Complaint Coordinator, a formal complaint based on any of the following:

1. A denial of, or infringement upon, academic freedom;
2. A denial of an application for promotion or tenure;
3. An inequity in salary due to disputes over facts or information. Equity is defined as a faculty salary within 5% of the average salary of all other faculty of the same rank in their discipline. Further, a faculty member must allege that the salary disparity cannot be accounted for by the following:
  - difference in years of service and years in rank
  - productivity in teaching, research, and service
  - centrality of the person's work to the mission of the academic unit
  - past/present administrative duties
  - other factors set forth as legitimate bases for salary determination in the faculty member's academic unit, such as special appointments, promotion and tenure documentation, or otherwise consistently communicated factors applied generally in hiring and salary increase decisions

For salary inequity appeals, three (3) full academic years must have passed since a final decision was rendered on a faculty member's previous appeal under this process.

### 3.41 Policy on Misconduct in Science

A crucial element of any fair and effective policy on scientific misconduct is a process that will distinguish instances of genuine and serious misconduct from insignificant deviations from acceptable practices. The policy will allow such distinctions to be made in a manner that minimizes disruptiveness and protects the conscientious, honest scientist from false or mistaken accusations.

#### Definitions

**Misconduct:** For purposes of this policy, misconduct is defined as fabrication, falsification, plagiarism, or other practices that seriously deviate from those

that are commonly accepted within the scientific community for proposing, conducting, or reporting research. Misconduct does not include honest error or honest difference in interpretation or judgments of data. Definitions for common types of scientific misconduct are as follows:

1. **Falsification of Data:** Falsification ranges from fabrication to deceptively selective reporting of findings and omission of conflicting data.
2. **Improprieties of Authorship:** Improprieties of authorship include plagiarism and other improper assignment of credit such as excluding others, or claiming the work of another as one's own; presentation of the same material as original in more than one (1) publication; inclusion of individuals as authors who have not made a definite contribution to the work published; and submission of multi-authored publications without the concurrence of all authors.
3. **Misappropriation of Ideas:** Misappropriation of ideas is defined as the improper use of information or influence gained by privileged access, such as service on peer review panels, editorial boards, and policy boards of research funding organizations.
4. **Violation of Generally Accepted Research Practices:** Serious deviation from accepted research practices will be considered as deliberate manipulation of experiments or improper statistical or analytical manipulations to deliberately obtain biased results.
5. **Violation of Federal, State, or Institutional Rules Governing Research:** Failure to comply with stated policies regarding use of funds, care of animals, use of human subjects, investigational drugs or controlled substances, recombinant DNA, new devices, and radioactive, biological, or chemical materials will not be considered as scientific misconduct under this policy. Such violations will be referred to the appropriate University committees for disposition.
6. **Inquiry:** Inquiry means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
7. **Investigation:** Investigation means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred. If misconduct is confirmed, the investigation should determine the seriousness of the offense and the extent of any adverse effects resulting from the misconduct.
8. **Complainant:** Complainant is the person who makes or files a charge of misconduct, i.e., the accuser.
9. **Respondent:** Respondent is the person who responds to a charge of misconduct, i.e., the accused.
10. **Days:** Days as mentioned in this policy shall refer to calendar days.

## Guiding Principles of this Policy

The guiding principles shall be as follows:

- To maximize confidentiality for the Respondent during the full process and for the Complainant;
- To assure the Respondent a fair hearing; and
- To minimize the number of individuals involved in the inquiry and investigative stages.

## Process for Handling Allegations for Misconduct

This policy shall apply to faculty, administrative and professional staff, and students. The University's process for handling allegations of misconduct involves three stages: inquiry, investigation, and resolution. All parties involved in the process shall be entitled to consultation with legal counsel (at her/his own expense) in all meetings relating to the alleged misconduct.

### 1. Report of an Allegation

- a. An allegation of misconduct shall be made in writing, signed by the complainant, and filed with the VPAA.
- b. Upon receipt of an allegation, the VPAA will counsel the Complainant as to the policies and procedures for handling misconduct and to ensure that the allegation is made in good faith and is not frivolous, unjustified, or clearly mistaken.
- c. If the Complainant does not wish to withdraw the allegation, the VPAA shall make a formal notification of the same, in writing, to both the University President and the Respondent. The VPAA shall then initiate the inquiry process.

### 2. Inquiry

- a. The inquiry shall formally begin with receipt by the President of the allegation of misconduct. An inquiry is not a formal hearing; it is designed to separate allegations deserving further investigation from frivolous, unjustified, or clearly mistaken allegations.
- b. Within ten (10) days of notifying the President and the Respondent of the formal allegation, the VPAA will appoint and convene a Misconduct Inquiry Committee (Inquiry Committee) consisting of five (5) faculty members to conduct the inquiry. Members shall be appointed who have

- 1) no verified interest in either the Complainant or Respondent or in either the Complainant's or Respondent's projects;
  - 2) no Lincoln University appointment in the discipline of either the Complainant or the Respondent; and
  - 3) appropriate expertise for evaluating the information relevant to the case.
- c. Within the aforementioned ten (10)-day period, the VPAA shall also inform the Respondent in writing of the allegation, the procedures that will be used to examine the allegation, and the composition of the committee. The Respondent is expected to cooperate fully with requests for information by the Inquiry Committee during the inquiry. Such communication with the Respondent shall be by certified U.S. mail with return receipt requested.
- d. When the inquiry process is in force, confidentiality of all procedures and documents must be maintained. It shall be the responsibility of the chair of the Inquiry Committee to make certain that rigorous confidentiality is maintained. Documents of inquiries shall be sufficiently detailed in order to permit a later assessment of the reasons for determining that an investigation was not warranted (if necessary). All records should remain in the Office of the VPAA throughout the inquiry process.
- e. The committee shall inform the Respondent and the Complainant of the responsibility to provide all necessary original documentation in a timely fashion. Uncooperative behavior may result in immediate implementation of a formal investigation or other University sanctions.
- f. While legal counsel is always the right of the Respondent, it would be hoped that during the inquiry phase, all interactions shall be limited to the committee members, the Respondent, and the Complainant.
- g. All parties to the case, including members of the Inquiry Committee, shall have the opportunity to present evidence, to call witnesses, and to examine or cross-examine the witnesses.
- h. The inquiry phase should be resolved expeditiously within sixty (60) days of the initial notification of the President and Respondent. Should this timetable be impossible, the committee must file a written report with the Office of the VPAA citing the reasons for the delay, progress to date, and a request for an extension.

- i. At the completion of the inquiry process a written report shall be prepared. This report shall:
  - (1) state what evidence was reviewed;
  - (2) summarize relevant interviews; and
  - (3) state the finding(s) and conclusion(s) of the Inquiry Committee.

The Respondent shall be given a copy of the report. The Respondent may at her/his option prepare written comments which shall be made a part of the record.

- j. The VPAA shall review the results. Based solely on the written record, the VPAA may elect to certify the report. However, if the VPAA finds that the allegation is not supported, he/she may dismiss the allegations and close the matter. In either case, the VPAA's decision shall be transmitted to the Respondent and the Complainant via certified U.S. mail with return receipt requested. The VPAA shall concurrently notify the President of the decision.

- k. The University shall notify the Office of Scientific Integrity (OSI), a division of the National Institutes of Health (NIH), when on the basis of the initial inquiry, the University determines that an investigation is warranted or prior to the decision to initiate an investigation if one or more of the following conditions exists:

- (1) There is an immediate health hazard involved;
- (2) There is an immediate need to protect federal funds or equipment;
- (3) There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is/are the subjects of the allegations as well as her/his/their co-investigators and associates, if any;
- (4) It is probable that the alleged incident is going to be reported publicly;
- (5) There is a reasonable indication of possible criminal violation. In that instance the University must inform OSI within twenty-four (24) hours of obtaining that information.

- l. Five (5) days following acknowledgement of receipt of the finding by the respondent, the VPAA shall take one (1) of the two (2) courses of action below according to the decision reached in 2 j:
  - (1) the Inquiry Committee finds no basis to the allegation or the VPAA does not certify the findings:

- (i) then, the proceedings of the inquiry will terminate;
  - (ii) records will be destroyed three (3) years after completion of an inquiry, assuming no other related allegations have been made concerning the Respondent;
  - (iii) all involved parties and the President's office shall be so notified by the VPAA and efforts will be made to be sure that the Respondent is cleared of unsupported allegations.
  - (iv) If the committee finds the allegations to be unjust and malicious, sanctions may be recommended against the Complainant.
- (2) the Inquiry Committee finds a basis in fact to the allegation and the VPAA certifies the report:
- (i) the VPAA will forward this decision together with all committee documentation to the President's office and the Office of Sponsored Research and Grants within five (5) days of the decision.
  - (ii) At this point, in accordance with federal regulations, the Office of Sponsored Research and Grants will forward to the sponsoring agency notification that an allegation of misconduct has been found to have a basis in fact following an inquiry, and that the allegation will now be submitted to the formal investigation process.

During the inquiry into the allegation of misconduct, interim action by the President upon recommendation of the VPAA may be taken in order that federal funds may be protected and/or the purposes of federal financial assistance are carried out.

### 3. Investigation

- a. Within thirty (30) days following a decision by the Inquiry Committee that an allegation of misconduct has been substantiated, the VPAA will appoint a second ad hoc committee to investigate the case. The VPAA must guarantee that there is no conflict of interest among any of the members of the committee and the Respondent or the Complainant. The committee should be constituted in such a manner that the academic integrity and expertise of its members are assured. The committee shall consist of five (5) tenured faculty members from degree-granting institutions including at least one (1) from Lincoln University and at least one (1) from another institution. All records from the Inquiry Committee shall be made



available to the Investigation Committee, but they shall be maintained in the Office of the VPAA.

- b. Following the appointment of the Investigation Committee, the VPAA shall notify both the Respondent and the Complainant, via certified U.S. mail with return receipt requested, that an investigation has begun and the composition of the committee. In the event of extra-mural sponsorship the VPAA shall also notify the director of Sponsored Research and Grants of the same.
- c. The OSI shall be apprised of any development during the course of the investigation which disclose facts that may affect current or potential Department of Health and Human Services funding for the individual(s) under investigation or that the Public Health Services needs to know in order to ensure the proper use of federal funds or otherwise protect the public interest.
- d. The right of the Respondent to be accompanied by a representative, in any advisory capacity, shall be recognized at any stage in any proceeding. Should the Respondent choose to be represented by an attorney, the Investigation Committee or appropriate University official must be notified, in writing, five (5) days prior to the date of any meeting at which the attorney will be present. The University shall provide legal counsel for the Investigation Committee or appropriate University official (to act in an advisory capacity) at any meeting in which the Respondent appears with an attorney.
- e. The Investigation Committee shall conduct a hearing which shall be closed to the public.
- f. The committee may request documents, receive evidence, and call and hear witnesses. If additional information emerges that may justify broadening or narrowing the scope of the investigation beyond the initial allegations, the Respondent is to be informed in writing by the VPAA of significant new directions in the investigation. This notification shall be forwarded by certified U.S. mail, with return receipt requested.
- g. While certain federal regulations require notification of the sponsoring agencies of investigations into misconduct, no other agency sponsoring the same respondent shall be notified. In the event of federal sponsorship, the appropriate ethics office of the funding agency will be informed of the investigation, as required by regulations.

- h. Consistent with federal requirements, the investigation process shall be completed within one hundred twenty (120) days. If the process cannot be completed within this time, a written report shall be sent by the Investigation Committee to the Office of the VPAA, together with a request for an extension of time. The VPAA will forward the request for extension to the appropriate ethics office of the funding agency, as may be required by law.
- i. Upon reaching its decision, the Investigation Committee shall submit its findings, in writing, to the VPAA. These findings shall include a record of the vote. They may also include a recommendation of sanction.
- j. All records of the Investigation Committee shall be forwarded to the Office of the VPAA, where they shall be kept for **three (3) years**, following resolution of the matter.
- k. Within ten (10) calendar days of receipt of the report, the VPAA shall certify the committee's findings and provide the Respondent with a copy of the same. The Respondent shall have the right to file written response to the committee's findings within ten (10) calendar days of receipt of the report from the VPAA. Correspondence from the VPAA to the Respondent shall be by certified mail, with a return receipt requested.
- l. Upon receipt of the Respondent's comments or upon conclusion of the deadline cited in j. above, the VPAA shall review all the evidence of the case and make a decision, including the sanctions to be applied, within ten (10) calendar days. The VPAA shall inform the Respondent of the decision and the appeal process, if appropriate. Notification to the Respondent shall be made via certified mail with a return receipt requested. The VPAA shall also notify the President of this decision.
- m. In the event of federal sponsorship, the Office of Sponsored Research and Grants will inform the appropriate ethics office of the funding agency of the Investigation Committee's findings.

#### 4. Resolution

- a. Absence of fraud or misconduct,
  - (1) all research sponsors which were informed of the investigation will be notified in writing that the allegation of fraud or misconduct was not supported;
  - (2) efforts will be made to prevent retaliatory actions against the

Complainant; if the allegation is deemed to have been maliciously motivated, appropriate disciplinary action will be taken against the Complainant by the VPAA or other appropriate institutional officials;

- (3) in publicizing the finding of no fraud or misconduct, the VPAA and the Office of Sponsored Research and Grants will be guided by whether public announcements will be harmful or beneficial in restoring any reputation(s) that may have been damaged. The University will make every effort to protect the reputations of those individuals who in good faith made allegations which were not supported by the investigation.

b. When there is presence of fraud or misconduct,

- (1) the Grants Office shall notify all appropriate federal agencies, sponsors, or other entities of the finding. These entities may include, but not be limited to:

- (i) ethics office(s) of federal agency(ies); and
- (ii) sponsoring agencies, funding sources.

- (2) the VPAA shall review the findings of the Investigation Committee and shall recommend sanctions against the Respondent to the President as appropriate. Sanctions may include, but not be limited to:

Faculty:

- (i) removal from the particular project;
- (ii) special monitoring of future work;
- (iii) suspension of rights and responsibilities for a specified period, with or without salary;
- (iv) denial of merit pay;
- (v) denial of sabbatical;
- (vi) denial of tenure; and
- (vii) termination of employment.

Staff:

- (i) removal from particular projects;
- (ii) special monitoring of future work;
- (iii) letter of reprimand;
- (iv) disciplinary probation
- (v) suspension of rights and responsibilities for a specified period, with or without pay;

- (vi) demotion;
- (vii) reduction in salary; and
- (viii) termination of employment.

- (3) the President may concur with the recommendations of the VPAA or may make such other findings or reach such other conclusions as, in her/his opinion, are supported by the facts. The President shall notify the Respondent, in writing, of her/his decision.

## 5. Appeal Process

The Respondent may file written notice of appeal, through the Office of the President of the University, to the Board of Curators within ten (10) working days of the receipt of the President's decision. The President shall transmit the notice of appeal, the hearing record and all related documents to the Board of Curators. The decision of the Board of Curators, upon review of the complete record, shall be final.

Grounds for appeal include, but are not limited to, the following:

- 1. conclusions not supported by the evidence;
- 2. conflict of interest not previously known among those involved in the investigation; and
- 3. other lapses in due process.

The Office of Scientific Integrity will be notified of the final outcome.

### 3.42 Financial Exigency

A condition of financial exigency may necessitate suspension or termination of academic personnel. Financial exigency may be declared by the President of the University either for the entire University, or for specific colleges, schools, departments or programs. Financial exigency may be declared by the President of the University with the formal approval of the Board of Curators only after careful analysis of funding and enrollment data has concluded that:

- 1. federal, state, or other funding source is no longer providing support at an appropriate level; or
- 2. enrollment decline in a given discipline, department, school, or program no longer justifies existing faculty size.

General criteria for selection of persons to be terminated as a result of financial exigency shall include the following considerations:

- 1. Non-tenured faculty shall be terminated before tenured faculty;

2. Faculty members with the shortest term of service will generally be terminated before those with longer periods of service;
3. Academic rank shall not be a factor in terminating faculty.

Exceptions to these criteria shall be made in writing in the event of compelling reasons and presented for approval to the President.

Every effort shall be made to relocate persons so displaced.

### **3.43 Commencement: Attendance**

All faculty members are required to participate in Commencement. Faculty wishing to be excused must obtain approval from the VPAA, through the department head and College Dean.

## **Student Matriculation: Policies and Programs**

### **3.60 Academic Policies and Regulations**

The area of Academic Affairs will draft, submit for Board approval and, upon approval, enforce policies and regulations governing all matters relating to the delivery of courses, the adoption and management of degree programs, the matriculation of students, and admission of graduate students. Academic Affairs will also work in conjunction with the area of Enrollment Management on matters and issues regarding the admission of undergraduate students and the ethical management of student records. See Chapter IV for policies applicable to the Office of Admissions and the Records Office.

### **3.61 Classification of Students**

Students shall be classified into the following categories:

1. A freshman is a student who has met the entrance requirements, has enrolled in regular college work, and has earned less than thirty (30) semester credit hours.
2. A sophomore is a student who has earned thirty (30) to fifty-nine (59) semester credit hours.
3. A junior is a student who has earned sixty (60) to eighty-nine (89) semester credit hours.
4. A senior is a student who has earned at least ninety (90) semester credit hours.

Students will be reclassified each semester in accordance with the number of semester credit hours they have successfully completed.

### **3.62 System of Course Numbering**

The following system of course numbering shall be used:

- Below 100: remediation courses primarily for freshmen
- 101-199: courses primarily for freshmen
- 200-299: courses primarily for sophomores
- 300-399: courses primarily for juniors
- 400-499: courses primarily for seniors; those courses listed in the graduate bulletin may be taken for graduate credit by graduate students and are designated with a “G”
- 500-599: open only to graduate students
- 600-699: open only to specialist degree students

Courses numbered 100-299 are lower division courses. Courses numbered 300-499 are upper division courses. Courses numbered 400G, 500 and 600 are graduate courses.

### **3.63 The Semester Credit Hour**

The semester credit hour is defined as one (1) fifty (50)-minute class period per week for a minimum of sixteen (16) weeks. For purposes of a credit hour definition in laboratory work, a one (1)-credit hour for laboratory work can meet either two (2) or three (3) hours per week for a minimum of sixteen (16) weeks. Courses offered in alternative formats (i.e., four (4)- or eight (8)-week sessions, intersession) must meet for a time period that equates to the fifty (50)-minute period times sixteen (16) weeks (for a total of 800 minutes per credit hour offered). Example: A three (3)-hour, four (4)-week summer course that meets for four (4) days each week must meet for 150 minutes each day.

### **3.64 Student Load**

A part-time undergraduate student is one who is enrolled in one (1) to eleven (11) semester credit hours for the fall and/or spring semesters. A part-time load for the summer session is one (1) to five (5) semester credit hours.

A full-time undergraduate student is one who is enrolled in at least twelve (12) credit hours for the fall and/or spring semesters. A full-time load for the summer session is at least six (6) semester credit hours.

An undergraduate student who is enrolled in over eighteen (18) semester credit hours for the fall and/or spring semesters or over nine (9) semester credit hours for the summer session is considered on overload. The current undergraduate bulletin lists the approval process for an overload.

A part-time graduate student is one who is enrolled in one (1) to eight (8) semester credit hours for the fall and/or spring semesters. A part-time load for the summer session is one (1) to five (5) semester credit hours.

A full-time graduate student is one who is enrolled in at least nine (9) credit hours for the fall and/or spring semesters. A full-time load for the summer session is at least six (6) semester credit hours. The maximum load for graduate students shall not exceed nine (9)

hours per term (eight (8) week or semester term).

### **3.65 System of Grading**

The following system of grading shall be in effect:

#### **Grades**

- “A” work of exceptionally high quality
- “B” work of superior quality but somewhat lower than “A”
- “C” work of medium or average quality
- “D” work of an inferior quality
- “F” failing work
- “PR” (Progress-Re-enroll) indicates a student has made satisfactory progress in ENG 90 Basic English and must re-enroll in the course the following semester. This has no effect on GPA. A student may receive a “PR” only once for this course.
- “S” work of satisfactory quality
- “U” work of unsatisfactory quality
- “I” indicates a student has maintained an average of “D” or better but has not completed a small but essential part of the regular coursework
- “X” indicates a student was absent from the final examination with the prior approval of the instructor or the Dean of the college in which the course was taken
- “W” indicates a student has dropped a course after the last day to register and/or add courses in any given term or semester; if a student withdraws from all courses, the “W” is awarded for each withdrawn course
- “H” indicates a student has been a “hearer” (auditor) in a course

All grades are final except “I” and “X.” To remove the “I” and “X,” the student must complete the required work within the first four weeks of the following semester for undergraduate credit, or before the end of the following semester for graduate credit. Should the student not enroll the following semester, the incomplete work must be completed before the end of one calendar year from the end of the semester in which an “I” or “X” was received. Any extension of time must be approved by the College Dean or the Dean of Graduate and Extended Studies.

Failure to meet this four (4) week or one (1)-year deadline will result in the incomplete grade changing to an “F.” Any extension of time must be approved by the College Dean or the Dean of Graduate and Extended Studies.

Final grades shall be recorded and reported to the student at the end of each semester and summer session and become a part of the student’s permanent record at Lincoln University.

#### **3.65.1 Grade Re-evaluation**

A student who has reasons which can be substantiated may request a grade re-evaluation according to the following procedure:

1. The student must first meet with the instructor (or department head, if the instructor is no longer employed) and request a re-evaluation of her/his performance in class;
2. The instructor, upon receipt of the student's request, will review her/his records. If the instructor determines that the request is valid and substantiated and that a change of grade is justified, the instructor will fill out a change-of-grade form and submit it to the department head for action;
3. The department head will forward the form to the Dean;
4. The Dean will forward the form to the VPAA;
5. The VPAA will forward the form to the Records Office for final action.

If the instructor determines that the request for a change of grade is not justified, the student may appeal. To do so, the student must obtain a "Student Academic Complaint Policy and Procedure" form from the Office of Academic Affairs. The form specifies the action to be taken and the timeline for doing so.

### **3.65.2 Auditing Courses ("Hearer")**

A student may register to audit any course upon written approval of the instructor. An auditor will not be held responsible for assignments or examinations, but is expected to maintain regular attendance.

The transcript will carry a grade of "H" ("Hearer") and no credit is received for auditing a course. A student may not change from "audit" to "credit" after the last day to enroll in courses for credit. A student may change from "credit" to "audit" before the last day for dropping courses without failure.

### **3.66 Grade Point Average**

The following grade point system shall be in effect:

#### **Grade Points:**

- "A" 4 grade points per credit hour
- "B" 3 grade points per credit hour
- "C" 2 grade points per credit hour
- "D" 1 grade point per credit hour
- "F" 0 grade point per credit hour
- "PR" 0 grade point per credit hour
- "S" 0 grade point per credit hour
- "U" 0 grade point per credit hour
- "W" 0 grade point per credit hour

Grade point average is the average number of grade points earned per credit hours attempted. In the cumulative GPA calculation, if a course is repeated, then only the highest grade earned is included in the total grade points calculation, and the credit hours are counted only once in the total credit hours attempted.



Activity physical education grades are included in grade point average calculations. Credit-by-examination (departmental and/or CLEP) and cooperative education credits are not calculated into the GPA. Transfer credit is not included in the GPA calculation except for purposes of granting honors and graduation honors. Courses in which a “PR,” “I,” “X,” “H,” “S,” “U,” or “W” are received are not included in computing the GPA.

### **3.67 Repeated Courses**

A student may repeat any undergraduate course in which a grade of “D” or “F” was earned. Only the higher grade earned will count in the GPA determination. An undergraduate course in which a “B” or “C” was earned cannot be retaken to achieve a higher grade.

### **3.68 Class Attendance Policy**

Research confirms that class attendance is an essential part of the educational experience and a requirement for an adequate evaluation of academic progress. Students are expected to attend all lectures, seminars, laboratories, and field work for each registered class and to complete all work assigned by the instructor.

Due to the relationship between class attendance and final course grades, total absences ideally should not exceed twice the number of times a class meets per week. Examples:

Courses meeting three (3) times/week: maximum of six (6) absences acceptable  
Courses meeting one (1) time/week: maximum of two (2) absences acceptable

The maximum acceptable number of absences in other class formats, i.e., eight (8)-week, four (4)-week summer session, and intersession, should be pro-rated according to the formula above.

If a student exceeds the maximum number of acceptable absences for a course, the course instructor may choose to lower the student’s grade by one letter, provided this policy is clearly stated in the syllabus at the beginning of the course.

In addition, course instructors will determine the following and will post it in all syllabi:

- a. Consequences for coming late and leaving class early;
- b. Make-up policies for course work, quizzes, and exams.

#### **3.68.1 University-Approved Absences**

Excused absences for University-related activities may be issued only by the President, the VPAA, or the CSAO. Notification for excused absences will specify student names, the event, and the time covered by the excused absence.

### 3.69 Academic Status Policies

#### Good Academic Standing

A student enrolled in Lincoln University who has a cumulative grade point average of at least 2.00 is considered to be in **good academic standing**.

#### Probation

A student whose cumulative GPA falls below a 2.0 at the end of a semester will be sent a notification letter informing the student that he/she has been placed on **academic probation**. During the probationary semester, the student will be limited to no more than 13 credit hours. The student must either raise her/his cumulative GPA to at least a 2.0 by the end of the probationary semester (or at mid-term, if the student is enrolled in any eight (8)-week courses) **or** earn at least a 2.5 GPA for that same semester. A student who earns at least a 2.5 GPA for the semester will remain on probation if her/his cumulative GPA is still below a 2.0.

#### Suspension

Should the student on probation fail to raise her/his GPA to at least a 2.0 by the end of the probationary semester or earn at least a 2.5 GPA for that same semester, the student will be sent a notification letter informing the student that he/she has been **placed on academic suspension from the University**.

#### Appeals

A student may appeal an action of first suspension by written request to the Academic Routine Committee. The student may request that consideration be given to permit her/his return under one of the following conditions:

1. The student presents definitive documentation to show that some unique situation occurred which may have made academic failure in the most recent semester likely;
2. The student presents definitive documentation to show that significant and continuous academic progress has been made in each semester of academic vulnerability.

The student must send her/his appeal (including supporting materials) for reinstatement to the chair of the Academic Routine Committee.

If a student is successful in her/his appeal of the suspension, continued enrollment will be permitted in a status of academic probation. In this case, the student will be limited to no more than thirteen (13) credit hours and will be required to earn a minimum 2.5 GPA in the semester that he/she returns.

Any student who incurs a second suspension will be **dismissed** from the University and must wait a minimum of one (1) year from the date of dismissal before applying for re-admission.

Courses taken during the summer session will be treated in the same manner as those taken during the fall and spring semesters. Students may be added to or removed from **academic probation/suspension** for one (1) semester or dismissed depending upon their cumulative GPA. Students on academic probation or dropped for one (1) semester will not be permitted to enroll in intersession courses. Students who take intersession courses may be placed on **academic probation/suspension** for one (1) semester, or **dismissed** from the University, depending on their cumulative GPA. Any student dismissed from the University must wait a minimum of one (1) year from the date of dismissal before applying for re-admission.

### **3.70 Alternative Course Credit**

Lincoln University shall offer to its students various means of obtaining course credit other than through the traditional classroom/semester format. These means shall include departmental credit-by-exam, the College Level Examination Program (CLEP), the Cooperative Education Program (CEP), the Advanced Placement Program (AP courses for high school students), dual credit courses for high school students, experiential learning, advanced placement/credit in foreign languages, and conference courses. Guidelines for all alternative course credit options and associated fees are stipulated in the current undergraduate bulletin.

### **3.71 Upper Division Transfer Credit**

Lincoln University does not grant upper division (300-400) level credit for courses taken at a junior or community college, a technical institute or institute of technology, or similar institutions, except in instances where upper division credit is granted through signed articulation and partnership agreements.

### **3.72 Date of Bulletin for Satisfying Undergraduate Degree Requirements**

The *Lincoln University Undergraduate Bulletin* contains the undergraduate academic regulations and degree requirements of the University. A student may choose to satisfy these requirements for graduation from any one (1) bulletin issued in the eight (8) years prior to the awarding of a bachelor's degree or the three (3) years prior to the awarding of an associate degree, provided that he/she was enrolled during the academic year for which that bulletin was issued. Students must meet general education requirements in effect upon first enrollment; they must meet major and minor requirements in effect at the time the major or minor is declared.

### **3.73 Degrees Offered**

Lincoln University shall offer such degrees and certification as has been authorized by the State of Missouri, the Coordinating Board for Higher Education, the Higher Learning Commission of the North Central Association, and other accrediting agencies. The following degrees are offered: associate degrees, bachelor's degrees, master's degrees, and the education specialist degree. Specific degree titles are listed in the current undergraduate and graduate bulletins.

### **3.74 Requirements for the Various Degree Programs**

Requirements for all degree programs will be listed in the current undergraduate and graduate bulletins. This will include general education requirements, major and minor requirements, and required grade point average.

### **3.75 Policy on Modifying Programs for Students with Disabilities**

A student may request a program modification if he/she can document a disability that directly impairs her/his ability to meet the normal requirements of the program. Such documentation must be provided by qualified professionals in the area of the specific disability. These professionals must describe the specific disability in behavioral terms in relation to the specific modification sought by the student. Guidance regarding the type of information required to document specific disabilities will be provided to the student by the coordinator of Disability Services.

The Section 504/ADA Compliance Review Committee will consider requests to modify programs of study. The committee will monitor the University's compliance with Section 504 of the Rehabilitation Act of 1973/ADA and review the programs, policies and facilities at Lincoln University to determine accessibility to or discrimination against persons with disabilities as defined in Section 504/ADA requirements. The committee is charged with the following functions:

1. to recommend modifications in facilities and programs to ensure full participation by students with disabilities;
2. to promote an awareness in the campus community of the services provided to students with disabilities; and
3. to review and make recommendations for modifications in academic requirements to assure full educational opportunity for students with disabilities.

A student must request modification in a program early enough to allow the request to be processed and for arrangements to be made for the student to complete the recommended substitution or modification. The committee meets three (3) times a year, if needed, during the first week of March, July and November, to hear requests for modifications in programs. The committee will respond to requests within three (3) weeks of the date it meets. Requests for program modifications must be submitted to the Coordinator for

Disability Services a minimum of twenty (20) working days before the committee is scheduled to meet.

In some cases, a student with a disability may be required by the committee to demonstrate an effort to satisfactorily complete a course (e.g., attend classes, take examinations, write papers) before a program modification will be considered.

The committee can act upon requests for program modifications in one (1) of the following ways:

1. recommend to the VPAA approval of a specific substitution/modification of the student's program of study;
2. recommend to the VPAA denial of the student's request for one (1) of the following reasons:
  - a. the student has not provided appropriate documentation of the disability;
  - b. the requirement(s) under consideration is (are) essential to the program of study as determined by consultation with the department/college through which the student is matriculating; or
3. request additional information to enable further consideration of the request.

An appeal of the VPAA's decision must be made through the Office of the President.

### **3.76 Residence Requirements**

Credit hours completed in regular classes, including conference courses, offered by Lincoln University on the main campus or any other location are said to be completed in residence. All students, including students who transfer to Lincoln University from another institution, must satisfy the following **minimum residence credit requirement**: A minimum of thirty (30) credit hours of 300- and/or 400-level course work must be successfully completed in residence to obtain a baccalaureate degree; a minimum of twelve (12) of these thirty (30) semester hours must be in the major and, if a minor is declared, at least six (6) of these thirty (30) hours must be in the minor.

### **3.77 Academic Honors**

The Dean's List shall be compiled at the close of each semester. The Dean's List shall include all full-time undergraduate students earning a grade point average of 3.00 or above. A student who receives a grade of "I" or "X" shall not be considered for the Dean's List that term.

Graduation with honors falls into three categories:

Summa Cum Laude is awarded for a cumulative GPA of 3.8 to 4.0  
Magna Cum Laude is awarded for a cumulative GPA of 3.6 to 3.799  
Cum Laude is awarded for a cumulative GPA of 3.2 to 3.599

To be eligible to graduate with honors, a student must complete at least sixty (60) hours in residence at Lincoln University.

All academic coursework from other colleges and universities shall be included in the computation of the student's official grade point average for the purpose of granting convocation and graduation honors. Those courses which do not carry credit toward graduation at the institution where they were taken shall not count toward academic honors at Lincoln University.

### **3.78 Second Bachelor's Degree**

Lincoln University shall award a second bachelor's degree to a student who has earned a first bachelor's degree from an accredited college or university if he/she 1) satisfies the curriculum requirements of the new major; 2) declares the new major in a field other than that of the first degree; and 3) completes a minimum total of 141 credit hours.

### **3.79 Graduate Enrollment Prior to Admission into a Graduate Program**

An undergraduate student may enroll in a maximum of nine (9) graduate hours during her/his final undergraduate semester if he/she has a cumulative GPA of 3.0 and has been approved by her/his advisor and the Dean of the proposed graduate degree area. These graduate hours can be applied to a graduate degree program once the student is officially admitted to the degree program. Specific admission criteria are listed in Section 3.81 and also in the undergraduate bulletin.

A student will not receive graduate credit for any course work taken at Lincoln University prior to being officially admitted to the Graduate Program. After official admission, a maximum of nine (9) hours of graduate credit earned during conditional or special, non-degree-seeking status may be applied towards a master's or specialist degree.

All conditions for admission must be satisfied before the student earns more than nine (9) graduate hours. A student who fails to meet the conditions of her/his admission after nine (9) hours may be restricted from further enrollment in graduate level classes until the conditions are met.

### **3.80 Admission as a Graduate Student**

Any person who has earned a baccalaureate degree or higher may be admitted as a graduate student. An official transcript showing the highest degree earned must be submitted to the office of Graduate Studies.

Specific criteria for admission as a degree-seeking graduate student are published in the current graduate bulletin.

Students are limited to earning no more than nine (9) graduate credit hours that can be applied towards the planned degree prior to being unconditionally admitted to that graduate program of study. More specific information can be found in the current undergraduate and graduate bulletins, and is available from the office of Graduate Studies.

### **3.81 Undergraduate Admission into the Graduate Program**

An undergraduate student with senior standing may be admitted into graduate studies as a special student for a maximum of nine (9) hours of graduate credit, which can be applied toward the master's degree once the student is admitted to a specific degree program. The student must meet the following requirements:

1. An overall grade point average of at least 3.00;
2. Approval of the Dean of the degree area in which the student expects to major;
3. A minimum grade of "C" in ENG 101 and ENG 102.

The student must complete the baccalaureate degree at the end of the semester in order for the hours to be counted. A student will not receive graduate credit for any course work taken at Lincoln University prior to being admitted to graduate studies. During the last semester of undergraduate enrollment, graduate fees will be assessed for any graduate course work.

### **3.82 Dismissal from the Graduate Program**

A student who has attempted nine (9) credit hours and obtained the grades of "D" and/or "F" the first time the courses were taken is ineligible to continue in the graduate program for credit. A student who fails to demonstrate acceptable levels of expression in oral and written English may be recommended by her/his major advisor to the Graduate Council for dismissal from the graduate program. A candidate who fails to make satisfactory progress, upon completion of fifteen (15) credit hours, will be withdrawn from candidacy by the Graduate Council.

A student who has been dismissed for any of the above reasons may appeal to the Dean of Graduate and Extended Studies with supporting documentation for reinstatement. If the appeal is denied by the Dean of Graduate and Extended, the student may appeal in writing, with supporting documentation, to the VPAA. If the request is denied by the VPAA, the student may appeal in writing, with supporting documentation, to the President. The decision of the President is final.

### **3.83 Graduate Academic Appeal Process**

A graduate student who has reason to believe that he/she did not receive the grade that was deserved in a course or who perceives that he/she was not treated fairly in a course has the option to submit a written request of appeal by the second week of the semester following the term in which the grade was received or the incident occurred, or within two (2) weeks of the following summer session if the grade was received or the incident occurred in the

spring semester. The appeal process is outlined in the graduate bulletin.

### **3.84 Filing for a Degree**

A student must file for graduation with the Records Office or through the Lincoln University Web site by the deadline dates as listed in the Academic Calendar, published in the undergraduate and graduate bulletins and on the Web site. A student filing after the deadline date will not be able to receive the diploma until the next graduation period.

Graduate students must file for graduation through the Office of Graduate Studies or through the University Website.

### **3.85 Commencement**

Commencement will be held once each year in May for students who complete all degree requirements in the previous December or in May.

Students who will complete all requirements during the summer semester will be allowed to participate providing they:

- Have no more than two (2) courses left to finish their degree requirements;
- File for summer graduation;
- Pay the graduation fee;
- Enroll in the two (2) courses needed for graduation;
- Sign an agreement acknowledging that they understand that their degree will not be conferred until after they have completed all degree requirements.

Students will have until the 15<sup>th</sup> day of February to file to participate in commencement. Students have the responsibility to satisfy all academic and financial requirements to be eligible to participate in commencement exercises.

### **3.86 Posthumous Degrees**

A deceased student may be considered a candidate for a posthumous degree when nominated by the Dean of the college/school in which the student was enrolled at, or prior to, his/her death. Posthumous degrees may be awarded at any career level (undergraduate or graduate).

#### **3.86.1 Requirements for Nomination:**

- A student must have been in good academic standing with the University at the time of death. Good standing is defined as not being academically deficient for their classification (academic probation, continued probation, suspension or expulsion).



- The student must have been enrolled at the time of death (summer excluded), or his/her enrollment was interrupted by an injury, illness, deployment, etc.
- An undergraduate student must have been within twenty (20) semester hours of degree requirements completed to be considered for a posthumous degree.
- A graduate student must have been within nine (9) hours of degree requirements completed to be considered for a posthumous degree. This determination shall be the responsibility of Dean of Graduate and Extended Studies in consultation with the Dean of the college/school of the degree program in which the student had been enrolled.

### **3.86.2 Nomination/Approval Process:**

Anyone may identify a candidate for a posthumous degree, but such a suggestion must be made by the Dean of the appropriate college /school for consideration to begin the formal process. The Dean of the college/school in which the student was enrolled will recommend the candidate for a posthumous degree in the form of a formal written request to the Dean of Graduate and Extended Studies (if applicable) and to the VPAA. The request must include the name and ID number of the student, the degree to be awarded, and the recommended semester for degree conferral. If supported by the VPAA and Dean of Graduate Studies (if applicable), he/she will submit the recommendation to the President of the University. If supported by the President:

- The President will notify the Registrar's Office to begin the process for degree awarding.
- The Registrar's Office will notify the VPAA for commencement arrangements.
- The VPAA will inform the family of the University's decision and desire to recognize the student with this honor. If the family desires to represent the student and receive the diploma at the commencement, the VPAA/President will make the award.
- The statement "awarded posthumously" will be printed on the student's academic record, but not on the diploma.

## **CHAPTER IV CHIEF OPERATING OFFICER**

### **Administrative Units and Functions (4.00 – 4.01)**

#### **4.00 The Area of Chief Operating Officer**

The Chief Operating Officer (COO) oversees the comprehensive operations of the institution, supporting the President in managing staff, budgets, administration, policies, and procedures. The COO is instrumental in coordinating and executing key strategic initiatives, ensuring seamless communication and collaboration between the Office of the President and various internal and external constituencies. The unit is led by the COO and includes the Office of Information Technology Services (ITS), Enrollment Management, and Campus Culture.

#### **4.01 Organization and Administration of the Chief Operating Officer**

The COO is appointed by the President of the University. Areas reporting to the COO are listed in the current University organizational structure (available in the Office of the President). In the absence of the President and the Provost, the COO shall serve as acting President of the University. The COO shall also have the following responsibilities:

- Partners with the President, Provost, the President’s Leadership Team, and other University leaders to advance the University’s priorities
- Leads and implements key assigned strategic initiatives and projects that are often broad in scope as well as cross-functional in impact
- Advances the University’s priorities by formulating and executing policies and addressing complex challenges
- Grasps the existing policies and a keen foresight to predict the outcomes of new initiatives
- Possesses the analytical prowess to navigate intricate organizational and relational dynamics
- Exhibits robust interpersonal abilities, including active listening, as well as crafting and evaluating various strategic alternatives

##### **4.01.1 Office of Information Technology Services**

The Office of Information Technology Services (ITS) is headed by the Chief Information Officer (CIO) who is responsible for directing and coordinating the planning, implementation, and maintenance of information technology resources for the University. This includes administration and management of technology purchases, administrative/academic computer needs, classroom technology solutions, online learning management systems, software evaluation and testing,

software installation/trouble shooting, systems administration, technology planning, systems integration, data migrations, help desk operations, office automation, telecommunications, and networking (including remote sites such as University farms/extension sites). The CIO is responsible for providing leadership, consultation, and assistance to the entire University community relative to technology needs. The CIO also serves as the chief information security officer for the University ensuring cybersecurity standards and threats are addressed.

#### **4.01.1.1 Responsibility**

##### Lawful Use

All use of computing resources is subject to federal, state, and local law and University regulations. Users must abide by all use restrictions, whether or not safeguards are built into the system, and whether or not restrictions can be circumvented by electronic means.

##### Copyright

Users of technological resources must observe intellectual property rights, in particular the software copyright law. Users must refrain from using University trademarks or logos without prior authorization and from implying, by use of University technological resources, that the person speaks for the University.

##### Proper Authorization

Except in cases of explicitly authorized external access, such as for incoming electronic mail, anonymous ftp or similar services, or specially authorized external users, University computing resources are limited to members of the University community. Users must not permit or assist any unauthorized person in accessing ITS facilities.

Authorization for other external use of the University's computing resources by outside organizations or individuals requires written approval of the president and will be granted only when that use is determined to further the University's mission.

##### Account Ownership

Another person may not use an account assigned to University faculty, staff, students, another individual approved for such use. Faculty, students, staff and any other individual approved for such use are individually responsible for the proper use of their accounts, including proper password protection and appropriate use of computing resources.

##### Personal Identification

Users of University computing resources, including microcomputers, laptops, workstations, servers, printers, software and cloud-based systems or other public facilities, must show identification upon request by members of the Lincoln University Department of Public Safety, ITS staff, or any other

authorized University official.

#### Contracts

All use of University computers and networks must be consistent with all contractual obligations of the University, including limitations defined in software and other licensing agreements.

#### External Data Networks

Users shall observe all applicable policies of external data networks when using such networks, including sites visited via the Internet. This includes, but is not limited to, the MOREnet acceptable use policies available at <https://www.more.net/service-policies>.

#### Access to Data

Users must allow ITS personnel access to data files kept on ITS systems for the purpose of systems backups or diagnosing systems problems, including rules violations. All IT related vendor contracts should include a provision that the University not only owns its data in software system (including cloud-based systems), but the contractor cannot require the University to pay for its data extracts from those systems.

#### For-Profit Use

Without specific authorization, all activities conducted through Lincoln University computing resources for personal profit or for the direct financial benefit of any non-Lincoln University organization are prohibited. However, this is not meant to restrict normal communications and exchange of electronic data, consistent with the University's education and research roles that may have an incidental financial or other benefit for an external organization. For example, it is appropriate to discuss products or services with companies doing business with the University or to contribute to Usenet bulletin boards discussing issues relating to commercial products.

#### Incidental Personal Use

Incidental personal use of University computing resources may be allowed when such use does not interfere with University operations, does not compromise functioning of the University's network, or does not interfere with the user's employment or other obligations to the University.

#### Threats and Harassment

University computing resources may not be used to threaten or harass any person. A user must cease sending messages or interfering in any way with another user's normal use of computing resources if the aggrieved user makes a reasonable request for such cessation. The University's Sexual Harassment and Discrimination policies are extended to include harassment and discrimination via computing resources.

#### Modification of Data or Equipment

Without specific authorization, users of ITS computing or network facilities may not cause, permit, or attempt any destruction or modification of data or computing or communications equipment, including but not limited to alteration of data, reconfiguration of control switches or parameters, or changes in firmware. This rule seeks to protect "data, computing, and communications equipment" owned by ITS, the University, or any other person or entity. "Specific authorization" refers to permission by the owner or designated administrator of the equipment or data to be destroyed or modified.

#### Removal of Data or Equipment

Without specific authorization by the owner or designated administrator, users may not remove any University owned or administered equipment or documents from a University facility.

#### Foreign Devices

Without specific authorization, users must not physically or electrically attach any foreign device (such as an external disk, printer, or video system) to ITS equipment or networks. Regardless of whether a foreign device is attached to ITS equipment or networks, users also are prohibited from using a device that interferes with or inhibits the functionality of University equipment.

### **4.01.1.2 Security**

#### Level of Security

Unless otherwise guaranteed, users should regard the network communication infrastructure as not secure from invasive technologies. ITS policy will ensure the greatest degree of confidentiality possible.

#### Concealed Identity

Users may not intentionally conceal their identity when using University computing resources.

#### Protected Personally Identifiable Information (Protected PII)

Per the Code of Federal Regulations (CFR 2028, Title 2, Volume 1, Section 200.79 and 200.82), PII means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books, public Web sites, and university listings. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made

publicly available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual.

University students, faculty and staff are prohibited from sharing protected PII. Protected PII means an individual's first name or first initial and last name in combination with any one or more of types of information, including, but not limited to, social security number, passport number, credit card numbers, clearances, bank numbers, biometrics, date and place of birth, mother's maiden name, criminal, medical and financial records, educational transcripts. This does not include PII that is required by law to be disclosed.

#### Unauthorized Data Access

Users may not make or attempt any deliberate, unauthorized access to or changes in data on a University computing resource, for example to read personal communications of other users or to access confidential University files.

#### Security Compromise

Users shall not defeat or attempt to defeat or circumvent ITS security systems, such as by "cracking" or guessing user identifications or passwords or by compromising room locks or alarm systems.

#### Data Interception

Users may not intercept or attempt to intercept data communications not intended for that user's access, for example, by "promiscuous" wiretapping.

#### Denial of Service

Users may not deny or interfere with or attempt to deny or interfere with service to other users, e.g., by means of "resource hogging," distribution of computer worms or viruses, etc.

#### Personal Responsibility

Users are responsible for the security of their ITS accounts and passwords. Any user changes of password must follow published guidelines for good passwords. Accounts and passwords are normally assigned to single users and may not be shared with any other person without ITS authorization. Users must report any observations of attempted security violations.

### **4.01.1.3 Software Purchases and Use Policy**

All software purchases (both software and cloud-based subscriptions) must be approved by the CIO before purchase and no software should be installed on the University network without ITS first ensuring that it will not create a network vulnerability from a cybersecurity perspective or cause other system issues.

All staff and faculty unauthorized use of university systems (including printing) and software for personal financial gain is subject to disciplinary action up to and including termination.

Unauthorized copying of software is illegal. Copyright law protects software authors and publishers, just as patent law protects inventors.

#### **4.01.1.4 World Wide Web Policies**

The University home page <http://www.lincolnu.edu> is an official publication of the University. Unless otherwise indicated, all materials, including text and photographs, appearing on the home page or subsequent official home pages of specific departments are copyrighted and shall not be reproduced without written permission from the University.

Web pages linked to the University Web site may be created by academic departments, administrative departments, programs, centers or institutes, governance groups, and faculty and staff.

Recognized student groups may create home pages that are linked to the University Web site with the approval of the CSAO.

The official University root Web pages are the responsibility of the Web Content Manager. Content for all root Web pages must be submitted to the Office of Marketing and Communications for approval before being placed on the University home page. Content on subsequent official University pages, such as academic department pages, administrative department pages, pages for programs, governance groups, or centers or institutes, must be approved by the department head, director, or person in authority to speak for that entity, and must conform to the University guidelines for Web page design. Class pages and faculty and staff personal pages must conform to the University guidelines for Web page design.

Plagiarism of World Wide Web documents, graphics, or other resources is prohibited.

Hosting material that is illegal or dangerous is strictly forbidden. Examples of such material include pirated or unlicensed programs or applications, viruses or material containing viruses, documents containing information that is intended to be used in the perpetration of illegal activities, unlicensed music, art or other copyrighted material, or any material that causes disruption of the University network.

#### **4.01.1.5 Electronic Mail (E-Mail) Policies**

E-mail shall be used only for purposes that support the mission statement of the University. These uses are for research, education, or the support of academic pursuits. E-mail may not be used for commercial activities except in direct support of the mission of the University. Any harassment or discrimination via e-mail is strictly prohibited and will be grounds for the removal of e-mail privileges. Use of e-mail in opposition to the University use policies is not allowed.

Knowing or reckless distribution of unwanted e-mail or other messages is prohibited. Specifically, chain letters and other schemes that may cause excessive network traffic or computing load are prohibited.

Posting a message to multiple listservs, distribution lists, or news groups with the intention of reaching as many users as possible is prohibited, unless the posting is job or research related.

##### *Accounts Provided to Faculty, Staff and Students*

The University provides email accounts to all current faculty and staff to conduct University business. The University provides email accounts to all currently enrolled students at the University. In addition to the University policies applicable to all members of the University community, student use of email is subject to the University's Student Code of Conduct.

##### *Information Security*

While the University will make every attempt to keep email messages secure, it is important to note that email generally is not considered a secure form of communication. As a result, the University email accounts should not be used for the transmission and/or storage of sensitive information such as Personally Identifiable Information (PII).

##### *Ownership of University Email Accounts*

The University owns all University provided email accounts. Subject to certain exceptions under applicable laws and University policies, the University also owns the information transmitted or stored using University email accounts.

The contents of any University issued email accounts are subject to review by the University and should not be considered private by the individuals using or accessing them.

The University issued email accounts are also subject to open records and sunshine laws and the contents of those mailboxes may be disclosed to third



parties pursuant to sunshine and open records requests.

### *Passwords*

To help safeguard a user's identity and privacy, the user should not share the user's University assigned email account with, or give his/her password to, anyone. To increase the security of email accounts, the University email accounts must be protected with Multi-Factor Authentication (MFA) 14 days after the user's first login to his/her email.

### *Authorized Users of University Provided Email Accounts and Termination of Services*

The following outlines the authorized users of email at the University, as well as termination of services provisions:

#### Decommissioning of Mailboxes

If a mailbox is decommissioned and reactivated at a later date, the content of the mailbox may not be restored.

#### Authorized Users

##### *Students*

Access to University email ends 365 days after the end date of the most recent course the student was enrolled in or registered for.

Students on official leave of absence maintain access to email, calendar, and productivity tools. However, these students must put in a request with Lincoln's Information Technology Services (ITS) department and the request must be approved by the Dean of Students.

##### *Faculty - Emeritus*

Faculty with Emeritus status are eligible for perpetual access to the University email subject to compliance with the University's acceptable use policies.

##### *Faculty (Formerly Full-time, Adjunct, and/or Affiliate)*

Access for these faculty will be terminated immediately at the end of the faculty member's employment with the University. Access may be extended by thirty (30) days with the approval of the Executive Director & Chief HR Officer and the VPAA.

Access will be terminated immediately in the case of termination for cause and will not be extended.

*Staff (Formerly Full-time and/or Part-time)*

Access for former staff will be terminated immediately at the end of the staff member's employment with the University.

*Sponsored Affiliates (e.g., Visiting Scholars)*

Access to University email for sponsored affiliates ends on the last day of their designation.

*Continued Access for Business Continuity*

Access to emails for individuals formerly associated with the University can be requested by the individual's supervisor or manager for the purpose of business continuity. This request must be submitted using the University's Helpdesk ticketing system and approved by the head of the Division that the former employee worked in and the University's legal counsel. Once the required approvals are obtained, the requested access will be provided for ninety (90) days unless a different length of time is specified in the request and approved by the Division head and the University's legal counsel.

*Release of University Email Contents of Current and Former Faculty, Staff, and Students*

To ensure compliance with the Family Educational Rights and Privacy Act and in consideration of general privacy principles, the University will not release – or otherwise provide - the email of any current or former student, faculty, or staff member to a third-party, including, but not limited to, family members of any student, faculty, or staff member, absent a subpoena, search warrant, or court order or where such email could be required or authorized by law to be produced or lawfully requested for any other reason, including disclosure to a government agency.

*Acceptable Use of University Email Accounts*

Members of the University community must comply with all University policies, including, but not limited to, the University's Acceptable Use policies, and guidelines, standard of ethical conduct and safety, and must comply with applicable state and federal laws, when using the University's provided email accounts. The University's Acceptable Use Policies are available at <https://bluetigerportal.lincolnu.edu/web/oit-help-desk/acceptable-use-policies>.

Email should be used only for purposes that are a part of the published Mission Statement of the University. These uses are for research, education, or the support of academic pursuits.

Email may not be used for commercial activities by students, faculty or staff except in direct support of the Missions of the University.

#### *University Email Subject to Legal Holds*

To the extent University email is relevant to, or the subject of, a legal hold, the deletion and/or destruction of all such email will be suspended immediately upon notice that an investigation or litigation is pending, imminent, or reasonably foreseeable. The suspension will be tailored to cover only those records, documents, drafts, and copies relevant to the investigation or litigation, as determined by the University's legal counsel.

A legal hold remains in effect until it is released in writing by the University's legal counsel. After the University community receives written notice of the lifting of a legal hold, all records, including email, relevant to the legal hold shall return to their normal handling procedures and retention schedules.

#### *University Email Forwarding*

Email sent to University email addresses should not be forwarded to personal email addresses.

University email is an official means of communication for the University. Faculty, staff, and students are required to conduct University business from their University assigned email address containing the lincolnu.edu domain. Individuals are generally prohibited from using their personal email when working in an official University capacity.

Active members of the University community assigned a University email address are responsible for having access to all University related emails and may be subject to discipline if not responsive.

#### *Group Emails, Distribution Lists, Shared Mailboxes*

All group emails, distribution lists, and shared mailboxes must have at least one designated owner. In the event of an owner's departure from the University, the relevant department or business unit will specify a new owner. Public facing groups working with students, the community, and vendors should establish a shared email account that will ensure business continuity for University operations rather than publishing an individuals assigned University email on flyers or the University website.

### *Style Guide Communication*

All communications should follow the University's applicable style guides including, but not limited to the University's email signature guidelines.

### *University Management of Applications on Personal Devices*

The University will manage applications installed on personal devices when those applications access University issued email accounts and associated services including, but not limited to cloud storage and collaboration platforms. University management of these applications includes, but is not limited to, deleting University data from the device and deploying security settings on the device.

### *Locking Devices*

University students, faculty, and staff are required to secure their personal devices with access to University issued email accounts and related services with some form of authentication to prevent unauthorized access of University data. Authentication can take many forms such as passcode, fingerprint identification, or facial recognition.

### *Secure Methods of Communication*

Email is generally not considered a secure form of communication. Anyone needing to share sensitive information electronically should contact Lincoln ITS for assistance with securely transmitting the information. Email encryption is available and is an acceptable method of delivery. ITS assistance can be requested by submitting a ticket to Lincoln's ITS Helpdesk.

Student data with protected personally identifiable information (PII) is prohibited from being shared in any way (outside of normal University business) and is prohibited from being sent via email.

### *Exceptions AND Exemptions to the University's Email Regulations*

Exceptions to, or exemptions from, any provision of these Regulations must be approved by the VPAF.

### *Regulation Violations*

Any University department or unit found to operate in violation of this regulation may be held accountable for remediation costs associated with a resulting information security incident or other regulatory non-compliance

penalties, including, but not limited to, financial penalties, legal fees, and other costs.

Violations of this regulation by faculty, staff, or students may be subject to disciplinary action.

Official notices and information regarding the University will be sent through the University e-mail system and/or posted on the Blue Tiger Portal. Each student, faculty member and staff member receives an official University host e-mail account and network ID (user name) and password. Each individual who has an University e-mail and/or access to the Blue Tiger Portal is responsible for monitoring, in a timely manner, their account as well as for any consequences of missing important messages.

#### **4.01.1.6 Violations and Enforcement Procedures**

Users must report any evidence of violation of these policies to appropriate ITS personnel and/or other University authorities. Users must not conceal or help to conceal or "cover up" violations by any party. The policies described herein (and in the comprehensive Information Technologies Policies document under the ITS link on the LU Web site) are those that the University intends to use in normal operation of its computing resources.

Any actual or suspected violation of the policies must be brought to the attention of the Director of the Office of Information Technology, other appropriate ITS personnel, and/or other University authorities.

ITS is authorized by the University to enforce these policies and regulations. Such enforcement may include temporary or permanent reduction or elimination of access privileges with prior notification and approval by the University administration, except in extraordinary cases in which any delay may seriously threaten the integrity of facilities, user services or data. In such extraordinary cases, ITS must, as soon as possible, notify the administration of any actions taken, including a statement describing the act, conduct or circumstances compelling ITS to act without prior notice and approval of the administration. When ITS believes it necessary to preserve the integrity of facilities, user services, or data, ITS may, with prior notice and approval of the administration, suspend any account, whether or not the account owner (the user) is suspected of any violation. ITS will attempt to notify the user of any such action.

#### **Sanctions**

Violators of this policy will be subject to the existing student or employee disciplinary procedures. Sanctions may include the loss of computing privileges and confiscation of devices disrupting University connectivity. Illegal acts involving University computing and networking resources may also subject

users to prosecution by state and federal authorities.

#### **4.01.1.7 Technology Purchases**

All computer software and hardware purchases must be submitted to ITS for review, before purchase orders will be processed. ITS staff will review each recommendation/request in terms of compatibility, server resources, licensing agreements, etc.

Hardware and software requests that affect instructional or open labs must be made at least one month prior to the semester start date, to coordinate server resources and to investigate compatibility issues with other campus software.

#### **4.01.1.8 Telecommunications Policies**

The University will maintain a telecommunications infrastructure to provide communication and information services to all authorized users to support teaching, research, and administrative functions.

##### Access

All University employees will be provided with access to a telephone to conduct University business. At the discretion of area heads and in line with purchasing protocols, mobile phones may also be provided. Staff approved for remote work will not be provide a standard telephone. Staff working remotely will be required to have high speed internet at their own cost. ITS may require an employee to conduct a speed test to ensure adequate bandwidth is available.

##### Acceptable Use: Employees

Employees are not authorized to contract telecommunication services for University telephones except through Purchasing.

Employees are expected to be judicious in the use of University telephones for personal calls. Employees are not permitted to use University phones for personal calls that incur costs. Except for emergencies, reverse-charge and personal calls may not be accepted or made on University telephones by employees. An employee who makes or accepts such calls may be liable for any costs incurred. Directory assistance calls (cost-incurred) should be limited to those of an essential nature.

Administrative units wanting to make a toll-free number available to callers must use a University-authorized carrier.

##### Acceptable Use: Students

Students are not permitted to make long distance calls or accept collect calls or charge back services to University extensions. Students incurring such charges are liable for any costs incurred.

### Compliance

The University may impose disciplinary procedures for misconduct in the area of telecommunications as provided under the Discipline Policy, Chapter X, Section 10.69, and under the Student Code of Conduct.

#### **4.01.1.9 Employee Laptop Policies**

This policy applies to all faculty and staff who are issued a University-owned laptop (portable computer).

University-issued laptops are intended for University-related business: as a productivity tool, a curriculum tool, for research, and/or for work-related communication. They are not intended to be replacements for personally-owned computers. Use of the University-issued laptop for other purposes must comply with ITS "Responsibility" policies. (See Section 4.01.1.)

University issued laptops remain the property of Lincoln University. Each unit must be labeled with a unique property ID. This property ID may not be removed from the laptop until unit is decommissioned/surplused.

### Employee Responsibilities

Employees who are issued a laptop should:

1. minimize the storing of student and alumni data that is deemed "confidential";
2. adhere to any encryption standards set by the University;
3. take appropriate precautions to prevent damage to or loss/theft of the computer. Employees may be held responsible for costs to repair or replace the computer if damage or loss is due to negligence or intentional misconduct;
4. report a lost or stolen laptop immediately to Public Safety and to the ITS Help Desk; for theft or loss off campus, employees must also notify the local police station. Any reports must include the laptop's serial number.

### University Responsibilities

The University will:

5. secure services to repair any laptop still under warranty should its operation be impaired by a component failure or by normal wear and tear;
6. ensure that all laptops are configured with a standard suite of programs that are appropriate for the computer, based on campus software standards and upon the professional needs of the employee to whom the laptop is issued.

#### **4.01.1.10 Access to Information Technology**

Access to information technology and network systems owned, operated or leased by the University is given for the sole purpose of supporting the University's education, research, and regional service mission. Users of the University's information technology and network systems are responsible for using the systems in a manner consistent with this mission and in compliance with local, state, and federal laws, MORENET regulations, and all policies and procedures of the University.

1. Access to all digitized systems at the University shall be controlled using University approved login credentials, and the violation of which shall be responded to by the egregiousness of the violation.
2. Credential (identity) maintenance for all enrolled or employed members of the University community must be performed online or in person or any trustworthy mechanism and must not be made solely by telephone, email, or text messaging.
3. An automated process shall be used to disable or remove a student's system access credentials after graduation or a period of nonattendance.
4. Access credentials shall be disabled for repeated misuse.
5. Faculty and staff access shall be disabled or removed upon resignation or termination of employment.
6. Faculty, staff and students will continue to have access to limited information via the University portal services (e.g., tax information, grades) after they leave the University.
7. Only unique access credentials per user as approved by the University shall be used to access digitized resources which shall not be shared.
8. Character Passwords must have sustainable time complexity as determined by policy.
9. Character Passwords must be periodically changed as determined by policy.
10. Users must keep their passwords private and abide by all University information services policies.
11. The University shall use a network access control system to validate the identity and appropriateness of those connecting to the campus network. Access to systems and information shall be determined by the user's relationship with the University and the specific information classification.

The COO shall be responsible for issuing and maintaining procedures to implement this policy.

#### **4.01.2 Office of Enrollment Management**

##### **4.01.2.1 The Registrar's Office: Student Records and Policies**

The Registrar's Office maintains academic records of current and former students. The Registrar's Office provides summary checks and transcripts



to students according to policies outlined below and in the undergraduate and graduate bulletins.

### **1. Student Records Policy**

The University shall maintain records pertaining to students for academic purposes. Other records relating to students shall be maintained for particular purposes, such as medical and employment records. Regarding the release and disclosure of student records, the University follows the guidelines established by the Family Education Rights and Privacy Act (FERPA). Where the law is silent, the University shall be guided by the principle that the privacy of an individual is of great weight, but that as much information in a student's file as possible should be disclosed to the student on request. The FERPA is available in the Records Office and on line.

### **2. Registration Policies**

Registration policies are published in each semester's "Schedule of Courses" and in the current undergraduate and graduate bulletins. Policies detail which students are eligible to participate in Advance Registration and which students can self-register on line, among other matters.

Any student with an outstanding balance will be unable to register. (See Chapter V, Section 5.10.1.)

### **3. Summary Check of Undergraduate Degree Requirements**

After completing at least seventy (70) credit hours, a student must complete a summary check with the Registrar's Office. The summary check verifies those requirements for graduation that the student has completed, except for the major (and minor, if applicable) course requirements, which are approved by the major (and minor) department(s).

### **4. Filing for a Degree**

A student must file for graduation with the Registrar's Office or through the University Website by the deadline dates as listed in the Academic Calendar, published in the undergraduate and graduate bulletins and on the Website. A student filing after the deadline date will not be able to receive the diploma until the next graduation period.

Graduate students must file for graduation through the Office of Graduate and Extended Studies or through the University Website. (This policy also appears in Chapter III, Section 3.84.)

## **5. Requests for Transcripts**

A student may request an official transcript from the Registrar's Office at any time. Federal law requires that every request for a transcript must be in writing. An official transcript will be issued if the student's financial accounts are paid in full. The first official transcript is free.

### **4.01.2.2 Financial Aid and Student Employment**

The Office of Student Financial Services is headed by an Executive Director. Within the unit is a Director of Financial Aid that also provides oversight for the federal work study program. Staff in the office shall develop, administer and evaluate policies and procedures relative to the awarding of financial aid, to include grants, scholarships, loans, and/or student employment. Directions for applying for financial aid, satisfactory progress standards, and other information relative to financial aid are found in the undergraduate bulletin and on the Lincoln University Web site. Staff in the Office of Student Financial Services are subject to the policies set forth in the Student Loan Practices Code of Conduct. (See Chapter I, Section 1.22.)

#### **1. Satisfactory Academic Progress Policy (SAP)**

##### Purpose

Academic success is important and necessary for students to receive Federal Title IV financial aid. The purpose of this policy is to ensure that student financial aid recipients are meeting satisfactory academic progress standards. In an effort to comply with federal regulations, the University has developed the Satisfactory Academic Progress Policy for students to maintain or reestablish eligibility to receive Title IV funds.

##### Scope

SAP policy applies to ALL students receiving Federal Financial Aid at the University.

##### Policy

According to the United States Department of Education regulations and Missouri Department of Higher Education policy, all students applying for federal and/or state financial assistance (as well as some private, credit-based loans) must meet and maintain satisfactory academic progress in a degree program to receive funding. Students who are not making academic progress when they initially apply for aid will not be eligible for financial aid at the University until academic progress is met or the student submits an appeal for financial aid and the University approves the appeal.

The University Financial Aid Office will review the satisfactory academic progress of enrolled financial aid recipients annually; students currently serving on a probationary status will be reviewed after each semester. Each such review of measurements includes:

- Qualitative (GPA)
- Quantitative (Pace of Completion)
- Maximum Timeframe (150%)

Qualitative Measure (GPA)

The quality of a student's progress is measured by grade point average (cumulative GPA). The minimum cumulative GPA for financial aid recipients is the same as the academic standard for the University:

Undergraduate Students

- Hours Attempted      1-59      60 - and Above
- Minimum Cumulative GPA      1.67      2.00

Graduate Students- All Graduate students must maintain a minimum cumulative GPA of 3.00

Quantitative Measure

The quantity of a student's progress is measured by the Cumulative Completion Rate (credit hours earned divided by credit hours attempted). Students are required to complete 2/3 (66.67%) of attempted credit hours.

Courses and grades considered in determining Satisfactory Academic Progress

All courses attempted and on the academic record (that is, every time a student is enrolled in a course past the add/drop date, the course will count as an attempt) at the time of progress check are considered when determining the Cumulative Completion Rate. To this end, the following processes apply to determine the Cumulative Completion Rate.

- **Incomplete courses (I)** will count toward total hours attempted for the Cumulative Completion Rate, will not be considered completed courses, and will not be included in the GPA calculation.
- **Withdrawals (W)** including excused withdrawals, will count toward total hours attempted for the Cumulative Completion Rate, will not be considered completed courses, and will be included in the GPA calculation.

- **Failing (F)** grades will count toward total hours attempted for the Cumulative Completion Rate, will not be considered completed courses, and will be included in the GPA calculation.
- **Repeated courses** will count toward total hours attempted for the Cumulative Completion Rate (but only one passing grade will be considered as a completed course). The newest grade will be included in the GPA calculation and the older grade will be excluded. Federal student aid is available for only one retake of a passed course.
- **Pass/Fail courses** will count toward total hours attempted for the Cumulative Completion Rate (calculation of both cumulative attempted credit hours and, if passed, cumulative completed credit hours), but will not count in the GPA calculation.
- **Transfer credits** accepted by the University (including those received during consortium student) will count toward the Cumulative Completion Rate (calculation of both cumulative attempted credit hours and cumulative completed credit hours), and will not count in the GPA calculation.
- **Change in Majors:** Only courses counting toward a student's program (major) will count toward maximum timeframe. There is not a limit to the number of times a student can change majors.
- **Undergraduate and Graduate Courses:** All undergraduate courses count in the calculation of the Cumulative Completion Rate for undergraduate students. All graduate courses count in the calculation of Cumulative Completion Rate for graduate students.
- **Grade Changes:** Once a grade change occurs, it is the responsibility of the student to contact the University Financial Aid Office if they wish to have their eligibility for financial aid recalculated based on the grade change.

#### Maximum Timeframe Measure

Financial aid recipients must complete an educational program within a timeframe no longer than 150% of the published length of the educational program. Students for whom it is no longer mathematically possible to complete their educational programs within 150% of the published length will no longer be eligible for federal financial aid. In addition, students who do not complete their educational programs within 150% the published length, will no longer be eligible to receive federal financial aid.

**EXAMPLE-** a student pursuing a bachelor's degree requiring 120 credit hours may attempt up to 180 hours before financial aid eligibility is suspended ( $120 \times 150\% = 180$ ). However, if that student fails the first 61 attempted hours, it is no longer mathematically possible for the student to complete the 120-hour program within 180 attempted hours ( $61 + 120 = 181$ ), and the student's financial aid eligibility will be suspended at the 61-hour mark.

All coursework attempted including periods when the student did not receive federal Title IV aid will be considered in determining the maximum time frame students have to complete a degree and in the calculations of the cumulative grade point average and pace.

- **Transfer Hours:** All transfer work transcript by the University Registrar will be counted in determination of the cumulative grade point average and pace, and in the ratio to determine the successful completion of course work, and in the determination of the maximum time frame.
- **Repeated Coursework:** If the student repeats a course, the highest grade earned will be used to calculate his/her grade point average. All hours attempted including repeated courses will be used to determine the student's pace and maximum time frame. Only one repeat per course with a passing grade will be eligible for financial aid.
- **Academic Clemency:** The Office of Student Financial Services must count all prior work attempted in determining eligibility for federal financial aid, including hours forfeited through the Academic Clemency Policy.
- **Grade Changes:** Once a grade change occurs, it is the responsibility of the student to contact the Office of Student Financial Services if they wish to have their eligibility for financial aid recalculated based on the grade change.

#### Financial Aid Warning

Failure to meet the minimum satisfactory progress requirements will result in a status of federal financial aid warning. If a student is in a satisfactory status and fails to meet the minimum (quantitative, qualitative, or maximum timeframe) requirement, he/she will be automatically placed on financial aid warning status for one semester.

Notification will be sent to the student via the University email account that he/she is not meeting satisfactory academic progress requirements and

he/she are at risk of future suspension of aid. All federal and state aid will remain for future semesters while in a warning status. These students will be reviewed at the end of the academic year to determine if they meet the minimum requirements (quantitative, qualitative, or maximum timeframe) and will either be placed in a suspended status or reinstated to satisfactory.

#### Financial Aid Suspension

Students in a warning status who fail to meet the minimum satisfactory academic progress requirements will be placed on federal financial aid suspension. Satisfactory academic progress requirements are reviewed at the completion of the warning semester to determine if the student meets the minimum (quantitative, qualitative, or maximum timeframe) requirements. Those who do not will be placed on financial aid suspension and will be ineligible to receive federal financial aid.

Students will be notified of financial aid suspension in writing via the University email account. If a student is placed on financial aid suspension, all federal and state aid will be withdrawn for future semesters at the University. Students on financial aid suspension have option to reinstate aid as described below.

#### Reinstatement

Financial Aid may be reinstated when one of the following conditions has been met:

- The student completes courses without federal aid in one or more terms (semesters) at the University until the cumulative GPA and Cumulative Completion Rate meet the required standard (while meeting maximum timeframe conditions). It is the student's responsibility to notify the Financial Aid Office when reinstatement conditions have been met. OR
- The student files an appeal and the University's Financial Aid Appeal Review Committee approves the appeal. (See appeal procedures below).

#### Appeal Procedures

Students who are suspended from federal financial aid may make a written appeal for reinstatement of eligibility if extenuating circumstances have contributed to their inability to meet the requirements for satisfactory academic progress, and the students' circumstances have changed such that they are likely to be able to meet those requirements at the next evaluation or through an appropriate academic plan. Extenuating circumstances include, but are not limited to, the following:

- Death of an immediate family member

- Severe injury or illness of the student or an immediate family member
- Legal separation from spouse or divorce
- Military reassignment or required job transfers or shift changes.

Students who have extenuating circumstances may appeal using the following procedures:

- Submit a completed Appeal Form online and additional supporting documentation. Submission of additional supporting documentation is optional. The form is available on the Financial Aid "Forms Page" on the institutional website. All supporting documentation that a student wishes to have reviewed by the appeal board should be submitted by the student.
- The appeal packet is presented to the University's Financial Aid Appeal Review Committee for review. Deadline submission and result notification dates will be communicated. The Appeal Information deadline is provided in the student's University's email notification and also available on the institutional website.
- The student is notified via their University email account of the Committee's decision and recommendations. **The Committee's decision is final.**

#### Financial Aid Appealed Probation

Financial aid appealed probation is a status assigned to students whose written appeal has been reviewed by the Appeal Committee and the decision was made to reinstate aid for one semester. Students will be required to meet minimum satisfactory academic progress requirements for the semester while in appealed probation status.

Minimum satisfactory academic progress requirements for the term (semester) are defined as a term GPA of 1.67 (if under 60 undergrad hours) or 2.0 (if over 60 undergrad hours) **AND** a 66.67% term pace of completion rate for an undergraduate student. Graduate students must meet a 66.67% term pace of completion rate and a term GPA of 3.0.

The individual academic plan will consist of the individual academic requirements that the student needs to obtain in order to graduate from the University before reaching the federal aid maximum time frame.

At the end of the appealed probation semester, a student's cumulative GPA

and Cumulative Completion Rate will be reviewed to determine if the student met minimum satisfactory academic progress for the term (semester).

What happens when the appealed probation semester is complete?

A student may regain or lose federal eligibility following the appealed probation/ probation with academic plan semester. The status for the semester following the appealed probation semester will fall into one of the categories below:

- Remain in Probation with Academic Plan status. In order to remain in this appealed probation status, a student must meet minimum satisfactory academic progress requirements for the term (semester) as well as his or her academic success plan requirements. The student will continue to have an individual academic plan for regaining Satisfactory Academic Progress. Students who move back to a suspension status will not have aid in place the next semester and have the options of Reinstatement. Students who move to a satisfactory status will have aid reinstated and will be reviewed again at the time of the next upcoming satisfactory academic progress evaluation.
- Move back to a suspension status. If a student does not meet either
- The required pace of completion or GPA for the semester **OR**
- The requirements of his/her academic plan the student's status will return to suspension and will no longer be eligible for federal aid.

**Move to a satisfactory status.** If a student meets the overall GPA and Cumulative Completion Rate (while meeting maximum timeframe conditions) for satisfactory academic progress, aid will be reinstated. Will be cancelled for future semesters.

Satisfactory Academic Progress Application to Students Not Receiving Federal Student Aid

The University does not award federal financial aid to students who are ineligible due to being non-degree seeking or failing to meet other eligibility requirements. Students who apply for aid after enrolling at the University must meet all general eligibility requirements including Satisfactory Academic Progress before any federal aid is awarded.

**2. Default Management**

Staff in the area of Default Management are responsible for loan counseling for the Federal Family Education Loan Program (FFELP) and default



prevention activities. The goals of this areas include reducing the University's overall federal cohort default rate, increasing awareness of alternatives to loan default, and increasing consumer education for at-risk students.

#### **4.01.2.3 Office of Undergraduate Recruitment and Admissions**

The Office of Undergraduate Recruitment and Admissions is responsible for coordinating all recruitment and admission activities for Lincoln University specific to undergraduate students. Led by the Director of Admissions, the office serves as a primary resource for communicating and recruiting students to the University through activities like recruitment fairs, campus tours, and new student orientations. Through a strategic enrollment process, the admissions office reviews all applications, transcripts, and test scores (if applicable) to assist new first-time, transfer and readmitting students through the enrollment process.

#### **4.01.2.4 Office for Global Education**

The Office for Global Education is responsible for supporting the matriculation of international students and providing a global experience for all Lincoln University students. The Director of the Office for Global Education shall facilitate the matriculation of international students while ensuring institutional and individual compliance with applicable immigration laws and government policies. The staff shall assist international students with matters related to immigration status, cross-cultural adjustment, orientation to the University, social security regulations, on- and off-campus employment, practical training, internships, and personal problems or concerns. Additionally, the office will coordinate and facilitate study abroad, both academic and non-academic experience, to cultivate a global awareness for all students.

#### **4.01.2.5 Admission of Students**

Individuals who are residents of the state of Missouri and who hold a high school diploma or a G.E.D. (General Educational Development) certificate shall be eligible to apply for admission to all classes and departments at the University. Residency status is determined in accordance with Missouri state law and with the policy set forth by the Missouri Coordinating Board for Higher Education and is detailed in the current undergraduate and graduate bulletins. Additional information is found in the Missouri Register, 6 CSR 10-3.010, "Residency Determination Procedure."

Any non-resident graduating from high school with a GPA of at least 2.0 on a 4.0 scale ("C" average) or having a G.E.D. certificate, or any international student applicant deemed qualified to undertake academic work at the University, is eligible to apply for admission. A non-resident is any person not meeting the determined qualifications for Missouri residency. An

international student must possess at least resident alien status as determined by relevant federal statutes before being considered for residency as defined above.

### **1. Admission as a First-Time College Student**

Required application materials and application deadlines are published in the current undergraduate bulletin. Prospective students must furnish all materials and meet the established deadlines to be considered for admission.

Any first-time student with a GPA of below a 2.5 on a 4.0 scale must apply for admission no later than June 15th. Students earning less than a GPA of 2.5, and meeting any other admission requirements, will be conditionally admitted pending their successful completion of the University's summer bridge program during the month of July. Successful completion shall mean the students complete at least four (4) credit hours in the University's summer bridge program with a GPA of no less than 2.0. All students successfully completing the University's summer bridge program will be fully admitted for the Fall term. Any first-time students that do not successfully complete the summer bridge program or any first-time students that have below a 2.5 GPA on their high school transcript applying after June 15th will be encouraged to participate in a community college to Lincoln University partnership or participate in a future summer bridge program.

### **2. Admission as a Transfer Student**

Required application materials and application deadlines are published in the current undergraduate bulletin. Students transferring to the University must furnish all materials and meet the established deadlines to be considered for admission. Courses to be considered for transfer credit to be applied to the general education program and/or the major/minor program(s) must be from an accredited college or university and must be similar in content to courses taught at the University. The applicant may be asked to provide a copy of the bulletin or catalog of the institution from which the credit is being transferred. Other regulations regarding transferred courses are found in the current bulletin.

A student who has been suspended from a previous institution may be considered for "special status" admission to the University under conditions spelled out in the current bulletin.

### **3. Admission as a Home-Schooled Student**

For purposes of admission, home-schooled students shall be required to submit a transcript with the parent's notarized signature. The transcript should demonstrate the student's completion of the Missouri Minimum Core Curriculum or its equivalency, as determined by the University. The student's official ACT or SAT score will also be required, and scholarship eligibility will be determined on an individual basis.

### **4. Admission as an International Student**

In addition to the regular admission requirements, an international applicant must also demonstrate English proficiency by means published in the current undergraduate bulletin and must also demonstrate means of financial support as detailed in the bulletin. Other requirements for international students will be published in the current bulletin.

### **5. Admission as a Visiting Student**

A student who is currently attending another accredited college/university may be admitted to the University as a visiting student in accordance with guidelines published in the current undergraduate bulletin.

### **6. Admission as a High School Student**

A high school student of junior or senior standing may be admitted on "special student" status in accordance with guidelines published in the current undergraduate bulletin.

### **7. Readmission to the University**

Any student who has not enrolled at the University for at least one semester (excluding summer) must apply for readmission to the University. Any previously admitted student is eligible for readmission unless he/she departed under suspension for any reason, in which case the student must satisfy the conditions for readmission as published in the current undergraduate and graduate bulletins. Applicants for readmission must submit materials as required and as outlined in the bulletin.

### 4.01.3 Campus Culture

The area of Campus Culture is a service unit providing oversight to the Lincoln University Police Department (LUPD), Lincoln University Law Enforcement Training Academy (LULETA) and overseeing campus culture.

#### Organization and Administration of Campus Culture and Safety

The Vice President of Campus Culture (VPCC) is appointed by the President of the University and has administrative responsibility for all areas of Campus Culture, the LUPD and LULETA. Areas reporting to the VPCC are listed in the current University organizational structure (available in the Office of the President). In the absence of the President and the VPAA, the COO, the VPAF, the CSAO, and VPUA, the VPCC shall serve as the President of the University. The VPCC shall also have the following responsibilities:

- Addressing the shared beliefs, norms and values within and throughout Lincoln University
- Providing leadership and planning expertise, facilitating organizational change, monitoring and nurturing organizational culture and providing means to ensure the measuring of organizational effectiveness
- Envisioning plans for and executing a culture of performance excellence, workforce and student engagement and overall employee and student satisfaction
- Creating, modeling and reinforcing the University culture and ensuring accountability to such via leader awareness, decision-making and follow through on all matters related to organizational change, effectiveness and overall performance
- Focusing on organizational culture and articulating, infusing and reinforcing the shared beliefs, norms and values important to the University's long-term success and effectiveness
- Partnering with senior leaders and acting as the President's liaison, building on the University's existing strengths, capabilities and culture in enhancing overall impacts through expertise in strategy, culture, change management and innovation/performance excellence
- Addressing the people side of the University through engagement and listening strategies, using data and strategic thought leadership; helping develop and advance an empowered, inclusive and values-driven workplace culture
- Championing and ensuring a safe and secure work and learning environments for all
- Producing and evaluating insightful analytics and providing consolidated information with relevant reports that track and manage project, program and University performance and identifying metrics/trends that lead to the creation and implementation of key strategies based on evaluation of opportunities and

intelligent risks

#### **4.01.3.1 Units of Campus Culture**

Directors and supervisors of the various units of Campus Culture are appointed by the President upon recommendation of the VPCC. Directors and supervisors shall have the following responsibilities:

##### **4.01.3.1.1 Chief of Police**

1. To oversee the LUPD including sworn and civilian employees
2. To serve as the primary spokesperson for the University on law enforcement, public safety, and security matters
3. To be responsible for the effective leadership, management, and direction of the activities of the LUPD and assure that law and order is maintained, state laws and University Rules and Regulations are enforced, and appropriate measures are implemented to prevent crime, protect the campus and ensure the public safety of the University
4. To direct operations according to priorities including reducing violent crime, fostering community engagement, police recruitment and training, and use of technology to enhance efficiency
5. To coordinate with internal and external organizations regarding major activities held on campus, including but not limited to athletic events, concerts, speakers' series, commencements and student/public assemblies
6. To manage operational issues, as well as motivating officers and employees according to organizational objectives and policies
7. To lead operations including records/evidence, personnel and human resources, planning and research/crime analysis, education and training, facilities and fleet management
8. To handle oversight of Patrol Division, Dispatch, Public Information, and Internal Investigations following policies and standards
9. To supervise and manage all security and emergency management operations functions of the University
10. To be responsible for accurate disposition of the Jeanne Cleary Disclosure of Campus Security and Campus Crime Statistics Act

##### **4.01.3.1.2 Director of Lincoln University Law Enforcement Training Academy**

1. To exercise direct supervision over instructors, technical and administrative support staff and demonstrate the ability to manage the Police Academy

2. To managing instruction, testing, and remediation
3. To provide leadership and direction and assume management responsibility for the law enforcement training academy programs, services, and activities
4. To manage and participate in the development and implementation of goals, objectives, policies, and priorities for law enforcement training academy programs
5. To recommend, within Academy policy, appropriate service, and staffing levels
6. To conduct a variety of organizational studies, investigations, and operational studies; recommend modifications to law enforcement training academy programs, policies, and procedures as appropriate
7. To develop proposals for securing external funding for program expansions as well as on-going offerings.

#### **4.01.3.1.3 Authority to Administer and Enforce Vehicle, Traffic, and Parking Regulations**

1. All regulations pertaining to the Department of Campus Culture have been adopted pursuant to the authority vested in the Board of Curators of Lincoln University by the laws of the state of Missouri. These laws provide, in relevant part, that the government of the University is vested in a Board of Curators. A vital function of the Board is to improve and protect the property of the University. In keeping with this function, the Board has authorized the establishment and distribution of safety and traffic regulations.
2. The Board has also authorized the establishment of a Safety and Security Committee and delegated to the President the authority to activate and charge this committee. The President is authorized to review and revise the committee's charge as necessary in order to effect the proper use and protection of University property and the safety and security of those who reside and work on campus. The Safety and Security Committee will make periodic reports to the President. The President may delegate any of her/his authority, under this regulation, to the VPCC or to any such person or persons to whom he/she shall delegate such authority.
3. The regulations recommended by the committee and approved by the President shall apply to all students and employees of the University and to all other persons while on University property, and shall be deemed a part of the terms and conditions of the admission and enrollment of students and the employment of faculty and staff and other persons working under the direction of an administrative unit of the University. These regulations shall also apply to visitors or other persons and shall be deemed a part of the terms and conditions of the permission to enter

the grounds of the University and to drive or operate vehicles on the property of the University. The operation and/or use of motor vehicles and bicycles on the property of the University campus by any person shall constitute consent and agreement to observe and be bound by these regulations.

4. If any provision of these regulations shall be in conflict with any applicable provision of any Missouri state law, rule or regulation of Lincoln University, Missouri state law shall govern.

#### **4.01.3.1.4 Safety and Security Committee Membership and Responsibilities**

Faculty, staff, and students shall be appointed to the Emergency Preparedness Committee by the process described in Chapter II, Section 2.02. The VPCC shall be an ex officio member of the committee. The President shall designate one of the appointed faculty members as chair of the committee.

The responsibilities of the committee shall include but not be limited to the following:

1. To recommend supplementary regulations to control pedestrian and vehicular traffic and parking
2. To review and recommend the use of all Lincoln University parking lots
3. To prescribe the rules and procedures for appeals of violations
4. To review all fine assessment appeals submitted directly to the committee or through the LUPD ; to set aside fines, reduce fines, or uphold fines as the committee deems appropriate
5. To review and rule on, or make recommendations regarding, all citizen complaints submitted to the LUPD.

#### **4.01.3.1.5 Vehicle, Traffic, and Parking Regulations**

By the authority vested in it by the Board of Curators, the LUPD administers and enforces all vehicle traffic (moving and non-moving) and parking regulations and assesses fines for violations of such. (For violation assessment/fines, see the “Department of Public Safety Traffic and Parking Regulations,” distributed by the department and available on the Lincoln University Web site.)

#### **4.01.3.1.6 Registration and the Operation of Motor Vehicles and Bicycles**

Any Lincoln University employee or student who owns, possesses, maintains, operates, or stores a motor vehicle or bicycle on or about the Lincoln University campus must register such vehicle or vehicles with the

LUPD within one Lincoln University business day after such vehicle is brought to campus. Other registration requirements are as follows:

1. Proof of ownership of vehicle to be registered and/or proof that the individual is entitled to possess and operate such vehicle must be furnished upon request. Vehicles operated on campus although owned by others must be registered. Registered vehicles must maintain insurance coverage.
2. A student may not register a vehicle owned, maintained, or normally operated by another student.
3. Anyone whose privileges or license to operate a motor vehicle have been suspended or revoked by any authority shall not be entitled to register, operate, or maintain a vehicle on University property pursuant to these regulations while enrolled or employed at the University, except in accordance with the conditions imposed by the authority suspending or revoking such privileges.
4. All registrants shall provide, upon request, any information pertinent to the registration, possession, or operation of any vehicles that shall be required by the director of the LUPD.
5. Application for a parking permit shall have the effect of motor vehicle registration. All vehicles must display a permit as per the above regulations.
6. Additional registration procedures and parking permit information can be obtained from the LUPD and are also available on the Lincoln University Web site.

Any person meeting the above qualifications who has been accepted for enrollment or employment at Lincoln University may possess and operate a motor vehicle or bicycle in and about the University campus provided that he/she shall at all times be in compliance with all University and state regulations pertaining to the same. The LUPD shall make available, upon request, information and instructional materials regarding the requirements and procedures for registering motor vehicles and bicycles.

Failure to register a motor vehicle that is operated, parked, or stored on University property is a violation for which the vehicle operator/owner will be assessed a fine. Counterfeiting, altering, defacing, or transferring a registration certificate is also a violation for which the vehicle operator/owner will be assessed a fine.



#### **4.01.3.1.7 Parking Regulations**

Within limitations of resources and space, the University shall provide parking lots on University grounds for the exclusive use of its employees, students, and visitors. Parking privileges will be governed by the following:

1. All parking lots owned, operated or administered by the University shall be available on a fee basis and at a rate to be specified and published annually. Once a patron has purchased a parking permit, no refunds shall be made for any unused portion of the paid permit.
2. Upon authorization from the Office of the President, selected parking spaces may be made available on a no-fee basis. Reserved parking spaces are assigned by the President or her/his designee.
3. A state-issued permanent or temporary disability license plate or placard must be displayed while parking in any disability-designated space on campus. Placards must be hung from the rear view mirror with the number facing forward. Disabled persons may park in any disability-designated space provided they also display a valid University parking permit (faculty, staff, or student). Temporary disability parking permits are not issued by the LUPD.

Failure to display a parking permit while parking on University grounds is a violation for which the vehicle operator/owner will be assessed a fine.

#### **4.01.3.1.8 Official University Vehicle Parking**

All University vehicles are subject to the same University traffic and parking regulations as are privately owned vehicles on campus.

Operators of University vehicles are responsible for all fines incurred while driving that vehicle. Individual departments are responsible for identifying the drivers or for paying fines from departmental funds.

#### **4.01.3.1.9 Parking for Retirees and Senior Citizens**

Parking permits for Lincoln University retirees will be available at the annual rate paid by regular faculty and staff. Professors emeriti and students sixty-five and over may receive a free parking permit.

#### **4.01.3.1.10 Visitor Parking**

Lincoln University shall furnish visitor parking, including for vendors and service technicians; however, parking priority shall be given to employees and students. All visitors are required to register their vehicles with the

LUPD while on campus. Spaces for visitors shall be clearly designated. Employees and students shall not be permitted to use designated visitor spaces, including those for disabled visitors. These shall all be considered “reserved spaces.”

Any visitor who receives a traffic and/or parking citation for a violation of any campus traffic or parking regulation must contact the LUPD.

Service technicians requiring a parking space close to their work area should apply to the LUPD for a special permit.

#### **4.01.3.1.11 Loading Zones**

Loading zones are reserved exclusively for the loading/unloading of materials or equipment by persons displaying a valid loading zone permit. All loading zones are posted with notification of maximum time usage allowed. When it is necessary that a vehicle occupy a loading zone for longer than the maximum allowed, or by persons not having a loading zone permit, authorization by the LUPD is required prior to use of the loading zone.

#### **4.01.3.1.12 Report of Accident**

All persons are required by Missouri law to make reports of accidents involving motor vehicles. Accidents which occur on campus shall also be reported to the LUPD prior to the vehicle being moved from the accident site. Accident reports will not be taken if the vehicle has been driven off campus and returned prior to a report being made to an officer of the LUPD.

#### **4.01.3.1.13 Traffic Regulations and Violations**

All persons operating vehicles on campus are subject to Missouri state laws and regulations regarding moving vehicles, including driving in excess of the posted speed limit and driving in the wrong direction on any street marked for one-way traffic. Any person operating a vehicle is responsible for all violations (moving and non-moving) of these regulations committed by that person. All persons (first parties) owning or having in their custody a motor vehicle shall be responsible for all non-moving violations of these regulations committed by other persons (second parties) operating vehicles owned by the first party or in their custody with their express or implied permission to operate that vehicle, unless the person (second party) actually operating the vehicle acknowledges and accepts the responsibility for the violation.

In addition to any fines assessed for any moving or non-moving traffic violation, the LUPD may refer any violator of such regulations to the

appropriate administrative official for additional action as warranted.

#### **4.01.3.1.14 Payment of Fines and Appeals**

Any person receiving a traffic or parking violation must make payment of any monetary fee assessed. Payment shall be made to the Cashier's Office. If a person wishes to appeal a violation, he/she must report to the LUPD within seven (7) days of receipt of the violation notification and file a written appeal. (An appeal may also be filed directly with the Safety and Security Committee.) No exception or appeal may be made after the seven-day period.

Employees with unpaid fines will not be issued a new parking permit until all traffic and parking fines are cleared. Unpaid fines may be deducted from an employee's paycheck. Students with unpaid fines will not be allowed to register for subsequent semesters, or receive transcripts or a diploma. Unpaid fines will be applied to the student's account.

#### **4.01.3.1.15 Administration and Enforcement of Vehicle Regulations**

It shall be the duty of the director of the LUPD, in cooperation with the Safety and Security Committee, to administer and enforce all vehicle regulations. A citation for any violation of these regulations may be issued by any officer of the LUPD on forms prescribed by the department. A copy of the citation shall be given to each person at the time of issuance or, if the violation involves an unattended vehicle, a copy of the citation shall be conspicuously affixed to the vehicle. Each citation shall state the substance of the violation and the assessed fine.

#### **4.01.3.1.16 Immobilization, Removal, or Impoundment of Unattended Vehicles**

The LUPD is authorized to immobilize or remove and impound, at the owner's expense, unattended vehicles on/from University parking lots or on/from other real property of the University or under the control of the University.

#### **4.01.3.1.17 Amendments to Vehicle, Traffic, and Parking Regulations**

All regulations in the preceding sections may be amended or rescinded in whole or in part at any time or from time to time by action of the LUPD in accordance with state and local laws.

#### **4.01.3.1.18 Campus Security**

The LUPD is responsible for the overall safety and security of the campus community. This responsibility includes the enforcement of policies relative to crime prevention, investigative operations, and law enforcement.

#### **4.01.3.1.19 Authority of Public Safety Officers**

Lincoln University's Public Safety officers are commissioned by the Board of Curators under RSMo. Section 172.350. Commissioned peace officers are state-certified and hold all police and arrest powers granted by the state of Missouri. LUPD officers work cooperatively with the Jefferson City Police Department, the Cole County Sheriff's Office, and the Missouri Highway Patrol. Criminal investigations are conducted on a joint basis with local law enforcement agencies when crimes overlap jurisdictional boundaries.

#### **4.01.3.1.20 Building Security**

Public Safety officers are responsible for building security. All administrative and classroom buildings are secured each evening after normal business hours and after classroom instruction has ended. Entry after normal hours requires authorized key and Sonitrol access or access granted by the LUPD with the area supervisor's prior approval.

Residence hall security is enhanced through controlled access to all buildings. The residence halls are on secured status at all times, with only residents, their escorted guests, and authorized personnel able to enter.

#### **4.01.3.1.21 Sexual Assault and Victims' Rights**

The University compiles statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of sexual assault, domestic violence, dating violence, and stalking in compliance with federal law.

The University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. As a result, the University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. A copy of this *Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy* shall be distributed annually to each University employee and to each University student who is taking one or more classes for academic credit and students enrolled in continuing education classes.

The Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy shall contain information on the following items:

- Procedures the University will follow once an incident of sexual assault, domestic violence, dating violence, and stalking has been reported, including the standard of evidence that will be used during a conduct hearing;
- Description of the educational programs to promote awareness of sexual assault, domestic violence, dating violence, and stalking for all incoming students and new employees and ongoing prevention and awareness campaigns for students and employees;
- Missouri definition of consent, sexual assault, domestic violence, dating violence, and stalking and the applicable federal definitions;
- Safe and positive options for bystander intervention and information on risk reduction to recognize the warning signs of abusive behavior and how to avoid potential attacks; and
- Explanation of *Victims' rights in cases of sexual assault, domestic violence, dating violence, and stalking.*

#### **4.01.3.2 No Trespassing Policy**

Lincoln University follows the guidelines and procedures outlined in RSMo. Sec. 569.140 concerning a violation of “No Trespass” on a University campus.

A person may be issued a “No Trespass” order when any of the following circumstances exist:

1. The person is not a student, current employee, or legitimate visitor;
2. The person was arrested on University property for committing a felony or misdemeanor;
3. The person is found in a University building in violation of University regulations and it is apparent to the officer or other officials that there is an intent to commit a crime within the building;
4. The person has exhibited conduct such that the person’s presence on the campus, in the opinion of the officer or other University officials, constitutes a threat to the safety or welfare of the University;
5. The person refuses to produce identification as requested (when under circumstances where an innocent person could reasonably be expected not to refuse), and further investigation and/or assistance from outside agencies may be required to properly identify the person;
6. The person has no legitimate purpose (academic or visitation) for being on campus;
7. The person is causing a disturbance or is disrupting the tranquility of

- any area of the campus;
8. The person is found in possession of a weapon or explosive;
  9. The person is found in possession of alcohol or drugs;
  10. The person is a student who has been suspended or expelled.

Both pedestrians and vehicles may be stopped if an officer or other University official suspects that any of the above conditions may exist.

Written notification of “No Trespass” will be given to any person found in violation of this policy. A person may be placed on “No Trespass” for a specific building, area, or the entire University campus. “No Trespass” notices issued by officers will remain in effect for five days only. During that time period the notice will be reviewed by the VPCC. If the VPCC determines the “No Trespass” order should be extended beyond the five-day period, a recommendation will be forwarded to the President or her/his designee. A “No Trespass” order of five days can be extended up to a period of one year or longer, if approved by the President. If the order is approved, a registered notification will be sent to the individual being denied access to the campus or its buildings. (The complete written notice procedure is available from the LUPD.)

When issuing a notice of “No Trespass,” officers shall act with as much restraint and courtesy towards the person stopped as that person will allow. Officers and other University administrators may exercise this authority in any place where they have a right to be pursuant to their official job and duties.

Juveniles will be given notice of “No Trespass” through the Prenger Family Services Juvenile Center. Juveniles found on campus in violation of “No Trespass” will be turned over to the juvenile authorities immediately.

Any person given written notice of “No Trespass” may appeal in writing within seventy-two hours of the notice being issued. All appeals will be addressed to the President of the University who will either deny or approve the appeal. The President may also refer appeals to the Vice President of the University with primary interest in the case. For example: A person given a “No Trespass” notice in a residence hall area would appeal through the CSAO.

#### **4.01.3.3 Solicitation**

Commercial solicitation is prohibited in and on all University property. For purposes of this policy, solicitation shall mean the sale of, or offer for sale of, any service, article, or thing whatever to any person or University property by any agent, peddler, or other person. Exceptions to this rule may be made by the President of the University only. This prohibition

shall not apply to any University group officially recognized as a campus organization by the University.

#### **4.01.4 Auxiliary Services**

The COO further oversees the area of Auxiliary Services which is responsible for the professional management of the convenience needs of the campus community. Auxiliary services range from the support of the core academic mission of the University, e.g., the campus bookstore, to the support of the living essentials needs of the campus community, e.g., food services, laundry services, and beverage/snack vending services. The COO supervises University-staffed auxiliary services, such as dining services and the bookstore, that are contracted through outside vendors. In addition, the COO has oversight of the preparation of facilities for University events, and works with the larger Jefferson City area and community at large to arrange use of University facilities (e.g., Richardson Auditorium, Langston Hughes Theater, the bowling center) for non-University functions.

##### **4.01.4.1 Contracts Administration**

All contracts for auxiliary services are prepared in accordance with the Rules and Regulations of Lincoln University. Contracts are legal and binding only after all authorized University signatures are acquired and the contract is fully processed according to the established procedures and all appropriate approval has been obtained.

## **CHAPTER V ADMINISTRATION AND FINANCE**

**Organization and Structure: General Policies (5.00-5.03)  
Administrative Units: Policies and Regulations (5.10-5.15)**

### **Organization and Structure: General Policies**

#### **5.00 The Area of Administration and Finance**

The area of Administration and Finance is a service unit providing oversight and support for University budgets, fiscal affairs, grants, contracts/purchases, student accounts, financial aid, technology and all matters pertaining to the facilities (buildings and grounds) of the University. The area is presided over by the Vice President for Administration and Finance.

#### **5.01 Organization and Administration of Administration and Finance**

The Vice President for Administration and Finance (VPAF) is appointed by the President of the University and has administrative responsibility for all areas of Administration and Finance. The VPAF serves as the chief financial officer for the University and is directly responsible for the financial control and security of all institutional funds and assets. Areas reporting to the VPAF are listed in the current University organizational structure (available in the Office of the President). In the absence of the President, the VPAA, and the COO, the VPAF shall serve as acting President of the University. The VPAF shall also have the following responsibilities:

- Provide leadership for all units reporting to Administration and Finance
- Recommend appointment, retention, promotion, or termination of all personnel assigned to Administration and Finance
- Supervise and evaluate unit directors and coordinators who report directly to the VPAF
- Oversee all budget development such as the Operating, Auxiliary, Land Grant and the Capital Improvement Budgets for the University
- Oversee contract negotiations and supervise staff responsible for preparing documents for capital improvement projects, coordinating capital improvement projects and processing payments for capital improvement projects
- Oversee staff responsible for collection of all monies due the University and pay all bills in settlement of the University's obligations
- Supervise staff responsible for helping the University pursue and administer grants and sponsored programs in compliance with grantor rules, regulations and laws
- Provide a general supervision of and responsibility for all physical property of the University.



- Establish and implement procedures for the procurement of all goods and services of the University
- Supply periodic financial reports as required by the President, the Board of Curators, and other official internal and external agents
- Ensure that the academic and administrative technology needs of the University are addressed
- Oversee the Office of Student Financial Services and ensure student accounts and financial aid is properly administered in accordance with University, state and federal regulations and laws.
- Provide oversight of all University audits and federal/state grantor monitoring as needed
- Assume additional duties and responsibilities as assigned by the President

## **5.02 Units of Administration and Finance: Directors and Supervisors**

Directors and supervisors of the various units of Administration and Finance are appointed by the President upon recommendation of the VPAF and report directly to the VPAF. Directors and supervisors shall have the following responsibilities:

- Oversee daily operation of their unit
- Recommend staff appointments, promotions, and terminations
- Supervise and evaluate unit staff
- Promote staff development and oversight of staff development plans
- Participate in budget planning and development of annual budget
- Manage and track the annual budget as obligated and expended
- Assume additional duties and responsibilities as may be assigned by the VPAF

## **5.03 Administration and Finance Policies**

The area of Administration and Finance will draft, submit for the President's approval and then, upon approval, enforce policies and regulations central to its oversight role in the financial and safety considerations of the University. The policies in this Section (5.03) are directly administered through the Office of the VPAF.

### **5.03.1 Travel Policies**

Fair and equitable travel reimbursement will be provided to both the traveler and the University in conformance with applicable governmental guidelines and regulations. The University will reimburse Board members, employees, non-employees, and students for necessary and reasonable travel expenses incurred for authorized University business. Employees are responsible for complying with University travel policies and procedures and should exercise the same care in incurring University travel expenses as they would in personal travel. This policy applies to all travel expenses regardless of the source of funds. When travel costs are to be funded by a sponsored project award, the terms of the applicable award will take precedence if they are more restrictive than University policy. At their

discretion, University departments/divisions may impose more restrictive guidelines for budgetary or control reasons, but they may not be less restrictive than guidelines stated in this policy and its respective procedures. The VPAF shall be responsible for developing operating procedures to implement this policy in accordance with IRS regulations.

Employees planning travel should book their travel at least two (2) weeks in advance whenever possible. If the travel requires out-of-state air travel, the employee should book their tickets twenty-one (21) days in advance to ensure the best rate. When booking hotels or determine Per Diem Rates, the Missouri [CONUS rates](#) should be followed unless an exemption has been issued by the VPAF allowing the rate to be exceeded.

Employees that are regularly required to travel as a part of their job should submit expense forms within fifteen (15) calendar days following the month of the travel. This does not prohibit employees from requesting reimbursement sooner if needed. All other employees are to request reimbursement within fifteen (15) calendar days following their travel. Failure to timely submit a reimbursement request may result in the employee being personally responsible for their travel expenses. Exceptions to the fifteen (15)-day requirements may be granted by the President or VPAF.

Travel expenses for airfare, rental vehicles and lodging should be booked on a University purchasing card or direct billed to the University to avoid the employee having to personally incur the expense.

### **5.03.2 Cash Advances for Travel**

Cash advances for travel are not allowed except under the following conditions:

- Intercollegiate team travel
- International travel
- Travel including students

For student travel regulations, see Chapter VI, Section 6.25.

### **5.03.3 Relocation Expenses for Employees**

The University will reimburse employees for relocation or moving expenses, if approved by the Office of the President or the President of the Board of Curators (when hiring a President). The not-to-exceed reimbursement amount will be documented in the employment letter whenever possible or in a letter from the President at a later date.

- Reimbursable relocation expenses may include:
  - Cost of moving household goods and personal effects; and
  - Cost of traveling (including lodging but not meals) to the employee's new domicile.

- Reimbursements are made under an accountable plan. To be considered an accountable plan, the following criteria must be met:
  - Expenses must be business related.
  - Reimbursements must be requested within thirty (30) days, unless otherwise specified by the University, after the expense is incurred.
- The University follows IRS regulations to determine taxability of reimbursable relocation expenses.
  - If all reimbursements are under an accountable plan, the IRS distance and time test criteria are met, and the move is closely related to the start of work, reimbursements will appear on the W-2 in box 12 and are not included as taxable income.
  - All other relocation expense reimbursements will be considered to be made under a non-accountable plan. Reimbursements under this plan type are considered taxable income (Income, Social Security and Medicare). Notification will be submitted to Payroll to be included in the next payroll cycle and included in box 1 (taxable income) on the W-2.

#### **5.03.4 Policy for Expending Residual Funds on Fixed Price Contracts**

The University will accept fixed price awards and will encourage negotiation that will ensure costs incurred will not exceed the agreed upon amount. All contracts will be assumed to be cost reimbursable unless specifically stated as fixed cost in the award document or other written documentation.

It is the policy of the University that residual balances remaining at the end of a fixed price contract that do not have to be returned to the sponsor will be allocated in the order listed below:

- 1) Indirect costs, if waived on the grant or not recovered in full, will be calculated and recorded accordingly
- 2) Used to cover deficits in another one of the PI/PD's or departments accounts
- 3) Used to cover audited disallowances on the PI/PD's project account
- 4) Remaining funds will be allocated to the University's contingency fund

If the residual funds are greater than or equal to \$10,000 or 25% of the award, written justification from the PI/PD must be submitted to and approved by the VPAF.

## **Administrative Units: Policies and Regulations**

### **5.10 Office of the Comptroller**

The Office of the Comptroller, headed by the Comptroller, is responsible for monitoring, recording and reporting the University's financial activity in accordance with University policy and procedures, external audit requirements, generally accepted accounting principles, and governmental rules and regulations.

The Office of the Comptroller directs the University's financial services to include Financial Accounting, Accounts Payable, Students Accounts Receivable, Cashier Services, Payroll Operations, and Post-Award Grant Accounting.

The Office of the Comptroller is also responsible for cash and investment management of University funds, long-term debt management, and endowment management. In addition, the office issues routine financial reports for Curators and external constituents and publishes annual audited financial statements.

#### **5.10.1 Policy on Tuition and Fees**

Tuition and Fees are set by the Board of Curators and are assessed for all students enrolled in any Lincoln University course or program, whether on or off campus. All fees must be paid by the established deadline, typically the last business day before classes begin. Any student with an outstanding balance over \$600 will be unable to register. Any student with any outstanding balance will not be eligible to receive a transcript or diploma, unless approved by the President or designated official.

Standard charges include tuition and fees. In addition, they also may include residence hall housing costs, and meal plans (if applicable). Tuition and fees may vary between departments and locations. Other fees, such as activity fees and lab fees, are included in the student's balance and must be paid by the established deadline. A list of all current fees is found in the Lincoln University Web site. All fees are subject to change by the Board of Curators, whenever conditions or circumstances dictate with prompt notice to students of any changes in fees being provided as the University deems appropriate.

#### **5.10.2 Refund and Adjustment of Fees**

Tuition and fees may be fully or partially refunded upon withdrawal from a sixteen-week course or from the University to students according to the following schedule:

Up to and during the second calendar week of classes	Full Refund
During the third calendar week of classes	50% Refund
After the third calendar week of classes	No Refund

For an eight-week class, a 100% refund is allowed during the first calendar week of class. No refunds are available after the first week.

For a four-week class, a 100% refund is allowed through the first day of class. No refunds are available after the first day.

Withdrawal from the University due to properly documented military service or extraordinary medical circumstances may be grounds for a partial or full refund of fees. Any requests for partial or full refund of fees for such circumstances must be submitted to the Office of Student Financial Services for consideration.

### **5.10.3 Debt Forgiveness on Death**

With appropriate documentation, Lincoln University will forgive any unpaid balance for any student who dies while enrolled at the University.

### **5.10.4 Administration of Sponsored Grants and Contracts**

When accepting externally sponsored awards, Lincoln University shall conduct all project activities in accordance with the scope of work specified under the award and shall comply with both University policies, as well as grantor agency requirements and special terms and conditions. The Office of the Controller is responsible for the post-award fiscal management of sponsored projects. The Office of the Vice President for Administration and Finance is responsible for developing procedures to implement this policy.

With all sponsored grants and contracts, the University shall comply with all grantor guidelines and funding restrictions such as ensuring compliance with CFR Part 200 for federal awards.

### **5.10.5 Investment Policy**

To maintain investment objectives and parameters governing the type, quality, diversification, and term of investments, Lincoln University shall use the [Missouri State Treasurer's Investment Policy](#) and the [Missouri Public Fund Investment Guide](#) (available on the Missouri State Treasurer's Web site) as a policy guide for the institutional investments. The Office of the Vice President for Administration and Finance is responsible for developing procedures to implement this policy.

## **5.11 University Budget**

It is every University employee's responsibility to be a good steward of the resources entrusted to the University and to make decisions in good faith which serve the best interest of the University.

Primary fiscal responsibility rests at the level where the expenditures are made, with those who initiate programs and make decisions on how to implement programs. Financial planning is a collaborative process that ultimately results in approval at the upper levels (Board of Curators, Board Budget and Finance Committee, President, Vice President, etc.).

The actual details are decided at the operating level (Deans, Directors and Department Chairs) within the constraints of Board and University policies. Ultimate responsibility for ensuring that fiscal transactions are in accordance with approved plans, programs and policies rests at the Dean/Director/Department Chair level. All individuals with fiscal responsibilities will comply with the University's Conflict of Interest Policy under Chapter XI and decision-making public servants are subject to annual financial reporting to the Missouri Ethics Commission as required under Chapter XI, Section 11.05.

Development of the annual budget is the responsibility of the President in conjunction with the VPAF and the Budget Officer. Working in conjunction with the President's Senior Leadership Team, Deans/Directors/Department Chairs help to provide information as a part of the ongoing budget process. The projected revenues and expenses are included and provided to the Board for review and approval annually. Generally, as long as the total approved budget does not exceed the budget approved by the Board of Curators, the President and his/her designees are responsible for the implementation and tracking of obligations and expenditures resulting from the approved budget and to ensure and maintain a balanced budget, making budget revisions as necessary.

The President and his/her designee may utilize the advisory budget committee to seek advice from University stakeholders as needed. This team will make recommendations regarding the budget for consideration by the President.

The VPAF and the Budget Officer are standing members of the University Budget Committee.

## **5.12 Purchasing**

All commodities and services required for official University business, via purchase, lease, or rental, shall be purchased in conformance with all applicable statutes and regulations. The objective of the purchasing process is to acquire needed commodities and services as economically as possible within specified standards of quality and service, while giving responsible suppliers fair consideration. This should be done in a timely and organized manner that provides for accountability of University expenditures. Departments are responsible for complying with University purchasing policies and procedures and must exercise the same care in incurring University purchasing expenses as they would for personal purchases. This policy applies to all University purchases regardless of the source of funds. When purchases are to be funded by a sponsored project, the governance of the applicable award will take precedence if such terms are more restrictive than University policy. Divisions, colleges, or departments may impose more restrictive guidelines for budgetary or control reasons, but such guidelines may not be less restrictive than the guidelines stated in this policy and its respective procedures. The VPAF shall be

responsible for developing operating procedures to implement this policy. Purchasing is headed by the Director of Acquisitions and General Services who is responsible for planning, directing, and coordinating all functions related to the purchase of goods and services for the University, including administration, academics, athletics, extension and research, maintenance, housing, and other related service areas. The Director is also responsible for purchasing/travel card administration, liability and property insurance and risk management, central receiving, central stores, inventory control/surplus property, campus mail services, shipping/receiving and record management.

### **5.12.1 Procurement Policies**

The function of the Purchasing Department is to purchase goods and services for all campus units. Although Lincoln University is exempt from the requirements of [Chapter 34 RSMo](#), the area of Purchasing routinely follows the State of Missouri Division of Purchasing and Materials Management University Procurement Authority Delegation and Procedures as a good model and practice.

All purchases in excess of ten thousand dollars shall be based on competitive bids. The only exceptions to the competitive bid process occur in an emergency situation single feasible source requirements those items and services on State of Missouri contracts or University contracts, those supplies and services provided directly by a governmental entity, and those items and services available through Missouri Vocational Enterprises.

The procurement method used in any given situation is determined solely by the Purchasing Department, and is predicated on several factors, including dollar amounts involved, market situation, commodity, etc. Departments are not authorized to solicit bids for requirements exceeding \$25,000. University buyers and contracts staff will conduct all bid solicitations exceeding \$25,000 and may delegate bid solicitation authority back to the department if the existing conditions warrant. Formal bids are required for solicitations exceeding \$100,000.

University contracts for services and materials will provide that no contractor shall be allowed to hire a University employee unless:

- 1) It is approved by the University President; or
- 2) There has been a one-year break in service between the employee's University employment and the time they start with the University contractor or one-year since the contractor's most recent contract with the University has expired.

### **5.12.2 Risk Management Policies**

Risk management policies are intended to protect the assets of Lincoln University against losses that might adversely affect its operation and continuity of services through a program of identifying and assessing hazards and loss exposures and by selecting the best techniques to avoid, control, assume, or transfer risk.

Lincoln University will follow all federal, state and local laws and regulations regarding risk management and work to provide a safe environment for students, faculty, staff and visitors at all times.

#### **5.12.2.1 Children on Campus**

Lincoln University is cognizant of the difficulties employees and students may encounter relative to safe and uninterrupted care of minor children; however, the University's first priority is to provide an environment conducive to academic and work pursuits. Therefore, employees and students are responsible for making childcare arrangements that do not include routinely bringing minor children to work or to class for any extended period of time. In all cases, the adult who brings the child to campus is responsible for direct, constant care and attention to the child's health, safety and welfare.

Children may be invited to campus to participate in a course or program that legitimately involves children (e.g., education classes, University-sponsored community outreach activities, etc.) and that provides adequate supervision.

Children who are sick and/or infectious should never be brought to campus, and certain areas of campus (e.g., construction sites) may never be open to children for safety and liability reasons.

Permission to bring children into the classroom or work environment must be sought in advance from the class instructor or an employee's immediate supervisor. The instructor of record maintains control of the classroom environment. Supervisors are encouraged to accommodate employees to the extent possible in arranging for sick or personal leave to be taken when childcare emergencies arise.

#### **5.12.2.2 Vehicular Travel**

Employees who travel on University business using Lincoln University vehicles, personal vehicles, or rental vehicles must adhere to regulations adopted by the University relative to risk management under this Section.

##### Lincoln University Vehicles

Vehicles owned by Lincoln University fall under the category of "state vehicles" and as such are governed by state statute (RSMo. 301.260). State vehicles may be used only for official business, never for personal use. They may only be operated by a University employee who possesses a valid driver's license. Unless otherwise provided by law, no non-University individual, i.e., volunteer or employee family member, may operate a University vehicle nor be a passenger in such, unless on official



University business.

Liability involving another person (personal or property damage) due to employee negligence while operating a State vehicle is covered by the State, provided the employee was operating the vehicle on official University business within the scope of her/his employment and had obtained all necessary approval through normal channels within the University. (See Section 5.03.1 Travel Policies.)

Personal property within a State vehicle is not insured for loss or damage.

#### Personal Vehicles

The established mileage reimbursement rate represents full compensation for the costs of owning and operating a vehicle while pursuant to University business. Therefore, the employee who elects to use her/his personal vehicle to travel on University business assumes total responsibility to adequately insure, safely operate, properly maintain, and protect the vehicle. Physical damage to or loss of a personal vehicle when used in the course of University business is therefore not covered. Liability involving others, including passengers, is not covered.

#### Rental Vehicles

Use of rental vehicles while engaged in University business is allowed providing all policies regarding such are followed. (See Section 5.03.1: Travel Policies.)

#### Rental Vehicles Paid for by Lincoln University

Rental vehicle expenses paid directly to a rental agency by the University are considered state vehicles and should be operated in accordance with the State Vehicle Policy (SP-4). **Personal use of rental vehicles is prohibited.** Family members are not authorized passengers in rental vehicles unless they are required to conduct official business.

The Statewide contracts for rental companies can be found on the State of Missouri OA Purchasing website. The contracts are considered a preferred-use contract which means all state agencies should use the contracts when renting vehicles for official business. There will be rare situations where an agency may not be able to rent off either contract.

Liability and Collision coverage is included in the rates therefore, additional coverage is not needed. In the event of damage to a rental vehicle, contact the branch where the vehicle was rented.

If it is a serious accident or there is substantial damage to another vehicle or property, please contact the University Director of Purchasing and Acquisitions and LUPD to provide details of the accident and report only

if instructed to do so.

#### Rental Vehicles Paid for by the Employee

If an employee personally rents a vehicle for University business travel, the employee must purchase liability and collision coverage through their personal auto insurance or directly from the rental company. In the event of an accident, the employee's coverage or insurance purchased from the rental agency would provide primary coverage.

### **5.12.2.3 Employee Injuries**

In accordance with the provisions of the Missouri Workers' Compensation Law, workers' compensation is available to employees who suffer injury arising out of and in the course of employment. This includes injuries resulting from vehicle accidents in state, personal, or rental vehicles when conducting official University business.

### **5.12.2.4 Accident Reporting**

Accidents must be reported promptly in accordance with established University procedures. Without appropriate authority, Lincoln University employees may not accept any liability in relation to an accident, or state that any payment will be made. This also includes all accident types such as motorized vehicles, golf carts, and heavy equipment on the University farms, etc.

### **5.12.2.5 Insurance**

The University will secure appropriate property and liability insurance as determined by the VPAF. Information regarding the University insurance and the details of the current policies for all types of coverage can be secured from the University's Director Acquisitions and General Services.

## **5.13 Facilities and Planning**

The area of Facilities and Planning is headed by a Director who is responsible for the management of facilities planning, master planning, and facilities design activities of the University Campus. The Director administers the University's capital improvement program and supervises and provides leadership for architectural services, design and construction, space management and energy consultation.

### **5.13.1 Policies for Selecting Architectural, Engineering and Land Surveying Firms**

In accordance with Chapter 8 of the Missouri Revised Statutes, as well as any applicable Code of State Regulations, the Lincoln University Board of Curators has

adopted the following policies and procedures for selecting architectural, engineering and land surveying firms (all referred to below as “firms”):

A. Contracts and Fees

It shall be the policy of Lincoln University to negotiate contracts with firms for services based on the qualifications needed for the type of service required and at fair and reasonable prices.

B. Qualifications of Firms

It shall be the policy of Lincoln University to actively seek firms engaged in the lawful practice of their professions through broad advertising (statewide). For major projects, the firms interested shall submit statements of their qualifications and performance record. Whenever a proposed project requires the expertise of a firm, Lincoln University will also notify firms who have expressed an interest and who have their qualifications on record. Lincoln University shall use the following criteria in evaluating the qualifications of each firm:

1. The specialized experience and technical competence of the firm with respect to the type of service required;
2. The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;
3. The past record of performance and the firm to produce the end product at an agreed upon cost, quality of work, and ability to meet schedules; and
4. The firm’s proximity to and familiarity with the area in which the project is located.

C. Projects

1. Major Projects: Those projects with an expenditure exceeding \$150,000. Contracts for major projects shall be approved by the Board of Curators and signed by the President of the University.
2. Minor Projects: Those projects with an expenditure less than \$150,000. Contracts for minor projects shall be signed by the President of the University and do not require Board approval.

D. Advisory Committee

1. Major Projects: The advisory committee for each major project shall be composed of the Director of Facilities and Planning, the facilities staff, a representative(s) designated by the President and a representative(s) of the functional area in which the project is located. It shall be the policy of the Board of Curators that the

president will send the names and addresses of all firms to be contacted, along with the Request for Proposal, to the Buildings and Grounds Committee of the Board of Curators for their information. The advisory committee will send out the Request for Proposals. Once the proposals are received, the advisory committee shall review the information at hand and the scope of work, conduct the interviews with the principals of the firms and make a recommendation in rank order to the President through the VPAF. The Buildings and Grounds Committee of the Board of Curators shall review the President's recommendations and send its recommendation to the full Board for action.

2. Minor Projects: The advisory committee shall be composed of the Director of Facilities and Planning, the facilities staff, a representative designated by the President and a representative of the functional area in which the project is located. The advisory committee shall review all information at hand and the scope of work prior to conducting interviews with the firms. The advisory committee shall select three (3) firms from the original group and place them in ranked order and send them as a recommendation to the President through the VPAF. The President shall make the final decision.

#### E. Interview Presentation

Each firm shall be asked to submit to the advisory committee a comprehensive written proposal demonstrating its methods and experience related to the project, which principals shall be assigned to the project, the consultants to be used, a schedule of document preparation, estimating procedures, services to be rendered during construction, and any other information helpful in determining how well the particular firm is qualified to do the job. The Advisory Committee will first evaluate the submissions for each firm and select the top three (3) to five (5) firms to be interviewed. If three (3) or less firms show interest, all the firms will be interviewed.

#### F. Contract Negotiation

1. The advisory committee, in consultation with the VPAF and upon approval of the Board of Curators, shall proceed with the fee negotiations with the identified firm. The VPAF or her/his designee shall negotiate the contract. If the parties reach an agreement, a contract shall be signed, and the other firms shall be promptly advised.
2. If the first-ranked firm's proposal is not satisfactory, negotiations shall be initiated with the second-ranked firm. Again, if the

negotiations are unsatisfactory, the committee shall negotiate with the third-ranked firm. If these negotiations prove unsatisfactory, the process of identifying and selection shall start over.

3. The proceedings of the selection process shall be conducted in accordance with the closed records policy of the University. (See Chapter I, Section 1.08.)

#### G. University Files for Firms and Projects

1. The Director of Facilities and Planning shall maintain a file of firms that are potential consultants for doing projects for Lincoln University. Companies on this list will be notified of opportunities at the same time as projects are advertised in the newspapers. The primary purpose of this list is for emergency needs and for smaller projects that are below the advertising bid threshold.
2. The Director of Facilities and Planning shall prepare, annually, a list of all firms used in the preceding year for review by the Buildings and Grounds Committee of the Board of Curators.
3. When a construction project is proposed, the Facilities and Planning Team shall prepare a description of the project, including the Scope of Work, the identification of applicable campus standards, relationship of campus development plans, a timetable and a budget.
4. The advisory committee, in consultation with the Director of Facilities and Planning, shall prepare a list of firms from the file for the proposed project. Selection of the firms shall be based on preliminary review comparing the nature of the job with the experience of the firms, costs and other significant factors.
5. The firms selected shall be sent a description of the project and a questionnaire designed to obtain more detailed information related to the firm's qualifications for the specific project.
6. Except for major projects, the President shall delegate to the VPAF responsibility to adopt procedures appropriate for each assignment that shall assure opportunities for a number of qualified firms. The VPAF shall present periodic reports to the President giving assurance that these standards are being met.
7. Firms to be selected for projects of any size that involve significant architectural or engineering questions, redesign of the exterior of the building, major engineering and site planning, or change in interior spaces of significant architectural or engineering importance as

determined by the VPAF and approved by the President, shall be reviewed with the Board of Curators before an assignment is made.

### **5.13.2 Bidding Policy for All Construction Projects**

A. Advertising or Invitation to Contractors

Lincoln University complies with Section 8.250, RSMo, regarding bidding of construction projects involving state buildings and lands. Responsibility for compliance with this statutory provision follows the chain of command from Director of Facilities and Planning to the VPAF, the President and the Board of Curators.

B. Prevailing Wages

Prevailing wages will be paid on all construction work performed for the University under a construction contract. Prevailing wage rates used will be as provided by Division of Labor standards. It is the responsibility of the Office of Facilities and Planning to obtain, from the Missouri Department of Labor and Industrial Relations, the current prevailing wage for a particular project.

C. Minority Business Enterprise/Women Business Enterprise Participation

In awarding major construction projects, Lincoln University shall work to achieve or exceed establish targets for utilization in current state statutes and executive orders as related to Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) participation levels. If a vendor is selected that is not an M/WBE, the selected firm will be encouraged to subcontract with a M/WBE firm (as appropriate) and/or encouraged to hire a diverse staff for the project. Any selected firm must be an equal opportunity employer.

### **5.13.3 Exceptions to bidding requirement for All Construction Projects**

A. Time-sensitive transactions

The Director of Facilities and Planning may waive bidding requirements for time sensitive transactions, particularly grant funded items where required deliverable dates are driven by grant terms and conditions, research requirements, or classroom/laboratory need, up to \$25,000. If this exception is utilized, documentation shall be maintained by the University detailing the need for the exception.

B. Professional Judgment

The Director of Facilities and Planning may waive bidding requirements in those instances where professional judgment, based on an awareness of market conditions and historical purchases, shows that further vetting of the commodity or service would not be cost effective, up to \$25,000. If this exception is utilized, documentation shall be maintained by the University detailing the need for the exception.

**5.13.4 Use of University Facilities**

In order for Lincoln University to carry out its mission, the top priorities for use of University facilities are for instructional activities, as well as cultural, recreational and social use by the students, faculty and staff.

Facilities that are not reserved by University organizations are available for non-University programs and activities on a space-available basis only. Rental fees for facilities may apply to all non-University use.

Any outside group or organization wishing to use a University facility must request the use of the desired facility in writing through the designated reservation office for facilities. An outside group is defined as any individual or organization that is not affiliated with the University or is not sponsored by a University organization.

The University reserves the right to refuse access to any of its facilities to any individual or group if there is convincing evidence that such access would disrupt the prime educational mission of the University. Any person or group which has been denied access to a University facility may request a hearing on such denial before the president. Use of a University facility by a person or group does not constitute an endorsement by the University of aims, policies, programs or beliefs of the person or group or any of its members. Access to any University facility is provided subject to the right of the University to retain control of its facilities at all times and subject to the rules and regulations and policies governing the use of University facilities. The University may establish and assess fees for the use of any of its facilities.

**5.13.5 Space Allocation Policies**

The following principles will underpin University campus space management efforts:

1. Space will be considered as much a University resource as faculty and staff or budget dollars. The physical facilities of the University are an enormous asset crucial to the operations of the campus. Indeed, the number, type, and condition of University spaces help shape all aspects of campus programs and activities.

2. Space will be allocated in a manner which best advances University priorities. University space resources should be deployed in the most efficient and effective manner to best serve programmatic and strategic goals. Although space is allocated to specific users, all space is owned by the University and the University has the responsibility to maintain and service the space. Faculties, departments, colleges and administrative units do not have exclusive rights to the occupancy of space, with the exception of spaces that are built or renovated with grants or federal funds in which certain restrictions apply, for example, facilities built and/or renovated with federal funds earmarked for Cooperative Extension and Cooperative Research.
3. University space can and will be reassigned. The University values flexibility and recognizes changing curricula, programs, and technologies. Accordingly, space assignments are subject to change to achieve optimal utilization and respond to current and emerging needs.
4. Responsibility for assignment and reassignment of space will generally follow divisional and departmental organizational hierarchies. While any and all space assignments are subject to change based on the authority of the President, the ability to assign and reassign space is generally delegated to each of the Deans and Vice Presidents of their respective units, departments and programs. This authority, which is contingent on compliance with applicable space guidelines and standards, is expected to provide flexibility to Deans and Vice Presidents to address the space needs of their respective areas.
5. Student services and classrooms shall be given priority for the most central and easily accessed locations.
6. Faculty and administrators shall have only one office at the University, regardless of joint appointments, multi-campus activities, and/or span of control. Exceptions include one person fulfilling two permanent positions on a temporary basis.
7. The University will endeavor to maintain adjacencies between departmental faculty, scholarly programs, and related administrative units where building architecture, scheduling and financing allow.
8. Space shall be generally allocated and reassigned in accordance with space type guidelines (established by the Director of the Facilities and Planning).



### Space Utilization Committee

As a standing University committee, this group will be comprised of multiple campus constituencies to serve as an advisory body regarding space allocation. Membership shall include at minimum the following:

Deans (4)

Representative for the Athletic Department

Representative for Student Affairs

Representative for Administration and Finance

Representative for Academic Affairs

Representative for University Advancement

Representative for the Office of Design and Construction

Ex officio: Vice Presidents (Academic Affairs; Student Affairs; Administration and Finance; Advancement; and Athletics and Campus Recreation; Campus Culture).

The Space Utilization Committee shall have as its charge the evaluation of space requests and resulting recommendations to the President for action that is based on a campus-wide perspective as well as campus-wide needs. Within its charge, the Space Utilization Committee will assess utilization of spaces such as classrooms, labs, offices, etc., and will evaluate requests for new space.

### Planning for Space Needs

The Space Utilization Committee is charged with evaluating space requests and making recommendations to the President; however, it is not within the committee's purview to authorize, provide, or ensure the funding that may accompany space requests. The following guidelines will apply:

1. It is the Facilities and Planning Department's responsibility to consider the financial implications of moves and to integrate space planning with other resource planning. Costs associated with discretionary alterations/renovations to a space shall be borne by the user unit. Any such work must be approved and coordinated by the Director of Facilities and Planning to ensure compliance with University standards and regulatory requirements.
2. Space planning decisions may involve complicated move sequences or space alterations; thus it is essential that space needs be planned for as far in advance as possible.
3. In the planning and management of campus facilities, all building space is considered to be an allocable resource subject to continual evaluation in order to achieve the optimal campus-wide level of utilization. To this end, the Director of Facilities and Planning will conduct facilities audits at least every three years (budget permitting) to assist Deans and unit heads in fulfilling their responsibilities for assignment and effective utilization of allocated space and to provide a basis for determining projects to be

included in the capital improvement program (new buildings and/or major renovations). Requests for capital improvement projects will be annually solicited from all University departments as well.

#### Assignment and Effective Use of Space

Once space has been assigned to a school, college or administrative unit, Deans and Vice Presidents may generally assign or reassign space already assigned to that school, college or administrative unit to areas reporting to them. Changes within a unit generally do not require committee approval but must be reported to various campus departments, i.e., Telecommunications, Buildings and Grounds, and Human Resources, via a Web site form. However, in the following cases, the Space Utilization Committee will maintain jurisdiction:

- Any interdivisional reassignments must be approved by the committee. If there is no resolution within the division, the committee will be the venue for the division to find a solution.
- If a space assignment has an identified end date, the space will revert back to the committee for reassignment at the end of the period.
- If a unit vacates assigned space to move to new space, the committee will reassess the use of the space and reassign it if determined to be necessary.
- Any changes in the designated use of a room can be recommended by the committee, i.e., a request to change a faculty office into a conference room.
- Any renovations to a room which will change the square footage of the space may be approved by the committee but is ultimately the decision of the President.

#### Space Allocation Requests

A Space Allocation Request will be the official method by which a unit asks for space changes. Such a request will be required whenever a unit wants to add to, alter, or exchange its current space assignment. A unit may submit a Space Allocation Request to the chair of the Space Allocation Committee, once approved by the appropriate Dean and/or Vice President. A Space Allocation Request is required for the following activities:

- A new or expanding program whose space needs cannot be met in its current space assignment
- Modifications (renovations, alterations, reconfigurations)
- New buildings, building additions, or acquired property
- Leased space
- Change of use
- Accommodation moves

## **5.14 Buildings and Grounds**

The area of Buildings and Grounds is headed by the Director of Facilities and Planning who is responsible for the management of repairs and upkeep of the physical facilities of the University. This includes the maintenance of buildings and mechanical systems, custodial and grounds services, heating plant and utility systems, preventive maintenance, the motor pool, and all other associated aspects of physical plant activities. The Director is also responsible for budget recommendations that support the activities of the area of Buildings and Grounds.

### **5.14.1 Personal and Environmental Safety Guidelines**

Due to the nature of the work performed, the area of Buildings and Grounds emphasizes the need for staff to adhere to established good practices relating to personal and environmental health and safety. As a state University, Lincoln University is exempt from the national OSHA guidelines for private industry; however, the University elects to adhere to those guidelines that would be applicable, if compliance with OSHA regulations were mandated. Staff or contractors who operate equipment such as mowers or chain saws shall be trained in the specific safety protocol for that equipment. In addition, the area pays for Red Cross First Aid and CPR training/certification for all interested staff. Use of chemicals and management of hazardous waste are coordinated with the LUPD.

### **5.14.2 Key Control Policy**

The following regulations in regard to keys shall be in effect:

1. Full- and part-time University employees may be issued necessary keys by completing the Key Request form found on the Lincoln University Web site and obtaining the required signatures.
2. Upon receipt and review of a completed Key Request form, the order will be filled and the authorizing unit notified that the employee may pick up the key from the access control specialist at the Physical Plant. Appropriate identification (L.U. ID or driver's license) of the individual named on the Key Request form will be required to receive the key. Keys not picked up within 90 days will be returned to inventory and a new Key Request form must be submitted.
3. A key audit will be performed each time a new key is issued.
4. No University key may be duplicated.
5. When an employee transfers from one department to another, he/she must return to the access control specialist all keys relative to the department he/she is leaving. If there is a valid need for the employee to retain such keys, the area supervisor will provide a written justification.
6. The employee who is issued a key is responsible for that key and will be charged for any lost or misplaced keys.

7. Prior to termination, employees must remit all University keys to the access control specialist. The specialist must sign a departure document attesting to receipt of all keys.
8. With the approval of the area supervisor, select students may be issued keys. (E.g., in Cooperative Research, students are assigned to animal care on an ongoing basis including night and weekend hours and must have access to facilities.)

### **5.14.3 Advertising**

Upon approval from the Office of the President, commercial advertisements may be posted on designated bulletin boards in or at the following locations such as:

- Departmental offices and classrooms at the discretion of the area head and/or faculty
- Residence halls
- Scruggs University Center
- Jason Gymnasium
- Dwight T. Reed Stadium

The University President is authorized to implement a marketing and/or outreach plan that can include the following:

- Website marketing and outreach
- Social media marketing and outreach
- Search engine optimization strategies
- Advertisements and public notifications in published print and digital media
- Video and radio advertisements and outreach
- Digital and regular billboards whether leased or owned by the University
- Email campaigns
- Other venue and sponsorship methods to promote the University and/or conduct outreach activities for the land grant programs

The University does not permit the advertising of alcoholic beverages, any substance the use of which is prohibited by federal or state laws, and any item which may tend to promote or suggest immoral, lewd or promiscuous behavior. Permission granted to an individual or organization to post an endorsement at the University facility does not constitute the endorsement by the University of the aims, policies, programs, products or beliefs of the individual or the organization or any of its members. The University reserves the right to regulate or limit the period of and assess fees for commercial advertising.

Upon approval from the Office of the President, non-commercial advertisements may be posted in or near any University facility which has erected a bulletin board for such purposes. Permission granted by the University to an individual or organization to use a bulletin board for advertising does not constitute endorsement by the University of the aims, policies, programs or beliefs of the individual or the

organization or any of its members.

#### **5.14.4 Sponsored Programs**

The University accepts grant and contract funds from external partners to support research, teaching, outreach, support, and service programs that align with the recognized objectives of the University. All standard University and applicable state and federal protocols apply to grant-funded and sponsored activities. Sponsor agency protocols and requirements may also be applied if they are more restrictive than those of the University and state and federal government. The University requires graduate and undergraduate students, associates, and trainees supported by specific federal funds to be trained in accordance with federal regulations. All grant and contract proposals must be approved and signed by an authorized representative of the University prior to submission to a potential funding partner. A University employee or student engaged in sponsored projects/programs shall be responsible for disclosing any potential conflict of interest. Only the authorized representative or his/her designee may accept a grant award or negotiate and execute contract details on behalf of the University. All certifications, contracts, agreements and other award acceptance documents must be signed by an authorized representative of the University. Project support funds provided by industrial or commercial firms which do not impose any restrictions on the conduct of the project and do not require reports are treated as gift funds and are processed through the University Advancement Office.

The VPAF shall be responsible for developing operating procedures to implement this policy.

#### **5.15 Guidelines for Grants and Contracts**

When a faculty or staff member assumes work on a grant or contract outside her/his regular duties, the following policies will apply:

##### Reassigned Time and Salary Adjustment

*Reassigned time:* At the discretion of an academic chairperson, program director, or immediate supervisor and the VPAA, a member of the faculty may be partially or fully reassigned from instructional duties to carry out a special assignment. The amount of the reassigned time granted for a special assignment will be mutually agreed upon in advance by the faculty member, the appropriate chairperson, director, or immediate supervisor and the VPAA.

*Salary Adjustment:* Faculty and staff with extramural grants working under unusual circumstances where consultation/collaboration is across departmental or university lines or involves a separate or remote operation, and the work performed is in addition to or exceeds regular departmental load, may be compensated for this service, at a rate consistent with standard practice in grant funded activity, and as specifically provided for in the

agreement or approved in writing by the sponsoring agency. In addition, faculty and staff, with recommendation of the VPAA, and approval of the VPAF, may have their base salary increased up to a maximum of 125% of their base if they are successful at obtaining extramural grant awards. Salary support in excess of the faculty/staff members' normal base salary must be fully supported (wages and benefits) by the funding agency, and provided for in the grant proposal or by written permission of the granting agency. The adjustment in the base salary will remain in effect only through the duration of the extramural grant support for the adjustment. In the event funds are no longer available or at the end of the grant period, the base salary will revert to the previous salary level of the employee with any salary adjustments that may have been made by the University.

#### Facilities and Administrative Costs (F&A or Indirect Costs)

The Department of Health and Human Services, as the University's assigned lead federal agency, has set an F&A rate of 63% for on-campus projects and 26% for off-campus projects. The on-campus rate of 63% should be used when 50% or more of the project is conducted in facilities on campus.

*F&A Distribution:* The use and distribution of F&A costs is another major benefit to the University. The following is the percentage distribution of F&A funds to be distributed in individually established accounts:

- 30% to the Principal Investigator (PI)
- 10% to the VPAA
- 5% to the Dean
- 5% to the Department
- 20% to the Office of Sponsored Programs and Grant Accounting
- 30% to the President for University infrastructure development

#### Allowable Expenditures of F&A Funds

F&A funds are needed to offset costs associated with federal, state, and local laws relating to worker health and safety, animal care, hazardous-waste storage, and regulation of human subjects. The use of F&A funds to purchase food is included for activities that involve faculty and staff training and recognition, visiting lecture series, student researcher training, and collaboration meetings. F&A funds may also be used to support graduate research assistantships; for certification programs; toward required facilities expenses; to provide needed staff and record-keeping support in departments conducting sponsored research; to leverage other support for research and scholarly activities in targeted areas; to equip laboratories and cover start-up costs for new faculty; to buy specialized scientific equipment; to provide matching funds for grants; to fund lab renovations and classroom technology upgrades; to purchase software licenses, library subscriptions, and equipment; to rent additional research space; to provide faculty with seed grants to develop areas of research not fully provided by external grants; to travel to technical assistance workshops, conferences, meetings, etc.; and for other reasonable and justifiable costs that support faculty enhancement of research and sponsored programs at the University.

Reasonable costs are defined as costs incurred by a "prudent" person; justifiable costs are those that are permitted (allowable) or not specifically prohibited.

# **CHAPTER VI**

## **STUDENT AFFAIRS**

### **Administrative Units (6.00 - 6.06)** **Policies and Regulations (6.20 - 6.32)**

#### **Administrative Units**

##### **6.00 The Area of Student Affairs**

The area of Student Affairs encompasses enrollment management and various non-academic aspects of student life, including living on campus, participating in activities and student government, and accessing resources such as health services, access and ability services, residential life and housing. The area employs a student development philosophy consistent with the University Mission Statement, emphasizing the importance of meeting each individual student's matriculation and socio-educational needs.

##### **6.01 Organization and Administration of Student Affairs: Units and Programs**

The Chief Student Affairs Officer (CSAO) is appointed by the President of the University and has administrative responsibility for all areas of Student Affairs. Areas reporting to the CSAO are listed in the current University organizational structure (available in the Office of the President). In the absence of the President, the VPAA, the COO, and the VPAF, the CSAO, shall serve as acting President of the University. The CSAO shall also have the following responsibilities:

- Provide leadership for all units reporting to Student Affairs
- Supervise and coordinate the activities of all personnel assigned to Student Affairs
- Review Student Affairs services and programming
- Approve student activities
- Direct review and publication of such documents as the Student Handbook which shall contain the Student Code of Conduct, a set of defined policies governing student conduct, activities, services, publications, discipline, and grievance procedures
- Supervise the non-academic discipline of students through implementation of the Student Code of Conduct
- Supervise and evaluate unit directors, assistant directors and coordinators who report directly to the CSAO
- Support staff development
- Recommend for appointment, retention, promotion, probation or termination the personnel assigned to the administrative units of Student Affairs
- Serve as liaison between University Student Affairs programs and external agencies
- Participate in fiscal year budget planning
- Serve as a liaison and/or agent as needed by students experiencing University-related difficulties within or external to the University



- Facilitate student transactions with the business office, academic support programs, and other administrative units as required
- Undertake additional duties and responsibilities as assigned by the President

## **6.02 Units and Areas**

Leadership of the various units of Student Affairs are appointed by the President upon recommendation of the CSAO and report directly to the CSAO. Leaders in the various units shall have the following responsibilities:

- Oversee daily operation of the unit
- Foster appropriate student activities/programming/services
- Recommend staff appointments, promotion and terminations
- Supervise and evaluate unit staff
- Promote staff development
- Facilitate interdepartmental collaboration and development of programs, grants and projects
- Participate in fiscal year budget planning
- Undertake additional duties and responsibilities as may be assigned by the CSAO

## **6.03 Campus Life**

The area of Campus Life is responsible for facilitating the student co-curricular experience. The area includes Student Engagement, the University Center, the Student Government Association, Campus Activity Board, Royal Court, student organizations, and the Blue Tiger Resource Center.

### **6.03.1 Student Engagement**

The Office of Student Engagement shall offer programs and services to foster student development and student life. Three primary opportunities for students to become involved in extra-curricular activities are coordinated within the area of Student Engagement:

- The Student Government Association (SGA): The SGA shall be composed of three branches-legislative, executive, and judicial-duly elected from the general student body by open referendum or appointment as constitutionally applicable. Policies and bylaws of the SGA are found in the Student Handbook.
- Student organizations: Four types of student organizations may be recognized at the discretion of Lincoln University:
  - honorary organizations
  - departmental organizations
  - interest groups
  - Greek organizations with national affiliations

Procedures that a group must follow to become a recognized organization at Lincoln University are found in the undergraduate bulleting and the Student

Handbook.

- Royal Connection (Court): The Royal Court of Miss Lincoln University and Mister Lincoln University is an organization of elected Queens and Kings. The Royal Connection is led by Miss and Mister Lincoln University and is advised by the Office for Student Engagement.
- The Campus Activity Board (CAB): The Campus Activity Board is a student-led programming board. CAB facilitates signature campus-wide events like Welcome Week, student events for Homecoming, and Spring Fest. CAB is advised by the Office for Student Engagement.

#### **6.04 Residential Life and Housing**

The area of Residential Life and Housing shall develop and implement programming to foster student development, acquisition of knowledge, understanding and appreciation for differences, and responsibility for self-improvement for students residing in the residence halls. The On-Campus Housing Policy describes which students are required to live in the residence halls. (See Section 6.24.)

#### **6.05 Student Health and Counseling Services**

Student Health and Counseling Services offers limited medical services to support student health and wellbeing. The area, located in Thompkins Health Center, houses a nurse practitioner, counseling services, and access and abilities services. These limited medical services are provided at no additional cost for all currently enrolled students. Should students require more comprehensive or ongoing health services, staff will assist students with referrals and insurance billing.

##### **6.05.1 Counseling Services**

Staff in the counseling center will provide personal, academic, and social counseling; outside referrals will be made when necessary.

##### **6.05.2 Access and Ability Services**

The Coordinator of Access and Ability Services shall coordinate the University's efforts to comply with the regulations implementing Section 504/ADA for students. See Chapter III, Section 3.75: "Policy on Modifying Programs for Students with Disabilities." The following document is available from the Coordinator of Disability Services: "Procedures for Students with Disabilities Requesting Services." See Section 6.28 for the policy on service animals.

#### **6.06 Office of Student Conduct and Community Standards**

The Office of Student Conduct and Community Standards is responsible for the non-academic discipline of students and is led by a coordinator who reports directly to the CSAO, or their designee. This individual facilitates the student conduct process. Depending on the nature of the infraction, the coordinator may recommend disciplinary

measures including but not limited to warning, probation, and suspension. In cases requiring extreme measures such as indefinite or long-term suspension, the University is obligated to allow the accused student certain procedural requirements of due process, all outlined in the Student Code of Conduct (found in the Student Handbook and on the Lincoln University Web site).

## **Policies and Regulations**

### **6.20 Policies and Regulations**

The areas of Student Affairs will draft, submit for Board approval, and then enforce policies and regulations to ensure access to services, equality of treatment, and adherence to University principles.

### **6.21 Notice of Services for Students with Disabilities**

Students seeking assistance regarding disabled accessibility, including persons with impaired vision or hearing, should contact the coordinator for Access and Ability Services.

Students will be notified that the University does not discriminate on the basis of race, sex, sexual orientation, gender identity, national origin, religion, age, disability, military service or any other characteristic precluded by law in admission or access to, or treatment or employment in, its programs and activities. Any person having inquiries concerning compliance with Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act (ADA), is directed to contact the coordinator for Disability Services. The coordinator has been designated by the University to facilitate the University's efforts to comply with the regulations implementing Section 504 and ADA. Students may also contact the Assistant Secretary for Civil Rights, U.S. Department of Education, regarding the University's compliance with the regulations implementing Section 504 of the Americans with Disabilities Act.

The following documents shall be available on the Lincoln University Web site and from the Access and Abilities Coordinator in the Office for Counseling and Career Services: "Grievance Process for Students Denied Reasonable Accommodations or Subjected to Discrimination Because of a Disability" and "Procedures for Students with Disabilities Requesting Services."

### **6.22 Student Privacy Act**

In accordance with the federal "Family Educational Rights and Privacy Act of 1974," Lincoln University has developed the following policy with regard to access to student records:

#### **1. Public Records (Directory Information):**

"Directory Information" includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other information.

Students shall be informed at the time of their admission that such records may be released unless they specifically request in writing by the last day of registration that all or part of the information shall not be disclosed as a matter of public record.

## 2. Confidential Records:

The University will not send or release grade reports, transcripts, attendance data, identifying data, or other educational information in the student file intended for school use, without written consent from the student. Upon receipt of a signed authorization from the student, appropriate material may be released in accordance with the student's request. Exempted from this restriction are parents of dependent students as defined by the Internal Revenue Code, i.e., students who receive over one-half of their financial support from their natural or adoptive parents.

The complete Student Records Policy is found in Chapter IV, Section 4.01.2.1.

### **6.23 Student Right-To-Know and Campus Security Act**

In compliance with the Student Right-To-Know and Campus Security Act, it is the policy of Lincoln University to make readily available information regarding Lincoln University's graduation rates and crime statistics. Graduation rates are available from the Office of the Registrar upon request.

Current campus law enforcement policies and campus security statistics are available upon request from LUPD. The "Lincoln University Campus Security and Crime Statistics Report" is also available for viewing on the Lincoln University Web site.

### **6.24 On-Campus Housing Policy**

The educational value of campus residence living has long been established. To this effect, the area of Student Affairs administers an on-campus housing policy. Following are the rules and regulations of this policy:

1. All entering unmarried freshmen under twenty-one years of age, officially registered for twelve (12) or more academic hours (inclusive of the 16-week and both 8-week terms) and whose primary domicile is beyond a sixty (60)-mile radius of the University, are required to reside in the campus residence halls for four consecutive semesters.
2. Graduating seniors needing less than twelve (12) academic hours may reside on campus with verification from their academic advisor. Verification must be submitted through the Residence Life Review Committee.
3. Room and board are mutually inclusive components of on-campus residency.
4. All unmarried international students under the age of twenty-one (21) are required to reside on campus for four (4) consecutive semesters. Room and board are mutually inclusive components of such international student's contract.
5. Students who desire an exemption from this policy must file a written request to

the Office of Residential Life and Housing for review by the Residential Life Review Committee.

6. Veterans of the U.S. Armed Forces are exempted from this policy.
7. Transfer students under twenty-one (21) years of age with verification that they resided for a minimum of two (2) semesters in on-campus housing at another institution are exempted from this policy.
8. All unmarried transfer students under twenty-one (21) years of age, whose primary domicile is beyond a sixty (60)-mile radius of the University, who have lived in on-campus housing for less than two (2) semesters are required to live on campus for the remainder of the four (4) semester duration; e.g., students who lived on campus at another institution for one (1) semester are required to live for three (3) semesters in a University residence hall.
9. Students whose twenty-first (21) birthday occurs while living in a residence hall are required to remain in the residence hall until the end of that semester.
10. In the event rooms on campus are not available to accommodate all students affected by the On-Campus Housing Policy, a waiting list will be maintained. Those students on the waiting list will be reviewed by the Office of Residential Life and Housing for their eligibility to reside off-campus, per the On-Campus Housing Policy. Students who sign a month-to-month lease, or identify temporary housing, will remain on the waiting list and will be notified by the Office of Residential Life and Housing of on-campus vacancies.
11. Each student living off campus, due to unavailable space, must report to the Office of Student Life with their current address and phone number. These students will be notified by mail of their room assignment on campus for the following semester/year.

Notification of housing assignments are sent to students' University issued emails, and through the University housing assignment software. Registration for the next academic year will automatically include room and board costs.

Notwithstanding the University's strong commitment to the student development philosophy, the official residence hall contract explicitly states the mutual rights and responsibilities of the University and its residential students. In the spirit and intent of the University Oath, it is the position of the University that on-campus living is a privilege, not an obligation, for students. Consequently, the University reserves the exclusive right to negotiate and/or terminate contractual arrangements between its students at any time it deems appropriate.

#### **6.24.1 Termination of the Housing Contract and Removal from the Residence Hall**

Upon action by the VPCC or her/his designee, a student may have her/his housing contract terminated and may be removed from the residence hall for one or more of the following reasons:

1. an unwillingness or inability to abide by the terms and conditions of the housing contract;

2. an unwillingness or inability to make payments per the established deadline dates;
3. failure to maintain enrollment in the number of credit hours required by the housing contract;
4. engagement in behavior deemed detrimental to the health, safety, welfare, and/or security of self or other residents.

The housing contract may also be terminated when a student has been suspended or dismissed from the University for poor academic standing, or when a "summary suspension" has been imposed on a student for violations as listed in the Student Handbook.

The student whose housing contract is terminated will be notified by email and telephone and will be given a specified time by which to vacate University property. If the student fails to vacate by the specified time, LUPD will escort the student off University property. If any personal items are left in the residence hall at the time of removal, the items shall become the property of the University and disposed of.

## **6.25 Student Travel Regulations**

The following regulations shall be in place for all undergraduate students, graduate students, and members of student organizations of Lincoln University who plan to travel on University business:

- 1) When planning to travel and when traveling on University business, students and student organizations must adhere to all established travel policies of the University as set forth by the CSAO.
- 2) Students seeking approval of and funding for travel must meet the following criteria:
  - a. Currently enrolled in Lincoln University
  - b. Minimum 2.00 cumulative GPA
- 3) Car rental through the University or through a private company is allowed. Car rentals must be administered through the University's Car Rental Partner and an authorized Lincoln University employee shall act as the designated driver.
- 4) Students may be issued a cash advance for meals based upon the University's current per diem rate. The amount of the advance will be determined by the appropriate approving authority.
- 5) The per diem meal rate applies only when meals are not provided as a part of the conference or activity.
- 6) Students attending University funded conferences remain under the University conduct system, must attend all required sessions, and are expected to behave in a polite and respectful manner.
- 7) Students requesting University funding will have chaperone and transportation requirements evaluated according to each event by the appropriate approving authority.

- 8) The following will apply to student organizations requesting funding for travel:
  - a. Funding may be requested for conference registration, hotel accommodations and transportation and/or mileage
  - b. A University official must accompany any student organization requesting travel funding
- 9) All group travel must be approved through the respective Presidential Advisory Council member for which the group represents.

## **6.26 Title IX Sexual Harassment and Discrimination Based on Gender Policy**

In accordance with the guidelines set forth by Title IX of the Education Amendments of 1972 (hereafter Title IX) and the U.S. Department of Education, Lincoln University recognizes that sexual harassment and discrimination based on gender are prohibited by Title IX and therefore has established the following policy:

Lincoln University prohibits sexual harassment and discrimination based on gender of an individual or group of students in connection with academic, educational, extracurricular, athletic, and all other programs of the institution. If an allegation of sexual harassment or gender discrimination is made, the institution will take immediate steps to address the issue and to resolve it in a timely manner. To this end, the University has developed the "Sexual Harassment and Gender Discrimination Complaint Process Guidelines." This document is available from the Title IX Coordinator in the Office of the President, the Office of the Vice President for Student Affairs, and the Human Resources Office.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the conduct explicitly or implicitly affects a student's ability to participate in or benefit from the school's programs, interferes with a student's academic performance, or creates an intimidating, hostile, or offensive academic environment.

The circumstances of sexual harassment include but are not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's instructor or supervisor, an instructor or supervisor in another area, a staff member, or a fellow student.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is unlawful to retaliate against an individual for filing a gender discrimination or sexual harassment complaint, testifying, or participating in any way in an investigation, proceeding, or litigation under Title IX.



Any student who believes that he/she has suffered gender discrimination or sexual harassment under the terms of this policy should contact the Campus Complaint Coordinator in the Office of the President, the CSAO, and/or the Human Resources Office for assistance.

## **6.27 Children on Campus Policy**

Lincoln University is cognizant of the difficulties students may encounter relative to safe and uninterrupted care of minor children; however, the University's first priority is to provide an environment conducive to academic and work pursuits. Therefore, students are responsible for making childcare arrangements that do not include routinely bringing the minor child to work or to class for any extended period of time. In all cases, the student who brings the child to campus is responsible for direct, constant care and attention to the child's health, safety and welfare.

Children may be invited to campus to participate in a course or program that legitimately involves children (e.g., education classes, University-sponsored community outreach activities, etc.) and that provides adequate supervision.

Children who are sick and/or infectious should never be brought to campus, and certain areas of campus (e.g., construction sites) may never be open to children for safety and liability reasons.

Permission to bring children into the classroom or work environment must be sought in advance from the class instructor or unit supervisor. The instructor of record maintains control of the classroom environment. (See Chapter V, Section 5.12.2.1, for the complete policy regarding children on campus.)

## **6.28 Service Animals Policy**

**Definition:** Service animals are trained to perform some of the functions and tasks that an individual with disabilities cannot perform for her/himself. A service animal is individually trained to work or perform tasks for the benefit of an individual with disabilities as described in the Americans with Disabilities Act. A service animal is permitted to accompany a person with a disability everywhere on campus except in situations where safety may be compromised, due to chemicals, living organisms, or health and safety issues.

**Requirements and Responsibilities:** The service animal must be trained and have current health records. The animal must wear some type of recognized identification symbol. The animal must be well-groomed and have good hygiene. It must be on a leash at all times while accompanying the handler. The handler must be in full control of the animal at all times. Consequently, the handler is responsible for the behavior and actions of the animal. The service animal may not display disruptive behaviors such as barking, whining, growling, rubbing, etc. The service animal may be excluded from the campus when that

animal's behavior poses a direct threat to the health and safety of others, or if the animal is destructive, ill or not clean.

Additional guidelines relating to service animals are located in the office of the Coordinator of Access and Ability Services.

**Dispute Resolution Procedure:** In the event of a dispute regarding a service animal, the complainant should confer with the Coordinator for Access and Ability Services. If the matter is not resolved, the complainant should submit a written statement addressed to the Grievance Committee. If the complainant remains dissatisfied with the committee's recommendations, the dispute will be forwarded to the University President who shall gather information, review the matter, and issue a final decision on the University's behalf.

## 6.29 Drug Prevention Program and Policy Statement

Lincoln University prohibits the unlawful possession, use or distribution of illicit drugs, marijuana, and/or alcohol by students or employees on the University property or as a part of any official University activity. Lincoln University has developed and adopted the drug and alcohol awareness/prevention program described herein pursuant to the requirements set forth in the Drug-Free Schools and Communities Act. A copy of this *Drug and Alcohol Policy* shall be distributed annually to each University employee and to each University student who is taking one or more classes for academic credit and students enrolled in continuing education classes.

As set forth in *34 CFR 86.100*, Lincoln University is required to provide at a minimum, an annual distribution of the *Drug and Alcohol Policy* in writing (print or electronic) to each employee and student that must contain the following:

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs, marijuana, and alcohol by employees and students on its property or as part of its activities;
- A description of applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs, marijuana, and alcohol;
- A description of health risks associated with the use of illicit drugs, marijuana, and the abuse of alcohol;
- A description of available drug or alcohol counseling, treatment, or rehabilitation or reentry programs;
- A clear statement of the disciplinary sanctions that Lincoln University will impose on employees and students and a description of termination of employment and referral for prosecution for the unlawful possession, use, or distribution of illicit drugs, marijuana, and alcohol. Disciplinary sanctions may also include completing an appropriate rehabilitation program; and
- A statement on implementation of a biennial review by Lincoln University of its program to determine the effectiveness, implement needed changes, and ensure that disciplinary sanctions are consistently enforced.

### 6.30 Mandatory Student Health Insurance

Lincoln University will continue to require health insurance participation for international students but will allow students the option to waive coverage if they have and will maintain coverage comparable to that of the University's international student health insurance plan (vetted by the University's insurance carrier). All international students (undergraduate and graduate) are required to participate in the University's mandatory student health insurance program and will be charged twice per year for the full year policy. Students may waive insurance by completing the approved paperwork and providing proof of comparable coverage.

In the event that student fails to maintain coverage, he or she will be automatically billed for the University's health plan. Students sponsored by the Saudi Arabian Cultural Mission (SACM) and any other state/government entity providing comparable and adequate coverage will not be subject to the waiver process.

### 6.31 Campus Protests and Demonstrations

As an institution of higher education, Lincoln University respects and supports the sharing of various viewpoints on issues and topics that are at the forefront of the minds of our students, faculty, staff and the surrounding community.

In some cases, expression might be presented in the form of protests and demonstrations. While these particular activities are protected by federal and state laws, as well as University policy, Lincoln University does reserve its right to place reasonable restrictions on the location and manner of the activity.

**Protest and Demonstration Locations:** Organizations and individuals affiliated with Lincoln University may utilize the Scruggs University Center Outdoor Amphitheater, located on the east side of the building. External organizations and individuals may utilize the sidewalk at the intersection of Chestnut and Dunklin Streets, west of Inman E. Page Library.

**Advance Notice and Reservations:** Organizations and individuals affiliated with Lincoln University wishing to utilize the Scruggs University Center Outdoor Amphitheater must contact the Office for Student Engagement at 573-681-5266 a minimum of 48 hours prior to the planned activity to ensure space availability. External organizations and individuals wishing to utilize the sidewalk at the intersection of Chestnut and Dunklin Streets must contact the LUPD a minimum of 48 hours prior to the planned activity to ensure space availability.

**Restrictions:** The mission of Lincoln University is to provide excellent educational opportunities including theoretical and applied learning experiences to a diverse population within a nurturing, student-centered environment. These learning experiences are the main priority of the University and any intrusion on or interruption of this are prohibited. To protect the delivery of this mission, all demonstration and protest activities are limited to

the outdoor areas identified in this policy. If at any time it is determined that a protest or demonstration infringes upon the pursuit of intellectual endeavors or the basic rights of others, University officials reserve the right to end the activity.

The support of the exchange of ideas is not an endorsement of any particular viewpoint on behalf of the University. Materials promoting the activity and viewpoint may be distributed prior to and during, but must not bear any Lincoln University logo to suggest endorsement.

Any organization or individual participating in a protest or demonstration activity on University property is expected to govern themselves according to federal and state laws, as well as any codes of conduct as stated in the Lincoln University Student Handbook and Lincoln University Rules and Regulations.

### **6.32 Participation in Commencement**

Students' participation in commencement is governed by Chapter III, Section 3.85.

# **CHAPTER VII UNIVERSITY ADVANCEMENT**

## **Administrative Units and Functions (7.00 – 7.04)**

### **7.00 The Area of University Advancement**

The area of University Advancement leads efforts to secure philanthropic support for the University, promote the institutional mission by building and strengthening relationships with diverse constituencies, and encouraging investment in support of the University. The unit is led by the Vice President of University Advancement, and includes the Office of University Advancement, the Office of Alumni Affairs, and the Office of University Relations.

### **7.01 Organization and Administration of the Area of University Advancement**

The Vice President for University Advancement (VPUA) is appointed by the President of the University and has administrative responsibilities for all areas of Advancement. Areas reporting to the VPUA are listed in the current University organizational structure (available in the Office of the President). The VPUA shall have additional duties and responsibilities as may be assigned by the President. The VPUA shall also have the following responsibilities:

- Provide leadership for all units reporting to Advancement
- Recommend appointment, retention, promotion or termination of all personnel assigned to the area of Advancement
- Supervise and evaluate unit directors and coordinators who report directly to the VPUA
- Provide leadership, vision, and strategic direction for fundraising (including annual giving, planned giving, major gifts, capital campaigns, and corporate and foundation fundraising), and alumni affairs
- Recommend standards to be adhered to for gifts required to name buildings, endow professorships, establish professional chairs, and establish named scholarships
- Develop and manage fundraising campaigns
- Provide the leadership for annual giving and direction to solicit and secure funds and resources; increase donor support; maintain existing donors; and cultivate new major donors and endowments
- Assume additional duties and responsibilities as required by the President

#### **7.01.1 Director of Advancement, Annual Fund**

The Director of Advancement reports directly to the VPUA and coordinates with the VPUA to give direction and functional oversight to the annual fund. The Director of Advancement acts as a representative and ambassador to promote

positive relationships and strong partnerships for the benefit of the University and assumes additional duties and responsibilities required by the VPUA.

#### **7.01.2 Fiscal Affairs Specialist**

The Fiscal Affairs Specialist reports directly to the VPUA and coordinates with the VPUA to give direction and functional oversight to all programs in the Office of Advancement and the Office of Alumni Affairs. The Fiscal Affairs Specialist acts as a representative and ambassador to promote positive relationships and strong partnerships for the benefit of the University and assumes additional duties and responsibilities required by the VPUA.

#### **7.02 Office of Advancement**

The Office of Advancement is led by the VPUA and is responsible for building and strengthening relationships with diverse constituencies that encourage investment in and support of the University, its programs and initiatives. This is accomplished through a strategic effort that incorporates alumni affairs, marketing, public relations, and the 62<sup>nd</sup> and 65<sup>th</sup> Legacy Regiments Foundation.

#### **7.03 Office of Alumni Affairs**

The Office of Alumni Affairs is a liaison between alumni, faculty, students and administrators. It develops and implements programs to enhance lifelong relationships. The office is headed by a director who reports to the VPUA. The director also assumes additional duties and responsibilities required by the VPUA.

#### **7.04 Office of University Relations**

The Office of University Relations is responsible for articulating, reinforcing, and promoting the mission and vision of Lincoln University. Additionally, this area creates, reviews, and revises the communication and marketing plan, manages communication, and is responsible for all facets of the University's brand by developing, coordinating, organizing, and implementing the appropriate marketing strategies to strengthen and facilitate brand awareness by effectively reaching the University's target audience and the community-at-large.

## **CHAPTER VIII**

### **VICE PRESIDENT OF LAND GRANT ENGAGEMENT**

#### **Administrative Units and Functions (8.00 – 8.02)**

##### **8.00 The Area of Land Grant Engagement**

The Vice President of Land Grant Engagement (VPE) will support Lincoln University's mission through multidisciplinary collaborations in teaching, research and service for Missouri residents. This position will report directly to the President and is a member of the executive leadership team. The VPE will administer the university's 1890 Research and Extension activities in compliance with state and federal policies to maximize resources.

The VPE will lead the land-grant engagement operations team, collaborate on public relations and marketing activities that align with the University's mission and strategic plan, liaise with state and federal agriculture committees and other stakeholders and serve as an expert voice on land-grant matters from an 1890 perspective. This position will foster collaborative, multidisciplinary discoveries campus-wide, integrate the land-grant mission of teaching, research and service across the campus and enhance funding opportunities through the development of multidisciplinary proposals.

##### **8.01 Cooperative Research**

The Research Director is the administrative officer of the Cooperative Research program. The authority of the Research Director may reside with the Dean of the College of Agriculture, Environmental and Human Services. The Dean may be assisted by an associate director who is responsible for the management of the day-to-day operations and activities within the area of Cooperative Research.

The Cooperative Research program is supported through federal appropriations authorized by enactment of Section 1445 of Public Law 95-113 Food and Agricultural Act of 1977, as amended (Evans-Allen). The scope of research which may be conducted using Evans-Allen funds is very broad and includes all aspects of the food and agricultural sciences.

##### **8.02 Cooperative Extension**

The Extension Administrator is the administrative officer of the Cooperative Extension program. The Dean of the College of Agriculture, Environmental and Human Services is the Extension Administrator. The Dean may be assisted by an associate administrator who is responsible for the management of the day-to-day operations and activities within the area of Extension.

**CHAPTER IX**  
**CREATION OF INTELLECTUAL PROPERTY**  
**Intellectual Property Policy Statement (9.00)**  
**Purpose of the Policy (9.01)**  
**Entities Affected by the Policy (9.02)**  
**Administration of Intellectual Property Policy (9.03)**  
**University Patent Policy (9.04)**  
**University Copyright Policy (9.05)**

**9.00 Intellectual Property Policy Statement**

The University's policy on intellectual property pertains to patentable inventions and copyright-protected works **created** by its faculty members, staff members, postdoctoral appointees, and students. Guidance on the use of other individual or University's copyright-protected material is governed by Chapter III, Section 3.38, Use of Copyrighted Materials for Educational Research Purposes.

Because there are differences between the legal and academic treatment of patentable inventions and copyright-protected works, the University provides two companion policy statements: a Patent Policy and a Copyright Policy. The University encourages the creation of intellectual property by the dedicated efforts of its employees, faculty and students. It is the University's intent to protect the rights of all parties, including the individual, the University, and the sponsoring entity (if applicable), and to share the benefits in the event these creations have commercial value.

University resources are to be used solely for University purposes and not for personal commercial activities. Commercialization of research, with knowledge and approval by the University, is permitted and encouraged among faculty and staff.

All Creators of intellectual property shall, upon request, execute appropriate assignment and/or other documents required to set forth effectively ownership and rights as specified in this Policy. "Creator" refers to an individual or group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property. "Creator" includes the definition of "inventor" used in U.S. patent law and the definition of "author" used in the U.S. Copyright Act.

After consultation with the Creator, the University reserves the sole right in its exclusive discretion to make agreements regarding the retention, ownership, patenting, licensing, accessing, and any other use or disposition of any right, title or interest in University Intellectual Property. The University and/or its designee will determine whether to commit



funding to obtain patent, copyright, or trademark protection for particular disclosed University Intellectual Property and/or to seek to identify one or more licensees who will bear the cost of obtaining that legal protection. No Creator of University Intellectual Property has the capability or authority to assign, license or otherwise dispose of University Intellectual Property except to the University or its designee pursuant to this Agreement. University personnel engaged in outside activities shall have no authority to enter into an Intellectual Property agreement that conflicts with this policy. Persons who wish to confirm that a consulting, employment, or other agreement that addresses assignment of intellectual property associated with a proposed outside activity does not conflict with this policy should submit a copy of the agreement for review.

This Policy shall be deemed a part of the conditions of employment for every employee of the University and a part of the conditions of enrollment and attendance at the University for all students. All individuals (whether or not employed by, compensated by or enrolled at the University) participating in a sponsored project and/or making significant use of University-administered resources shall accept this Policy unless an exception is approved in writing by the University.

Significant use of University resources may include: use of substantial funds received by the University through a contract or grant, use of funds allocated from internal discretionary pools, assistance of support staff outside of the inventor's department or unit (assistance of support staff from the inventor's department when such assistance is greater than that normally provided others in the department). Significant use of University resources also may include use of shared research equipment or facilities.

The following, when customarily provided to researchers in their respective disciplines and units, generally are **not** considered significant use of University resources: salary, competitive fellowships, library resources, computers, communications technologies, secretarial services, assigned offices and laboratories, and utilities, instructional technology, software, or hardware.

Outside activities authorized by the University for University faculty or staff remain subject to this policy to the extent that they involve or relate to the use of University resources. Employees engaged in external consulting work or business are responsible for ensuring that agreements emanating from such work are not in conflict with University policy or with the University's contractual commitments. Such employees should make their University obligations known to others with whom they make such agreements and should provide other parties to such agreements with a statement of applicable University policies regarding ownership of intellectual property and related rights. Employees of the University have no authority to enter into agreements inconsistent with this Policy.

**Works created as assignments.** Any work created by faculty, staff members, or student employees whenever such work is the product of their assigned tasks or is a reasonably expected product of their employment generally are subject to institutional ownership because they are either assigned tasks or reasonably expected outcomes of employment, **excluding** seated, online, and blended courses, individually or jointly developed. Course content, whether seated, online or blended, shall be owned by the Creator(s) unless the

content was developed under a specific agreement or with the use of substantial University resources. Other individuals do not have a license to use course content for any other purpose, except as approved by University and Creator. Any license for the University to otherwise use course content or course materials developed by faculty Creator(s) shall be individually negotiated with those Creator(s). In addition, the University acknowledges that a limited number of professional staff members have certain prerogatives to set their own research, scholarly, pedagogical, or creative tasks.

Accordingly, the University is prepared to acknowledge personal ownership of works arising from these professional endeavors subject to other conditions of this policy. While the University acknowledges that generally a thesis or other written research product has intellectual property ownership with the student, the University has a license in the research product in those instances in which a faculty member at the University supervises and has contributed substantially to a thesis or laboratory working group. In such cases, any publication that arises from a thesis shall be put forward as a co-authored work by the student and the faculty member, unless the faculty member or Intellectual Property Committee agrees otherwise.

### **9.01 Purpose of the Policy**

The primary purpose of this Intellectual Property Policy is to provide the necessary incentives and protections to encourage the discovery and development of new knowledge and its application and transfer for the public benefit, and to enhance the generation of revenue for the University and the Creator(s).

The University is guided by the following objectives:

- A. To ensure that the educational mission (discovery, learning and engagement) of the University is not compromised;
- B. To optimize the environment and incentives for research and for the creation of new knowledge at the University;
- C. To bring the products of creative efforts into practical use for the public benefit as quickly and effectively as possible;
- D. To protect the interest of the people of Missouri through a recovery by the University of its investment in research; and
- E. To recognize and protect the interests of the public, of the individual Creators of novel concepts, inventions and materials, of the University, and of the sponsors of research.

### **9.02 Entities Affected By The Policy**

All individuals (whether or not employed by, compensated by, or enrolled at the University) who are members of the University community are subject to this policy.

### 9.03 Administration of Intellectual Property Policy

The University Intellectual Property Policy, comprising its Patent Policy and its Copyright Policy, shall be administered under the oversight of the Dean of Graduate and Extended Studies (hereinafter referred to as "Dean"). The Dean shall appoint an Intellectual Property Committee. The role of the Intellectual Property Committee shall be to advise the Dean regarding intellectual property matters including, but not limited to, the resolution of disputes arising from the application of the policy; in addition, the committee shall advise the Dean of any need for altering the policy or its administrative implementation. In appointing members of the Intellectual Property Committee, the Dean shall seek to include members from all constituencies affected by the policy.

Trademarks and service marks are distinctive words or graphic symbols identifying the source, product, producer, or distributor of goods or services. Registration of trademarks or service marks, at the state or federal level, shall be approved by the appropriate campus or University level officer. Proceeds received from commercialization of a mark that is related to an intellectual property license will be shared with all Creator(s) of the associated property as specified below. Except as provided herein or unless subject to prior written agreement between the Creator(s) and the University, the University will not share the proceeds from commercialization of a mark with the individual who created the mark.

This policy shall apply prospectively to all inventions and copyright works disclosed on or after the date of its approval on March 30, 2023.

### 9.04 University Patent Policy

#### 9.04.1 Introduction.

1. **Nature of a patent.** Patent protection provides the owner with a limited period of time in which the owner can exclude others from making, using, offering to sell, or selling the invention. The resulting temporary exclusive rights to the invention can provide an incentive for a patent owner or a licensee to invest the resources required to advance the invention toward commercialization and use by the public. In return for offering temporary exclusive rights to the owner of a patent, a government requires the owner of the patent to make details of the invention available to the public in the patent document. Under United States law, the life of a patent extends 20 years from the date of application.

A patent is the grant of a property right by a government to the owner of an invention. Unlike copyright protections, patent rights do not follow automatically from the act of creation. The inventor or the patent's owner generally must request patent protection from the government of each country in which a patent is desired. The Patent Office in each country then will examine the application against its own laws and regulations and will—in due course—either deny or allow the grant of a patent in its jurisdiction.

Because patent laws and associated administrative procedures are fairly complex, patent applications generally are prepared and prosecuted by specialists working on behalf of the inventor or owner.

2. **Inventions eligible for patent protection.** In the United States, an invention or discovery may be eligible for patent protection if it is a process, a machine, a manufactured object, a composition of matter, or a new use or improvement of any of the preceding. Courts have interpreted the patent statute (see [www.uspto.gov/main/patents.htm](http://www.uspto.gov/main/patents.htm)) to extend to software-related inventions when there is some connection to a useful, concrete result and to biological substances when there is some evidence of human intervention. For example, isolated DNA sequences or their purified protein products can be patented because in their "natural" states they are neither isolated nor purified. New uses of "products of nature" also may be patented, as may genetic modifications of otherwise natural organisms.

If an invention meets the threshold eligibility conditions for patenting, it still must meet additional criteria in order to earn a patent. Under U.S. law, a patented invention must be useful, novel, not obvious, and supported by adequate information.

3. **Nature of inventorship.** To be named as an "inventor" on a patent, an individual must have made an original contribution to the conceptualization of the invention as it is defined in the patent. The aspects of a patent that assert the defining elements of an invention are called the "claims" of the patent. If an individual has made a contribution to the conceptualization of any one defining claim of patent, then he or she is an "inventor" of the claimed invention. If any individual is responsible for all the claims of a patent, then he or she is the sole inventor of the patent. In any other situation, the patent will have more than one co-inventor. One is not an inventor if his or her contribution was limited to "reducing to practice" the conception of the invention.
4. **Objectives of the University Patent Policy.** The primary objective of the University Patent Policy is to enable the public to use and benefit from inventions originating at the University. In pursuing this objective, the University will seek to manage inventions in a way that advances the academic missions of the institution, including research and scholarship. The Patent Policy further provides a framework for the orderly transfer of academic inventions to the private sector in exchange for compensation to the institution as well as to individual inventors. In keeping with the University's academic objectives, the policy directs that portions of the institutional earnings from any patent will support research broadly across campus, research related to the patent, and administrative efforts to secure and manage additional patents.

#### 9.04.2 Policy.

1. **Summary of the Patent Policy.** The University will assume ownership of patents on qualifying inventions made by its employees and appointees, except as stated in item 9.04.2.4. In a limited number of situations, the University, through its designee, will assume ownership of patents on qualifying inventions made by students and institutional visitors. Earnings from patents subject to this policy will be distributed according to the provisions of this policy.
2. **Applicability of the Patent Policy.** The policy applies to inventions meeting either of the criteria below. For convenience, inventions meeting either of these criteria will be designated as "qualifying inventions." In the criteria below, "employees" includes faculty members, staff members, part-time employees, and student employees.
  - a. Inventions made by University employees or postdoctoral appointees in the course of their employment or appointment, or in a field or discipline reasonably related to the inventor(s)' field(s) of employment or appointment.
  - b. Inventions enabled by significant use of University resources when made by University employees, postdoctoral appointees, students whose inventive contribution did not arise from employment by the University, or institutional visitors not employed by the University.
3. **Disclosure required.** Any individual who believes that he or she has made, or contributed to the making of, a qualifying invention must disclose the invention in writing to the Dean of Graduate and Extended Studies on the Invention Disclosure Form provided by the Office of Sponsored Programs and Title III. The originating faculty, other employee, or student is the inventor.
4. **University rights in qualifying inventions.** The University shall assume ownership of patents to qualifying inventions. In order for the University to assume ownership, inventors subject to this policy shall assign to the University their entire right in the invention and shall provide reasonable assistance to the University in obtaining patent protection and in licensing the patent rights to others. In the case of qualifying inventions arising from federal research support, this assertion of ownership rights follows from federal law. In other contexts, the University's right to require assignment from its employees or appointees will be understood as a condition of employment or appointment. Similarly, the limited right of the University to claim ownership of patents in inventions made by students will be understood as a condition of enrollment, whereas the limited right of the University to claim ownership of patents to inventions made by institutional

visitors will be understood as a condition of their access to institutional resources. Institutional visitors must acknowledge in writing their awareness of this policy before making use of institutional resources.

If the University informs in writing the University inventor(s) that it does not wish to file a patent application in any territory based on a disclosure by the inventor(s), the inventor(s) may request from the University an opportunity to take on the prosecution of the patent application. The inventor(s) may request that the University waive its rights to the invention in the territory(ies) in which the University has elected not to file. The University will not unreasonably deny such a request. However, any waiver of rights will be subject to the interests of any third parties, including, but not limited to, sponsors of the research leading to the invention. In addition, any waiver of the institution's rights in the patent application will expressly allow the University to continue to use the invention for research purposes and will be limited to the scope of the invention as disclosed and as used as a basis for the University's determination not to file an application in the territory(ies). The University's waiver of institutional interest in an invention may result in personal ownership of the invention by University inventor(s) who wish to conduct further research on the invention within the institution. Such inventor(s) should be mindful that use of personally owned patents in an institutional setting may create a conflict of interest requiring disclosure and management under the institution's policies pertaining to conflict of interest.

5. **Licensure of inventions assigned to the University.** Consistent with the objectives of this policy and subject to the rights of any other parties, the University will seek diligently to license to others the right to use inventions under patents assigned to it.
6. **Distribution of proceeds of licensure.** The University shall receive all payments due under a license and shall distribute such earnings under the terms of this policy within 90 days from the end of the quarter in which the earnings were received. Prior to any distribution, the University shall recover any out-of-pocket expenses incurred in applying for the licensed patent(s), maintaining the licensed patents(s), or defending the licensed patent(s). Also prior to any distribution under this policy, the University shall make any payments to others required by agreements, including but not limited to inter-institutional agreements for the management of jointly owned patents. Gross University earnings, less its out-of-pocket expenses, less payments required to others, are designated as "distributable income." Distributable income shall be allocated as follows:
  - a. The first \$50,000 of distributable, cumulative income earned under a single license will go to the inventor(s).

- b. After the first \$50,000 is distributed to the inventor(s), any further distributable income will be allocated as follows unless income in any fiscal year triggers the conditions below:
  - (i) 40% of distributable income to inventor(s)
  - (ii) 40% of distributable income to the University
  - (iii) 20% of distributable income to the department from which the invention arose

When more than one University inventor is named on any licensed patent, the inventors will receive equal portions of the share of distributable income allocated to that patent unless there is a modifying written agreement signed by all inventors and approved by the University.

If an inventor is appointed in more than one department, the related departmental shares will be equivalent to the share each contributes to the inventor's salary. If the appointing departments are in different colleges, the related collegiate shares will be pro-rated on the same basis as the departmental shares. From time to time, it may be appropriate to allocate a portion of income otherwise granted to an academic department to an organized research unit. Any share granted to a "center," "institute," or other similar, formally acknowledged organized research unit will be determined by the Dean after consultation with the organization's director as well as relevant academic officers. In making any such determination, the Dean should consider the optimal means of advancing research at the University.

#### **9.04.3 Administration of the Patent Policy.**

1. **Patent Advisory Group.** The University Intellectual Property Policy, of which this Patent Policy is a component, shall be administered under the oversight of the Dean. The Dean shall be advised on matters pertaining to the Patent Policy by the Patent Advisory Group, a subcommittee of the University Intellectual Property Committee. The Intellectual Property Committee, the responsibilities and composition of which are set forth above in Section 9.03 of the University's overarching Intellectual Property Policy, shall be appointed by the Dean, who also shall designate those of its members who will comprise the Copyright Advisory Group.

The role of the Patent Advisory Group shall be to advise and make recommendations to the Dean regarding patent matters, including, but not limited to, the following:

- a. Determine the value of proceeding for a patent.

- b. Resolve disputes concerning the application and interpretation of the Patent Policy;
- c. Suggest Amendments to the Patent Policy resulting from technological and legislative changes affecting patent; and
- d. Make changes to administrative procedures involved in the implementation of the Patent Policy.

In addition, the Patent Advisory Group shall provide a forum to which faculty, staff, and students may refer questions and recommendations about the Patent Policy. Further, the Patent Advisory Group may advise the University on the disposition of selected invention disclosures.

The day-to-day administration of the Patent Policy will be performed under the supervision of the Dean.

- 2. **Appeal process.** Within fourteen (14) calendar days of the Patent Advisory Group's decision, any University faculty member, staff member, postdoctoral scholar, or student who believes he/she is adversely affected by any action or non-action of the Patent Advisory Group pursuant to the Patent Policy may request in writing the Group reconsider such action or non-action in writing to the Dean, who shall consult with the Patent Advisory Group in considering the request for reconsideration. The resulting decision of the Dean may be appealed in writing to the President of the University within ten (10) calendar days of the Dean's decision. Where the action or non-action forming the basis for the dispute is that of the Dean rather than the Patent Advisory Group, appeal may be made in writing directly to the President of the University.

The foregoing process does not preclude the use of either informal means to resolve the dispute or applicable grievance procedures normally available to the individual based on his/her University status.

#### 9.04.4 Examples.

- 1. **Case Patent (P)1:** Working in her chemistry laboratory, faculty member A develops a synthesis protocol for a novel compound that has potential for industrial applications. A patent literature search reveals no competing patent and the University invests \$16,000 in the process of gaining a patent. Faculty member A is the inventor [9.04.1.3] and the University assumes ownership of the patent [9.04.2.1] and [9.04.2.4] Company Z negotiates with the University for an exclusive license for use of this patented protocol. This agreement includes (a) an understanding that Company Z will make reasonable efforts to develop a marketable product based in part on the



patent, and (b) for use of the license the Company will pay the University \$5,000 annually or 3% of the net profit from product sales, whichever is greater.

- Year 1 after licensure Company Z has not produced a marketable product, but the \$5,000 fee is paid to the University. The income funds are retained by the University. [9.04.2.6]
- In Year 2 Company Z has marketed a product and makes royalty payments of \$25,000 to the University. The University retains \$11,000 to recoup the initial expense of filing the patent. The remaining \$14,000 is distributed to Faculty Member A. [9.04.2.6 and 9.04.2.6.a]
- Company Z pays the University \$70,000 royalty in Year 3. Faculty member A receives \$36,000. The remaining \$34,000 is distributed 40% to Faculty A, 40% to the University, and 20% to the faculty member's department. [9.04.2.6.b(i-iii)]

2. **Case P3:** Faculty Member C, a molecular biologist, isolates and characterizes a gene promoter DNA sequence from crop Z. Faculty C reveals her work and seeks to have the University apply for patent protection on the promoter DNA sequence and its applications she has demonstrated in her laboratory. After evaluation of the "invention" and the probability of monetary returns that might result, the University determines not to seek patent protection. The faculty member is not happy with this decision and insists that there would be good value in a patent. She requests a release acknowledging she can pursue a patent as the owner and inventor. The University provides, in writing, the requested release of ownership, including a statement holding the University harmless in the case of any deleterious applications of this DNA. [9.04.2.4] The faculty member pays the filing cost of the patent process. The University has no future claim to proceeds that may be derived from the patent.
3. **Case P4:** Faculty member D makes an invention while working under the terms of a federal research grant. The University assumes ownership of the related patent. [9.04.2.2.a and 9.04.2.4]
4. **Case P5:** Faculty member E is an acknowledged expert in cancer therapy. Working at her desk at home on Saturday, she designs a chemical compound that may fight non-Hodgkin's Lymphoma. The University assumes ownership of the related patent. [9.04.2.2.a and 9.04.2.4]
5. **Case P6:** Staff member F is employed by the University to fabricate medical devices. Working in his garage on Saturday, F invents a unique spray head that has potential applications for efficient pesticide applications. The University may not assume ownership of the related patent, and the Staff

member F is free to seek a patent on his own. [9.04.2.2.a and 9.04.2.4]

6. **Case P7:** G is a researcher spending a year-long leave at the University. G is not an employee of the University but is assigned a laboratory at the University and is provided access to University research equipment. Working in a University laboratory, G invents a device for detection of extremely small airborne quantities of a toxic chemical. The University will have ownership of the related patent. [9.04.2.1, 9.04.2.2.b and 9.04.2.4] Note that prior to beginning his leave at University, G should have acknowledged in writing his awareness of the University's Patent Policy. [9.04.2.4]
7. **Case P8:** As a result of a class assignment, Student H invents a novel method of manufacturing a fire retardant compound. The University's review of H's obligatory disclosure determines that H did not make significant use of University resources in making the invention. The University may not assume ownership of the related patent. [9.04.2.2.b]
8. **Case P9:** Working on her dissertation in her adviser's laboratory and with regular mentoring of her advisor, Student I invents a novel method for the manufacture of a pharmaceutical agent. Review of I's obligatory disclosure determines that I *did* make significant use of University resources in making the invention. The student and the advisor are both listed as inventors, given the significant input provided by the advisor. The University assumes ownership of the related patent. [9.04.1.3 and 9.04.2.2.a-b]
9. **Case P10:** Faculty member J makes an invention in collaboration with a colleague at another University. By application of its own patent policy, the employer of J's collaborator has an ownership right in the resulting patent because of the collaborator's inventive contribution. Similarly, the University has an ownership right in the resulting patent as a result of J's inventive contribution. The University and the employer of J's collaborator enter an inter-institutional agreement specifying that the joint ownership rights shall be licensed together and that any earnings from such a joint license will be divided equally. In the event the University is designated in the inter-institutional agreement as the manager of the jointly owned patent, it would receive earnings attributable to both parties. After out-of-pocket expenses are recovered, the University would disburse to its partner University its share of earnings, with the retained remainder treated as distributable income under this policy. [9.04.2.6]

## 9.05 University Copyright Policy

### 9.05.1 Introduction.

1. **What is copyright?** A copyright is a form of intellectual property protection provided by law for certain original works including written works, software, and selected audio, visual, or performed compositions. More detailed information on copyrights is available at <http://www.copyright.gov>.

The copyright protects the particular form of expression rather than the subject matter or content of the work. One cannot copyright an idea, only the particular expression of the idea. Unlike patent protection, copyright protection exists from the time an original work is created and vests immediately when the work is fixed in a “tangible medium” for the first time. Such tangible media might include paper, a computer disk, or granite.

Holding a copyright allows the owner certain exclusive prerogatives including the right to reproduce and distribute the protected material, the right to prepare derivative works based on the protected material, and (in the case of various artistic works) the right to display or perform the protected work. The owner of a copyright may convey to others all or some of the rights inherent in the copyright. For example, the owner of a copyright may "assign" all interest in the protected material to another. Alternatively, the owner of a copyright may grant a limited permission that allows another to use the protected material. In some cases, the owner of a copyright may grant a license to another that specifies the nature of any permitted uses of the copyright material.

2. **Importance of an academic copyright policy.** Members of the University community—faculty, staff, and students—create each day large volumes of material that are subject to copyright protection. These various creations include such dissimilar works as scholarly monographs and journal articles, musical compositions, novels, textbooks, lectures, class outlines, poems, administrative software, dances, paintings, experimental software, promotional brochures, administrative correspondence, sculptures, multimedia teaching materials, videotapes, and policy documents. Many of these works have various functions and origins within the academic context. Some works arise directly from the pursuit of scholarly or creative activity and serve to convey the results of these activities; other works do not. Because copyright law and its policy-based application at the University will attribute both ownership rights and the associated rights to control subsequent uses of the protected works, an academic copyright policy must carefully balance a number of important objectives. These objectives must accommodate the various functions and origins of copyright works created at the institution.

3. **Objective of the University Copyright Policy.** The objective of the University's Copyright Policy is to advance the mission of the University by:
  - a. Encouraging and supporting the exercise of academic freedom, innovation, and creativity;
  - b. Structuring the rights of ownership and the rights to use copyright materials created by members of the University community in a way that:
    - (i) Enables the timely dissemination of materials resulting from the scholarship, teaching, research, and creative activities of faculty, staff, and students;
    - (ii) Permits the University to retain a copyright in and/or use materials created by members of the University community under certain circumstances;
    - (iii) Permits the University to meet contractual obligations to outside entities; and
    - (iv) Accommodates and is consistent with related University policies.
  - c. Assuring compliance with applicable laws and regulations in the management of copyright materials.

#### **9.05.2 Policy.**

1. **Summary of the Copyright Policy.** In order to meet the preceding various objectives, this policy allocates the ownership of copyrightable works created by faculty, staff, and students. Consistent with academic tradition and the expressed desire to encourage dissemination of the results of scholarship and research, the University agrees that in most cases, individual Creators of copyrightable works of scholarship, research, or pedagogy, as well as Creators of original works of art and literature, typically will hold personal copyright ownership of those works. The policy also specifies a limited body of works that will be owned by the University. In some cases, "individual" ownership might be distributed over a group of joint authors or Creators. In other cases, an individual or group of individuals might hold joint ownership with the University. Guidance on the use of other's copyrighted material is contained in the University Copyright Use Policy.

## 2. **Application of the Copyright Policy.**

- a. **Individual ownership of copyrights.** The University does not claim ownership of copyright in pedagogical, scholarly, artistic, or research works regardless of the mode of expression except when a work is described in section [9.05.2.2.b] below. Therefore, in those instances where the University does not claim ownership of a copyright, the copyright will be owned by those defined as authors or Creators under copyright law unless there is a contrary contractual or statutory obligation. This disclaimer of University ownership interest in copyright materials applies to faculty and staff employees of the University, postdoctoral scholars, and to students when the works are created in the course of their educational pursuits. However, for works created by a student solely in the course of the student's employment by the University, the University may claim ownership if section [9.05.2.2.b.(v)] applies. The University claims no ownership of copyright in any work created outside the scope of any employment within the University. By way of illustration, see [9.05.4.4-6] below, Cases C4 through C6.

The University understands that academic authors may be asked to assign to a publisher the personal copyright ownership in works treated in this section of the policy. The University encourages academic authors to seek to retain such personal ownership in the articles and reports they publish in scholarly journals and equivalent publications. University policy does not encourage academic authors to seek to retain personal ownership in published works when doing so would not be feasible or when efforts to retain personal ownership would impede eventual publication of the work. The University is prepared to assist faculty members, staff members, students, and postdoctoral appointees wishing to retain personal ownership of works that may be published in scholarly journals and the like.

- b. **University ownership of copyrights.** The University has ownership, or the right to obtain ownership by assignment, of copyright in:
- (i) Any particular and identifiable work created pursuant to either an oral or written agreement between the Creator and the University (see [9.05.4.7] Case C7);
  - (ii) Works created in the context of carrying out administrative duties for the University (see [9.05.4.9] Case C9);

- (iii) Any work created by a team of faculty, staff, postdoctoral scholars, and/or students of such size or over such an extended period of time that determination of a discrete number of Creators would be impossible, impractical, or potentially unfair (see , [9.05.4.10] Case C10);
- (iv) Any work created under the terms of a contract or other binding agreement with an entity, other than the University, when such contract or agreement requires University ownership of the work (see , [9.05.4.11] Case C11);
- (v) Any work created with a significant use of University resources as outlined in Section 9.00, Intellectual Policy Statement, above.

For these purposes: The University may determine that it has an ownership interest in a particular copyright work developed with grant or contract funding when creation of the specific work in question was an identified objective of the grant or contract. Given this rationale, specific journal articles, monograph, or textbooks arising from grant or contract funding commonly would not be construed as identified objectives of the grant or contract but would be treated as academic benefits of having worked under grant or contract funding. In the event that creation of a copyrighted work, such as a textbook, is an identified objective of a grant or contract, the institution will make a reasonable accommodation with the author consistent with established academic tradition.

In any case where the University has the right to ownership under the provisions of this policy, the University may require all persons who are employed by the University and who might otherwise have a potential claim to such work to execute a document as a condition of their employment in which they 1) state they have no rights to the work, or 2) assign to the University those rights they may hold. Any University employee who makes an assignment of a work to the University can request and will be granted a non-exclusive royalty-free license to reproduce, adapt, perform, or display

the assigned work for his/her own scholarly, research, or creative purposes.

- (vi) For cases not covered by 9.05.2.2.B.(i)-(v), ownership and exclusive rights to license for course materials created by an individual will reside with the Creator except as follows: For course content developed for a course for which the usual practice is to share such course content among two or more instructors (e.g., for multi-section laboratory courses), the Creator will maintain ownership of the copyright but the University will retain a license for its use within the University.

- c. **Disclosure.** Personally owned copyright works subject to [9.05.2.2.a.] of this policy need not be disclosed. However, certain works created subject to [9.05.2.2.b.(iv)] of this policy should be disclosed. The Creator of any work in which the University may have an ownership interest under [9.05.2.2.b.(iv)] of the Copyright Policy shall disclose the work promptly in writing to the University using the disclosure form provided by that group. Such disclosure shall be made as soon as possible when any of the following criteria apply: 1) a third party has a contractual basis for asserting a right to use the work (e.g., as a consequence of a sponsored-research agreement); 2) a third party has expressed interest in obtaining rights to use the work; 3) the Creator(s) of the work believe that a third party could become interested in obtaining rights to use the work if made aware of an opportunity to do so; 4) the Creator(s) of the work wish to assert personal copyright ownership in the work and so wish to request an institutional determination of their personal standing under the terms of this policy.

In those cases when a disclosure is made in order to request a determination of copyright ownership, the University will provide a copy of the disclosure to the Dean and to the appropriate academic and/or administrative official(s) (department head, dean, or other supervisor) familiar with the circumstances in which the work in question was created. Such official(s) then in turn will provide any available information relevant to the questions of copyright ownership, rights to any proceeds, and other issues deemed relevant to the situation and prepare an assessment for the Dean. The final determination on these questions shall be the responsibility of the Dean, subject to the right of the Creator(s) to appeal any such determination to the President of the University as provided in [9.05.3.1.] below. Upon final resolution of the issues raised by the disclosure, the Creator(s) and the University, where appropriate, will

execute such agreements as are necessary to document clearly the rights and responsibilities of the parties.

d. **Distribution of income.** The University shall receive all payments due under a license and shall distribute such earnings under the terms of this policy within 90 days from the end of the quarter in which the earnings were received. Prior to any distribution the University shall recover any out-of-pocket expenses incurred in applying for the licensed copyrights(s), maintaining the licensed copyright(s), or defending the licensed copyright(s). Also prior to any distribution under this policy, the University shall make any payments to others required by agreements, including but not limited to inter-institutional agreements for the management of jointly owned copyrights. Gross University earnings, less its out-of-pocket expenses, less payments required to others, are designated as "distributable income." Distributable income shall be allocated as outlined below. For clarity, please note the following: 1) The distribution protocols outlined do not apply to personally owned copyright but only to copyrights owned by the University on behalf of the institution; 2) in order to qualify for a share of distributable income allocated to "author(s)," an individual must have held a mutually acknowledged ownership interest in the copyright to the subject work and must have assigned any legitimate copyright ownership he or she held to the University; 3) in the event that no authors have assigned personal copyright ownership to the University, no author(s)' share will be allocated. In this case, all distributable income shall be allocated pro rata to the other recipient groups under [9.05.2.2.d.(ii)] below:

- (i) The first \$50,000 of distributable, cumulative income will go to the author(s).
- (ii) After the first \$50,000 is distributed to the author(s), any further distributable income will be allocated as follows unless income in any fiscal year triggers the conditions below:
  - (a) 40% of distributable income to author(s)
  - (b) 40% of distributable income to the University
  - (c) 20% of distributable income to the department from which the copyright arose
  - (d) Handling copyright works that may be subject to patent protections. Certain works—



particularly software—are subject to both copyright protection and patent protection. In the event that a work created at the University is subject to both copyright protection and patent protection, a finding under this policy that copyright to the work will be owned by the author or authors will not obviate the University's right to claim ownership in any associated patent or patents. The University's rights in patentable inventions are defined in the University Patent Policy (see [9.04.2.4.] above).

### **9.05.3 Administration of Copyright Policy.**

1. **Copyright Advisory Group.** The University Intellectual Property Policy, of which this Copyright Policy is a component, shall be administered under the oversight of the Dean. The Dean shall be advised on matters pertaining to the Copyright Policy by the Copyright Advisory Group, a subcommittee of the University Intellectual Property Committee. The Intellectual Property Committee, the responsibilities and composition of which are set forth above in Section 9.03 of the University's overarching Intellectual Property Policy, shall be appointed by the Dean, who also shall designate those of its members who will comprise the Copyright Advisory Group.

The role of the Copyright Advisory Group shall be to advise and make recommendations to the Dean regarding copyright matters, including, but not limited to, the following:

- a. Resolution of disputes concerning the application and interpretation of the Copyright Policy;
- b. Amendments to the Copyright Policy resulting from technological and legislative changes affecting copyright; and
- c. Changes to administrative procedures involved in the implementation of the Copyright Policy.

In addition, the Copyright Advisory Group shall provide a forum to which faculty, staff, and students may refer questions and recommendations about the Copyright Policy.

The day-to-day administration of the Copyright Policy will be performed on behalf of the University by the Dean.

**Appeal process.** Within fourteen (14) calendar days of the Copyright Advisory Group's decision, any University faculty member, staff member, postdoctoral scholar, or student who believes he or she is adversely affected by any action or non-action of the Copyright Advisory Group pursuant to the Copyright Policy may request in writing the Group reconsider such action or non-action in writing to the Dean, who shall consult with the Copyright Advisory Group in considering the request for reconsideration. The resulting decision of the Dean may be appealed in writing to the President of the University within ten (10) calendar days of the Dean's decision. Where the action or non-action forming the basis for the dispute is that of the Dean rather than the Copyright Advisory Group, appeal may be made in writing directly to the President of the University.

The foregoing process does not preclude the use of either informal means to resolve the dispute or applicable grievance procedures normally available to the individual based on his/her University status.

**9.05.4 Examples.** The following examples illustrate how the policy would apply to specific situations and are accompanied by references to the governing policy sections.

1. **Case C1:** Faculty member A writes an article using a computer and supplies provided by the University. Copyright in the article belongs to A. Faculty member A may choose to assign ownership of this copyright to a journal as part of a publication agreement without institutional involvement. [9.05.2.2.a]
2. **Case C2:** Faculty member B creates a painting using supplies and facilities of the University customarily provided to other faculty members in the unit. Copyright in the painting belongs to B. [9.05.2.2.a] Two years later, B sells the painting for \$400. Faculty member B has no obligation to share the proceeds of the painting sale with the University.
3. **Case C3:** Music faculty member C writes several songs which she proceeds to record on Compact Disc and subsequently markets. In the preparation of the CD, C sought the help of the University and received a \$4,000 grant for the specific purpose of funding studio time and associate equipment rental for making the CD. Faculty C retains the music authorship. [9.05.2.2.a.] The University may determine that it has rights by assignment of ownership in the CD. [9.05.2.2.a.(v.)]
  - a. The CD is marketed and generates \$60,000 in royalties in the first year. If the grant was an internal competitive research grant, Faculty C would retain all rights to the CD and collect all royalties.

- b. The CD is marketed and generates \$60,000 in royalties in the first year. If the grant was from internal discretionary funds or the University provides significant use of University resources, the University may determine that it has rights by assignment of ownership in the CD [9.05.2.2.a.(v.)] and the first call on royalty income would be \$4,000 to defray the investment costs. The next \$50,000 would go to the author, and remaining royalties would be divided according to policy.
4. **Case C4:** Graduate student D writes a dissertation while serving as a University research assistant. The student owns the copyright in the dissertation since it is an academic requirement, but the supervising University faculty member has a license to use research product and student must show joint authorship if published in a scholarly journal. [9.05.2.2.a]
5. **Case C5:** Staff member E, a nurse, writes a novel at home. Copyright in the novel is owned by E since the work was not created within the scope of University employment. [9.05.2.2.a]
6. **Case C6:** Staff member F, a senior research associate, writes a journal article based on original research conceived by and conducted by F. F owns the copyright in the journal article since it is a scholarly work and is not a specified outcome of F's employment by the University. [9.05.2.2.a and 9.05.2.2.b]
7. **Case C7:** The Department Head of an academic department asks faculty colleague G to write a summary of the department's history for inclusion in a University's publication. G agrees to do so. Copyright of the summary history belongs to the University since it is a specific work created as a consequence of an agreement between faculty member G and a colleague acting on behalf of the institution. [9.05.2.2.b.(i)]
8. **Case C8:** The University employs a recently retired administrator H to have her write a history of the University which is to be published. The University owns the copyright and receives any royalties of sales of this history subject to any portion of the agreement with H that would dictate a split of royalties. [9.05.2.2.b.(i)]
9. **Case C9:** Faculty member I drafts a departmental self-study for the University as part of an academic review of his/her department at the University. Copyright of the self-study belongs to the University since I created it while carrying out an administrative assignment from the University. [9.05.2.2.b.(ii)]
10. **Case C10:** For a number of years, faculty member J worked collaboratively with faculty and staff colleagues to develop successive versions of software

designed to control a research apparatus in J's laboratory. Over the years, the various collaborators did not document their individual contributions to the software and memory of any specific individual contributions to the earlier work has faded. Copyright of the current version of the software belongs to the University since any assessment of individual copyright ownership of the current software would be impractical and could result in an unfair determination. The failure to document individual contributions would not, itself, generate institutional ownership, but in this instance documenting the contributions might have made recovery of forgotten facts easier. [9.05.2.2.b.(iii)]

11. **Case C11:** Faculty researcher K is principal investigator on an institutional contract with an agency of the state. The contract is for the creation of teaching materials for the on-the-job training of social workers employed by the state government. The terms of the contract provide that the state will have an option to license the county government, or to other states and agencies. While K may be the owner of the copyright in the software under copyright law, K has the obligation to assign this ownership to the institution so that the University may meet the contractual requirement to offer the grantee their right to distribute the work. Even though K is the principal investigator (PI) on the original contract proposal, grants and contracts are awarded to the University and not to the PI. [9.05.2.2.b.(iv)]
12. **Case C12:** Faculty researcher L is principal investigator on a federal grant that provides significant funding to meet the proposed objective of development of a particular piece of medical imaging software. The terms of the federal award neither compel nor empower the University to take ownership of the copyright in the resultant software. Even so, the University has a policy-based opportunity to require L to assign copyright ownership in the software to the institution since use of the grant funds constitutes "significant use of University resources." In assessing its rights to request assignment of a copyright because of the use of grant funds, the University will consider requesting assignment only of copyrights to works specified as objectives of the grant-funded work. In this example, the University would not seek ownership of the copyright in other related works such as journal articles, monographs, or textbooks that may arise from the grant funding since these works are not commonly construed as identified objectives of the grant. To avoid any dispute, faculty member L should work with the Dean prior to distribution of any grant funds to lay the groundwork for the future resolution of any potential conflicting copyright claims. [9.05.2.2.b.(v)]
13. **Case C13:** Faculty member M is principal investigator of a grant that provides faculty member F with travel funds to visit a library in a foreign country so that F can do research. Later F produces an article based upon this research. Even though faculty member F's efforts were supported by a

grant, the copyright belongs to F. Even if preparation of a publication is a specified objective of a grant, the University will not seek assignment of the copyright in that work. [9.05.2.2.a]

14. **Case C14:** Faculty member N begins to create a copyrightable web-based work that will help high school students select a college. After three months, N realizes that the work cannot be completed without substantial use of University staff computer experts. N requests and receives permission to have access to this expertise. Faculty member N would have been entitled to the copyright in work under this policy if there had been no infusion of substantial resources. However, because of the infusion of University resources, the University may have a claim. Faculty member N should consult with the Dean at the time assistance is requested to lay the groundwork for the future resolution of any potential conflicting copyright claims. [9.05.2.2.b.(v)]
15. **Case C15:** A professional staff writer, O, at the University prepares original text for a brochure describing research in a college. Even though O prepared original text, the University owns the copyright in the brochure material since it is a reasonably expected product of O's employment. [9.05.2.2.b.(v)]
16. **Case C16:** Undergraduate student P is an hourly-wage, graphics designer in a University unit. In the course of this work, P prepares a poster for an institutional lecture series. Even though P is a student, the University owns the copyright in the poster design since it was prepared as a consequence of P's employment by the institution and not as part of P's educational pursuits. [9.05.2.2.b.(v)]
17. **Case C17:** Faculty Q receives a faculty research grant of \$6,000 that allows her to travel to several major libraries for researching a segment of Civil War history. Eventually, Q uses the material gained from this research in the preparation and subsequent publication of a monograph published by Academic Press at no expense to the University. Even though some assistance came from a faculty research grant, Q owns the copyright and may convey right of license to the press in return for royalties. The University has no claim on royalties of this publication. [9.05.2.2.a and 9.05.2.2.b.(v)]
18. **Case C18:** Faculty R creates a learning module while teaching an online course at the University that she later sells to an online textbook publisher. R owns the copyright on the module and rights to profits, but the University retains an ownership interest and right to use the module, but only if the module was created under a specific agreement or using significant University resources. [9.05.1.3.b.(ii) and 9.05.2.2.a.]

19. **Case C19:** Faculty Member S develops an online class for the University. Per course Faculty Member T teaches one section of the online class for the University. S holds the copyright, the University holds a license, and T has a license to use the content to teach the course at the University. T takes the content of the course developed by S to another institution. T has violated both the University Creation of Intellectual Property Policy and the University Use of Copyright Policy. [9.00 and 9.05.2.2.a]
20. **Case C20:** Faculty U writes a textbook using a University office, computer, software, internet connection, e-mail, phone, and basic office support. U retains all rights to the book and can assign the copyright to a publisher and retain all royalties. [9.05.2.2.a]
21. **Case 21:** Faculty V develops handouts for a multi-section course, using a University office, computer, software, internet connection, e-mail, phone, and basic office support. The course normally has several sections taught by different instructors, but other than a common syllabus and common exams, each instructor works independently. V retains all rights to the handouts. [9.00, 9.05.2.1 and 9.05.2.2.B.vi]
22. **Case 22:** Faculty W develops laboratory write-ups for a multi-section laboratory course, using a University office, University laboratory space, computer, software, internet connection, e-mail, phone, and basic office support. The laboratory is normally taught by several different instructors using the same instructional materials for the laboratory. W retains ownership of the materials, but the University maintains a license to use the materials for internal use. [9.05.2.2.B.vi]

# **CHAPTER X UNIVERSITY EMPLOYMENT**

**Initial Employment (10.00-10.08)**  
**Compensation (10.20-10.22)**  
**Benefits (10.30-10.45)**  
**Employee Relations in the Workplace (10.60-10.75)**  
**Complaint Policies (10.80-10.82)**  
**Termination of Employment (10.90-10.96)**

## **Initial Employment**

### **10.00 Employee Handbook Policy**

The Human Resources Office will publish and regularly update an Employee Handbook, to set forth guidelines on the policies, procedures, and practices governing employment at Lincoln University. The University reserves the right to change, modify, or eliminate any policy or procedure in the handbook, subject to the approval of the President upon the recommendation of the Executive Director for Human Resources.

The Employee Handbook shall not be viewed as a contract of employment or a legal document. All University employees that do not have a written contract for a specific term are at-will employees and may be terminated at any time, with or without cause, and without prior notice and also may leave employment at any time.

### **10.01 University Hiring Policy**

All full- and part-time regular faculty and staff positions are covered by the University's hiring policy. When a unit has a position vacancy, the unit head must initiate a Position Control Requisition (PCR), a job analysis questionnaire, and a job description. These forms must receive the necessary administrative approval culminating in the President's authorization to hire the vacant position. A search and screening committee, with a designated chairperson, will be responsible for facilitating the applicant screening and interviewing process. The search and screening committee should reflect the diversity of the University workforce to the extent possible.

#### **10.01.1 Recruitment Process**

The position vacancy is posted and advertised based on the search and screening committee's request and direction of Human Resources. All job vacancies may be posted internally on the Human Resources Bulletin Board and the Lincoln University Web site for a minimum period of seven business days. The search and screening committee may externally advertise in other publications as requested, at the expense of the unit with the open position. In fulfilling the responsibilities of recruitment, efforts must be made to actively seek out and identify qualified women and minorities and applicants with

disabilities, informing them of vacancies and encouraging them to apply for available positions. The University also actively seeks to promote from within the institution when an employee has the necessary qualifications.

### **10.01.2 Applicant Screening Process**

All applicants must submit a résumé and cover letter.

The search and screening committee will be responsible for retrieval of the applicant information from Human Resources and for conducting the applicant screening process. The committee's objective is to ensure that Lincoln University hires the best qualified and most suitable candidate for each job without regard to race, sex, sexual orientation, gender identity, national origin, religion, age, disability, military service or any other characteristic precluded by applicable federal, state and local laws. It is also the committee's responsibility to develop formal and consistent criteria for evaluating each applicant's credentials in relation to the specific qualifications and job responsibilities included in the vacancy announcement/job description.

### **10.01.3 Interview Process**

The search and screening committee members must be familiar with what constitutes illegal and perceived discriminatory questions. Interview questions should focus on the applicant's ability and knowledge to perform the essential functions of the job; questions must be consistent with all applicants. Telephone screening interviews are optional and should, when possible, be followed by in-person interviews. The search and screening committee will develop a weighted rating system and a written evaluation format to be utilized with each candidate, as a fair method of determining the preferred candidate for recommendation. The search and screening committee will perform a job reference check on all candidates interviewed and considered for recommendation.

### **10.01.4 Recommending Hire**

When a candidate has been selected, the search and screening committee chairperson will prepare a written recommendation along with an Applicant Log and an Interview Log, to be sent through the various levels as applicable (i.e., supervisor, vice president) and to the President, who is the ultimate hiring authority. Upon Presidential approval, the search and screening committee chairperson is authorized to make an employment offer to the selected candidate. If the candidate accepts the offer, an official written notification, with the President's signature, is sent to the candidate through Human Resources.

As the final responsibility in the hiring process, the search and screening committee chairperson will send a letter to all other candidates informing them that the position has been filled. The chairperson will send copies of these letters, along with the completed selection and hiring packet, to Human Resources. Employment is not finalized until it is approved by the President.



Other guidelines for advertising and filling vacant positions are available in Human Resources.

#### **10.01.5 Faculty Positions**

The department head is responsible for submitting the paperwork necessary to advertise a vacant faculty position, and for forming a search and screening committee according to the guidelines in the University Hiring Policy (Section 10.01). The committee will also follow all guidelines in this policy. In addition to the process outlined in the hiring policy, applicants for faculty positions will be directed to submit a resume, official transcripts, and three letters of recommendation. After the interview process is complete, the committee will submit its recommendation of three to five ranked candidates to the department head. If the process does not produce at least three qualified candidates, the committee may recommend any candidate(s) or re-open the search. At their discretion, the department head, the Dean and VPAA may elect to interview the final candidates chosen by the search and screening committee.

The department head will forward a recommendation through academic channels to the President, who is the final hiring authority. Upon Presidential approval, the department head is authorized to make an employment offer to the selected candidate. The salary offered to the candidate is dependent on rank and in accordance with the Faculty Compensation Plan. An academic appointment notification letter will be sent to the candidate by Human Resources.

#### **10.01.6 Staff Positions**

Applicants for professional staff positions must submit a résumé and cover letter.

#### **10.01.7 Adjunct Faculty Positions**

Adjunct faculty are defined as temporary faculty who are hired on less than a full-time basis to provide instructional services on a course-by-course basis or perform other faculty-related duties. All adjunct faculty must meet the minimum academic requirements of the discipline for which they provide instruction and be approved by the department head supervising said discipline.

Compensation for adjunct faculty is a flat rate per credit hour in accordance with the University pay scale based on degree.

A department head wishing to hire an adjunct at any rank above the assistant professor must submit a justification

#### **10.01.8 Appointment of Lecturer**

The position of lecturer is defined as a non-tenure track, temporary full-time faculty who is hired on a yearly basis (3-year max), renewable appointment to teach in their discipline.

The qualifications for this appointment are completion of all doctoral coursework with the exception of the dissertation, its defense, and conferral of doctorate degree.

As full-time faculty, the lecturer is governed by the University Rules and Regulations applying to faculty (e.g., office hours and limited committee work). Lecturer pay is commensurate with the Assistant Professor rank on the University's compensation scale and general benefits.

## **10.02 Hiring Procedures Exemption Policy**

Lincoln University, in compliance with the Equal Employment Opportunity Commission's "Uniform Guidelines for Employee Selection Procedures," has established the following hiring procedures exemption policy statement:

1. Any situation which, in the opinion of the area head or appointing officer, makes advertising impractical due to special circumstances may be considered for a hiring procedures exemption by the President of the University if so, requested by the area head.
2. The presidential direct appointment procedure should be utilized under the special circumstances that make the regular selection and hiring process impractical. Hiring procedures exemptions shall be limited to **ten appointments** per fiscal year. Direct appointments will be monitored yearly by staff in Human Resources to ensure that there is no adverse impact on the hiring, promotion, or other employment opportunities of members of any race, gender, or ethnic group. If a pattern of demographic appointments suggests such an adverse impact on any of the aforementioned groups, the President will be informed so that proper diversification of the workforce can be maintained, and Equal Employment Opportunity guidelines can be met.
3. An intradepartmental promotion may be made without advertising a vacancy if the person promoted possesses the skills and qualifications required in the new assignment. All departmental personnel who are qualified will be considered.
4. Changes in titles and/or duties due to departmental reorganization do not require the advertising of position vacancies.

(This policy is also found in Chapter I, Section 1.19.)

### **10.03 Background Checks**

To determine suitability for employment, Lincoln University retains the right to perform a background check on any finalist being considered for employment. If a conviction is discovered, the hiring authority will evaluate the relationship between the conviction and the responsibilities of the vacant position. Should an applicant not be hired due to a criminal conviction or other background screening, Human Resources will send the applicant pre-adverse action and adverse action correspondence in compliance with the Fair Credit Reporting Act. A relevant job-related conviction is grounds for non-selection of an applicant. Falsification of application materials, including failure to disclose criminal convictions, also is grounds for non-selection of an applicant.

Conviction is defined as including all felonies and misdemeanors except minor traffic violations in relation to any position which does not require driving. For positions that require operation of a motor vehicle, the term “conviction” will include minor traffic violations.

### **10.04 Appointment and Assignment of Personnel**

Employment is not finalized until it is approved by the President of the University. The President may appoint and remove at her/his discretion employees of the University or make the final decision on any personnel matter and/or recommendation regarding any employee of the University.

The President has the authority to assign, transfer, or reassign, in a lateral move, any employee. Such a move does not require a hiring procedures exemption.

Staff employment does not carry a fixed term of employment.

Faculty appointments are considered contractual with defined terms and conditions of employment. (See Chapter III, Sections 3.20.1 and 3.20.2.)

### **10.05 Job Description Policy**

Job descriptions serve to define the duties and responsibilities of all positions with the University. Each employee will be given a copy of the current job description for her/his position. A copy of each job description will also be maintained in Human Resources. Due to the dynamics of organizational change, job descriptions will necessarily be updated on a regularly scheduled basis or when significant job function changes take place. Each organizational unit is responsible for providing updated job descriptions to Human Resources.

The following components must be included in a written job description:

- position title
- department or office where position is located

- job classification and salary grade
- status under the Fair Labor Standards Act (exempt or non-exempt)
- essential functions and estimated percent of time for each duty as requested or as needed
- reporting requirements
- experience requirements
- education and training requirements
- required knowledge and skills
- other pertinent position information
- employee and supervisor acknowledgement signatures

## **10.06 Student Employment Policy**

Currently enrolled students are eligible for employment through departmental and work-study (federal and institutional need-based aid) student employment. The hiring unit should have authorized budgeted funds for departmental student employment and complete the proper student employment request form. Employment through federal and institutional aid/work study is also available for qualifying students based on need.

Departmental student employment is limited to twenty-five (25) hours per week and need based work-study employment (institutional and/or federal) is limited to thirty (30) hours per week during the semester/summer session. Departmental and institutional work-study students may be employed full time (forty (40) hours per week) between semesters/sessions as long as the student plans to enroll for the upcoming semester/session. While twenty-five (25) to thirty (30) hours are available to students, departments should strongly suggest a workload that does not hinder a student's academic success. A student's immediate supervisor should monitor student's academic performance. If a student is not in good academic standing, they cannot exceed fifteen (15) hours per week until their status has changed (this is for all classifications of student employees).

Student employees must complete an I-9 Work Authorization Form and state/federal tax withholding forms at the commencement of their employment at the University.

In accordance with federal USCIS guidelines, students attending the University on a F-1 Visa (international students) are limited to working a maximum of twenty (20) hours per week during the school sessions no matter what type of student employment program. F-1 Visa students can work full-time on campus when school is not in session if they intend to register for the next academic semester.

The department supervisor is responsible for monitoring the performance and conduct of the student worker and for submission of time sheets for payroll processing. The employee's immediate supervisor may terminate the student for poor performance, misconduct, a lack of funding, or any other lawful grounds after consulting Human Resources.

## 10.07 Job Classification

Lincoln University utilizes the framework of the EEO-1 Job Classification Guide as recognized by the U.S. Equal Employment Opportunity Commission. The University has adapted the job classifications to fit its unique higher education workforce. The following job classifications are in effect:

- Administrative officers
- Administrative staff
- Academic administrative staff
- Academic faculty
- Research/Extension faculty
- Professional staff
- Skilled crafts
- Administrative support
- Service and maintenance
- Technical

## 10.08 Casual Temporary Employment

Regular Temporary Appointment - working temporarily in an established benefit eligible position for an interim period of time until position is filled through hiring process for the duration not to exceed ninety (90) days. These positions do not meet criteria for benefit eligibility.

Intermittent Temporary Appointment - This type of appointment may be made to positions needed only for occasional periods of time. These positions are not established as budgeted ongoing positions and do not meet criteria for benefit eligibility.

Project Specific Temporary Appointment - employed for a specific project as funded by an extramural grant or research project. The position lasts as long as the project is sustained, or alternative funding found. These positions are benefit eligible and the employee becomes benefit eligible on first day of employment, the FTE of the position will determine what benefits are appropriate.

Graduate Assistant Casual Appointments - Lincoln University graduate students enrolled in a course of study that would provide half time for compensated work and half time applied towards academic pursuit. The position would last up to 2-2.5 years months and be .5 FTE and paid in a monthly stipend. These positions are not eligible for any benefits.

Supplemental Casual Appointments - Employees receive additional appointments to their primary positions for specified reasons and defined periods of time.

## 10.09 Staff Organizational Restructuring

The University's restructuring policy and procedure for staff employees will apply in instances where the University needs to reorganize areas for different reasons which may include, but are not limited to the sustainability or efficiency of an area, or where roles and job classifications need to be changed and aligned with the University's vision, strategic goals, and values.

On occasion, a job may be reclassified due to a significant change in the responsibilities assigned to the position unrelated to the employee's performance. This can result in a job being reclassified to either a lower pay range or a higher pay range. All salary offers or changes must be authorized and signed by the Department Head and all approvers of the PTR. Any change in salary or pay range should not be communicated to an employee *until the approval process is complete*.

It is critical that all supervisors involve the Human Resources Office when they are planning any changes to their organizational structure that may result in adding new positions, eliminating, reducing, or restructuring existing positions, combining organizational units, significantly changing work assignments, and/or modifying reporting relationships for current employees.

The Human Resources Office will review the factors affecting the need for reorganization, including any reorganization plan, organizational charts, and proposed job descriptions for new positions.

The Human Resources Office will collaborate with supervisors to develop job descriptions, titles, salary recommendations, posting requirements, and communication strategies. In addition, the Human Resources Office, in consultation with the Department Head, will determine if new or reclassified positions resulting from a re-organization are posted.

## 10.10 Staff Internal Transfers

Lincoln University supports growth and the opportunity for its employees to expand their knowledge and skills to grow within the University. Staff employees may apply for open positions that may enhance career growth opportunities. The University is committed to the development of its employees and makes every effort to fill vacant positions with qualified individuals. Employees are encouraged to explore vacant positions and career opportunities both within and outside of their current departments. Promotions are based upon knowledge, training, skills, and demonstrated ability.

Employees may apply for a transfer/promotion opportunity provided they meet the following eligibility requirements:

- Minimum of six (6) months continuous service in present position with the approval of the transferring employee's supervisor, unless approval is otherwise secured

from the University President, the transferring employee's Department Head/President's Leadership Team level member (as applicable) and Human Resources.

- Job performance at a satisfactory level and no current written or formal disciplinary action (or within the last six (6) months).
- Meet the minimum experience, skill, and education qualifications for the open position.

When an employee is promoted to a position on a higher pay range as a result of the employee's responsibilities changing, the employee will receive a salary increase of the new pay range. If an employee moves to a position on a lower pay range, either voluntarily or due to a performance issue, he/she will receive a pay decrease to adjust his or her salary to the new pay range as allowed under Missouri law. If an employee accepts another position within the University that is on the same pay range as his/her current position, no salary adjustment is made.

Before submitting the internal transfer request form, staff employees must discuss with their supervisor and their Department Head/President's Leadership Team level member (as applicable) their intention of applying for an internal position. Supervisors shall not retaliate against an employee who requests consideration for a transfer.

The releasing supervisor and hiring supervisor must negotiate the transfer date. A reasonable period of time is typically two (2) weeks, but no later than four (4) weeks, after an employee's acceptance. Factors such as the urgency to fill the position, status of the employee's present workload, and difficulty in filling the employee's current position are to be considered in determining a transfer date.

An internal transfer request form should be attached to the staff employee's application and a copy of the request should be separately sent for approval to the Human Resources Department at [hrs@lincolnu.edu](mailto:hrs@lincolnu.edu).

## **Compensation**

### **10.20 Employee Compensation**

Lincoln University's workforce is its most vital resource, and it is the intention of the University that the compensation plan demonstrates the high value the University holds for employees. All annual salary increases must be approved by the Board of Curators. The Employee Compensation and Benefits Committee is responsible for developing recommendations for and periodically reviewing the University faculty and staff salary compensation policies which address parity and equity in matters related to employee compensation. Other functions of the committee shall be outlined in the annual Committee Listing.

### 10.20.1 Faculty Compensation

The University will use the College and University Personnel Association (CUPA) and the Coordinating Board for Higher Education (CBHE) as its primary resources for benchmarking faculty salaries. In certain situations the University may use relevant market data provided by CUPA and CBHE where data are available. Specific compensation is to be determined by salary protocols.

The committee will provide current annual salary ranges each year following a review of the current data. The committee will utilize the *mean* of the Missouri state comparator group salaries as the mid-point in the range to develop a range for each the University faculty rank with minimum and maximum points. The ranges established will represent 85% to 125% of the mean. Each faculty salary range will have a baseline (85% of mean), midpoint (100% of mean), and maximum (125% of mean).

#### Example Salary Ranges by Rank

<b>Rank</b>	<b>85%</b>	<b>Mean 100%</b>	<b>125%</b>
Professors	\$55,865	\$65,723	\$82,154
Associate Professors	\$44,189	\$51,987	\$64,984
Assistant Professors	\$38,552	\$45,355	\$56,694
Instructors	\$30,577	\$35,973	\$44,966

A salary for a newly appointed faculty member is designated as out of range if the salary is not within the designated annual range associated with the given rank at which the faculty member is appointed. At the time of appointment, initial compensation for a new or existing position will have a salary range of between 85% and 100% of the mean. Salaries designated as out of range must be justified in writing by means of a Variance Form available from Human Resources. Recommendations for salaries that exceed the 125% maximum are designated as out of range and must be approved by the President.

Based on national CUPA discipline data, the top two relevant disciplines to the University shall be identified and an additional 5% of the base salary for the rank will be applied at the time of initial employment. This shall be based on CUPA-defined disciplines (CIP code) as determined upon academic appointment.

#### Faculty Salary Adjustments

Base annual salaries shall be adjusted each year upon recommendation of the Employee Compensation and Benefits Committee and approval of the president and Board of Curators as funds allow. The committee will make an annual



recommendation for salary adjustments (based upon the methodology above) and will submit that recommendation to the President.

Upon promotion in rank, faculty members will receive the current annual rank adjustment as recommended by the committee. Any variance in this protocol must be approved by the President.

### **Salary Guidelines for Grants**

Faculty and staff with extramural grants working under unusual circumstances where consultation/collaboration is across departmental or university lines or involves a separate or remote operation, and the work performed is in addition to or exceeds regular departmental load, may be compensated for this service, at a rate consistent with standard practice in grant funded activity, and as specifically provided for in the agreement or approved in writing by the sponsoring agency. In addition, faculty and staff may, with approval by the administration as allowed under Chapter IV, Section 4.17, have their base salary increased up to a maximum of 125% of their base if they are successful at obtaining extramural grant awards. Salary support in excess of the faculty/staff members' normal base salary must be fully supported (wages and benefits) by the funding agency, and provided for in the grant proposal or by written permission of the granting agency. The adjustment in the base salary will remain in effect only through the duration of the extramural grant support for the adjustment. In the event funds are no longer available or at the end of the grant period, the base salary will revert to the previous salary level of the employee with any salary adjustments that may have been made by the University.

See Chapter V, Section 5.15, for further guidelines and stipulations regarding grants and contracts.

### **10.20.2 Adjunct Faculty Compensation**

Adjunct faculty salary will be a flat rate of pay.

### **10.20.3 Compensation for Retired Faculty**

All University retired faculty, including professors emeriti will be paid at the adjunct faculty compensation rate. (See Section 10.20.2)

### **10.20.4 Staff Compensation**

The staff compensation system will utilize a broadband methodology in how positions are classified and organized for pay structure.

Broadband is an approach to job classification and compensation that takes into consideration: content and scope of a job; job knowledge; skills and abilities. Placement of a position within a broadband is based on an analysis of these factors.

A broadband pay range specifies the minimum pay rate, midpoint and the maximum pay rate for a grouping of jobs that are similar in level of complexity.

A position is benchmarked within an identified band for fair market value by finding comparable positions with a primary job function similar to those at the University and seeing what the range of pay is for these positions with a comparator group. Job slotting is also utilized which internally compares to similar positions at the University for compensation value.

The broadband is a flexible compensation system that offers the advantages of a simplified classification and compensation structure, increased employee pay mobility and flexibility for employee recruitment and retention purposes, enables management to compensate employees for significant changes in job duties and/or increased competencies.

## **10.21 Overtime Provisions and the Fair Labor Standards Act**

### Exempt and Non-Exempt Positions

All positions are presumed to be non-exempt as defined in the Fair Labor Standards Act ("FLSA") unless Lincoln University determines that the position meets one or a combination of the exemption criteria including executive, administrative, professional, computer, and highly compensated employees.

Positions that are customarily defined as non-exempt are as follows: administrative support, technical, and service. The job classification of professional can have positions that are either non-exempt or exempt depending on if the exemptions test criteria is met.

### Work Hour Application

All time spent by an employee performing an activity for the benefit of Lincoln University and under the control or direction of the University is classified as "hours of work." Such time includes 1) time during which an employee is required to be on duty; 2) time during which an employee is permitted to work; and 3) waiting time or idle time which is under the control of an employer, and which is for the benefit of an employer.

"Workday" means the period between the commencement of the principal activities that an employee is engaged to perform on a given day, and the completion of the principal activities for that day. All time spent by an employee in the performance of such activities is classified as hours of work.

Any rest period authorized by Lincoln University that does not exceed twenty minutes and that is within the regular workday shall be considered hours of work. Bona fide meal periods (30 minutes or more) are not considered hours of work.

An employee who travels from home before the regular workday begins and returns home at the end of the workday is engaged in normal "home to work" travel; such travel is not

classified under hours of work. Time spent traveling shall be considered hours of work if 1) an employee is required to travel during regular working hours; 2) an employee is required to drive a vehicle or perform other work while traveling; 3) an employee is required to travel as a passenger on a one-day assignment away from the official duty station; or 4) an employee is required to travel as a passenger on an overnight assignment away from the official duty station during hours on non-workdays that correspond to the employee's regular working hours.

Time spent in training during regular working hours shall be considered hours of work. Time spent in training outside regular working hours shall be considered hours of work if the employees are directed to participate in the training by the University and/or the purpose of the training is to improve the employees' performance of the duties and responsibilities of their current position.

Employees on standby or on call is on duty, and time spent on standby is classified as hours of work if, for work-related reasons, the employees are restricted by official order to a designated post of duty and are assigned to be in a state of readiness to perform work, with limitations on the employees' activities so substantial that the employees cannot use the time effectively for their own purposes. Employees will be considered off duty and time spent in an on-call status shall not be considered hours of work if the employees are allowed to leave a telephone number or to carry an electronic device for the purpose of being contacted, even though the employees are required to remain within a reasonable call-back radius; or the employees are allowed to make arrangements such that any work which may arise during the on-call period will be performed by other persons.

#### Notification of Work Schedule

The area head is required to establish work schedules for their employees. In determining what activities constitute hours of work under the FLSA, regular working hours means the days and hours of an employee's regularly scheduled workweek. The regularly scheduled workweek is subject to change based on area needs but should be clearly announced as far in advance of the change as possible.

#### Essential Services

Essential services personnel include those employees who are appointed to areas which operate beyond normal workday hours or have functions which require extended-hours services. These employees are expected to be available on weekends, during holidays, during special events and in emergencies. Essential services include University Police, University Farms, KJLU-FM, Page Library, residence halls and other designated units.

#### Time Worked/Attendance

All departments with non-exempt hourly paid employees will submit monthly timesheets to the Payroll Office in accordance with an announced schedule from such office.

All non-exempt salaried employees must have time recording maintained by the department through a timekeeping log and individual employee timesheets. Timesheets are to include regular workweek hours. The supervisor may use a time clock, have a

timekeeper keep track of employee's work hours, or tell the employees to write their own times on a record. Any timekeeping plan is acceptable as long as it is complete and accurate and reflects arrival time, lunch breaks and departure time. Copies of the department's timekeeping log and individual employee timesheets, approved by supervisors, will be submitted to the Human Resource Office by the deadline set by the Human Resource Office.

#### Overtime Provisions

Staff employees generally perform work on a standard forty-hour workweek, Sunday through Saturday. Some positions will require additional hours beyond the forty-hour workweek. There is not a limit on the number of hours in a day, or days in a week, an employee may be required or scheduled to work, including overtime hours. Employees determined to be non-exempt from overtime provisions of the Fair Labor Standards Act (FLSA) must receive overtime pay for hours worked in excess of forty in a workweek at a rate not less than time and one-half their regular rates of pay.

Overtime hours worked should be stated separately from the regular forty-hour workweek and calculated at time and one-half the employee's regular rate.

The overtime requirement may not be waived by agreement between the department and the employee.

An employee may not volunteer work time for his/her job or another employee's job duties.

All overtime must be approved by the area supervisor in advance of the time it is earned. The supervisor is responsible to ensure the overtime work is completed prior to approval of overtime pay.

When the supervisor determines that circumstances warrant the request for overtime work, which could be either for an emergency situation of a temporary nature or a non-emergency when overtime is deemed the best way to handle the situation, the employee will be asked to work overtime. Employees of similar job functions should have equal opportunity or equal burden for overtime assignments, either by way of mandatory or volunteer assignment to perform overtime work. If the overtime work is mandatory, an employee system of designating required work will be devised by the area head so that all employees in that job category will have shared burden of work over a reasonable time. If an employee refuses to work mandatory overtime without sufficient justification of cause not to work, disciplinary action can be taken.

An employee shall be compensated for all overtime work. A quarter of an hour shall be the largest fraction of an hour used for crediting irregular or occasional overtime work. When irregular or occasional overtime work is performed in other than the full fraction, odd minutes shall be rounded up or rounded down to the nearest full fraction of a quarter hour used to credit overtime work.

Lincoln University will provide a minimum of two hours pay at time and one-half for irregular or occasional overtime work approved by the employee's direct supervisor and performed by an employee on a day on which work is not scheduled for that employee or for which the employee is required to return to work.

## **10.22 Payroll Administration**

The Payroll Office is responsible for the transaction of employee pay. This includes paycheck disbursement, processing payroll deductions, and benefit remittance.

At the end of each calendar year, in accordance with Internal Revenue Service guidelines, Tax Form W-2 income reporting will be sent to each employee's residential address.

## **10.23 Administrative Stipends**

The University acknowledges employees may incur additional responsibilities because of vacancies within a department. A stipend will not be granted for the additional duties in this instance unless a position is vacant for six (6) months. The additional duties incurred by an employee because of vacancies in a department fall under the "other duties as assigned" category of the employee's job description. When an employee is assigned additional duties **not otherwise excluded above**, an employee may be eligible to receive an administrative stipend as allowed herein.

Increases in responsibility arise when an employee is temporarily assigned duties of a position that is in a higher grade or classification, or when new projects or duties are assigned representing a higher level of complexity or responsibility. A stipend may be offered to perform these duties on a temporary basis that are substantially outside the reasonable scope of the employee's position such as: (1) significant additional duties or short-term projects not currently a part of the employee's regular position; and (2) duties of a position in a higher grade or classification which would result in an upward reclassification if permanently assigned.

As members of the University's community, unclassified employees (academic, research and professional faculty) are expected to participate in a variety of the University's activities and services without additional compensation. In addition, the salary of full-time faculty members generally is full compensation for job duties and activities performed for the University. There are occasions, however, when a faculty member is asked to perform administrative duties on a temporary basis that are substantially outside the scope or reasonable potential scope of the faculty member's position. In such instances, the faculty member may be eligible to receive an administrative stipend. Any additional compensation paid to faculty for teaching duties is governed by Chapter III, Section 3.31.1.

Additional duties receiving a stipend must be completed outside of the work schedule of a full-time assignment. If the need to perform the additional duties is during the employee's regular work hours, the employee must use annual leave for the time the duties are performed and the additional time must be approved by Human Resources and the President of the University.

## **Approvals and Authorization**

All administrative stipend arrangements must have prior approval before work or services can be performed by the employee and the request for a stipend must not be otherwise precluded herein. Justification for the following should be included in the stipend request: (1) an explanation of the duties to be performed beyond the employee's current work assignment; (2) the duration of the work assignment, start and end dates and estimated hours, hourly rate if applicable; (3) the selection process used to determine the work assignment, or the unique qualifications possessed by the employee that make him/her uniquely qualified to perform the work or services; and (4) stipends related to grants must demonstrate alignment with the requirements of the grant, University policies, and federal and state regulatory requirements.

The letter of justification requesting the administrative stipend must be approved and signed by a division/department level President's Leadership Team member. The request for authorization signatory may be delegated below these management levels; however, the President's Leadership Team administrators remain responsible for complete requests that meet University policy standards.

The maximum duration for an administrative stipend is one (1) year. Extensions beyond one (1) year require approval by Human Resources and the President of the University.

## **Eligibility**

Exempt and non-exempt employees are eligible for administrative stipends. These additional duties should be compensated at an hourly rate for the additional hours worked. The department providing an hourly administrative stipend is responsible for any overtime pay that occurs.

Hours worked by non-exempt employees in excess of 40 hours per week must be compensated at time and a half. Time worked on supplemental assignments must be reported on the employee's timesheet for non-exempt employees.

Ineligible employees include: Casual or temporary employees; and student workers.

## **Other Conditions**

- Administrative stipends may not be used for merit or performance-based compensation.
- Stipends are not to be used as a salary increase.
- Stipends are not to be used to distribute leftover monies at the end of a budget year.
- Stipends should not be used for teaching and advising a student, mentoring other faculty, fundraising or recruiting.

- Where duties are assigned on an ongoing basis as part of the employee's regular duties, the position needs to be reviewed for adequate compensation vs. stipend pay.
- Workload changes with no primary job function changes does not justify payment of a stipend.
- Assignment of temporary responsibilities at the same or lower level does not warrant an administrative stipend.
- Permanent increases in responsibility should be appropriately addressed through the reclassification or promotion processes, not via an administrative stipend.
- The amount of the administrative stipend shall not exceed the amount of salary increase that could be received by an employee if she/he were to receive a permanent promotion to the higher grade/classification.

### **Stipend Amount and Payment**

The payment of an administrative stipend cannot extend past the end date of the academic or fiscal year in which the stipend was approved, based on the employee's employment type. For example, a stipend paid to a 12-month employee cannot go beyond June 30 of the fiscal year in which it was granted; however, it may end earlier during the fiscal year if the temporary duties are completed or removed from the employee. Should it be necessary to continue the temporary work assignment beyond the end of the academic or fiscal year, a new justification and request needs to be submitted for review and approval.

### **Supplemental Pay for Teaching Overload**

Teaching is normally performed by faculty as part of their regular duties. However, supplemental pay for teaching overload may be offered in limited and restricted situations of special need, with each case approved on an individual basis.

## **Benefits**

### **10.30 Annual Review of Benefits**

A periodic review of employee benefits will be conducted by the Human Resources Office with input from the Employee Compensation and Benefits Committee.

### **10.31 Employee Holiday Schedule**

A set schedule of sixteen (16) holidays will be observed during each fiscal year. The non-academic holiday schedule is approved by the Board of Curators before the beginning of the fiscal year. These recognized holidays are listed: Independence Day, Labor Day, Veterans Day, Thanksgiving and the day after, Christmas Eve Day and Christmas Day, New Year's Eve Day and New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday observed, Spring Recess Week (two days off), a free day designated on Good

Friday, Memorial Day and Juneteenth.

All regular full-time and part-time employees who are employed at the time of a recognized holiday will receive time-off pay for the holiday. Temporary employees will not be paid time off for a holiday. Employees will receive their regular salaries or wages for any day on which there is a holiday and on which no work is required. Holidays which occur during an approved paid leave of absence will be paid. Holidays which occur during an approved unpaid leave of absence will not be paid.

Holidays observed by Lincoln University which occur on Sunday shall be observed on the following Monday; holidays which occur on a Saturday will be observed on the Friday immediately preceding the designated holiday.

On holidays all employees, except those engaged in essential services (Power Plant operations, Public Safety, University Farms, KJLU-FM, Page Library, PBX Operations, and dormitory operations when the residence halls are open), are excused from duty. The essential services units determine appropriate staff holiday schedules.

All full-time essential service employees who are normally scheduled to work on a holiday will be paid double time for performing their duties on that day.

Any essential services employees who do not work the holiday will be paid their regular rate for the holiday.

An essential services employees whose normal day off occurs on the holiday are entitled to that holiday and are entitled to received additional compensation equivalent to one day of pay at their regular rate.

### **10.31.1 Religious Holiday Accommodation**

In accordance with federal law, Lincoln University will make reasonable accommodation for employees' observations of religious holidays as long as such accommodation does not cause undue hardship to the department or unit. Employees must submit personal or vacation leave requests or, when possible, arrange alternative scheduling within the unit in advance in order for the accommodation request to be considered. If an employee's supervisor determines that the absence would cause undue hardship to the unit, the supervisor must provide written justification.

### **10.32 Academic Holidays**

Notwithstanding the holiday schedule under Section 10.31, holidays for faculty on academic year contracts will be published in the academic calendar.



### **10.33 Annual Leave Policy**

Employees in full-time (.75 full time equivalency or higher), twelve (12)-month positions are entitled to accumulate annual leave as follows:

Employees with less than ten (10) years of total University service earn ten (10) hours of annual leave each pay period with a maximum annual leave balance of 240 hours (i.e., a cap of thirty (30) days or two (2) times the annual total of fifteen (15) days).

Employees who have completed ten (10) years of total University service earn twelve (12) hours of annual leave each pay period with a maximum annual leave balance of 288 hours (i.e., a cap of thirty-six (36) days or two (2) times the annual total of eighteen (18) days).

Employees who have completed fifteen (15) years of total University service earn fourteen (14) hours of annual leave each pay period with a maximum annual leave balance of 336 hours (i.e., a cap of forty-two (42) days or two (2) times the annual total of twenty-one (21) days).

The rate of accrual of annual leave is based upon total uninterrupted years of service at the University, not upon years in a particular position.

Employees may accumulate more annual leave than their allowed maximum until June 30 of any year. After June 30, any excess annual leave over an employee's maximum balance is reduced to the maximum, at which time the employee can begin accumulating above the maximum.

An employee entitled to annual leave who has resigned or otherwise separated from University service at any time is entitled to only receive reimbursement for the amount of accrued annual leave which does not exceed the employee's maximum annual leave balance allowable accumulation. Any excess annual leave accrued after June 30 above the maximum annual leave balance shall not be paid to a separating employee. In addition, employees who fail to provide the required notice of their resignation will be deemed ineligible for rehire and will only receive one-half (1/2) of any accrued annual leave available to them at the time of their separation.

Faculty on academic appointments are not eligible for annual leave accrual.

#### **10.33.1 Requesting/Reporting Annual Leave**

Employee requests for, or reports of, annual leave will be submitted to the employee's direct supervisor when the employee plans to be absent from the regularly scheduled hours of work or has been absent due to illness or an emergency. Such requests or reports will be made and recorded in increments of no less than fifteen (15) minutes.

## **10.34 Personal Leave**

Employees are granted personal leave with pay each fiscal year, without carryover beyond the fiscal year. All staff and non-LUMNEA faculty employees are granted forty (40) hours of personal leave with pay each fiscal year. All LUMNEA faculty employees are granted forty-eight (48) hours of personal leave with pay each fiscal year. Personal leave for new hires will be prorated from the time of hire through the end of the fiscal year. All requests for personal leave must be approved by the area supervisor, based upon the needs of the unit.

### **10.34.1 Requesting/Reporting Personal Leave**

Employee requests for, or reports of, personal leave are submitted to the employee's immediate supervisor when the employee plans to be absent from the regularly scheduled hours of work or has been absent due to illness or an emergency. Such requests or reports will be made and recorded in increments of no less than fifteen (15) minutes.

## **10.35 Sick Leave**

Sick leave is a provided benefit to protect employees from loss of pay due to illness or injury which makes the employees unable to fulfill the responsibilities of their positions. Both faculty and staff are eligible to accrue and take sick leave. (See Chapter III, Section 3.35.2, for policies regarding reporting and covering faculty absences.)

Sick leave is accrued at the rate of eight (8) hours per month of continuous full-time service and is accrued from the beginning of employment.

Sick leave accrues during any paid leave including annual leave, sick leave, special leaves with pay and as otherwise required by law.

All employees must report use of sick leave from work to their immediate supervisor as soon as possible. If a sick leave request is made for more than three (3) consecutive workdays, a written doctor's statement must be provided by the employee to his/her immediate supervisor.

When the employee returns to work, the employee must record the sick leave taken on the Request for Leave form, submit to their immediate supervisor for approval, and then forward to Human Resources.

Upon termination of employment, employees shall not receive payment for accrued sick leave. Any unused accumulated sick leave balances will be reported to MOSERS for creditable service upon retirement.

Lincoln University participates in the State of Missouri's sick leave reciprocal program, which allows the transfer of unused accumulated sick leave for up to a five-year period

after employment termination.

An employee who suffers an injury and is eligible for time off work under Worker's Compensation may elect to receive Worker's Compensation and utilize sick leave pay from the University. The sick leave will be prorated and taken in conjunction with Worker's Compensation. Sick leave accrual will be reduced accordingly. (See Section 10.45.8: Workers' Compensation.)

#### **10.35.1 Requesting/Reporting Sick Leave**

Employee requests for, or reports of, sick leave are submitted to the employee's immediate supervisor when the employee plans to be absent from the regularly scheduled hours of work or has been absent due to illness or an emergency. Such requests or reports will be made and recorded in increments of no less than fifteen (15) minutes.

### **10.36 Family and Medical Leave**

Lincoln University, in compliance with the Family and Medical Leave Act (FMLA), provides employees the protections of this law pertaining to entitlement of leave, maintenance of health benefits during leave, and job restoration after leave; sets requirements for notice and certification of the need for FMLA leave; and protects employees who request to take FMLA leave.

Subsequently, Lincoln University allows eligible employees to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it within a twelve (12)-month period, for up to a total of twelve (12) workweeks for certain family and medical reasons and up to a total of twenty-six (26) workweeks to care for a covered service member recovering from a serious illness or injury, for any of the following:

- the birth of a child and to care for the newborn child;
- the placement of a child with the employee for adoption or foster care or to care for a newly placed child;
- to care for the employee's spouse, child or parent (but not in-law) with a serious health condition;
- the employee's own serious health condition;
- qualified exigencies arising out of a spouse's, child's or parent's active military duty or notification of an impending call or order to active duty; and/or
- to care for a covered service member who is the employee's spouse, parent, child or nearest blood relative, recovering from an injury or illness that the service member incurred in the line of active duty in the armed forces which made such service member medically unfit to perform the duties of his/her office, grade, rank or rating.

The definition of spouse shall be interpreted in compliance with federal law to include lawfully married couples, whether opposite sex, same sex or married under common law.

In certain cases, this leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

An employee on this leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay her or his share during the leave period. The employer may recover their share only if the employee does not return to work for a reason other than the serious health condition of the employee or the employee's immediate family member, or another reason beyond the employee's control.

An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave. The taking of this leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

The university has a right to thirty days advance notice from the employee when practicable. In addition, the university may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in a delay in the start of this leave. The university may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The university may delay restoring the employee to employment without such certificate relating to the health condition which caused the employee's absence.

### **10.37 Medical Leaves Not Under FMLA**

Medical leaves, including maternity leave, not taken under the FMLA may be taken at the request of the employee and upon approval of the employee's immediate supervisor and the University's President. Requests for leave are to include the period of absence and a doctor's certification stating the need for medical leave, duration of leave required, and expected date of return to work.

Medical leave may be paid leave utilizing any accrued sick, vacation leave and personal leave. Medical leave without pay may be requested and approved by the employee's immediate supervisor and the President. This type of leave would require the employee to cover the cost of employee benefits during the time away from work unless the employee is on paid leave.

### **10.38 Faculty Sabbatical Leave**

A faculty member who has been employed full time (teaching .75 FTE each semester) by Lincoln University six (6) consecutive years and who has been awarded continuous academic tenure is eligible to apply for a sabbatical leave. The person who is granted a

sabbatical leave is entitled to one-half an academic year at full salary or a full academic year at half salary.

Faculty members who wish to apply for a sabbatical leave must write a letter of application addressed to the Board of Curators, transmitted through the appropriate academic channels beginning with the faculty member's immediate supervisor. The application for leave with pay shall include a precise statement of planned activities designed to contribute to the professional growth of the applicant and to the benefit of the University. At the end of the sabbatical leave period, the faculty member shall submit a report to the Vice President for Academic Affairs detailing the nature and extent of activities engaged in during the leave within sixty (60) days after return from sabbatical leave.

The faculty member who completes a sabbatical leave must return to Lincoln University for at least one (1) semester following the sabbatical. A faculty member who does not return following the sabbatical for a full semester after such leave or leaves prior to completing a full semester after sabbatical leave will be required to refund to the University, on a prorated basis, the salary received during the leave by no later than thirty (30) days after separation from the University.

Sabbatical leave is dependent upon available funding, as determined by the President in consultation with the Vice President for Academic Affairs.

- No more than three (3) sabbaticals will be awarded per academic year (note: only one (1) person per department may be granted a sabbatical at a time, and only two (2) persons per college may receive a sabbatical in the same year).
- The award of a sabbatical leave is not guaranteed.
- The review process will begin with the Department Head whose recommendation must include a cost analysis and plan for how to cover the duties of the faculty member during the sabbatical period.
- Department Heads will submit their recommendation to the Dean.
- The Provost/VPAA will convene a standing Sabbatical Review Committee (made up of two (2) representatives from each college; one (1) of which shall be the Dean) who will review faculty sabbatical proposals and make recommendations to Provost/VPAA.
- The faculty sabbatical proposal must have the support of the Department Head, Dean, and the Sabbatical Review Committee.
- The Provost/VPAA makes sabbatical recommendations to the President.
- The President upon review and consideration of the recommendations forwards the recommendations to the Board for final approval.
- Faculty recipients will be required to give a public presentation which will be advertised by the Office of the Provost/VPAA to their faculty colleagues.
- It needs to be noted that persons on sabbaticals cannot work at another institution for pay without the permission of the Provost/VPAA and President.

### 10.39 Military Leave

This policy covers all regular full-time and regular part-time employees who serve in the Armed Forces, Army, National Guard or reserve component of the Armed Forces as it relates to military service requests. The policy is in accordance with Federal Law of the Uniformed Services Employment and Re-employment Rights Act of 1994 and the Missouri Revised Statute 105.270. This policy covers an employee's compensation, benefits, retirement eligibility, length of service and reinstatement to employment rights.

#### Leave with Pay for Periods of Intermittent Service (not to exceed 120 hours per fiscal year)

Employees requesting uniformed services leave with pay must provide written documentation to their supervisors at least two (2) weeks in advance of the scheduled training or service, specifying the reason and duration of the leave.

Employees who are members of the National Guard or Reserve units will be granted uniformed services leave with pay not to exceed fifteen (15) regular workdays in any calendar year. Travel time required for reporting to the place of duty is included in the fifteen (15) day allowance. Vacation or personal leave may be used for any training or service in excess of fifteen (15) workdays subject to the approval of the area supervisor.

#### Leave Without Pay for Periods of Active Service

Employees requesting uniformed services leave without pay should present their orders to their immediate supervisor. Extended uniformed services leave without pay will be granted to employees performing active military or national defense service. Cumulative uniformed services leave is limited to five (5) years throughout employment at Lincoln University. Employees can continue benefits coverage while on unpaid leave, to include health insurance coverage through COBRA, continued basic life insurance, and long-term disability for a year at their expense. Upon reinstatement, time served during the uniformed services leave will be credited toward the retirement service accrual with proper documentation. Employees are entitled to apply earned but unused vacation and personal leave to their service leave before beginning the unpaid portion. Vacation, personal leave and sick leave do not accrue while on leave.

#### Reinstatement of Employment

Upon honorable completion of military service, employees are entitled to be reinstated to the position they held prior to military leave or to an equivalent position for which they qualify. If disabled by reason of uniformed service, employees are entitled to be reinstated to their former position or a position of similar pay and status for which they are qualified, with reasonable accommodation. Upon reinstatement, employees' compensation, benefits, retirement eligibility, and length of service will be reinstated as if they had been continuously employed during the service leave period. Compensation will reflect any increases and annual across-the-board pay adjustments, or promotions by reason of seniority that reasonably would have been expected to take effect if the employee had not been on leave. To be eligible for reinstatement, employees must apply within the time periods outlined in the Uniformed Services Employment and Re-employment Rights Act of 1994.

If, through no fault of the employee's own, it is impossible or unreasonable for the employee to apply for reinstatement within the prescribed period, the employee may report as soon as possible following the period, without forfeiting the employees' reinstatement rights.

#### Protection from Discharge Period

Upon reinstatement, an employee is protected from discharge without cause for a period of time tied to the length of uniformed service. One year of protection is provided if the period of uniformed service was more than 180 days. Six months protection is provided for service of 31 to 180 days. There is no protection period for service of less than 31 days.

### **10.40 Jury Duty and Court Witness Leave**

Regular full-time employees are eligible for paid jury duty leave up to a maximum of ten (10) days within a rolling year. An employee will be granted leave with pay when required to be absent to serve on a jury or when subpoenaed to serve as a witness related to any matter involving the University before a court, commission, or legislative committee. Employees who are called to such service must show the jury notice or subpoena to their immediate supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. A copy of the jury notice or subpoena must be forwarded to Human Resources for the employee's personnel file. Employees are expected to report to work whenever the court schedule permits.

The University will continue to provide University-paid health insurance benefits for the full term of the jury duty/witness absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty/witness leave.

The employee may request an excuse from jury duty if the employee's absence would create serious operational difficulties.

Paid court leave is not available to employees appearing on their own behalf or in an action in which they are named as the plaintiff or defendant. Absences from work for court appearances not pursuant to a subpoena must be taken as vacation leave, personal leave, or unpaid leave.

### **10.41 Domestic/Sexual Violence Victim Leave**

#### **10.41.1 Victims Economic Safety and Security Act Leave**

Lincoln University complies with the Victims Economic Safety and Security Act ("VESSA") and to assist employees affected by domestic or sexual violence with job-protected leave and accommodations.

#### **10.41.2 Employee Eligibility**

All employees who are the victim of domestic or sexual violence or who have a family or household member who is a victim of domestic or sexual violence are eligible for leave benefits under this policy. For purposes of this policy, the term "family or household member" shall mean a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, or other person who shares a relationship through a son or daughter, and persons jointly residing in the same household" who is a victim of domestic or sexual violence.

#### **10.41.3 Leave Entitlement**

An eligible employee may take up to two (2) weeks of unpaid leave per year. An employee's leave need not be taken on consecutive days.

#### **10.41.4 Qualifying Reasons for Leave**

Eligible employees may take unpaid leave from work to address domestic violence or sexual abuse by:

1. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
2. Obtaining services from a victim services organization for the employee or the employee's family or household member;
3. Obtaining psychological or other counseling for the employee or the employee's family or household member;
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

#### **10.41.5 Procedure for Requesting Leave**

Requests for leave under this policy shall be made to the University's Human Resources Department. Unless prior notice is not practicable, all leave shall be requested at least 48 hours in advance of the need for such leave. If prior notice is not practicable, an eligible employee may provide certification of the need for leave within a reasonable period after the leave is taken.



Eligible employees taking leave under this policy must provide certification that (1) the employee or the employee's family or household member is a victim of domestic or sexual violence, and (2) that the leave is for one of the qualifying reasons set forth above.

The employee must provide the certification within a reasonable period after the University requests certification. Certification includes a sworn statement of the employee, as well as corroborating evidence. Corroborating evidence may come in the form of a police or court record, documentation from a victim's services organization, attorney, a member of the clergy or medical personnel.

All documentation provided under this policy shall be maintained in the strictest confidence. Such information will only be disclosed with consent of the employee or as required by law.

#### **10.41.6 Employee Status after Leave**

The University will not retaliate or discriminate against any employee for taking leave under this policy. Upon completion of leave, an employee will be reinstated to the same job held prior to leave or an equivalent position. The University will maintain the employee's health insurance throughout any unpaid leave; however, the University may recover from the employee the premium that the University paid for maintaining such coverage if the employee fails to return to work for a reason other than a continuation or recurrence of a reason that entitled the employee to VESSA leave or circumstances beyond control of the employee.

If the employee has exhausted all available leave and is still unable or unwilling to return to work, the University may terminate the employee unless he/she is eligible for rights and protections under other laws or other University policies.

#### **10.41.7 Reasonable Safety Accommodations**

The University also will grant reasonable safety accommodations to employees affected by domestic or sexual violence to the employee for their family or household member so long as the accommodation does not pose an undue hardship on University's operations.

Reasonable safety accommodations are adjustments to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence.

In order to request a Reasonable Safety Accommodation, an eligible employee must provide the Human Resources Department a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the reasonable safety accommodation is for a purpose authorized under the VESSA.

The University reserves the right to deny such requests to the extent they impose an undue hardship on the University.

## **10.42 Special Leaves**

A faculty member can request a special leave of absence for professional reasons such as research or exchange opportunities. The leave request will be initiated by the faculty member and must receive approval by and through the chain of administrative command including the President. The special leave of absence should not exceed a maximum of one (1) year.

### **10.42.1 Administratively Initiated Leaves**

An employee may be placed on paid or unpaid administratively initiated leave, subject to approval by the President, for personnel-related issues, i.e., during an investigation which may or may not result in termination of the employee.

## **10.43 Emergency Closure and Transition to Remote Operations**

As a major institution with 24/7 operations, the University will typically not close. However, under certain unusual and emergency circumstances, the University may cancel on-campus classes, suspend some or all administrative and academic functions, and/or transition to remote operations. Certain continuous operations may need to remain operating on-site. Special pay procedures may apply depending on the type the closure.

- During periods of campus emergency, as determined by the President, the President may place into immediate effect any emergency regulations, procedures and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property and maintain educational activities.

### **10.43.1 Types of Closures**

- **On-Site Closure and Transition to Remote Operations:** Classes are cancelled on-campus, most buildings are closed, and the majority of academic and administrative functions are transitioned to remote operations. During a closure, employees (except those required to work on-site) are instructed that they should telework pursuant to Chapter X, Section 10.43 which may include delivery of courses online. Additionally, certain continuous operations may need to remain operating on-site (e.g., emergency services, facilities and grounds maintenance and student services). The necessity or feasibility of maintaining on-site operations will vary by the circumstances causing the

closure, such as weather, health conditions, natural or human-induced disasters, major utility failures, etc.

- **On-Site Limited closure:** Only specifically designated building(s) are closed due to an emergency that impacts a limited portion of the campus. In the event of an emergency where only designated buildings are closed, the expectation is that employees will continue to perform assigned duties. Every attempt will be made to facilitate the performance of those duties through temporary relocation, work from home or other arrangements which allow an employee to perform assigned duties.

#### **10.43.1.1 Announcement**

- All announcements will be released by the President through established processes.

#### **10.43.1.2 Authority**

- Only the President has the authority to close a campus.
- The President, or his/her designee, has the authority to approve a limited closure.

#### **10.43.1.3 Requirement to work during a closure**

- The President and his/her designees are responsible for designating employees as critical to the operation of the University who may be required to work on-site during a closure.
- Employees who are required to work on-site may differ, depending on the nature of the situation.
- The President and his/her designees are responsible for designating employees who may be required to work remotely during a closure. Employees who are not required to work on-site will be advised to work from another location so that emergency activities may be conducted more efficiently.
- Department and unit leaders or their designees are responsible for communicating to employees which positions are required to work on-site and those which are required to work remotely during on-site closures. It is the general expectation that most positions will work remotely if operationally feasible and not needed on-site.

## **10.43.2 Pay Procedures for On-Site Closure and Transition to Remote Operations (herein also referred to as "closure")**

### **10.43.2.1 Benefit-Eligible Non-Exempt Employees**

- Employees who are required to work on-site during closure will receive premium pay. Premium pay will be paid at time and a half for all hours actually worked. Those hours actually worked will count toward the calculation of weekly overtime pay.
- If employees are required to work less than their regular schedule, they will receive administrative pay for those hours they are not required to work up to their regular FTE (based on the regular daily work schedule).
- Employees who are required to work remotely during a closure will receive their regular pay for hours worked, and are not eligible for premium pay or administrative pay.
- Use of paid time off (e.g., annual leave) is required if an employee is absent from required on-site work and/or remote work.
- Should a closure extend beyond five (5) days, employees who are required to work on-site or via remote work may use available accrued annual leave, personal days, or sick leave (as appropriate). Employees may, with supervisory approval, or take leave without pay.

### **10.43.2.2 Benefit-Eligible Exempt Employees**

- Employees who are required to work on-site or via remote work during closure will receive their regular pay (based on their normal schedule). Exempt employees are not eligible for premium pay for hours worked during a closure.
- Employees who are not required to work on-site or via remote work during a closure will be granted administrative pay to continue their regular pay for up to five (5) work days per closure. Pay is based on their normal daily work schedule and regular FTE.
- Should a closure extend beyond five (5) days, employees who are not working on-site or via remote work may use available accrued annual leave, personal days, sick leave (as appropriate) or take leave without pay (with approval).

### **10.43.2.3 Variable Hour and Student Employees**

- Variable hour and student employees who do not work during a closure will not be paid. Supervisors should work with those employees to make up the time if possible. Such employees may be requested to work and will be paid under normal pay procedures for hours worked.

### **10.43.3 Pay Procedures for a Limited On-Site Closure**

#### **10.43.3.1 Benefit-Eligible Exempt and Nonexempt Administrative, Service, and Support Staff, and Benefit-Eligible Non-Exempt Academic Employees**

- Employees who are directed to leave the worksite and are unable to perform their duties at a different location (including telework) will be granted administrative leave to continue their regular pay for up to five (5) work days per closure. Pay is based on their normal daily work schedule and regular FTE.
- Employees who are required to work on-site or via remote work during a limited closure will receive their regular pay. If they are required to work less than their regular schedule, employees will receive administrative pay for those hours they are not required to work up to their regular FTE.
- Hours worked prior to the closure and/or travel time to/from home are not counted as hours worked, and are not eligible for administrative pay.
- Should a limited closure extend beyond five (5) days, employees may use available accrued annual leave, personal days, sick leave (as appropriate), or take leave without pay.

#### **10.43.3.2 Variable Hour and Student Employees**

- Variable hour and student employees who do not work during a limited closure will not be paid. Such employees may be requested to work and will be paid under normal pay procedures for hours worked.

#### **10.44 Time Off Work to Vote**

All employees are entitled to time away from work to vote without affecting their accrued vacation, sick leave or personal leave time. All polling locations are open from 6:00 a.m. to 7:00 p.m. University employees are encouraged to exercise their right to vote between the hours of 6:00 a.m. and 9:00 a.m. or 4:00 p.m. and 7:00 p.m. If an alternative schedule is needed for employees to vote, employees are asked to communicate with their immediate supervisors at least one (1) week in advance of such vote regarding the time needed to visit their designated polling location.

#### **10.45 Employee Benefits**

Lincoln University provides a full array of employee benefits. Such plans are subject to modification at any time without additional notice by action of the Board of Curators, by the President, or as required by law. The University also offers retirement plans through the Missouri State Employees Retirement System and the College and University Retirement Plan, as well as an employee assistance program, education assistance waiver, graduate tuition waiver and unemployment and workers compensation. The University may also offer voluntary, non-contributory employee benefits as reviewed by the Employee Compensation and Benefits Committee and approved by the President.

All benefit plans are reviewed periodically by the Employee Compensation and Benefits Committee. Further details related to the University's benefit plans are set out in the faculty and staff handbooks.

##### **10.45.1 Health Insurance**

The University's full-time regular employees have the opportunity to enroll in a health insurance plan at the time of hire or during an annual open enrollment period thereafter. The University provides a determined amount of monthly premium contributions for each employee. An employee has the option for spouse and dependent coverage at the employee's expense. A new employee can elect to enroll in a health plan from the date of employment, effective the first day of the employee's first full month of employment.

An employee's health insurance coverage ends when the employee elects to cancel coverage or upon employment termination. An election to continue health insurance coverage after termination from employment through COBRA provisions will be available to those qualifying employees, spouses or dependent children. Under COBRA guidelines, only those terminated for gross misconduct are not qualified.

##### **10.45.2 Retirement Plans**

The University provides a vested employee retirement plan through the Missouri State Employees Retirement System (MOSERS).

A "defined benefit plan" through MOSERS is for all full- or part-time employees who work at least 1,000 hours in a position within a twelve (12)-month period. The University contributes a determined percent annually of the employee's base salary. An employee is fully vested after five (5) years of employment. A new employee will receive a MOSERS Employee Retirement Booklet at the time of employment.

The University employees who are employed under the classification of federal employment will be covered through the Federal Civil Service Retirement System. The University contributes a determined percent of the employee's base salary.

The College and University Retirement Plan (CURP) is a 401(a) defined contribution plan for education employees, defined as benefit-eligible academic faculty, hired for the first time on or after July 1, 2002. The purpose of CURP is to provide a retirement benefit that offers the interstate portability needed to facilitate the recruitment of teaching personnel. The University contributes a determined percent annually of the base salary as established by the MOSERS agency.

### **10.45.3 Life Insurance and Long-Term Disability**

Employees who are in regular positions of .5 FTE or more and enrolled in the MOSERS retirement system are eligible for basic life insurance coverage paid by the University at an annual salary amount or a minimum of \$15,000, whichever is more. Additionally, employee, spouse and children optional life insurance is available at cost to the employee.

Long-Term Disability Insurance is paid by the University for employees enrolled in the MOSERS retirement system; this covers absences due to injuries and illnesses that are not job-related. The University provides disability insurance as a voluntary benefit to employees and any disability benefits received by the employee are taxable. The University's long-term disability policy starts 90 days after the onset of illness or injury. The policy coverage is to cover 60% of the insured's pre-disability income. This 60% will integrate where applicable with other income sources including social security awards and/or accrued leave. There is a maximum amount of \$10,000 cumulative pay-out per month.

Academic faculty enrolled in the College and University Retirement Plan or Civil Service Retirement Plan receive similar life insurance and long-term disability insurance coverage.

### **10.45.4 Employee Assistance Program**

All employees who are eligible for health insurance will be covered by this employer-paid coverage. The Employee Assistance Program emphasizes the maintenance of health, the prevention of injuries in the workplace, and the value of rehabilitation for life problems. Intervention counseling services by a designated

vendor are provided to employees and families for substance abuse, family issues, marital issues, work related issues, emotional and mental health, and legal or financial. Further information is available from the Office of Human Resources.

#### **10.45.5 Undergraduate Educational Assistance Tuition Waiver**

An educational assistance tuition waiver for undergraduate enrollment is granted to full-time (1.0 FTE) benefit eligible employees immediately upon an employee's first day of employment, and the employee's timely completion of an Employee Tuition Waiver and Reimbursement Form. In-state tuition for full-time employees shall be waived for the first six (6) hours each semester for undergraduate enrollment. Fifty percent (50%) of in-state tuition for dependent children and/or spouse of an eligible employee shall be waived for the first twelve (12) hours each semester for undergraduate enrollment. A FAFSA for the enrolled student must be completed to determine eligibility except individuals who hold prior baccalaureate degrees. Any financial aid awards (PELL and FSEOG) will be applied prior to calculating tuition waivers.

The Employee Tuition Waiver and Reimbursement Form must be submitted and approved for the respective semester no later than the last day for making financial arrangements with Student Accounts.

For the purpose of this policy, a dependent child is defined as one of the following: one of natural birth (documented by copy of birth certificate), one of legal adoption (documented by copy of legal adoption certificate), a stepchild by marriage (documented by birth certificate and marriage license), and not over the age of 24. To establish eligibility, the dependent child must complete and submit a financial aid application (FAFSA) to demonstrate dependent status.

This policy applies to fees for tuition only as stated above. This policy does not apply to any other fees. This policy does not include the summer session nor applied courses such as music where one on one instruction occurs. Only persons who have satisfied all University admission requirements are eligible to benefit from the provisions of the policy.

Any person who receives a tuition waiver as provided herein and does not maintain a cumulative grade point average of 2.00 or above shall be denied further benefits under this policy until a cumulative grade point average of 2.00 or above has been achieved. Benefits shall be denied until a 2.00 or above grade point average is achieved the subsequent semester.

An individual receiving the fee waiver benefit under this policy who is not a candidate for a degree shall be limited to a time period of thirty-six (36) months for receiving such benefits.



An eligible employee shall be granted up to three (3) academic hours of release time to attend undergraduate classes at the University during the normal work week. In addition, eligible employees may utilize the lunch hour for attending academic classes with the approval of their immediate supervisors.

If an employee received an educational assistance tuition waiver for undergraduate enrollment and his/her employment at the University is terminated for any voluntary or involuntary reason prior to the completion of the semester in which the tuition waiver was granted, the employee agrees to repay the amount of the tuition waiver under the terms of the Employee Tuition Waiver and Reimbursement Form.

#### **10.45.6 Graduate Educational Assistance Tuition Waiver**

An educational assistance tuition waiver is granted for graduate enrollment to full time (1.0 FTE) benefit eligible employees immediately upon an employee's first date of employment, and the employee's timely completion of an Employee Tuition Waiver and Reimbursement Form. Fifty percent (50) of in-state tuition for full-time employees shall be waived for the first six (6) hours each semester (fall and spring only) for graduate enrollment. This benefit is available for employees only. Per IRS tax purposes, employee benefits for graduate tuition waiver that exceed the limit set by the IRS in a calendar year may be taxed and will appear on the employee W-2.

The Employee Tuition Waiver and Reimbursement Form must be submitted and approved for the respective semester no later than the last day for making financial arrangements with Student Accounts. This benefit cannot be combined with any other tuition adjustment program.

This policy applies to fees for tuition only as stated above. This policy does not apply to any other fees. Only persons who have satisfied all University admission requirements are eligible to benefit from the provisions of the policy.

Any person who receives a tuition waiver as provided herein and does not maintain a cumulative grade point average of 3.00 or above shall be denied further benefits under this policy until a cumulative grade point average of 3.00 or above has been achieved. Benefits shall be denied until a 3.00 or above grade point average is achieved the subsequent semester.

An eligible employee shall be granted up to three (3) academic hours of release time during the normal work week to attend graduate classes at the University. In addition, eligible employees may utilize the lunch hour for attending academic classes with the approval of their immediate supervisors.

#### **10.45.7 Unemployment Insurance**

Terminated employees can apply for eligibility for unemployment through a claims process administered by the State of Missouri. If the terminated employee is determined eligible for unemployment assistance, the State of Missouri requests reimbursement for these claims from the University.

#### **10.45.8 Workers' Compensation**

The University utilizes the State of Missouri Workers' Compensation Program. The State of Missouri, as a self-insurer, administers its workers' compensation program through the Office of Administration, Central Accident Reporting Office (CARO).

CARO is devoted to providing timely workers' compensation benefits to the employees of the University. CARO utilizes a preferred provider network, a medical referral service and case management designed to provide prompt quality medical care in an economical manner.

The University's Human Resources Office provides specific information regarding employer, employee and supervisor responsibilities and proper injury reporting. If medical treatment is required, an employee must seek authorized medical care through CARO. In the case of an emergency, an employee should seek medical care promptly then notify CARO when possible.

All employees—full-time, part-time, temporary or student workers—are eligible for coverage.

Benefits available are medical care including fees and costs, payments based on lost wages, and rehabilitation services.

The University in conjunction with CARO has established an Early Return to Work program to enhance the recovery of employees who are injured or contract an occupational disease in the course and scope of University employment. Employees will be placed in temporary modified duty assignments, when feasible, during the course of the recovery to perform duties consistent with the temporary limitations.

#### **10.45.9 Employer Sponsored Non-Contributory Benefits**

The University will sponsor an array of voluntary, non-contributory employee benefits. All benefits will be reviewed on a periodic basis by the Employee Compensation and Benefits Committee.

#### **10.45.10 Vision and Dental**

A Vision Plan and a Dental Insurance Plan are optional benefits and, if elected, are paid for by the employee. The premiums are payroll-deducted. Enrollment takes

place at time of employment or during an open enrollment period each year.

#### **10.45.11 Missouri State Employees' Cafeteria Plan**

The Missouri State Employees' Cafeteria Plan is an option benefit for Lincoln University employees. At the time of employment or during an open enrollment period each year, an employee may enroll in the plan and elect to tax defer any or all of the following:

- health insurance premiums
- medical expenses
- dependent care assistance

#### **10.45.12 Tax Deferred Plans**

Lincoln University offers employees different options and companies through which to participate in tax-sheltered programs. These are 403-B plans and deferred compensation plans.

#### **10.45.13 Other Ancillary Benefits**

Other ancillary benefits will be determined through competitive proposal consideration and recommendation by the Employee Compensation and Benefits Committee and authorized by the administration (unless the vendor has been pre-approved by the state).

## **Employee Relations in the Workplace**

### **10.60 Work Schedule**

The work week is Sunday at 12:01 a.m. through Saturday at 12:00 midnight.

With the exception of essential services personnel or any other personnel hired to work a non-traditional work schedule, the majority of full-time, non-academic personnel are employed for a forty-hour work week, Monday through Friday.

The President may declare a four-day, ten-hour-per-day work schedule to be observed during the summer months.

The area supervisor has the discretion to alter the general hours of operation to fit the needs of the unit and/or the employee.

### **10.61 Affirmative Action Policy Statement**

Lincoln University, as a federal government contractor with fifty (50) or more employees and a contract of \$50,000 or more, is required to have an Affirmative Action Program in accordance with the Office of Federal Contract Compliance Programs, U.S. Department of Labor. The complete Affirmative Action Program is available in Human Resources.

The Affirmative Action Program is a management tool designed to ensure equal employment opportunity. A central premise underlying affirmative action is that absent discrimination, over time the University's workforce, generally, will reflect the gender, racial and ethnic profile of the labor pools from which the University recruits and selects. This Affirmative Action Program must contain a diagnostic component which includes a number of quantitative analyses designed to evaluate the composition of the workforce and compare it to the composition of the relevant labor pools. The Affirmative Action Program must also include action-oriented goals. If women and minorities are not being employed at a rate to be expected given their availability in the relevant labor pool, the Affirmative Action Program includes specific practical steps designed to address this under-utilization. The Affirmative Action Program will also include internal auditing and reporting systems as a means of measuring the progress toward achieving the workforce that would be expected in the absence of discrimination.

The Affirmative Action Program will ensure equal employment opportunity by institutionalizing the University's commitment to equality in every aspect of the employment process. Therefore, as part of its Affirmative Action Program, Lincoln University must monitor and examine its employment decisions and compensation systems to evaluate the impact of those systems on women and minorities.

The Affirmative Action Program will also include those policies, practices, and procedures that the University implements to ensure that all qualified applicants and employees are receiving an equal opportunity for recruitment, selection, advancement, and every other

term and privilege associated with employment.

Lincoln University will also employ affirmative action guidelines towards individuals with disabilities and Vietnam-era and disabled veterans. This compliance will include an attestation of affirmative action policy statements and assurances plus an opportunity for employees to self-identify. Self-identification is strictly voluntary and confidential and will not result in any form of retaliation.

Lincoln University's Affirmative Action Program will comply with all other necessary provisions as stated in the federal regulations.

### **10.62 Equal Employment Opportunity Policy Statement**

It is the policy of the University to promote and ensure equal employment opportunity for all persons regardless of race, color, national origin (including ancestry, or any other subcategory of national origin recognized by applicable law), sex (including marital status, family status, pregnancy, sexual orientation, gender identity, gender expression, or any other subcategory of sex recognized by applicable law), religion, age, disability, veteran status, genetic information or any other basis protected by applicable law.

Equal employment opportunity principles govern all aspects of the University's personnel policies, employment practices, and operations. All phases of employment, including recruitment, hiring, evaluation, promotion, transfer, assignment, training, benefits and separation, will be conducted in compliance with equal employment opportunity laws and regulations.

Supervisors at all levels share the responsibility to ensure equal employment opportunity.

The University has established a discrimination grievance procedure available to any University employees or job applicants who believe they have been discriminated against. Information pertaining to the filing of a discrimination complaint is kept on file in Human Resources. (See Sections 10.80, 10.81, and 10.82.)

### **10.63 Immigration and Employment**

Lincoln University will comply with the Immigration Reform and Control Act of 1986 ("IRCA") and subsequent related laws pertaining to employment eligibility verification to ensure it hires only U.S. Citizens and foreign nationals authorized to work in the United States. The University participates in the E-Verify Program. All new employees require approval by Department of Homeland Security ("DHS") to determine eligibility to work in the United States.

The VPAA may recommend sponsorship of faculty for professional visas and green cards to the University President for approval. All immigration sponsorship is considered on a case-by-case basis with consideration given for hard to fill or high need faculty positions and departmental ability to fund University costs associated with such sponsorships. All

approved applications and petitions sponsored by the University will be processed through the University's designated immigration counsel. The filing of an immigrant or nonimmigrant petition is not a guarantee of continued employment, nor a guarantee of any fixed terms or conditions of employment, nor a guarantee that a petition will be granted.

#### **10.64 Drug-Free Workplace**

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. Each employee is responsible to help ensure a drug-free, healthful, safe and secure work environment. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on University premises or while conducting University business off premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences. Employees must, as a condition of employment, abide by the terms of this policy and report to the University any conviction under a criminal drug statute for violations on or off University premises. A report of a conviction must be made to the Human Resources Department within five (5) days after the conviction.

##### Exception

The distribution, dispensing, possession, or use of alcohol is prohibited on the University campus except for those times, places, and purposes approved by the President of the University.

##### **10.64.1 Testing Requirement for the Commercial Driver's License**

In accordance with the Omnibus Transportation Employee Testing Act of 1991, any Lincoln University employee who is required to obtain a commercial driver's license (CDL) to operate a commercial motor vehicle is subject to testing for alcohol and controlled substances.

#### **10.65 Alcohol/Drug Abuse Policy**

It is the policy of Lincoln University to prohibit the unlawful possession, purchase, manufacture, use, sale or distribution of illicit drugs, marijuana and alcohol by employees on University property or as part of any of its activities. The University has the right to require an employee to undergo alcohol and/or drug testing when there is a reasonable suspicion that the employee might be under the influence of alcohol or drugs. If an employee is found in violation of University policy, federal or state laws, or local ordinances, the circumstances accompanying each individual case will be considered when determining the consequences. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences. The University does not condone the abuse of alcohol and drugs; it does, however, recognize that employees with alcohol or drug-related problems should be encouraged to seek help in dealing with such problems.

The use of a legal substance/drug, or the use of marijuana under applicable Missouri law, does not allow an employee to report to work under the influence. If an employee believes that he/she needs an accommodation due to the use of a legal drug or for the use of medical marijuana, the employee shall request an accommodation pursuant to the University's Disability and Reasonable Accommodation policy.

#### **10.66 Conflict of Interest and Financial Disclosure Policy**

Lincoln University employees are expected to comply with the requirements of the University's Conflict of Interest and Financial Disclosure Policy in Chapter XI.

#### **10.67 Nepotism Policy**

No person who is related by blood or marriage to any member of the Board of Curators shall be appointed to any position in the University as officer, member of any faculty, or employee. A relative includes, but is not limited to, spouse, child, grandchild, great-grandchild, great great-grandchild, parent, grandparent, great grandparent, great great-grandparent, brother/sister, aunt/uncle, great aunt/uncle, niece/nephew, grand niece/nephew, and cousin. All relationships are included, whether full, half, step, foster, adopted, or in-law. No exceptions shall be made to this rule.

No University employee may be involved in the hiring process of a job applicant related by blood or marriage to the employee or who has a relationship with the employee that would be considered a personal conflict. A relationship that would be considered a personal conflict includes, but is not limited to: domestic partners or significant others; individuals who are cohabitating, including roommates; individuals who are dating; individuals who are involved in a personal relationship; or individuals who are involved in a business relationship that might be construed as being a conflict of interest. The hiring process includes the search and screening process as well as the signature authority required to hire an applicant, unless granted an exception from the Board of Curators.

No restriction on employment of persons related to other employees of the University will be made unless the employment would result in an employee having supervisory capacity over a relative (of any degree), either immediate or within the direct chain of command. Only the Board of Curators can grant an exception to the rule.

If approved by the Board of Curators, supervisors are expected to remain objective in the hiring, evaluation, and discipline of the employee. If a supervisor is deemed to not remain objective due to supervising a family member, the President may provide progressive discipline, demote, reassign, or terminate the supervising employee.

#### **10.68 Staff Performance Evaluation Policy**

All Lincoln University staff employees will have a formal performance evaluation at least once a year. Using the evaluation instruments found under the Human Resources link on the Lincoln University Web site, supervisors will conduct formal performance evaluations

annually. Evaluations will be submitted to the Human Resources Office by the end of the fiscal year.

The staff performance evaluation procedure and guidelines are specified in the Employee Handbook and under the Human Resources link on the Lincoln University Web site.

To provide a uniform method of documenting the results of the employee's performance evaluation, each supervisor is required to document evaluation results on the Performance Evaluation Form available from the Human Resources Office. When the Performance Evaluation Form is completed at the supervisor level, the form is processed through the proper administrative channels. The final completed and signed form is given to the employee with copies maintained by the supervisor and in the employee's personnel file.

This policy is applicable to all Lincoln University staff employees. For the faculty evaluation policy, see Chapter III, section 3.20.8.

## **10.69 Discipline Policy**

The staff discipline policy establishes how the University addresses discipline but also comes under the jurisdiction of the employment-at-will policy: "Any employee without a contract or appointment for a specified term of employment can be terminated at any time for any reason or no reason but not for an illegal reason." (See Section 10.90.)

However, it is within the best interests of the University to have a system in place that fosters the professional growth and development of all employees. To meet this intent, it shall be the responsibility of supervisors to provide assistance, motivation and direction to the staff in the performance of job duties.

Supervisors are responsible for informing their subordinates of institutional expectations. Where problems with employee behavior or performance arise, a supervisor should seek to correct the problem with the least amount of disruption to the work environment. Progressive discipline is a means to correct and/or improve employee behavior and performance.

### Progressive Discipline

Progressive discipline may include oral warning, written warning, suspension, and ultimately, discharge. The goals of progressive discipline are to 1) inform the employee of inadequacies in performance or instances of improper behavior; 2) clarify what constitutes satisfactory performance or misconduct; 3) instruct the employee on what action must be taken to correct the performance or behavior problem; and 4) inform the employee of what action will be taken in the future if the expectations are not met. Reasons for discipline may include but may not be limited to 1) violation of University rules and regulations; 2) failure to follow reasonable rules of procedure in the work place; 3) insubordination; 4) possession of any substance prohibited by state or federal law; 5) assault and/or battery; 6) excessive absenteeism and/or excessive tardiness; 7) theft or destruction of University property; and 8) abuse of leave privileges.



## Levels of Disciplinary Action

1. Oral Warning: An employee may be issued an oral warning for a performance or conduct problem. Oral warnings are typically issued during a private conference between the immediate supervisor and the employee where the immediate supervisor explains the problem and what the employee must do to return to satisfactory status. Supervisory notes to the file are permissible and in most cases appropriate. The employee should be informed that the conference is being conducted for the purpose of issuing an oral warning.
2. Written Warning: Employees may be issued a written warning as a letter or memo which contains the following information: a description of the specific problem or offense; the most recent incident and when it occurred; previous actions taken to correct the problem (if applicable); expectations and acceptable standards of performance; and warning that further unsatisfactory behavior or performance may result in further disciplinary action. Typically the written warning is issued and discussed with the employee in private conference with the immediate supervisor. A copy of the written warning should be given to the employee and a copy placed in the employee's official personnel record, located in the Human Resources Office. The written warning may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed.
3. Suspension: Staff employees may be suspended without pay for significant incidents of misconduct or poor performance, or when a series of disciplinary actions have been taken but the problem continues. Typically the employee is informed of the recommended suspension in private conference with her/his immediate supervisor. The employee is given a letter signed by the President detailing the basis for the action which specifies 1) the length of the suspension (beginning and ending dates); 2) a description of the specific problem or offense; 3) the most recent incident and when it occurred; 4) previous actions taken to correct the problem, if applicable; 5) expectations and acceptable standards of performance; and 6) a warning that further unsatisfactory behavior or performance may result in further disciplinary action, up to and including discharge. The suspension letter may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed.
4. Involuntary Termination: Employees may be discharged for incidents which are serious enough to warrant immediate involuntary termination, or after all the progressive disciplinary steps have been taken (suspension being an optional step).

Typically a recommendation for termination be initiated by the immediate supervisor and transmitted through the appropriate administrative chain of command to the President of the University. Upon approval by the President, the employee be given written notice of the decision of the President and the termination becomes final.

The President may terminate any employee for reasons of gross neglect of duty on- or off-campus, grossly inadequate performance, misconduct of a nature that may bring disgrace to the University, or actions that pose a threat to the safety and well-being of members of the University community.

All termination decisions by the President are final and there is no appeal process unless the appeal is based on a claim of violation of University policies, state or federal laws. These types of appeals should be processed through the proper University grievance channel.

### **10.70 Job Abandonment**

Any employee who has been absent from the workplace for a period of three (3) consecutive work days without prior authorization or approval for such absence and under conditions which are not subsequently found to justify approval under existing University policy shall be deemed to have abandoned her/his University employment.

Job abandonment shall be sufficient cause for immediate termination of University employment. A recommendation for termination for reason of job abandonment be initiated by the immediate supervisor and transmitted through the appropriate administrative levels for approval by the President of the University.

Termination notice in a case of job abandonment given at the sole discretion of the President of the University.

### **10.71 Disability Accommodation, Leave, and Termination**

Lincoln University is committed to providing an accessible and supportive environment for employees with disabilities. Equal access for qualified individuals with a disability is an obligation of the University under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Lincoln University does not discriminate on the basis of disability against qualified individuals with a disability in any program, service or activity offered by the University. The University is committed to ensuring that no qualified individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids or other appropriate services; however, accommodations cannot result in an undue burden to the University or fundamentally alter the essential functions of the job.

### **10.72 Political Activity Policy**

This policy concerns political activity and holding of public office by members of University faculty and staff. The policy is subject to any applicable provision of law or determination of the Missouri Ethics Commission. The following are allowable political activities that Lincoln University employees may engage in:

1. Working with organizations of political parties qualified to place candidates on the ballot in accordance with Missouri State Statutes or of political parties seeking such qualification;
2. Working with nonpartisan or bipartisan groups seeking the election of candidates to public office;
3. Working with nonpartisan or bipartisan groups seeking the approval or disapproval of issues which are or may be submitted to the voters for approval; and
4. Working for individual candidates seeking public office, including candidates for membership of any political committee established by Section 115.611, RSMo.

Such activities, like any other personal, non-official undertaking, must be done on the individual's own time and should not interfere with University duties. (See Chapter XI, Conflict of Interest and Financial Disclosure Policy.)

Employees may contribute funds or expend funds on behalf of the above parties, groups, candidates or issues, subject only to state and federal laws which regulate political contributions.

### Public Office

Before officially announcing candidacy, or accepting any elective offices, employees must inform their immediate supervisors of such intention and the supervisors must make the fact known to the President. If the policy permits, the President will offer no objection to the candidacy provided it does not require time or attention that should be given to University duties. Subject to the requirements of notice to the President, an employee may, without the President's permission, become a candidate for and hold a part-time position for public office. In case of doubt, the President will decide if the candidacy is permissible under this policy. Such activity must be conducted on the individual's own time and is not to interfere with University duties.

The holding of any **full-time** elective office in local, county, state or federal government is forbidden while the person is employed by the University unless the employee is granted a written exception by the President as allowed for some local government positions. Some offices, for example the Missouri General Assembly, should be considered full-time although not in session for the entire year. Any employee seeking election to such an office must resign or request a leave of absence as of the date of filing in the primary. Before accepting such office, employees are required to resign their University positions.

## **10.73 Remote Work**

### **10.73.1 Objectives**

Lincoln University recognizes that remote work can be an effective approach to fulfilling organizational objectives and providing employees with a flexible, productive work environment. Remote work arrangements are individually assessed based on the position duties and job requirements.

In order to provide flexible work options, a remote work arrangement may include:

- hybrid designations that involve an employee working some portion of the week/pay period at a remote site as well as on-campus, or
- fully remote designations in which most work is conducted at an alternate off-campus designated location.

A remote work arrangement may be made at the time of recruitment (i.e., condition of employment), during the employment period as determined by employee's departmental leadership and Lincoln University's Human Resources Department, or at an employee's request to transition to a remote work arrangement. All employees are expected to follow all professional standards of performance and conduct, applicable laws, and Lincoln University's Bylaws, Rules and Regulations and policies and procedures while at all work locations. All employees also are required to complete all Lincoln University mandatory training by specified deadlines, regardless of the work location.

A work schedule modification or remote work arrangement request for a health-related reason should be submitted directly to Lincoln University's Human Resources Department.

Lincoln University reserves the right to end the designated remote work arrangement at any time for operational needs, performance concerns, scheduling conflicts, budgetary impacts, customer service needs, or other related matters. A minimum notice period of 28 calendar days should be provided to the employee prior to a required return to a designated campus location unless emergency circumstances necessitate the time period to be shortened or if a different time period is mutually agreed upon by the employee and Lincoln University.

Only hours spent on Lincoln University related work may be reflected as hours worked. If any time is dedicated to address personal items during the employee's workday, the employee is expected to use accrued leave as allowed under Lincoln University's policies.

### **10.73.2 Evaluating a Remote Work Arrangement**

Remote work arrangements are not required to be uniformly available to all positions or employees within a department because not all positions are conducive to remote work arrangements. Remote work arrangements are based upon Lincoln University's mission in providing a residential campus experience coordinated with a department's defined business model.

Instructional duties are generally not eligible for a remote work arrangement. Instructors are expected to provide classroom instruction and conduct office hours *in person* unless an exception or official accommodation is approved, the position

is hired as remote, or the class is officially designated as an online course.

Department leadership is responsible for determining the best use of a remote work arrangement, while assessing the impact on campus operations, space availability, budget, and the student experience. The remote work arrangement is intended to benefit the employee and Lincoln University without putting undue burden or added expense on the supervisor, team, and/or department and must conform with all applicable Lincoln University policies, procedures, Rules and Regulations and state law.

Each of the following factors should be considered by a department leadership:

- Remote work arrangements must not adversely affect the services provided to students, parents, employees, colleagues, or the public, whether those services are directly provided by the employee or by other department members.
- Remote work arrangements must not be assigned if it adversely impacts productivity at the individual or department level, or if the arrangement negatively impacts communications, collaborations, team-based environments, etc.
- Work schedules in different time zones will need to be considered and managed to ensure department operations and services are not disrupted. Work schedules should be aligned with the Central Standard Time Zone when possible.
- A remote work location agreement is not intended to provide child, dependent, and family care, convalescing, or caring for an ill family member. The presence of children or other dependents, guests, or pets in the remote work location cannot disrupt the overall performance of work activities or negatively affect the productivity of the employee.
- Although a work schedule modification that is reflective of both the employee and Lincoln University needs might be possible, the focus of the arrangement must remain on the effective fulfillment of job responsibilities.
- Remote work arrangements should be analyzed to determine if the position duties can be performed in a remote environment.
- The employee's prior/current work performance and conduct should be considered to determine whether the employee is likely to be successful in a remote work arrangement.
- Remote work arrangements should not create or increase a need for additional staffing or increase work hours of existing staff.
- Remote work arrangements should not create data security or other confidentiality risks that cannot be effectively mitigated.
- Remote work arrangements require supervisors to be able to effectively manage work hours and productivity. The supervisor should provide clear performance goals and expectations for the employee, and the employee's work quality, quantity, and timeliness should be adequately monitored by the supervisor.

- Hourly (non-exempt) employees working over 40 hours during an assigned work week are eligible for overtime hours.

Departments considering remote work arrangements are encouraged to contact the Lincoln University's Human Resources Department for consultation, especially for employment arrangements necessitating an out-of-state remote work location to ensure all employment law requirements and related costs are identified. Employees will be taxed according to the state and employment law and benefit provisions for the city and state designated as the primary work location which may have a financial impact to the department.

Remote work arrangements should be reviewed by the department and employee after the first six months and annually thereafter or at the time of evaluation to confirm continuation of the arrangement. Employees hired into a position designated as fully remote do not necessitate a review outside of the performance evaluation process. Lincoln University will review work location arrangements annually.

In the event of campus closure due to a declared emergency or inclement weather, employees may immediately be designated as remote workers for temporary or permanent arrangement. Remote work due to temporary campus closures will not require completion of a Lincoln University Work Location Request Form.

### **10.73.3 Assigning/Approving a Remote Work Arrangement**

Any requested change to an existing work arrangement (i.e., in-person, fully remote, or hybrid) must be documented by completing the Work Location Request Form. Requests require review by the supervisor, approval by department leadership, and approval by the Lincoln University Human Resources Department. If questions exist about the potential effectiveness of the arrangement, the supervisor may consider evaluating a remote work arrangement on a pilot basis with a defined review period.

Remote work arrangement requests approved by the supervisor/department leadership must be submitted to Lincoln University's Human Resources Department for final review and approval prior to the work arrangement going into effect. Lincoln University's Human Resources Department will provide a communication to the employee and supervisor once processing is completed.

Remote work schedule changes do not require the completion of the Work Location Request Form; however, all remote work schedule changes are to be discussed between the supervisor and the employee and approved in advance with a fourteen (14) calendar day minimum notice period. In addition, the supervisor shall notify Lincoln University's Human Resources Department in writing of any schedule changes.

#### **10.73.4 Electronic Devices and Data Security**

Reasonable steps must be taken to ensure that Lincoln University property is assigned and used according to Lincoln University policy and related requirements. Compliance with all Information Technology policies including, but not limited to, software licensing, virus protection, data security measures (i.e., multi-factor authentication) is required.

Employees with a remote work arrangement are required to have a Lincoln University issued computer or another electronic device. Security and confidentiality of Lincoln University records must be maintained, and electronic records must be stored in Lincoln University-identified drives via secure remote access technology provided by Lincoln University Information Technology. The supervisor should identify the employee's equipment needs and coordinate acquisition of assigned equipment.

The employee must have high-speed internet service to work remotely. Lincoln University is not responsible for purchasing equipment to establish internet service such as modems, wireless routers and other DSL/cable communication devices.

The employee is required to follow all Lincoln University policies and procedures regarding access to and destruction of sensitive or confidential data at any assigned work location. Employees are required to keep Lincoln University-owned equipment and information secure at the work site.

#### **10.73.5 Workers' Compensation**

Because unknown workers' compensation liability may be incurred if accidents occur off-site, the employee will immediately report accidents to their designated supervisor which occur at the remote work location during the agreed upon work hours while performing work-related duties.

Job-related accidents will be reported on the specified Lincoln University form available.

#### **10.73.6 Ending a Remote Work Arrangement**

Upon notification that a remote work arrangement is ending, the employee may be asked to work at the designated campus work location as directed by the supervisor. Failure to return to the designated worksite within the defined timeframe may result in disciplinary action, up to and including dismissal. The supervisor is required to notify Lincoln University of the cancellation of the remote work arrangement prior to communicating the cancellation to the employee.

At the time of separation from employment, employees under a remote work arrangement are required to return all keys and Lincoln University-issued electronic

devices used to access or store data (e.g., computer/laptop, docking station, power supply, tablet).

Employees will be required to return all equipment within seven (7) calendar days following their separation date and will be billed the replacement cost if they fail to return required Lincoln University equipment. Employees transferring to a different Lincoln University position should initiate conversations between the new and departing units to ensure that property assignments can be transitioned accordingly.

#### **10.73.7 Exclusions or Special Circumstances**

Remote work arrangements are limited to the United States.

Student employees are not eligible for remote work arrangements unless an exception is approved by Lincoln University's Human Resources Department.

Remote work arrangements may be eligible for a flexible work schedule as discussed and agreed to by the employee, supervisor, and department leadership.

Notification of a work location change, based upon a performance concern, may not occur until after the employee has had an opportunity to meet performance objectives as outlined in a performance improvement plan.

Commuting costs between multiple work locations as designated in a hybrid work arrangement are not an employer reimbursable expense. Employees designated as non-exempt under the Fair Labor Standards Act (FLSA) with a fully remote work arrangement may be eligible for compensation for travel time if travel occurs during the assigned work schedule. Travel expenses incurred while commuting between multiple work locations, such as airfare, mileage, hotel, and per diem, are not required to be covered by the employer.

Working in a remote work location may be authorized for shorter time periods (i.e., less than two consecutive pay periods) in the best interests of the employee or Lincoln University as discussed and approved with the supervisor and Lincoln University's Human Resources Department. A Work Location Request Form is not required for one-time, irregular, or brief instances when an employee may perform work away from the designated campus location, nor will it be required when remote work is directed by Lincoln University due to a disruption of business operations or related emergency.

Lincoln University is not required to furnish or provide additional equipment for the remote work location beyond the designated computer requirements unless the designated item is approved by Lincoln University's Human Resources Department as a reasonable accommodation under the Americans with Disabilities Act (ADA).



Fully remote employees experiencing an extreme weather-related or other uncontrolled event (e.g., loss of electricity) that restricts or prohibits the ability to work should contact their supervisor for further instruction.

### **10.73.8 Consequences**

Failure to follow this policy and Lincoln University expectations may result in ending a remote work arrangement, and may result in an employee disciplinary action, up to and including dismissal.

## **10.74 Consensual Sexual or Romantic Relationships**

There are special risks in any sexual or romantic relationship between individual in inherently unequal positions, and the party who holds the position of greater authority or power assumes such risks. In the University context, such positions include (but are not limited to) supervisor and employee, senior faculty and junior faculty, mentor and mentee, professor and student and volunteer and student. Because of the potential for conflict of interest, exploitation, favoritism, bias, and the appearance of impropriety, such relationships undermine the real or perceived integrity of the supervision and evaluation provided. Additionally, such relationships may be less consensual than the individual whose position confers power or authority believes. The relationship is likely perceived in different ways by each of the parties to it, especially in retrospect.

Moreover, such relationships may harm or injure others in the academic or work environment. Relations in which one party is in a position to review the work or influence the career of the other may provide grounds for complaints by third parties when that relationship gives undue access or advantage, restrict opportunities, or creates a perception of these problems. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

Where such a relationship exists, the person in the position of greater authority or power will bear the primary burden of accountability, and must ensure that he or she – and this is particularly important for faculty members – does not exercise any supervisory or evaluation function over the other person in the relationship. Where such recusal is required, the recusing party must notify his or her supervisor, department head, or dean, as applicable, so that such head, dean or supervisor can exercise his or her responsibility to evaluate the possibility and adequacy of alternative supervisory evaluative arrangements. Staff members, mentors, and volunteers must also notify the Office of Human Resources. To reiterate, the responsibility for recusal and notification rests with the person in the position of greater authority or power. Failure to comply with these recusal and notification requirements is a violation of this policy, and therefore grounds for disciplinary action up to and including termination of employment.

With students – The University will view it as unethical and a violation of this policy if University employees, mentors or volunteers engage in sexual or romantic relationships with students enrolled in their classes or subject to their supervision. Such employee/mentor/volunteer-student relationships may include, but are not limited to, faculty and student, advisor and advisee, teaching assistant and student, coach and athlete, the individuals who supervise the day-to-day student living environment of student residents, mentor and mentee relationships and volunteer and student relationships. The behavior is, in most cases, unethical even when the relationship is consensual (i.e., both parties have consented), because the voluntary consent of the student is in doubt, given the power imbalance in the student-employee/mentor/volunteer relationship. Even if consent were to be shown, a clear conflict of interest would still exist which might create the appearance of discrimination or favoritism in grading or access to educational or other University opportunities. Employees who violate this policy are subject to disciplinary action up to and including termination of employment. Mentors and volunteers who violate this policy are subject to their mentor and volunteer status with the University ending at the discretion of the University.

Relationships between a graduate student and an undergraduate student, when the graduate student has some supervisory responsibility for the undergraduate student, are prohibited by this policy.

#### **10.75 Pregnant Worker Accommodations**

The University will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the University's operations, as required by the federal Pregnant Workers Fairness Act (PWFA).

An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to the University's Human Resources Office. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, the Human Resources Office will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to: sit while working; drink water during the workday; receive closer-in parking; have flexible hours; receive appropriately sized uniforms and safety apparel; receive additional break time to use the bathroom, eat and rest; take time off to recover from childbirth; and be excused from

strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

An employee may request to use the employee's accrued paid leave or unpaid leave as a reasonable accommodation under this policy; however, the University will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

The University prohibits any retaliation, harassment or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful pregnancy discrimination.

## **Complaint Policies**

### **10.80 Staff Complaint Policy: Non-Discriminatory**

Lincoln University encourages employees to seek a solution concerning disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of policy. The complaint basis must be a violation of Lincoln University policy, state or federal law. All full-time and part-time regular staff employees are entitled to utilize the complaint procedure.

The procedures for initiating, processing, and resolving a complaint are available in the Employee Handbook or can be obtained by contacting the Campus Complaint Coordinator in the Office of the President, or the Human Resources Office.

Claims of sexual harassment or alleged discrimination are not covered under this policy. See sections 10.81 and 10.82.

### **10.81 Allegations of Discrimination and Harassment on the Basis of Sex**

It is the policy of Lincoln University to provide a workplace environment that is free from sexual harassment, to assure compliance with federal and state employment law, and to provide a proper code of conduct for its employees. This policy applies to all employees of the University, who are advised to promptly report occurrences of sexual harassment. Employees found to be in violation of this policy are subject to disciplinary action up to and including termination.

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The circumstances of sexual harassment include but are not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

The procedures for initiating, processing, and resolving a complaint are available in the Employee Handbook or can be obtained by contacting the Campus Complaint Coordinator or the Human Resources Office. Should the University President be the subject of a complaint or concern under this policy, the complaint should be made to any member of the Board of Curators' Executive Committee.

## **10.82 Discrimination Complaint Policy**

In accordance with the University's Equal Employment Opportunity Policy, the University has established a discrimination complaint procedure. This complaint procedure is for any type of allegation of discrimination or harassment based on a protected class (other than those allegations of sexual harassment that are determined to fall under the Title IX investigation procedures set forth in the University's Sexual Harassment Policy & Grievance Procedures). This complaint procedure is for any type of alleged discrimination regarding job decisions, employment practices, and other terms of employment or privileges of employment based on race, color, national origin (including ancestry, or any other subcategory of national origin recognized by applicable law), sex (including marital status, family status, pregnancy, sexual orientation, gender identity, gender expression, or any other subcategory of sex recognized by applicable law), religion, age, disability, veteran status, genetic information or any other basis protected by applicable law. Additionally, this complaint procedure pertains to a hostile work environment or harassment based on all the aforementioned protected classes. All employees are required to report any concerns or allegations of discrimination or harassment, including members of the campus community (i.e., faculty, staff and students) of which they become aware to the Human Resources Office or the Campus Complaint Coordinator. Should the University President be the subject of a complaint or concern under this policy, the complaint should be made to any member of the Board of Curators' Executive Committee.

The University will not retaliate against any individual who makes a harassment or discrimination complaint, assists another person in making a harassment complaint or

cooperates in the University's investigation of such allegations. In addition, the University also will not tolerate acts of retaliation by any employee or other persons affiliated with the University. Any Lincoln University employee or job applicant has a right to file a complaint of discrimination.

The procedures for initiating, processing, and resolving a complaint are available in the Employee Handbook or can be obtained by contacting the Human Resources Office.

Claims of alleged sexual harassment acts are not covered under this policy. (See Section 10.81.)

## **Termination of Employment**

### **10.90 Termination Provisions**

Notwithstanding any other provision to the contrary, any employee without a contract or appointment for a specified term of employment can be terminated at any time, for any reason or no reason, but not for an illegal reason.

Employment with the University is normally terminated through one of the following actions:

1. resignation, or voluntary termination by the employee;
2. dismissal, or involuntary termination by the University for any reason at any time.

Terminations are to be treated in a confidential, professional manner by all concerned. Prior to terminating an employee, the employee's immediate supervisor should consult with the Human Resources Department.

### **10.91 Resignation or Voluntary Termination**

Non-exempt staff employees who choose to terminate their employment with the University are required to give their supervisors a minimum of two (2)-weeks prior notice to the last day of employment. Exempt employees who choose to terminate their employment with the University are required to give their supervisors a minimum of four (4) weeks prior notice to the last day of employment. Employees are expected to work during their notice periods and may not use any form of paid leave during the notice periods. Employees who fail to provide the required notice will be deemed ineligible for rehire and will only receive one-half (1/2) of any accrued annual leave available to them at the time of their separation.

Employees who plan to retire are asked to provide the University with a minimum of three (3)-months' notice. This is to allow ample time for the employee withdraw process as well as the processing of appropriate retirement benefit forms to ensure that retirement benefits to which the employee may be entitled commence in a timely manner.

A letter of resignation should be forwarded to the employee's immediate supervisor and the resignation notification should then be sent through normal administrative channels to the Human Resources Department. The employee's immediate supervisor must notify Human Resources as soon as a letter of resignation has been received.

In certain circumstances, when an employee gives notice of resignation, the University may require the employee to leave immediately or on any other date prior to the employee's intended last day of work. This decision will be made based on the best interest of the University and not as a reflection on the employee. When such decision is made, the employee will receive pay in lieu of notice.

### **10.92 Dismissal or Involuntary Termination**

A staff employee, without a contract or appointment for a specified term of employment, can be terminated at any time, for any reason or no reason, but not for an illegal reason. When the University determines that it is in its best interest to terminate an employee, the employee will receive a notice of termination from the President. Terminations are to be treated in a confidential, professional manner by all concerned. Faculty may be involuntarily terminated under the condition of financial exigency and through the process described therein. (See Chapter III, Section 3.42.)

### **10.93 Employee Withdraw Process**

The employee withdraw process must be completed prior to the transacting of the employee's last payroll check to ensure any indebtedness to the University has been reconciled. Indebtedness includes financial obligation, outstanding cash advances, traffic and library fines, University-owned equipment and uniforms, filing of grade reports, and return of keys and employee identification cards. The employee should contact the Human Resources Office to request the employee withdraw form.

### **10.94 Withholding of Pay for Indebtedness to the University**

Any debt reconciliation must be documented by the terminating employee's area supervisor and submitted to the Payroll Office so that wages can be withheld before the final paycheck processing period is completed. The recognized debt can be deducted from the employee's last regular paycheck if it is before the regular paycheck release date. The employee be paid equal to or exceeding the minimum wage amount for any unpaid wages after deduction for debt owed so that there is no violation of federal and state minimum wage law.

### **10.95 Termination Policy in Regard to Leave**

In addition to the provisions in the Special Leaves policy (Section 10.42), when a leave of absence occurs for disability or medical leave situations, the University will provide employer-paid benefits of health, retirement and life insurance during the initial six months of any approved medical/health leave; long-term disability benefits are available to those

who qualify after 180 days. After one year of authorized disability or medical leave, an employee may be terminated or granted a continuation of the leave by the University President.

#### **10.96 Employment Verification Policy**

Lincoln University will make every effort to maintain strict confidentiality of current and former employees' employment information. All contacts from outside parties, whether in person, by phone, or by mail or e-mail, requesting employment verification for current or former employees will be referred to the Human Resources Office. Staff in the Human Resources Office will require a written request, with signed authorization by the current or former employee, to allow for release of information. The employment information provided will include job title(s), dates of employment, and earnings.

## **CHAPTER XI CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE**

### **11.00 Purpose**

All Curators, officers, faculty, employees and volunteers of the University should be well informed about, and carefully adhere to, all laws and all duly promulgated policies regarding conflict of interest and be alert to situations which may have the appearance of a conflict of interest. The purpose of this regulation is to set forth the applicable provisions of law and to assist Curators, officers, faculty, employees and volunteers to avoid improper outside influences on institutionally related decisions and activities, or use their position or the property of the University for their personal financial or political gain.

### **11.01 Definitions**

Unless the context clearly requires otherwise, the following terms used in this regulation shall be defined as follows:

#### **11.01.1 Curators**

The Board of Curators for Lincoln University.

#### **11.01.2 Business with which he/she is associated**

Any sole proprietorship owned by the person, his/her spouse, or any dependent child in his/her custody;

Any partnership or joint venture in which the person, or his/her spouse, is a partner, and any corporation or limited partnership in which he/she is an officer or director or of which the person, his/her spouse, or dependent child in his/her custody, whether singularly or collectively, owns in excess of ten percent (10%) of the outstanding shares of any class of stock or partnership units; or any trust in which the person is a trustee or settlor or in which the person, his/her spouse, or dependent child, whether singularly or collectively, is a beneficiary or holder of a reversionary interest of ten percent (10%) or more of the corpus of the trust.

#### **11.01.3 Decision-making public servant**

Any Curator, official, appointee, faculty member or employee of the University who is designated by the Board of Curators, or the President of the University, as a decision-making public servant, and/or who exercises supervisory authority over the negotiation of contracts, who has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law, or who exercises primary supervisory responsibility over purchasing decisions.



#### **11.01.4 Dependent child, or dependent child in his/her custody**

All children, stepchildren, foster children, and wards, under the age of eighteen (18) residing in his or her household and who receive in excess of fifty percent (50%) of their support from a decision-making public servant.

#### **11.01.5 Employee**

Any person employed by the University on either a full-time, part-time, or temporary basis at a particular time.

#### **11.01.6 Officer**

A member of the Board of Curators, the President of the University, the VPAA, VPAF, CSAO, VPUA, VPCC, the Treasurer of the Board of Curators, the Director of Acquisitions and General Services, Director of Facilities and Planning, and any other person holding a position in the University designated by the Curators as "officer."

#### **11.01.7 Substantial interest**

Ownership by a decision-making public servant, his/her spouse, or his/her dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity or of an interest having a value of Ten Thousand Dollars (\$10,000.00) or more, or the receipt by such an individual, his/her spouse, or his/her dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of Five Thousand Dollars (\$5,000.00), or more, per year from any individual, partnership, organization, or association within any calendar year.

#### **11.01.8 Substantial personal or private interest in any measure or action**

Any interest in a measure or action which results from a substantial interest in a business entity.

#### **11.01.9 University**

Lincoln University.

### **11.02 General Procedures**

No Curator, officer, faculty member, employee or volunteer of the University shall engage in any:

### **11.02.1 Outside Interests**

Knowingly engage in any outside matters of financial interest incompatible with the impartial, objective, and effective performance of their University duties. They shall not use their decision-making authority to realize personal or political gain in any form or which would influence improperly the conduct of their University duties. They shall not knowingly use University property, funds, position or power for personal or political gain.

### **11.02.2 Use of Confidential Information**

Use confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner, with intent to result in financial or political gain for himself/herself, his/her spouse, his/her dependent child in his/her custody, or any business with which he/she is associated.

### **11.02.3 Disclosure of Confidential Information**

Disclose confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner with intent to result in financial or political gain for himself/herself or any other person.

### **11.02.4 Financial or Political Gain**

Use his/her decision-making authority for the purpose of obtaining a financial or political gain which materially enriches himself/herself, his/her spouse, or dependent children, by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.

### **11.02.5 Selling, Renting, Leasing of Property**

Participate in any matter, directly or indirectly, in which he/she attempts to influence any decision of the University, when he/she knows the result of such decision may be the acceptance of the performance of a service, or the sale, rental, or lease of any property to the University for consideration in excess of Five Hundred Dollars (\$500.00) value per annum to him/her, to his/her spouse, to a dependent child in his/her custody, or to any business with which he/she is associated, unless the transaction is made pursuant to an award on a contract through the bid process or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received and in all such cases the person shall abstain from any consideration or decision on any vote taken on any of such matters.

### **11.02.6 Outside Compensation**

Perform any services during the time of his/her office, appointment or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his/her official duties, by which service he/she attempts to influence a decision of the University.

The employees of the University are hired to perform professional and skilled duties. Any outside employment or business interests must be clearly subordinate to and not interfere with the individual's obligations to the University.

Except during the summer when he/she is not under contract to the University, a full-time faculty member who engages in outside activities for which he/she is remunerated must report each such activity to his/her Department Head prior to, when possible, the commencement of the activity. If in the Department Head's judgment the activity will interfere with the faculty member's performance of duties at the University or constitute a conflict of interest, it is the responsibility of the Department Head to discuss and attempt to resolve the problem with the faculty member. The Department Head must identify the specific nature and extent of the faculty member's diminished effectiveness or the conflict of interest. If an agreement cannot be reached, the matter will be taken to the College Dean who will attempt to reach a resolution satisfactory to both the individual and the administration. If resolution is not possible at the college level, the VPAA will make a determination.

Because Lincoln University faculty members are hired primarily to teach, outside teaching by full-time faculty members is permitted only with the knowledge of and written consent of the VPAA, except during the summer if the Lincoln University faculty member is not under contract.

### **11.02.7 Faculty Consultation Activity**

Consultation by the faculty, whether income-producing or otherwise, is the application of professional and scholarly expertise in the external community. It is a significant means of professional improvement as well as a form of community service. However, consultation may, in some instances, also constitute a business interest requiring disclosure and approval when the entity for which the employee consults also transacts business with the University or is in competition with the University, or where the consultation itself competes with the work of the University. The University permits consulting activities that:

1. are related to the professional interest and development of the faculty member or other exempt person;
2. do not interfere with regular duties;
3. do not utilize University materials, facilities or resources except as specifically authorized by the appropriate Dean;

4. do not compete with the work of the University, and are not otherwise contrary to the best interest of the University;
5. do not violate federal or state law; and
6. do not represent a conflict of interest under other policies of the University.

Each department shall make an annual report to the VPAA indicating the aggregate time and the nature of the service performed for each individual engaged in consulting. These reports shall be transmitted annually to the President.

#### **11.02.8 Procedure When Contracting**

When it is proposed that the University enter into 1) contracts for the sale of goods or services, or 2) research contracts or grants, or 3) other contracts, with private firms or corporations in which a Curator, officer, faculty member, employee or volunteer knows he/she has a direct or indirect financial interest, the following procedure shall be followed.

Before the proposed contract is executed by the University, the University, Curator, officer, faculty member, employee or volunteer shall make a full disclosure of such financial interest, in writing, to the official having contract approval authority. This disclosure shall also be filed with the Secretary of the Board of Curators for public scrutiny for a period of at least ten (10) days prior to the approval of the contract.

If there is a change in the financial interests of a Curator, officer, faculty member, employee or volunteer during the term of the contract, the change shall be reported immediately, in writing, and forwarded to the official having contract approval authority, and shall also be filed as required above.

If the financial interest of the Curator, officer, faculty member, employee or volunteer in the private firm or corporation is such that it could influence the decision-making process of the private firm or corporation, and such person could also influence the decision-making process of the University in entering into or performing the contract:

1. The University shall not enter into the contract, or shall cancel the contract, if the terms of the contract so permit; or
2. The Board of Curators, the Curators, officer, faculty member, employee or volunteer shall take such action as is necessary to remove him/her from a relationship with the private firm or corporation that could influence the decision-making process of the private firm or corporation; or
3. The University shall establish a procedure to remove any opportunity for the University employee or volunteer to influence

the entering into the contract by the University or the manner in which the contract is performed by the University.

#### **11.02.9 Prohibited Services after Termination of Office or Employment**

No Curator, officer, faculty member, employee or volunteer shall:

1. Perform any service for consideration, during one year after termination of his/her office, appointment or employment, by which performance he/she attempts to influence a decision of the University, except that this provision shall not be construed to prohibit any person from performing such service, and receiving compensation therefore, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the University from being employed by any other department, division or agency of the executive branch of state government.
2. Perform any service for any consideration for any person, firm or corporation after termination of his/her office or employment in relation to any case, decision, proceeding or application with respect to which he/she was directly concerned or in which he/she personally participated during the period of his/her service or employment.

#### **11.02.10 Receipt of Gifts**

No employee should accept any personal gifts or gratuity or other award of monetary value from any person, company, or firm which transacts, or wishes to transact, business with the University. This is not intended to be applicable to meals/functions conducted at the initiative of the University and involving University purposes or business, or to compensation or fringe benefits provided by the University. Any exception requires the written approval of the employee's supervisor, based on a written explanation for the requested exception.

### **11.03 Curator's Disclosure of Conflicts**

#### **11.03.1 Duty to Disclose; Timing**

Whenever any conflict of interest appears to exist after taking oath of office, the Curator shall immediately fully disclose that conflict to the Board and to the President of the University. In no event shall such disclosure be delayed longer than seventy-two (72) hours prior to consideration of the matter by the Board.

### **11.03.2 Uncertainty as to Conflict**

Any Curator who is uncertain whether a conflict of interest may exist in any matter, whether such conflict is his/her own or that of another, may request the disinterested members of the Board who are present to resolve the issues of whether the conflict exists and is material to the particular matter being considered, by unanimous vote, with the affected member abstaining from voting.

### **11.03.3 Procedure for Disclosure**

The following procedures shall be observed in resolving all disclosures:

1. The interested Board member shall disclose any significant facts within his/her knowledge which indicate that the matter might adversely affect the University; then briefly state his/her position on the particular matter and answer pertinent questions; and shall refrain from exerting in any manner, his/her personal influence over the decision of such matter; and, if requested by the President of the Board, the interested member shall be absent from all discussions, recommendations, determinations and decisions concerning the particular matter; and, the Board and/or committee shall take no action on the matter unless and until a quorum of disinterested members is present; and, the interested member shall not vote on the particular matter.
2. The interested Board member may voluntarily recuse himself/herself from Board deliberations or actions if the member believes that a duality or conflict of interest exists with respect to any such deliberations or actions. Any such voluntary refusal shall not release the member from making full disclosure.
3. If a Curator fails to disclose, or after disclosure and adverse vote of the Board, fails or refuses to refrain from further action, such Curator may, by unanimous vote of the Board, be expelled from the Board meeting, with the affected member abstaining from voting, or from all future Board meetings until the conflict is resolved.
4. The disclosure of a conflict of interest by a Curator and inquiry by the Board concerning such matters shall be considered in closed session to the extent that the conflict arises out of matters enumerated in the Open Meetings statute.

### **11.04 No Discrimination for Filing Reports**

No person with supervisory authority shall discipline, discharge, threaten, retaliate or otherwise discriminate against a person or employee acting on behalf of a person, regarding compensation, terms, conditions, location, or privileges of employment because:

1. The person or employee acting on behalf of the person reports or is about to report, verbally or in writing, a violation or suspected violation of these regulations or of law.
2. A person or employee acting on behalf of the person is requested by the Missouri Ethics Commission to participate in an investigation, hearing, or inquiry held by the Commission or any related court action.

### **11.05 Financial Interest Statements**

Members of the Board of Curators, the President, the VPAA, VPAF, CSAO, VPUA, VPCC, the Treasurer, the Director of Acquisitions and General Services, Director of Facilities and Planning, and any other persons identified in the minutes of the Board of Curators as decision-making public servants, are required to file financial interest statements prescribed by Mo. Rev. Stat. § 105.483. The President may designate additional employees as decision-making public servants. The financial interest statements, as required by law, are to be filed with the Missouri Ethics Commission on an annual basis not later than the first (1st) day of May in each year and with the Secretary of State prior to that time.

### **11.06 Limitation on Gift Acceptance**

A Curator shall not accept gifts or benefits from any person holding contracts for supplies or services to the University, or from any bidder on contracts for such services or supplies.

However, this provision shall not apply to acceptance of gifts, benefits, gratuities, amenities, or favors based on obvious family, friendship, or personal relationships where the circumstances make it clear that it is those relationships rather than the business of the University, which are the motivating factors.

### **11.07 Faculty-Authored Textbooks and Other Educational Materials**

University employees may not receive any direct financial benefit from the sale of textbooks or other educational materials to students at the institution. The employee may, however, profit from the sale of such materials to other universities, libraries, etc.

### **11.08 Political Activity**

University employees may not engage in political activity 1) during the course of their work day; 2) in any University room, building, or property occupied in the conduct of job duties; 3) while utilizing any University resources or facilities; 4) while wearing a uniform or any insignia identifying the office or position of the employee; or 5) when using any vehicle owned or leased by the University or the State of Missouri. (See Chapter X, Section 10.72 for allowable political activities.)

## 11.09 Conflicts of Commitment

A conflict of commitment may arise when employees undertake any outside activity that interferes with their ability to operate at the expected level of job performance. University employees should therefore carefully consider whether the outside activity, i.e., political office, would require a level of time and commitment that could impinge (or could reasonably be conceived as impinging) on the ability to meet the requirements of their University position. Before employees undertake such an outside activity, they must disclose the intention to their supervisor, who will forward this notice of intention through the proper channels. The University President will have the final authority in approving such outside activity.

## 11.10 Conflict of Interest and Commitment Policies Relating to Cooperative Extension

The area of Cooperative Extension follows the University conflict of interest and commitment policies as well as the guidelines and requirements of its federal partner, USDA-NIFA.

### Consulting

Extension employees must disclose any planned consulting activities for review by the immediate supervisor. Permission may be granted when the activity

- is outside the state of Missouri
- is done on the employee's own time or approved leave
- is not contrary to the best interests of the university and the area of Extension
- does not represent a conflict of interest under any policies of the university and the area of Extension

When an Extension employee engages in consulting activities, an annual report must be made to the Dean of the College of Agriculture, Environmental and Human Sciences indicating the aggregate time for services performed.

### Ownership/Operation of a Business

Extension employees must disclose any ownership and/or operation of a business outside their university duties to the immediate supervisor, including an estimation of the time commitment required to manage, operate, or be involved in a commercial business. Outside employment or business ventures which may conflict with employees' job requirements, or appear to conflict, require the review of the Extension administrator or their designee. The time spent on outside employment or business must be done on the employees' personal time. The employees' business must not compete unfairly with similar private businesses. The employees must not have an unfair advantage over other businesses because of special Cooperative Extension job-related knowledge.

Selling articles or programs to media about work-related programs is prohibited.



#### Serving as an Expert Witness

Extension employees may serve as an expert witness with or without subpoena, provided that if serving under subpoena, they disclose such to the Extension administrator. If serving without subpoena, arrangements shall first be made with the employees' immediate supervisor for leave from their duties during the necessary time required to serve.

Extension employees serving as an expert witness shall be entitled to retain all compensation received as such, and no deduction shall be made from their regular compensation.

#### Private-Sector Support

Extension employees must exercise caution and professional judgment when using any brand name in any service, work product, or program. To avoid potential conflicts, clarification should be sought from the immediate supervisor. It is appropriate to publicly recognize and acknowledge private sector support; however, no endorsement of product or services should be provided.

It is appropriate to accept monies from the private sector to support programs and objectives of Cooperative Extension. Also, it is appropriate to recognize organizations' contributions, but acknowledge that acceptance of support is not an endorsement of contributors' products/services by the University or Cooperative Extension.

#### Commodity Trading (Buying and Selling)

If Extension employees' job assignment closely involves the commodities in question, the employees must disclose involvement in trading activities to the immediate supervisor. A determination will then be made regarding whether the employees' involvement presents unfair competition to others trading such commodities. If the activity appears to conflict with the employees' job time or assignment, a review by the Cooperative Extension administrator or their designee is required before further activity is undertaken.

#### Issues of Public Debate

Cooperative Extension employees must be objective in dealing with topics that are controversial or are issues of public debate. Employees have a responsibility to provide facts of the issue equally to all interested members of the public, regardless of their views concerning such issues. Employees primarily involved with one client group are governed by the same requirements of objectivity as those with varied clientele.

### **11.11 Sanctions for Violations**

Any person knowingly violating the conflict of interest law is subject to punishment as prescribed by Mo. Rev. Stat. § 105.478. Any employee violating any of the provisions of Chapter XI shall be subject to disciplinary action, including suspension or termination of employment.

The University administration shall establish and inform all employees of the existence and operation of an internal process for receiving employee complaints required by this Chapter

XI, and to receive complaints or requests for investigation of violations or suspected violations of this Chapter XI or the statutes on conflict of interest.

Any employee subject to discipline shall be entitled to full due process rights provided under the appropriate grievance procedure.

#### **11.12 Stationery**

Official University stationery may not be used in outside business, personal and other private or political activities of employees.

#### **11.13 Logo**

All Curators, officers, faculty members and employees shall not employ the name of the University or any of its graphic identification symbols in printed materials intended to endorse or promote individual enterprises or to otherwise enhance private gain without the written permission of the University President.

#### **11.14 Statutory Requirements**

All Curators, officers, faculty members and employees shall comply with the requirements of Mo. Rev. Stat. Ch. 105 dealing with conflicts of interest, as well as any other state law governing official conduct. Failure to comply with those requirements shall be considered a violation of this regulation.