

**AGENDA BOOK**

# **Board of Regents**

**August 8, 2019**

Morehead, Kentucky

[www.moreheadstate.edu/bor](http://www.moreheadstate.edu/bor)



Morehead State University  
**Board of Regents Quarterly Meeting**

Thursday, August 8, 2019, 9:00 a.m.  
329 Adron Doran University Center

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Morehead State University  
**Board of Regents Members**

Kathy Walker, Chair

Wayne M. Martin, Vice Chair

Annie Adams

Colby Birkes

Craig Dennis

Sanford Holbrook

Eric E. Howard

Debbie H. Long

Craig Preece

Patrick E. Price

Terri S. Walters

Joseph A. (Jay) Morgan, President

**BOARD OF REGENTS MEETING  
MOREHEAD STATE UNIVERSITY**

Adron Doran University Center (ADUC), Room 329

Thursday, August 8, 2019

8:45 a.m. – Group Photo

9:00 a.m.. - Quarterly Board Meeting

1:00 p.m. - New Regent Orientation

**AGENDA**

**GROUP PHOTO- 8:45 a.m.**

Please dress in professional attire for the group photo. This photo will be posted to the Board web page.

**QUARTERLY BOARD MEETING – 9:00 a.m.**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. OATH OF OFFICE ADMINISTERED TO NEW REGENTS, Judge Executive Harry Clark**

- Dr. Annie Adams
- Mr. Colby Birkes

**IV. ELECTION OF VICE CHAIR AND SECRETARY, APPOINT TREASURER  
(Pursuant to KRS 164.330 and Board Bylaws)**

**V. FACULTY, STAFF, AND STUDENT RECOGNITION**

**VI. PRESIDENT’S RECOMMENDATIONS & REPORTS**

**A. Consent Agenda (Action)**

1. Approve Minutes of June 6, 2019 Meeting
2. Approve Founders Award for University Service ..... 1
3. Approve Granting of Emeritus Status ..... 3
4. Approve Faculty Handbook ..... 4
5. Ratify Personnel Actions ..... 57
6. Approve Student Code of Conduct Revisions ..... 64
7. Approve Police Standard Operating Procedure Manual Revisions ..... 115
8. Approve Closed Programs ..... 398
9. Approve OVC Governing Board Certification ..... 399

**VII. CLOSED EXECUTIVE SESSION (ADUC RM 326)**

**VIII. PRESIDENT’S RECOMMENDATIONS & REPORTS CONTINUED**

**B. Recommendations (Action)**

1. Approve Disposition of Surplus Property, **Mr. Kim Oatman** ..... 401
2. Approve Policy Revisions, **Ms. Jill Ratliff** ..... 404

- C. **Reports**
  - 1. Report on Real Property Leases, **Mr. Kim Oatman** ..... 846
  - 2. Report on Personal Service Contracts, **Mr. Kim Oatman** ..... 850
  - 3. Report on Student and Faculty Freedom of Speech (Amended KRS 164.348),  
**Dr. Jane Fitzpatrick** ..... 853
- D. **President's Report**
  - 1. KERS Pension Update
  - 2. Report on 2019-2020 MSU Strategic Planning Goals

**IX. OTHER BUSINESS**

- A. **2018-2019 Board of Regents Self-Evaluation Summary**, Chair Kathy Walker
- B. **Board of Student Body Presidents**, Colby Birkes
- C. **Conflict of Interest & Board Code of Ethics Forms**, Jacqueline Graves

**X. ADJOURNMENT**

**BREAK FOR LUNCH – 12:00 p.m. – 1:00 p.m.**

**NEW REGENT ORIENTATION – 1:00 p.m. – 4:00 p.m.**  
(Located at ADUC, Room 329.)

**I. NEW REGENT ORIENTATION (Required for new regents, all regents welcome)**

- Regent responsibilities
- Relationships and Communications Protocols
- The Board-President Partnership
- Fiduciary Responsibilities & Regent Bylaws
- Legal Issues and Policies
- Strategic Planning
- Academic Affairs & Student Success
- Business Processes (e.g. budgeting, personnel)
- MSU Foundation
- Athletics and NCAA

Agenda is available online at <http://www.moreheadstate.edu/bor>

**BOARD OF REGENTS MEETING  
MOREHEAD STATE UNIVERSITY  
June 6, 2019**

The Board of Regents of Morehead State University met at 9:30 a.m. on Thursday, June 6, 2019, in Room 329 of the Adron Doran University Center (ADUC), in Morehead, Kentucky.

**CALL TO ORDER**

Chair Kathy Walker called the meeting to order.

**ROLL CALL**

The following Board members were present: Chair Kathy Walker, Vice Chair Wayne Martin, Terri Walters, Deborah Long, Brandon Bryer, Sanford Holbrook, Craig Dennis, Eric Howard, Dr. Jonathan Pidluzny, and Patrick Price. Craig Preece was absent from the meeting.

**MEDIA**

Jami Hornbuckle, Director of Media Relations, introduced Leann Akers of Morehead State Public Radio and Juliana Leach with the Daily Independent, through the Associated Press.

**FACULTY, STAFF,  
AND STUDENT  
RECOGNITION**

President Morgan recognized Dr. Lisa Shannon, Ph.D., MSW, Associate Professor of Social Work in the department of Sociology, Social Work, and Criminology as the faculty award recipient. President Morgan commended Dr. Shannon for her numerous collaborations with community-based organizations for research and evaluation and her efforts to enhance student learning and increased visibility of Morehead State University. President Morgan recognized Barry Cox as the staff award recipient. Mr. Cox has served as a Morehead State University employee for approximately nineteen years. Dr. Morgan commended Mr. Cox for his service, stating that Mr. Cox is a diligent worker, always making himself available during regular work hours and overtime, never taking a sick day for himself. President Morgan recognized Mr. Andrew Sexton as the student award recipient. Mr. Sexton serves as Vice President for Campus Involvement with the Student Government Association and is active in the Morehead State University Campus Activities Board. President Morgan stated that, during the 2019 Spring semester, Mr. Sexton was responsible for coordinating the Iron Eagle 24-hour service challenge, where over 100 students completed 1,423 hours of community service.

**RESOLUTIONS OF  
COMMENDATION**

Chair Kathy Walker read the following resolutions of commendation for Dr. Jonathan Pidluzny and Mr. Brandon Bryer, whose terms end on June 30, 2019:

**Dr. Jonathan Pidluzny**

**RESOLUTION HONORING DR. JONATHAN PIDLUZNY**

**WHEREAS**, Dr. Pidluzny, associate professor of government and government program coordinator at Morehead State University, has served with distinction as a member of the Board of Regents of Morehead State University since 2017, and

**WHEREAS**, Dr. Pidluzny, a graduate of the 2016 President’s Leadership Academy, has served with distinction on numerous university committees, including undergraduate curriculum, research and creative productions, academic standards and appeals, the Honors Program committee, and the Craft Academy steering committee, and

**WHEREAS**, Dr. Pidluzny’s distinguished service on the Board of Regents consistently demonstrated his high ethical standards and strong personal commitment to institutional integrity, and

**WHEREAS**, Dr. Pidluzny’s tenure as a board member reflected his professional collegiality and dedication to academic excellence and his abiding concern for the welfare of the entire University community,

**THEREFORE**, be it resolved by the Board of Regents of Morehead State University that Dr. Jonathan Pidluzny be and hereby is commended for his years of honorable and outstanding service on the Board of Regents and that the University expresses its profound and sincere gratitude for his efforts.

Done this sixth day of June 2019.

\_\_\_\_\_  
Kathy Walker, Chair

\_\_\_\_\_  
Jane Fitzpatrick, Interim Secretary

\_\_\_\_\_  
Joseph A. (Jay) Morgan

Brandon Bryer

**RESOLUTION HONORING BRANDON BRYER**

**WHEREAS**, Mr. Brandon Bryer of Scarborough, Maine, served with distinction as the student member of the Board of Regents of Morehead State University since July 1, 2018, and

**WHEREAS**, Mr. Bryer also served in superior fashion during this period as president of the University’s Student Government Association, and

**WHEREAS**, Mr. Bryer worked to encourage students to acknowledge and address incidents that impacted all MSU students, and

**WHEREAS**, Mr. Bryer displayed outstanding leadership to promote participation in community service within the Morehead community, and

**WHEREAS**, Mr. Bryer’s active engagement with the Board of Regents and his stewardship of the Student Government Association consistently demonstrated his high ethical standards and abiding commitment to student and institutional success,

**THEREFORE**, be it resolved by the Board of Regents of Morehead State University that Mr. Brandon Bryer be and hereby is commended for his year of honorable and outstanding service on the Board of Regents and for his leadership of the Student Government Association.

Done this sixth day of June 2019.

\_\_\_\_\_  
Kathy Walker, Chair

\_\_\_\_\_  
Jane Fitzpatrick, Interim Secretary

\_\_\_\_\_  
Joseph A. (Jay) Morgan

**REPORT ON STUDENT  
GOVERNMENT  
ASSOCIATION**

Mr. Bryer reported on SGA initiatives for the past year, particularly on focused initiatives implemented throughout the year to increase proactivity across campus and student advocacy, promotion of student retention, increased representation of constituency groups within the SGA, budgeting transparency, and providing food and medical assistance to students in need.

**SELECTION OF  
BOARD OFFICERS**

Secretary

The President recommended:

**RECOMMENDATION:** That the Board elect Jacqueline Graves as Board of Regents Secretary.

**MOTION:** Vice Chair Martin moved that the Board approve the President’s recommendation. Mr. Holbrook seconded the motion.

**VOTE:** The motion carried unanimously.

**Treasurer**

The President recommended:

**RECOMMENDATION:** That the Board appoint Teresa Lindgren as Board of Regents Treasurer.

**MOTION:** Mr. Bryer moved that the Board approve the President's recommendation. Ms. Long seconded the motion.

**VOTE:** The motion carried unanimously.

**CONSENT AGENDA**

Chair Kathy Walker asked the Board to consider the items on the Consent Agenda:

1. Approve Minutes of March 28, 2019 Meeting
2. Ratify Spring 2019 Graduates
3. Ratify Personnel Actions
4. Approve Reappointment of External Auditing Firm and Price
5. Approve Minimum Scope of Annual Audit
6. Approve University Organizational Chart for 2019/2020

**MOTION:** Mr. Howard moved that the Board approve the items on the Consent Agenda. Ms. Walters seconded the motion.

**VOTE:** The motion carried unanimously.

**PRESIDENT'S  
RECOMMENDATIONS*****Accept Third Quarter  
Financial Report and  
Amend Operating Budget***

The President recommended:

**RECOMMENDATION:** That the Board accept the financial statements and amend the operating budget for the third quarter of the fiscal year that will end June 30, 2019.

*(Financial Report and additional background information attached to these minutes and marked VII-B-1).*

Ms. Teresa Lindgren, Chief Financial Officer, introduced Mr. Jeremy Withrow, Assistant Director of Accounting and Financial Services, to report the financial statements. Mr. Withrow reported that MSU's financial picture remained stable throughout the third quarter of the 2018/2019 fiscal year. The University operated with a surplus of revenues over expenditures and transfers in the amount of \$19,877,652, which is expected at this point since most of the billings for the Spring 2019 semester are reflected in the tuition and fees revenue, while only expenditures through March 31, 2019 are reflected. Total revenues decreased by \$3.4 million from last year, to \$124 million. The decrease primarily relates to declines in tuition and fee revenue and state appropriation revenue. Mr. Withrow explained that as the fiscal year proceeds, the variance between revenues



and expenditures will continue to decrease and should reflect a more appropriate operating surplus or deficit.

The percent of actual total revenue to budget was 83.22 percent at March 31, 2019 and 81.87 percent at March 31, 2018. This percentage would be expected at this time since most of the billings for the Spring 2019 semester are reflected in revenue. Total university expenses were approximately \$104 million at March 31, 2019 and \$111 million at March 31, 2018. The \$7 million decrease is due to reductions in operating expense budgets from all divisions as a result of projected declines in tuition and fee revenue and state appropriation revenue. Tuition and fee revenues exceeded budget predictions for Fall and Winter of 2018 and Spring 2019. Revenues from housing is also expected to exceed budget predictions due to an increase in the number of students living on campus.

Ms. Lindgren reported a decrease in the operating budget across all categories due to a conservative budgeting approach and reorganization to better align departments with state performance budgeting models. Looking at the Statement of Net Position, Mr. Withrow noted that cash and cash equivalents increased \$12 million, primarily due to decreases in expenditures as a result of operating expense budget reductions and the timing of the Direct Ford Loan drawdowns from the Department of Education. Capital assets, net decreased approximately \$2.9 million from the previous year due to depreciation expense. The decrease was offset by expenses reported as construction in progress for the renovation/expansion of ADUC that were capitalized and moved to capital asset categories. Bonds and capital lease obligations include the current and long-term portions of amounts borrowed for the purchase of plant assets. Mr. Withrow noted that university unrestricted cash is projected to be \$25 million, an increase from \$20.9 million from the previous year. Ms. Lindgren lastly commented that the current fiscal year-to-date is reasonably stable. Revenue is down for state appropriations and tuition revenue, which was planned for in creating the 2018/2019 operating budget.

MOTION: Mr. Howard moved that the Board approve the President's recommendation. Mr. Holbrook seconded the motion.

VOTE: The motion carried unanimously.

***Approve 2019/2020  
University Operating  
Budget, Personnel Roster,  
and Fee Schedule***

The President recommended:

RECOMMENDATION: That the Board of Regents approve the recommended 2019/2020 Operating Budget, which totals \$140,305,000, the 2019/2020 Personnel Roster, and the 2019/2020 Fee Schedule.

*(2019/2020 Operating Budget, Personnel Roster, and Fee Schedule along with background information attached to these minutes and marked VII-B-2).*

The 2019/2020 unrestricted current funds operating budget totals \$140.3 million and was developed in consideration of the following factors: strategic goals of the University and the Commonwealth; fiscally conservative approach; performance based funding model; projected enrollment; affordability of students; uncertainty of pension costs; and economic climate- specifically the need for flexibility in changing times. Ms. Lindgren noted the proposed budget reflects the continued commitment to advance the University's mission by focusing on the goals and objectives defined in the SOAR 2018-2022 Vision and Strategic Plan. The proposed budget reflects a reduction of annual debt payments, increased liquidity, and decreased operational overhead. The proposed budget also accounts for a decrease in state funding, fixed cost increases for the Kentucky Employees Retirement System (KERS) and healthcare, and allows for flexibility amidst pension cost uncertainty.

Ms. Lindgren stated that Educational and General funds represent 83.9 percent of the total unrestricted operating budget and are the primary source of funds for the instructional mission and operational support of the University. The primary sources of the educational and general funds budget include tuition and fee revenue of \$64.9 million (55.1 percent) and state appropriation for operating of \$38.5 million (32.7 percent). The total reflects a decrease in tuition and fee revenue of \$2.4 million and \$385,600 in state operating appropriation from the current year budget. The net decrease in tuition and fee revenue is a result of certain offsetting factors, such as 2.5 percent tuition rate increase for undergraduate students, which will generate \$1.3 million in gross tuition revenue for a net decrease of \$2.4 million. Ms. Lindgren stated that graduate tuition rates remained unchanged from prior years.

In response to Chair Kathy Walker's inquiry regarding the reason for a reduction in graduate enrollment, President Morgan stated that the reduction was due to elimination of the state postsecondary education waiver for university and KCTCS employees, online programs of competing universities, and the state board no longer requiring teachers to obtain advanced degrees. President Morgan noted that the decrease is common among other universities. Mr. Dennis asked whether Morehead State University possessed any graduate programs unique to the University. Dr. Bob Albert, Interim Provost and Vice President of Academic Affairs, responded that the University has garnered regional and national attention for its space science programs and has partnered with Kentucky State University and Kentucky Community and Technical College System to offer employees certain discounts for attending Morehead State University. Dr. Albert also noted that the University deans are currently discussing adding new minors, with less resource expenditures, to attract new students. In response to Chair Kathy Walker's request for additional information regarding the University's systems engineering program, Dr. Albert explained that the program provides students with foundational knowledge pertaining to managerial engineering positions. Chair Kathy Walker commended these efforts, emphasizing the market for said skills in the Commonwealth.

In response to Dr. Pidluzny's inquiry as to where the University falls within the state's performance-based funding models, Ms. Jill Ratliff, Chief Planning, Performance

and Effectiveness Officer, commented that the University's performance varied compared to other universities and the University could not compete with some institutions because of the lack of volume of students. President Morgan stated that the University is at a guaranteed loss for the next two years, until the University can reach an equilibrium with competing universities. President Morgan then recommended additional ways to increase the University's performance within the model.

Tuition for full-time undergraduate resident students in 2019/2020 will be \$4,485 per semester, with a mandatory student recreation fee of \$100 and facility fee of \$60. There are no residence hall rental rate increases. The average residence hall rate will cost \$2,654 per semester. The budget includes \$19.1 million (17.5 percent of education and general expenditures) in the 2019/2020 operating budget for student financial aid awards. Additionally, \$1.9 million is budgeted across all divisions in student wages accounts dedicated solely for student employment. Operating budget fund balance allocations include \$1.6 million carry forward of the 2018/2019 budget encumbrances for ongoing renovation and asset preservation projects, \$1 million carry forward of operating expense budgets, \$127,000 carry forward of 2018/2019 housing revenue, \$5.7 million for education and general budget reserve, and \$816,000 for auxiliary budget reserve. Dr. Jonathan Pidluzny commended the University for reducing administrative overhead. President Morgan noted that student financial aid allotment is high as a percentage of the University's total budget compared to other universities in the Commonwealth. President Morgan explained the University's efforts to encourage all students to apply for financial aid grants. Chair Kathy Walker and Vice Chair Wayne Martin commented that some students and families may be hesitant to apply for financial aid because doing so requires providing sensitive information, such as social security numbers or tax returns. Mr. Price recommended reaching out to high school counselors to encourage students to apply for financial aid.

The Personnel Roster includes 899 positions with an estimated 838 positions contracted to be filled as of July 1, 2019. 29 of the 899 total positions in the 2019/2020 Personnel Roster are fractionalized staff positions with an instructional assignment to teach an agreed upon number of credit hours in 2019/2020. An increase of \$1.5 million (68.6 percent) is included in the employee benefit accounts in the 2019/2020 operating budget to cover a mandatory increase from 49.47 to 83.43 percent for the employer contribution rate for non-hazardous positions in the Kentucky Retirement System (KERS). A significant expense in the University's budget is the cost of the employee insurance programs. President Morgan explained if the KERS utilizes recently recalculated mortality rates, the University will have to use its reserves to fund the increase in required employer contribution rates and place gentle holds on hiring positions. He also noted if rates are frozen for one year, the University will be at a gain since the operating budget accounts for the scheduled increase.

Ms. Lindgren noted an increase of \$724,862 in utility expenses, due to the projected costs of Adron Doran University Center (ADUC). In response to Chair Kathy Walker's inquiry as to the cause of the increase, Mr. Kim Oatman, Assistant Vice President for

Facilities and Operations, explained that operating the restaurants, which do not pay rent or operating costs, is a significant cause of the costs. President Morgan noted that on May 1, 2019, the University entered into an agreement with the city for leasing Laughlin to decrease maintenance and insurance costs overall.

**BREAK**

Chair Kathy Walker called for a short break.

MOTION: Mr. Holbrook moved that the Board approve the President's recommendation to approve the 2019/2020 University Operating Budget, Fee Schedule, and Personnel Roster. Mr. Price seconded the motion.

VOTE: The motion carried with Vice Chair Wayne Martin abstaining from the vote.

The President recommended:

*Approve Supplemental  
Operating Budget for  
2019/2020*

RECOMMENDATION: That the Board of Regents approve the recommended Supplemental Operating Budget for 2019/2020 which totals \$2,996,200, pending availability of funding.

*(2019/2020 Supplemental Operating Budget along with background information attached to these minutes and marked VII-B-3).*

President Morgan stated that, given the fiscal pressure placed on the University to absorb increases in pension and other fixed costs, coupled with conservative estimates of revenue, it is not feasible to include many of the University's priority initiatives and other regular budgetary needs in the 2019/2020 operating budget. Priority initiatives not included in the 2019/2020 operating budget are recommended as a supplemental operating budget for 2019/2020, pending availability of additional resources. Pending available funds, the expenditures listed would be for one year only.

MOTION: Mr. Holbrook moved that the Board approve the President's recommendation to approve the supplemental operating budget for 2019/2020. Mr. Price seconded the motion.

VOTE: The motion carried unanimously.

The President recommended:

*Approve Faculty  
Promotions to Professor*

RECOMMENDATION: That the Board of Regents approve the granting of promotions to the following faculty with the issuance of their contracts for the 2019/2020 year:

Professor

Sherif Rashad, computer science

Roma Prindle, music

Laurie Baruth, music (clarinet)  
Kimberlee Sharp, education (MGSE)

*(Additional background information attached to these minutes and marked VII-B-4).*

MOTION: Mr. Martin moved that the Board approve the President’s recommendation to approve faculty promotions to professor. Ms. Long seconded the motion.

VOTE: The motion carried unanimously.

The President recommended:

*Approve Coaches’  
Contract Extensions*

RECOMMENDATION: That the Board of Regents approve the contract extensions for the following athletic coaches:

- Alan C. Joseph, Head Rifle Coach (contract extended to June 30, 2022);
- William M. Martin, Men’s Golf Coach (contract extended to June 30, 2022);
- Stephen M. Picucci, Men’s & Women’s Cross Country and Track Coach (contract extended to June 30, 2022);
- Preston Spradlin, Men’s Basketball Coach (contract extended to March 31, 2023);
- Robert J. Tenyer, Head Football Coach (contract extended to December 31, 2020);
- Robert G. Todd, Women’s Basketball Coach (contract extended to March 31, 2023)

*(Additional background information attached to these minutes and marked VII-B-5).*

MOTION: Mr. Holbrook moved that the Board approve the President’s recommendation to approve coaches’ contract extensions. Mr. Price seconded the motion.

VOTE: The motion carried unanimously.

The President recommended:

*Adoption of University  
Quality Enhancement  
Plan (QEP)*

RECOMMENDATION: That the Board of Regents approve the Quality Enhancement Plan (QEP) “Majoring in Experience: Student Outcomes Coming up ACES” proposal for adoption.

*(Additional background information attached to these minutes and marked VII-B-6).*

Dr. Albert explained that the QEP is an integral part of the Reaffirmation of Accreditation (SACSCOC) process and reflects the University’s commitment to enhancing overall institutional quality and effectiveness by focusing on an issue the “institution” considers important to improving student learning outcomes and/or student success. Dr. Albert noted that the proposal focuses on four high impact strategies (internships, global

experiences, undergraduate research, and service learning) designed to enhance student success and is the result of a comprehensive review process involving input from multiple internal and external stakeholder groups. The University's goal is to have every student participate in one of the four high impact strategies prior to graduation.

MOTION: Dr. Pidluzny moved that the Board approve the President's recommendation to adopt the University Quality Enhancement Plan (QEP). Mr. Bryer seconded the motion.

VOTE: The motion carried unanimously.

***Approval of Employee  
Supplemental  
Compensation***

The President recommended:

RECOMMENDATION: That the Board of Regents approve the recommended employee supplemental compensation.

*(Additional background information attached to these minutes and marked VII-B-7).*

President Morgan stated that the University has experienced a reasonably stable fiscal year. To recognize the efforts of University employees and their contributions made in support of the University's mission during the past academic year, a one-time \$400 supplemental payment is recommended for unrestricted employees with full-time employment starting on, or before, August 13, 2018 and extending continuously through May 10, 2019 (the academic semesters).

MOTION: Mr. Holbrook moved that the Board approve the President's recommendation to approve the employee supplemental compensation. Mr. Martin seconded the motion.

VOTE: The motion carried unanimously.

**REPORTS**

***Final 2019 Spring  
Enrollment Report***

President Morgan briefly reviewed the final enrollment report for Spring 2019 and stated that Mr. Russ Mast, Vice President for Student Affairs, was available for questions should the board members have any. *(Final Enrollment Report attached to these minutes and marked VII-C-1).*

***Report on Personal  
Service Contracts***

President Morgan reported on personal service contracts, which represent all such contracts issued with amounts greater than \$10,000 between March 12, 2019 and May 16, 2019. *(Report attached to these minutes and marked VII-C-2).*

***Report on University  
General Education  
Curriculum Review  
("LUX")***

Dr. Albert reported on the University General Education Curriculum Review ("LUX"). Dr. Albert stated that the University began reviewing and reforming the general education proposed redesign of the general education curriculum in 2017-2018. In 2018, a general education evaluation and implementation committee was established. The proposed redesign limits available courses but allows for "double-dipping" of courses, specifically

allowing course credit for both general education and a student's major. The proposed redesign is supported by 84% of faculty and is currently being implemented. (*Report attached to these minutes and marked VII-C-3*).

**University Parking and  
Paving Update**

Mr. Oatman reported on parking and paving measures undertaken by the University, including the construction of a new student parking lot on University Street, completely funded by the student body, and sealcoating and striping to various parking spaces and crosswalks across campus. Mr. Oatman also reported on the University's efforts to improve signage across campus and current projects, including power-washing University buildings, removal of an ATM building, and improved landscaping at University entrances.

**PRESIDENT'S  
REPORT**

President Morgan elected to present at the next board meeting since his report solely focused on required employer contributions to KERS, which have yet to be determined by the state legislature. He expressed his hope that a special called session would take place before the July 1st deadline.

**PRESIDENT'S  
EVALUATION AND  
CONTRACT**

The Board as a whole conducted and discussed President Morgan's annual evaluation and contract. Chair Kathy Walker commended President Morgan for his service to the University, stating that comments from the board evaluating his performance as President were quite impressive. Chair Kathy Walker read some of the board evaluation comments aloud, stating that President Morgan is a sound, pragmatic, and steady leader; works well with constituency; has provided excellent budgeting and financial management during a difficult time; is very visible on campus and throughout the community and region; has a good relationship with K-12 schools; is a transparent and diplomatic leader; is working through a lot of difficult situations but still gets results and has found creative ways to move the University forward; has University efforts focused on student scholarships; is working to fulfill the University Strategic plan previously adopted; and overall offers strong leadership to Morehead State University. The Board members provided additional positive remarks regarding President Morgan and concluded the evaluation process.

The Board subsequently made a recommendation to extend President Morgan's contract one additional year, with Mr. Howard reading the following statement:

I move that we extend Dr. Morgan's contract as President of MSU for one additional year, to provide him with a new contract that would run from July 1, 2019 through June 30, 2023, at the same base salary as president that he has this year, that we insert a \$3,500 professional development allotment, removing his off campus housing reimbursement per his wishes, but replacing it with an outlined sabbatical should he ever join the full time teaching faculty; and that we authorize the Board Chair and Vice Chair to formally draft, and to sign a contract with Dr. Morgan that includes these attributes, as well as all prior approved board items and amendments.

Mr. Howard moved to extend President Morgan's contract. Vice Chair Martin seconded the motion. The motion carried unanimously.

President Morgan thanked the Board for its support and offered additional thanks to Morehead State University faculty and staff.

**ANNOUNCEMENTS**

The Board discussed the 2019/2020 meeting dates as follows:

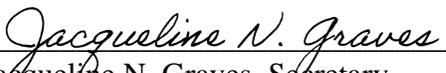
- August 8, 2019- Quarterly Meeting & New Regent Orientation
- September 16-17, 2019- Governor's Conference on Postsecondary Education Trusteeship
- October 18, 2019- Audit Committee Meeting & Work Session (Homecoming)
- December 5, 2019- Quarterly Meeting
- February 27, 2020- Work Session
- March 26, 2020- Quarterly Meeting
- May 14, 2020- Work Session
- June 18, 2020- Quarterly Meeting

Chair Kathy Walker reminded Board members to complete evaluations of the Board and return to Jacqueline Graves by June 30, 2019. Outgoing regents Dr. Pidluzny and Mr. Bryer were presented with gifts of appreciation for their service on the Board.

**ADJOURNMENT**

There being no further business to conduct, Mr. Howard moved that the meeting adjourn at 12:45 p.m. Mr. Holbrook seconded the motion. The motion carried.

Respectfully submitted,

  
Jacqueline N. Graves, Secretary  
Board of Regents



**2019 FOUNDERS AWARD  
FOR UNIVERSITY SERVICE**

**BOR (VI-A-2)  
August 8, 2019**

**Recommendation:**

That the Board of Regents approve the selection of Dr. Gerald L. DeMoss as the recipient of the 2019 Founders Award for University Service.

**Background:**

The Founders Award for University Service was established by the Board of Regents in 1978 and has been presented each year to individuals with records of outstanding service to the University over a sustained period.

Previous recipients have included W. E. Crutcher, 1978; Linus A. Fair, 1979; Carl D. Perkins, 1980; Dr. Warren C. Lappin, 1981; Dr. Ted L. Crosthwait, 1982; Monroe Wicker, 1983; Lloyd Cassity, 1984; Grace Crosthwaite, 1985; Boone Logan, 1986; Dr. Rondal D. Hart, 1987; George T. Young, 1988; John E. Collis, 1989; Dr. Wilhelm Exelbirt, 1990; Dr. R. H. Playforth, 1991; Dr. Mary Northcutt Powell, 1992; Senator Woody May, 1993; Dr. J. E. Duncan, 1994; Sherman R. Arnett and Harlen L. Hamm, 1995; Dr. Adron Doran, 1996; Robert S. Bishop and Martin Huffman, 1997; Dr. Charles J. Pelfrey, 1998; Carolyn S. Flatt, 1999; Dr. Earl J. Bentley, 2000; Mrs. Mignon Doran, 2001; Dr. C. Nelson Grote, 2002; Merl F. Allen, 2003; Dr. John C. Philley, 2004; Dr. Charles M. Derrickson, 2005; Dr. John R. Duncan, 2006; Steve A. Hamilton, 2007; Dr. Marshall Banks, 2008; Dr. Randy Wells, 2009; Dr. Jack D. Ellis, 2010; Lucille Caudill Little, 2011; Rep. Rocky J. Adkins, 2012; Clyde I. James, 2013; Keith R. Kappes, 2014; Carol Johnson and W.H. "Honie" Rice, 2015; Myron Doan, 2016; Dr. David Saxon, 2017; and Dr. Frances Helphinstine, 2018.

The University Service Award Committee has recommended that Dr. Gerald L. DeMoss be selected as the recipient of the 2019 Founders Award for University Service.

Dr. Gerald DeMoss graduated from Morehead State University with his Bachelor's degree in 1966 and his Master's degree in 1968. He went on to the University of Tennessee, Knoxville to pursue his Ph.D. in entomology. Upon graduation from U.T., Dr. DeMoss returned home to Morehead State University to begin teaching. This was the start of a career that lasted nearly 50 years.

Dr. DeMoss was a respected member of the Morehead State Faculty for 42 years. He joined the faculty as a professor of biology and in 1986, he was named the department chair of Biological and Environmental Services. He served as acting Dean of the former College of Arts and Sciences from 1990 to 1995 and was named Dean of the College of Science and Technology in 1995. He served in this role until his retirement in 2010. After retiring, he was asked to return to the University to assist with administrative positions including acting Provost and Vice President for Academic Affairs in 2013 and 2014.

Prepared by: Mindy Highley

Throughout his career, Dr. DeMoss served on several institutional committees and was a member of multiple professional organizations. He was instrumental in the collaborative partnerships with St. Claire Healthcare and the University of Kentucky. Dr. DeMoss also played a role in bringing critical professional programs to Morehead through his role as the Chair of the MSU/UK/SCMC Liaison Committee for Physician Assistant and Nurse Practitioner Programs.

Dr. DeMoss has proven his commitment to MSU through his many years of service and his philanthropic efforts. During his time as a member of the faculty, he was instrumental in the creation of the Margaret Heaslip Scholarship and the Madison Pryor Endowment. These fundraising efforts resulted in endowment growth of nearly \$175,000 to support the College of Science. In 2010, the Gerald DeMoss Undergraduate Research Fellowship was established in his honor. Proceeds from this endowment are used to support undergraduate research work-study positions in the College of Science. Through the generosity of the donors creating this Fellowship, The Gerald L. DeMoss Conference Suite in the Center for Health, Education and Research was named to commemorate his extraordinary leadership, dedication and generosity to MSU.

## **APPROVE GRANTING OF EMERITUS STATUS**

**BOR (VI-A-3)  
August 8, 2019**

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### **Recommendation:**

That the Board of Regents approve the granting of Emeritus Status to the following:

Dr. Kenneth Henderson, Associate Professor of Marketing  
Dr. Donna Kizzier, Associate Professor of Information Systems/Business Education  
Dr. Melinda Willis, Associate Professor of Education  
Dr. Wayne Willis, Professor of Education  
Dr. Deborah Plum, Assistant Professor of Journalism  
Dr. Cathy Thomas, Associate Professor of Speech  
Dr. William Green, Professor of Government  
Dr. David Olson, Associate Professor of Psychology  
Dr. Robert Twiggs, Visiting Assistant Professor of Space Science  
Dr. Markham Schack, Professor of Education

### **Background:**

In accordance with PAc-3 and UAR 116.04, the faculty members listed above were recommended for emeritus status by their peers and immediate supervisors to the Provost. The President, based upon recommendations from the Provost, submits his recommendations to the Board of Regents. The emeritus status will become effective upon the date of retirement.

## **APPROVE FACULTY HANDBOOK**

**BOR (VI-A-4)  
August 8, 2019**

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### **Recommendation:**

That the Board of Regents approve the attached revisions to the Faculty Handbook.

### **Background:**

The Morehead State University Faculty Handbook is designed to provide basic information and to serve as a convenient reference manual. This Handbook is not to be interpreted as a contract. Any information contained in this handbook which seems inconsistent with Board of Regents approved policies will defer to those authoritative documents.



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**2019-20**

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# Chapter

## 1

### 1 Introduction

#### 1.1 Purpose of the Faculty Handbook

The Morehead State University Faculty Handbook is designed to provide basic information and to serve as a convenient reference manual.

This Handbook is not to be interpreted as a contract. Any information contained in this handbook which seems inconsistent with Board of Regents approved policies will defer to those authoritative documents.

#### 1.2 History of Morehead State University

In 1887, Morehead Normal School was founded on the site of the present campus and was supported as a private school by the Kentucky Christian Missionary Society of the Disciples of Christ. After operating as a private school for 35 years, the normal school closed in 1922. The state began supporting the school in September, 1923. The name was changed to Morehead State Normal School, and, in 1926, to Morehead State Normal School and Teachers College. The growing college was then admitted to membership in the Kentucky Association of Colleges. The enrollment increased to 350 students and five buildings were added through state appropriations. At the end of the 1926-1927 academic year, the first four graduates earned diplomas and certificates to teach.

Morehead State Normal School and Teachers College became Morehead State Teachers College in 1930. During the thirties, the institution more than doubled in number of students and faculty. It also sought and was granted membership in the Southern Association of Colleges and Secondary Schools, and the American Association of Teacher's Colleges, and the Southern Intercollegiate Athletic Association.

Morehead State Teachers College began the forties with an enrollment of 598 students. During World War II, many male faculty and students joined the armed forces, and the enrollment dropped to 166 students in fall 1944. In 1942, the college became the site of an electronic training school for a contingent of over 600 United States Navy personnel. In 1948, Morehead State Teachers College became Morehead State College.

Beginning in the early fifties, Morehead State College experienced phenomenal growth in student enrollment, facilities, and academic programming. The legislature financed the construction of 18 buildings between 1953 and 1965, and academic programs were expanded to serve the influx of post-war students. The philosophy of service to the region was greatly strengthened during this period, and Morehead State College became the center of regional activities.

In 1966, the Kentucky General Assembly granted university status, and Morehead State University established academic schools, a graduate office, and the Office of Vice President for Academic Affairs. By 1970, other vice presidential positions were added, the faculty enlarged, and nine more buildings added to serve over 6,500 undergraduate and graduate students.

During the early seventies, the university's enrollment continued to grow, and new programs and facilities were added to serve the needs of a growing population of graduate

and associate degree students. The University expanded both research and service in the region.

The long tradition of service to the people of the Commonwealth of Kentucky has continued. The university's educational facilities include more than 50 major structures in a variety of contemporary and traditional architectural styles, a 320 acre experimental farm, and a 50 acre outdoor learning center.

Joseph (Jay) Morgan became the president of the university on July 1, 2017. Previous presidents include: Wayne D. Andrews, 2005-2017; Ronald G. Eaglin, 1992-2004; C. Nelson Grote 1987-1992; A. D. Albright, 1986-87; Herb. F. Reinhard, Jr., 1984-86; Morris L. Norfleet, 1977-84; Adron Doran, 1954-77; Charles Spain, 1951-54; William J. Baird, 1946-51; William H. Vaughn, 1940-46; Harvey Babb, 1935-40; John H. Payne, 1930-35; Frank C. Button, 1922-30.

### **1.3 Mission Statement**

#### VISION

We aspire to be the best public regional university in the South.

#### MISSION STATEMENT

As a community of lifelong learners, we will:

- Educate Students for success in a global environment;
- Engage in scholarship;
- Promote diversity of people and ideas;
- Foster innovation, collaboration and creative thinking; and
- Serve our communities to improve the quality of life.

#### CORE VALUES

We strive to exemplify these core values in all that we do:

- PEOPLE come first and are treated with dignity and respect;
- LIFELONG LEARNING, SCHOLARSHIP and SERVICE;
- DIVERSITY and INCLUSION of people and thought;
- EXCELLENCE, HONESTY, INTEGRITY, and TRUST.

### **1.4 University Strategic Planning**

In 2018, Morehead State University published its current strategic plan, SOAR 2018-2022. Approved by the Board of Regents, the document serves as the road map to MSU's preferred future. It is an ambitious agenda designed to move the institution forward during a changing climate for higher education and challenging economic times in our nation, state and region. The planning process took place over 18 months and involved hundreds of people, including faculty, staff, and students.

<https://www.moreheadstate.edu/MSU/media/President/2018-22StrategicPlan.pdf>

### **1.4.1 Institutional Accreditation**

- Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

### **1.4.2 Academic Program Accreditation**

In recognition of its academic programs, the University is accredited by the following educational and professional organizations:

- Accreditation Commission for Education in Nursing (ACEN) (formerly NLNAC)
- American Bar Association (ABA)
- American Veterinary Medical Association (AVMA)
- Association to Advance Collegiate Schools of Business International (AACSB)
- Association of Technology Management and Applied Engineering (ATMAE) (formerly NAIT)
- Commission on Accreditation of Allied Health Education (CAAHEP)
- Joint Review Committee on Education in Medical Sonography (JCRDMS)
- Council for the Accreditation of Educator Preparation
- Commission on Collegiate Nursing Education (CCNE)
- Council on Social Work Education (CSWE)
- Joint Review Committee on Education in Radiological Technology (JCERT)
- Magnetic Resonance (JCERT)
- Masters in Psychology Accreditation Council (MPAC)
- National Association of Schools of Art and Design (NASAD)
- National Association of Schools of Music (NASM)
- National Association of Schools of Public Affairs and Administration (NASPAA)
- National Association of Schools of Theatre (NAST)
- US Army Cadet Command

### **1.4.3 Non-Academic Accreditation**

- Kentucky Association Chiefs of Police

### **1.4.4 Institutional Memberships**

- Association of American Colleges and Universities

### **1.4.5 Educational and Professional Memberships**

- African-American Public Radio Consortium
- American Angus Association
- American Association for Paralegal Education
- American Association of Colleges for Teacher Education
- American Association of Colleges of Nursing
- American Association of Collegiate Registrars and Admissions Officers
- American Association of School Librarians
- American Bar Association
- American College Personnel Association (ACPA)
- American Football Coaches Association
- American Library Association
- American Philosophical Association
- American Political Science Association

- American Sociological Association Graduate Programs
- American Volleyball Coaches Association
- Americana Music Association
- Associated Heads of Departments of Psychology
- Associated Press
- Associated Writing Programs
- Association for Continuing Higher Education (ACHE)
- Association for Institutional Research
- Association for Library Collections and Technical Services
- Association for Student Conduct Administration
- Association of College and Research Libraries
- Association of College and University Auditors
- Association of College and University Housing Officers International (ACUHO-I)
- Association for Continuing Higher Education
- Association of Departments of English
- Association of Fundraising for Professionals
- Association of Outdoor Recreation Education (AORE)
- Association of Retirement Organizations in Higher Education (AROE)
- Association of Specialized & Cooperative Library Agencies
- Association of Student Advancement Programs
- Association of Veterinary Technician Educators (AVTE)
- Bluegrass Golf Course Superintendent Association
- College and University Professional Association for Human Resources
- College Sports Information Directors of America
- Cooperative Center for Study Abroad Council for Adult and Experiential Learning (CAEL)
- Council for Advancement and Support of Higher Education (CASE KY)
- Council for the Advancement and Support of Higher Education (CASE National)
- Council for Opportunity in Education (COE)
- Council of Advancement in Support of Education—Student Alumni Association/Student Foundation Network (CASE ASAP)
- Council of Applied Masters Programs in Psychology
- Council for Undergraduate Research
- EDUCAUSE
- Federation of Kentucky Academic Libraries (FoKAL)
- Folk Art Society of America
- Forum on Education Abroad
- Higher Education Recruitment Consortium
- International Academy of Astronautics
- International Association of Campus Law Enforcement Administrators
- International Collegiate Licensing Association
- International Bluegrass Music Association
- International Studies Association
- International Town and Gown Association
- Kentucky Academy of Science
- Kentucky Association Chief of Police
- Kentucky Association of Colleges and Employers
- Kentucky Association of College Music Departments

- Kentucky Association of Colleges for Teacher Education
- Kentucky Association of Collegiate Registrars and Admissions Officers
- Kentucky Association of Institutional Research
- Kentucky Association of Student Receivable Officers (KASRO)
- Kentucky Association of University Law Enforcement Administrators
- Kentucky Bar Association
- Kentucky Broadcasters Association
- Kentucky Career Development Association
- Kentucky Council on Associate Degree Nursing
- Kentucky Counseling Associations
- Kentucky Golf Association
- Kentucky Historical Society
- Kentucky Honors Roundtable
- Kentucky Institute for International Studies
- Kentucky Nonprofit Network
- Kentucky Public Purchasing Association (KPPA)
- Kentucky Public University Business Officers (KYPUBO)
- Kentucky Science and Technology Corp
- Kentucky Turfgrass Association
- Kentucky Virtual Library (KYVL)
- KySpace Consortium
- Ladies Professional Golf Association
- Large Synoptic Survey Telescope (LSSY) Consortium
- Library Leadership and Management Association
- Library Orientation Exchange (LOEX)
- Magellan
- Magellan Exchange
- Magoffin County Historical Society
- Mathematical Association of America
- Morehead-Rowan County Chamber of Commerce
- Mt. Sterling-Montgomery County Chamber of Commerce
- National Association Basketball Coaches
- National Association for Campus Activities (NACA)
- National Association of Campus Card Users
- National Association of Campus Safety Administrators
- National Association of College and University Attorneys
- National Association of College and University Business Officers
- National Association of College Auxiliary Services
- National Association of College Stores
- National Association of Colleges and Employers
- National Association of Collegiate Directors of Athletics
- National Association of Educational Procurement
- National Association of International Educators
- National Association of Personnel Administrators
- National Association of Student Personnel Administrators-Student Affairs Administrators in Higher Education (NASPA)
- National Athletic Trainers Association
- National Business Education Association

- National Career Development Association
- National Collegiate Athletic Association Convention
- National Fast Pitch Coaches Association
- National Institute of Government Procurement
- National League for Nursing
- National Organization of Associate Degree Nursing
- National Public Radio
- National Intramural Recreational Sports Association (NIRSA)
- National Space Society
- National Strength and Conditioning Association
- National Women's Golf Coach Association
- Non-Land-Grant Agricultural and Renewable Resources Universities (NARRU)
- Northern Kentucky Chamber of Commerce
- Ohio River Basin Consortium for Research and Education
- Ohio Valley Conference
- Philosophy of Science Association
- Pioneer Football League
- Public Radio International
- Public Relations Student Society of America
- Regional Organized Crime Information Center
- Research and Education Networking Information Sharing and Analysis Center
- Society for Human Resource Management
- Southern Association of College & University Business Officers
- Southern Association of Colleges and Employers
- Southern Association of Collegiate Registrars and Admissions Officers
- Southern Business Administration Association
- Southern Regional Education Board
- State Assisted Academic Library Council of Kentucky (SAALCK)
- Statewide Consortium Membership Environmental Systems Research Institute (ESRI)
- United States Bowling Congress Collegiate (USBC)
- United States Track Field Cross Country Coaches Association (USTFCCCA)
- University and College Designers Association
- USM/Gulf Coast Research Lab
- Women's Basketball Coaches Association

## **1.5 Morehead State University Symbols**

The University logo is the registered service mark of Morehead State University. As such, it must be properly present and must be used for approved purposes only. It should not be altered, as to color or design. It may be resized to scale. Approved usage granted by the Office of Communications & Marketing.

The University seal is the official identification of Morehead State University on diplomas, commencement programs, academic certificates, and other legal documents. Use of the seal must be approved in advance by the Office of Communications & Marketing.

The Eagle Grab and Eagle Head logos are the University's athletic symbols and are used on materials related to athletics. The Eagle Grab logo is intended specifically for official MSU athletic use. The use of the Eagle Head logo requires prior approval for its use from the Office of Communications and Marketing. For more information, visit [www.moreheadstate.edu/ocm](http://www.moreheadstate.edu/ocm) or email [coma@moreheadstate.edu](mailto:coma@moreheadstate.edu).

## 1.6 Morehead State University Alma Mater

Far above the rolling campus  
Resting in the dale  
Stands the dear old Alma Mater  
We will always hail.  
Shout in chorus, raise your voices  
Blue and gold--praise you  
Winning through to fame and glory  
Dear old MSU.

Words by Elwood Kazee, Class of 1953. Music by Betty Jo Whitt, Class of 1952.

# Chapter 2

## 2 Administrative Organization of the University

### 2.1 Council on Postsecondary Education

The Council on Postsecondary Education coordinates change and improvement in Kentucky's postsecondary education system as directed by the 1997 Kentucky Postsecondary Education Improvement Act.

The Council on Postsecondary Education was established in 1997 as a 15-member board with 12 citizens, one faculty member, and one student appointed by the Governor. The Commissioner of Education is an ex-officio member. <http://www.cpe.state.ky.us/>

### 2.2 Board of Regents

The statutory body of the University is the Board of Regents (created by KRS 164.310; 4527.39: amend Acts 1948, ch. 11, s 2.). This is a bipartisan board consisting of eleven members, eight appointed by the governor, one member of the teaching faculty elected by the faculty, one member of the staff elected by the staff, and the president of the Student Government Association, provided the elected person is a resident of Kentucky. If the president of the Student Government Association is a non-resident, a resident student is elected to the board by the students of the University. The members of the board elect a chairperson annually.

The appointed members hold office for six years. The student serves a one-year term and the faculty and staff members serve three-year terms.

Upon the recommendation of the president, the Board of Regents approves the budget; the employment, promotion, and release of all University personnel; and the general policies for the operation of the University. <http://www.moreheadstate.edu/bor>

#### 2.2.1 Faculty Representative to the Board of Regents

Kentucky Revised Statute 164.320 states that the faculty member shall be a teaching or research member of the faculty of his respective university or college of the rank of assistant professor or above. He shall be elected by secret ballot by all faculty members of his university or college of the rank of assistant professor or above. The faculty member shall serve for a term of three years and until his successor is elected and qualified. The faculty



member shall be eligible for reelection, but he shall not be eligible to continue to serve as a member of such board if he ceases being a member of the teaching staff of the university or college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for originalelection.

## **2.2.2 General Powers of Board of Regents**

Kentucky Revised Statute 164.350 states: General powers of Board of Regents. The government of each of the state universities and colleges is vested in its respective board of regents. Each board of regents, when its members have been appointed and qualified, shall constitute a body corporate, with the usual corporate powers, and with all immunities, rights, privileges and franchises usually attaching to the governing bodies of educational institutions. Each board may: (1) Receive grants of money and expend the same for the use and benefit of the university or college; (2) Adopt by-laws, rules and regulations for the government of its members, officers, agents and employees, and enforce obedience to such rules; (3) Require such reports from the president, officers, faculty and employees as it deems necessary and proper from time to time; (4) Determine the number of divisions, departments, bureaus, offices and agencies needed for the successful conduct of the affairs of the university or college; and (5) Grant diplomas and confer degrees upon the recommendation of the president and faculty. (1936, ch. 44)

## **2.3 President**

The President of the University is the chief executive and academic officer of the University. The President is appointed by the Board of Regents for such term as they deem advisable, not to exceed four years as required by KRS 164.360. The President acts as advisor to the Board of Regents, attends all meetings of the Board, and develops rules and regulations necessary to carry out the purposes of the policies established by the Board. The Board of Regents has the exclusive responsibility for reviewing the performance of the President.

### **2.3.1 Chief Financial Officer**

The Chief Financial Officer (CFO) is the chief fiscal officer and the chief budget officer of the institution. The CFO is a member of the President's leadership team and reports directly to the President on all financial matters. The CFO is responsible for developing, implementing and administering the University Operating Budget and for the University's strategic fiscal activities for administrative units including Accounting and Financial Services and Budgets and Financial Planning. The CFO reports directly to the President and supervises directors, and office support staff.

### **2.3.2 Chief Diversity Officer**

The Chief Diversity Officer provides leadership and support to the cause of equal opportunity and affirmative action throughout the University community. The incumbent is responsible for the effective organization, implementation, and administration of the Morehead State University Diversity Plan, as required by the Kentucky Council on Postsecondary Education's Policy for Diversity, Equity and Inclusion. In conjunction with the Office of Human Resources and the General Counsel, the Chief Diversity Officer assists in ensuring the University is in compliance with all applicable laws and orders.

### **2.3.3 Chief Planning Officer**

The Chief Planning Officer provides operational leadership, direction, and administration of the office of Planning, Performance, and Effectiveness and the Testing Center. The Chief Planning Officer leads and coordinates the University's strategic planning process, institutional research, student testing services, and institutional assessment. Additionally, the Chief Planning Officer serves as the SACSCOC Accreditation Liaison and leads the SACSCOC institutional accreditation process. The Chief Planning Officer ensures the availability of timely and accurate information, reporting, analyses, and analytic tools to facilitate priority-setting, resource allocation, policy development, decision-making, and continuous improvement.

### **2.3.4 Internal Audit**

The Office of Internal Audit performs audits and reviews of the University departments, auxiliaries, and subsidiaries. The office serves as an independent control and appraisal activity established to review the fiscal and administrative operations of the financial areas of the University. The primary function of the office is to examine and evaluate existing internal controls and offer recommendations for improvement.

For current information about the office, please refer to the Internal Audit web site.

### **2.3.5 General Counsel**

The General Counsel serves as chief legal advisor to the Board of Regents, the MSU President and other campus administrators. For current information about the office, please refer to the General Counsel web site.

## **2.4 Vice Presidents**

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

The Provost and Vice President is the chief academic officer of the institution who reports directly to the President on all academic matters and supervises academic deans, associate provosts, assistant vice presidents, the registrar, and directors of academic support units. The Provost also works on a regular basis with accrediting agencies to seek and maintain University and program accreditations and with the Council on Postsecondary Education in all academic matters.

### **2.4.2 Vice President for Student Affairs**

The Vice President for Student Affairs serves as the chief student affairs officer of the institution and is responsible for establishing and maintaining a student environment which facilitates learning, provides a sense of community, and allows students to fulfill their growth potential through responsible participation and involvement in the total life of the University.

Working in cooperation with faculty and staff, the VPSA supports the strategic management of enrollment services, student affairs, university housing intercollegiate athletics, orientation

and first college year initiatives, recreation and wellness programming, university police, parking, counseling and health services, and student leadership and engagement activities to support a vibrant learning community. The Vice President reports directly to the President on all student affairs matters.

### **2.4.3 Vice President for University Advancement**

The Vice President for University Advancement is the chief public relations officer of the University and reports directly to the President. The incumbent supervises administrators who report directly to the Vice President for University Advancement. This person works regularly with local, regional, state, and national agencies, institutions, and organizations to develop relations, understanding, and support for the University.

The Vice President for University Advancement is the chief development officer of the University and has primary responsibility for the cultivation, solicitation, and acknowledgement of gifts from private, non-governmental sources on an annual, planned and endowed basis. The Vice President for Advancement assists the President in the cultivation, solicitation, and stewardship of major gifts; establishes and maintains productive, continued relationships with alumni and other friends of the University; functions as the Chief Executive Officer of the MSU Foundation, Inc.; and is responsible for the management and oversight of the University's alumni relations program.

## **2.5 Deans, Associate and Assistant Vice Presidents, and Directors**

### **2.5.1 Dean of the Elmer R. Smith College of Business and Technology**

The Dean of the Elmer R. Smith College of Business and Technology is responsible for administering and providing direct and effective leadership in undergraduate and graduate program development, evaluation, staffing, budgeting and resource management to faculty and staff in the School of Business Administration and the School of Engineering and Computer Science. Associate deans, MBA Director, and Booth Entrepreneurship Director report to the Dean.

### **2.5.2 Dean of the Caudill College of Arts, Humanities, and Social Sciences**

The Dean of the Caudill College of Arts, Humanities and Social Sciences is responsible for administering and providing direct and effective leadership in undergraduate and graduate program development, evaluation, staffing, budgeting and resource management to faculty and staff in the School of Creative Arts; the School of English, Communication, Media & Languages; the School of Humanities and Social Sciences; Kentucky Center for Traditional Music and Military Science; as well as the MSU Arts and Humanities Council. Associate Deans and coordinators report to the Dean.

### **2.5.3 Dean of the College of Education**

The Dean of the College of Education is responsible for administering and providing direct and effective leadership in undergraduate and graduate program development, evaluation, staffing, budgeting and resource management to faculty and staff in the departments Early Childhood, Elementary and Special Education; Middle Grades and Secondary Education; and Foundational and Graduate Studies in Education (including the

Master of Arts in Teaching [MAT], the Teacher-Leader Masters Program and the Ed. D. program); projects and auxiliary services including Teacher Education Services, Quality Assurance and Education, Kentucky Teacher Internship Program, Educational Unit for Child Care Services. Department chairs, coordinators and directors report to the Dean.

#### **2.5.4 Dean of the College of Science**

The Dean of the College of Science is responsible for administering and providing direct and effective leadership in undergraduate and graduate program development, evaluation, staffing, budgeting and resource management to faculty and staff in the departments of Agricultural Sciences; Biology and Chemistry; Kinesiology, Health and Imaging Sciences; Mathematics; Nursing; Physics, Earth Science and Space Systems Engineering; and Psychology. In addition, the Dean coordinates the Derrickson Agricultural Complex and the Browning Orchard. The Dean serves as liaison for the MSU/UK Physician Assistant Program. Department chairs and directors report to the Dean.

#### **2.5.5 Dean of Library Services**

The Dean of Library Services is the chief officer of library operations and is responsible for the leadership, management, and administration of the University library system. The Dean reports directly to the Provost and supervises all library employees. The Dean works with all University administrators, as well as the Library Committee, to fulfill all library aspects of the University mission.

#### **2.5.6 Associate Provost for Undergraduate Education and Student Success**

The Associate Provost for Undergraduate Education and Student Success serves in an advisory capacity to the Provost and coordinates the undergraduate education curriculum process. The Associate Provost reviews and assesses undergraduate programs. The Associate Provost is responsible for the effective administration of Academic Advising and Retention; Honors Program, Distance Education and Instructional Design; Career Services; English as a Second Language; Faculty Center for Teaching and Learning; Education Abroad; Service Learning and the Center for Experiential Education. Additionally, university grading issues, student academic probation and appeals processes, and student hardship cases are addressed through this office as well as systems/processes relevant to the management of all phases of students' academic records.

#### **2.5.7 Associate Provost for Research and Dean of Graduate School**

The Associate Provost for Research and Dean of the Graduate School is the chief research officer of the University and provides leadership in the development, maintenance, and growth of the University's research and graduate program infrastructure and capacity. The Associate Provost provides leadership in all matters pertaining to research and graduate programs and has oversight responsibility for all operations of the Office of Research and Sponsored Programs, Office of Graduate Studies, and the Office of Undergraduate Research.

## **2.5.8 Assistant Vice President Regional Education and Outreach**

The Assistant Vice President for Regional Education and Outreach provides the overall leadership for policies, programs and services related to adult education, regional education and outreach programs. Develops, implements, manages, and assesses, in collaboration with college deans, department chairs/associate deans, senior administration, faculty, and staff policies and programs regarding regional education, adult education, adult learning, and college access and success for low income and first generation students. The Assistant Vice President Regional Education and Outreach interacts with public school personnel, community and technical college, university, community, regional, state and national leaders. Is responsible for staff supervision, budgeting, grant writing and management for Regional Education, Adult Education Academy, Adult Learning Centers, Commonwealth Educational Opportunity Center, Educational Talent Search, Upward Bound Classic and Math/Science, Student Support Services, Kentucky AHED, MSU Corps, Retired Senior Volunteer Program, Today's Youth, Gear-Up Kentucky, Credit for Prior Learning and Academic Common Market Center.

## **2.5.9 Executive Director Space Science Center Program of Distinction**

The Executive Director is responsible for executive management of the Space Science Center and its R&D, economic development and public outreach programs. The Executive Director also provides visionary leadership in the development and substantial growth of the SSC's current areas of expertise and in the potential commercialization of these technologies toward regional economic development. The Executive Director manages the Center's staff and associated faculty, along with the Center's research infrastructure that includes nanosatellite development, integration and testing facilities, associated laboratories, and the SSC's 21 m satellite tracking station which is slated to become an affiliate node on NASA's Deep Space Network in 2020. The 21 m station will be extensively involved in NASA spacecraft operations and will represent a significant activity to be managed. In addition, the Executive Director exhibits leadership and direction for research that involves graduate and undergraduate students in relevant academic programs. The Executive Director is actively engaged with community, state, national, and international leaders; executives of partner agencies and organizations; alumni; donors; and other stakeholders.

## **2.5.10 Director of Craft Academy**

The Craft Academy is a statewide residential school for high achieving high school juniors and seniors interested in careers in STEM fields. The academic rigor of the Craft Academy challenges students to excel at the highest levels, while drawing connections between the classroom and real-world research options. The Director of the Craft Academy works with University and local stakeholders. The Director collaborates with deans and department chairs to develop curriculum, application criteria, policy, and is active in the recruitment and selection process of students. The Director is responsible for staff supervision, budgeting, and management.

## **2.6 Department Chairs and Associate Deans**

Department chairs and associate deans are directly responsible for the administration of programs in their academic departments/schools in concert with the departmental/school

faculty and under the supervision of the dean of the college. The department chair and associate dean are the link in the administrative chain of command between the faculty and dean regarding the duties and responsibilities of faculty. In addition to teaching on a regular basis and staying professionally engaged within her or his discipline, the department chair/associate dean is responsible for developing and managing the department/school's class schedules each semester; evaluating and counseling faculty performance with regard to their professional growth, annual merit awards, tenure and promotion; providing leadership in the continuous process of assessing the quality of the department/school's academic programs and in the development of new programs; and communicates the achievements and needs of the department/school programs, faculty and students to both internal and external audiences.

## **Chapter 3**

### **3 Academic Organization of the University**

#### **3.1 Academic Units, Offices, and Support**

##### **3.1.1 Elmer R. Smith College of Business and Technology**

The Elmer R. Smith College of Business and Technology includes undergraduate programs in accounting, finance, management, marketing, general business, small business management/entrepreneurship, computer information systems, business and marketing education, sport management, computer science, engineering technology, engineering management, industrial education, and technology management. The Elmer R. Smith College of Business and Technology offers a Master's of Business Administration program, a Master's of Art in Sport Management, and a Master's of Science in Engineering and Technology Management, and a Master's of Science in Career and Technical Education.

##### **3.1.1.1 The School of Business Administration**

The School of Business Administration contains two departments, both offering undergraduate degrees: the Department of Management and Marketing, and the Department of Accounting, and Finance, and Information Systems. The school offers two graduate programs: a Master of Business Administration and a Master of Arts in Sport Management; and graduate business certificate programs in Health Systems Leadership and Health Systems Management.

##### **3.1.1.1.1 Department of Management and Marketing**

The department offers the following undergraduate programs: an Associate of Applied Business in Business Studies; a Bachelor of Arts with an Area in Sport Management; and a Bachelor of Business Administration with tracks in general business, management, marketing, small business management and entrepreneurship and business and marketing education. The department also offers minors in general business and marketing.

### **3.1.1.1.2 Department of Accounting, Finance, and Information Systems**

The department offers an undergraduate Bachelor in Business Administration degree with tracks in accounting, finance, and information systems. The department also offers a minor in computer information systems.

### **3.1.1.2 School of Engineering and Computer Science**

The School of Engineering and Computer Science includes two departments: the Department of Engineering and Technology Management and the Department of Computer Science and Electronics.

#### **3.1.1.2.1 Department of Computer Science and Electronics**

The department offers the following undergraduate degree programs: an Associate of Applied Science degree in Engineering Technology with a track in electronics and computer engineering technology; a Bachelor of Science with a Major in Computer Science; a Bachelor of Science with an Area in Computer Science and tracks in computer gaming, general computer science, and computer and networking security; and a Bachelor of Science in Engineering Technology with a track in Electronics & Computer Engineering Technology. The department also offers minors in computer science and computer gaming.

#### **3.1.1.2.2 Department of Engineering and Technology Management**

The department offers both undergraduate and graduate programs. At the undergraduate level, there is an Associate of Applied Science degree in Engineering Technology with tracks in design and manufacturing engineering technology, construction management and civil engineering technology, electronics and computer engineering technology, and occupation-based career and technical training, plus the following Bachelor of Science degree programs: an Area in Engineering Management; an Area in Engineering Technology with tracks in design and manufacturing engineering technology, and construction management and civil engineering technology, and electronics and computer engineering technology; an Area in Industrial Education with tracks in engineering and technology and in occupation-based career and technical education; and an Area in Technology Management with tracks in computer information systems and in technology management. At the graduate level, the department offers Master of Science degrees in Career and Technical Education and in Engineering and Technology Management with tracks in computer information systems and analytics and in engineering and technology management.

### **3.1.2 Caudill College of Arts, Humanities, and Social Sciences**

The Caudill College is divided into three schools. The School of Creative Arts includes the Departments of Art and Design, and that of Music, Theatre, and Dance; The School of English, Communication, Media, and Languages includes the Departments of Communication, Media & Languages and the Department of English. The School of Humanities and Social Sciences includes the Departments of History, Philosophy, Politics, Global Studies, and Legal Studies, and that of Sociology, Social Work and Criminology and Military Science. The schools are led by associate deans and Military Science by a chair.

### **3.1.2.1 School of Creative Arts**

#### **3.1.2.1.1 Department of Art and Design**

The department offers undergraduate and graduate programs. Undergraduate degrees include a Bachelor of Fine Arts with two program tracks (Area in Art and Area in Art Education with secondary teaching certification) and a Bachelor of Arts with two program tracks (Major in Art and Area in Art Education with secondary teaching certification). There are also minors in Art History, Arts Entrepreneurship, Studio Art, and Visual Communication. At the graduate level, the department offers a Master of Arts degree with three tracks: Art Education, Graphic Design, and Studio Art.

#### **3.1.2.1.2 Department of Music, Theatre, and Dance**

The Department offers undergraduate and graduate programs. Undergraduate degrees include the following Bachelor of Arts degrees: an Area in Theatre with secondary teaching certification; a Major in Theatre; Majors in Music and in Traditional Music Studies; a Bachelor of Music Education with tracks in keyboard, percussion, voice, and woodwind and brasswind; a Bachelor of Music with tracks in collaborative keyboard, jazz studies, keyboard, percussion, voice, and woodwind, brasswind, and minors in music, theater, and dance. At the graduate level, the department offers a Master of Music degree with concentrations in music education and in performance.

### **3.1.2.2 School of English, Communication, Media, and Languages**

#### **3.1.2.2.1 Department of Communication, Media, and Languages**

The department offers both undergraduate and graduate programs. Undergraduate degrees include the following: an Area in Convergent Media, an Area in Strategic Communication, a Major in Spanish, and a Major in Spanish with secondary teaching certification. The department also offers minors in French, Spanish, public relations and event planning, social media, and strategic communication and leadership. The department offers a graduate program culminating in a Master of Arts in Communications.

#### **3.1.2.2.2 Department of English**

The department offers undergraduate and graduate programs. The undergraduate degrees include a Bachelor of Arts with an Area in English with secondary teaching certification, a Bachelor of Arts with a Major in English, and a Bachelor of Fine Arts in Creative Writing. The department also offers a Master of Arts in English (fully on-line).

### **3.1.2.3 School of Humanities and Social Sciences**

#### **3.1.2.3.1 Department of History, Philosophy, Politics, Global Studies, and Legal Studies**

The department offers both undergraduate and graduate programs. On the undergraduate level Bachelor of Arts degree programs include an Area in Public History, a Major in History, an Area and Major in Legal Studies, an Area in Philosophy, a Major in Philosophy with tracks in philosophy and religious studies, a Major in Global Studies, a Major in Political Science, a Major in Political Science with a public policy track. The department offers a wide range of minors including Appalachian studies, Canadian studies, geography, political science, history, global studies, legal studies, public history, philosophy, regional



analysis and public policy, religious studies, and gender studies. A Master of Public Administration degree is offered at the graduate level. The department also offers an Environmental Education endorsement on the graduate level.

### **3.1.2.3.2 Department of Sociology, Social Work and Criminology**

The department offers undergraduate and graduate programs. Undergraduate degrees include two Bachelor of Arts programs (an Area in Criminology and Criminal Justice and a Major in Sociology) and a Bachelor of Social Work. There are also minors in chemical dependency counseling, social work, criminology, and sociology. The graduate program includes a Master of Arts in Sociology with tracks in interdisciplinary social sciences, general sociology, criminology, and a chemical-dependency certification.

### **3.1.2.4 Department of Military Science**

The department houses the University's Army ROTC unit, offering military training and leadership curriculum in two- and four-year programs that prepare successful Morehead State students for officer responsibilities. Following graduation, students may be commissioned as Second Lieutenants in the U.S. Army, Army Reserve, or Army National Guard.

### **3.1.2.5 University Studies Degree Program**

The university studies program is intended for students who want to design their own degree program or adults who are returning to the University to complete a degree. Students completing the university studies degree must fulfill general education requirements and then work with an advisor to design an academic program to meet their educational needs.

### **3.1.2.6 Kentucky Center for Traditional Music**

The Kentucky Center for Traditional Music combines four equally important responsibilities:

- Provide a nationally accredited, quality education in Traditional Music styles
- Preserve, develop, and celebrate our cultural heritage
- Collect, maintain, and provide access to culturally significant materials to foster better understanding of Traditional Music
- Represent our cultural heritage through performance, educational outreach, and interaction

## **3.1.3 College of Education**

The College of Education includes the Department of Early Childhood, Elementary and Special Education, the Department of Foundational and Graduate Studies in Education, and the Department of Middle Grades and Secondary Education. Department chairs for these departments and some coordinators and directors of auxiliary programs report to the college Dean.

### **3.1.3.1 Department of Early Childhood, Elementary and Special Education**

The department offers undergraduate and graduate programs. Undergraduate degrees include a Bachelor of Arts with areas in Interdisciplinary Early Childhood Education; Child

Development; Early Elementary Education (P-5); Early Elementary Education (P-5) and Learning and Behavioral Disorders (LBD); Early Elementary Education (P-5) and Moderate and Severe Disorders (MSD); and a Major in Community Support Services. There is also a minor in community support services. The Educational Unit for Child Care services within the department offers several non-degree training programs: Child Development Associate training and the KY Director Credential program. On the graduate level, the department offers both a Master of Arts in Teaching with certification in Interdisciplinary Early Childhood Education and post-baccalaureate certification in Special Education. The department offers areas of concentration within the Teacher Leader Master of Arts programs, and add-on certification programs in elementary education, LBD, MSD, and Director of Special Education.

### **3.1.3.2 Department of Middle Grades and Secondary Education**

The department offers undergraduate and graduate programs. The department offers the following Bachelor of Arts degrees: an Area in Middle Grades Education P-5 with academic components in science, language arts, social studies, and mathematics; an Area in Middle Grades Education P-5 with Learning and Behavioral Disorders; an Area in Middle Grades Education P-5 with Moderate to Severe Disorders; and an Area in Social Studies with secondary teaching certification. The department shares responsibility for undergraduate secondary and P- 12 programs, except for special education, with content departments outside the College of Education. On the graduate level, the department offers a Master of Arts in Teaching in Middle Grades Education 5-9 with concentrations in English, mathematics, science, and social studies; and Secondary Education in content areas outside the College of Education.

### **3.1.3.3 Department of Foundational and Graduate Studies in Education**

The department offers the Educational Foundations courses that serve other teaching programs throughout the University but offers only graduate degrees and certifications. Specifically, the department offers two Master of Arts programs in Adult and Higher Education and Counseling; a Master of Arts in Education—Teacher Leader program (with concentrations in Biology, Business and Marketing Content, Business and Marketing Technology, Educational Technology, English, Environmental Education, Fifth-Year enhancements, Gifted Education, Health and Physical Education, Interdisciplinary P-5, Literacy Specialist Endorsement, Mathematics, Middle Grades 5-9, National Board Certification, School Community Leader, Social Studies, and Special Education); a Master of Arts in Education—Teacher Leader program in Educational Technology with Instructional Computer Technology endorsement; and a stand- alone Educational Technology endorsement.

In addition, the department offers Rank I designations as follows: Counseling, an Environmental Education Endorsement, General Pedagogy, Gifted Studies P-12 Endorsement, Literacy Specialist P-12 Endorsement, Teaching English to Speakers of Other Languages (TESOL) P-12 Endorsement, Educational Technology with Instructional Computer Technology Endorsement, and a Gifted Education Endorsement. The department also offers a Specialist in Education degree in Adult and Higher Education, Counseling (resulting in Licensed Professional Counseling Associate credentialing), Counseling (resulting in School Counseling credentialing), Instructional Leadership, and Curriculum and Instruction—Rank I. Leadership Certification Programs include Director of Special Education Certification and School Superintendent. The department also offers a Doctorate of Education with specializations in Adult and Higher Education Leadership, P-12 Administrative Leadership,

and Educational Technology Leadership.

### **3.1.3.4 Office of Quality Assurance and Accreditation**

The Teacher Education Services unit is actively involved with teacher education candidates, faculty, and public school partners in the preparation of teachers. This unit provides coordination and services in the areas of teacher recruitment, field experiences, clinical practice, teacher certification, and first-year internships for Kentucky teachers and principals.

### **3.1.4 College of Science**

The College of Science includes the Departments of Agricultural Sciences; Biology and Chemistry; Kinesiology, Health and Imaging Sciences; Mathematics; Nursing; Physics, Earth Science and Space Systems Engineering; and Psychology.

#### **3.1.4.1 Department of Agricultural Sciences**

The department offers programs at undergraduate and graduate levels. Undergraduate degrees include an Associate of Applied Science in Veterinary Technology and the following Bachelor of Science degrees: an Area in Veterinary Technology; an Area in Veterinary Science; an Area in Agricultural Sciences with tracks in agribusiness, agriculture education, agronomy, animal science, equine science, general agriculture, golf course management, and horticulture; and a Major in Agriculture. In addition, the department offers pre-veterinary medicine and pre-forestry programs and academic minors in agriculture and horsemanship. At the graduate level, the department offers the agriculture track of the multidisciplinary Master of Science in Career and Technical Education.

#### **3.1.4.2 Department of Biology and Chemistry**

The department offers courses in botany, zoology, microbiology, ecology, genetics, physiology, anatomy, cell/molecular biology, and environmental sciences. The department offers programs at undergraduate and graduate level. The following Bachelor of Science degrees are offered: an Area in Biological Sciences with tracks in biology and biology with secondary teaching certification; an Area in Biomedical Sciences; an Area in Chemistry with tracks in biomedical chemistry and professional chemistry; and a Major in Chemistry with tracks in general chemistry, environmental chemistry, and chemistry with secondary teaching certification. In addition, the department offers pre-professional programs in several areas (pre-chiropractic, pre-dentistry, pre-medical technology, pre-medicine, pre-optometry, pre-pharmacy, pre-physician assistant, pre-physical therapy, and pre-podiatry) and academic minors in biology, integrated science, and chemistry. At the graduate level, the department offers a Master of Science in Biology and a Master of Science in Biology with a Concentration in Regional Analysis and Public Policy.

#### **3.1.4.3 Department of Physics, Earth Science and Space Systems Engineering**

The department offers programs at undergraduate and graduate levels. The following Bachelor of Science degrees are offered: an Area in Earth Systems Science (geology); an Area in Space Systems Engineering; an Area in Physics with tracks in astrophysics, computational physics, engineering physics (mechanical and electrical), and physics with secondary teacher certification; a Major in Physics with tracks in professional and applied physics. In addition, the department offers a pre-engineering program and academic minors in astronomy,

geology, and integrated science. At the graduate level, the department offers a Master of Science in Space Systems Engineering. The academic programs are connected to the Space Science Center, which provides both a state-of-the-art teaching and research facility for undergraduate students in physics, astrophysics, satellite design, fabrication, and telecommunications and additional faculty and staff who teach supporting courses in the areas described above.

#### **3.1.4.4 Department of Kinesiology, Health, and Imaging Sciences**

The department offers programs at undergraduate and graduate levels. Undergraduate degrees include an Associate of Applied Science in Radiologic Science, an Associate of Applied Science in Respiratory Care as part of a consortium led by Maysville Community and Technology College (Rowan Campus), and the following Bachelor of Science or Arts degrees: an Area and Major in Health Promotion, an Area in Health and Physical Education with secondary teaching certification, a Major in Health Education with secondary teaching certification, a Major in Physical Education with secondary teaching certification, and an Area in Exercise Science. The department also offers the following Bachelor of Science in Imaging Sciences degrees: an Area in Computed Tomography/Magnetic Resonance, an Area in Diagnostic Medical Sonography, and an Area in Leadership in Medical Imaging. The department also offers an academic minor in health. At the graduate level, the department offers a Master of Arts in Wellness Promotion.

#### **3.1.4.5 Department of Mathematics**

The department offers undergraduate courses and programs and graduate courses. The following Bachelor of Science degrees are offered: an Area in Mathematics; an Area and Major in Mathematics with secondary teacher certification; a Major in Mathematics with tracks in general mathematics, computational mathematics, applied statistics, and actuarial science. In addition, the department offers a minor in mathematics and two minors in statistics (one calculus based and one non-calculus based). The department also offers mathematics courses that support components for the pre-service teachers in elementary (P-5), middle school mathematics (5-8), and secondary teaching (9-12). Courses are offered at the graduate level to support several graduate programs in education.

#### **3.1.4.6 Department of Nursing**

The department offers programs at undergraduate and graduate levels. The Associate of Applied Sciences in Nursing program has cohorts at the main MSU campus and at the regional campus in Mt. Sterling, Kentucky. The department offers a pre-licensure Bachelor of Science in Nursing degree. Both programs are preparatory for licensure as a registered nurse. In addition, the department offers an online program for both internal and external associate degree graduates with current nursing licensure to obtain a Bachelor of Science in Nursing. The department offers a graduate degree that leads to the Master of Science in Nursing, with a primary care focus as a Family Nurse Practitioner (FNP). Upon completion of the Master of Science in Nursing Family Nurse Practitioner program, students are eligible to sit for the national FNP certification exam.

#### **3.1.4.7 Department of Psychology**

The department offers programs at undergraduate and graduate levels. The following Bachelor of Science degrees are offered: an Area in Psychology, a Major in Psychology

coupled with a minor program in a science department, and an Area in Neuroscience. A Bachelor of Arts degree with a Major in Psychology coupled with a minor in a non-science department is also offered. The psychology department also offers a minor in Psychology. At the graduate level, the department offers a Master of Science in Clinical Psychology and a Master of Science in Counseling Psychology.

## 3.2 Academic Support Programs

### 3.2.1 Library and Instructional Media

As one of the region's best student-oriented libraries in terms of service and up-to-date materials, Camden-Carroll Library offers both traditional and electronic resources, accessible through a well-designed website. Resources include a print collection of over three hundred thousand volumes, more than 800 current subscriptions. DVDs, videos, CD's, and other non-print materials are available for check-out, and print materials not owned by CCL may be requested through Interlibrary Loan.

**Additional Resources:** Electronic resources such as full-text online journals, ebooks, streaming media and over 150 databases in all subject areas complement the collection. In addition, Camden- Carroll Library is a selective depository for United States government documents. A learning technology lab houses multimedia software and equipment for student and faculty course work. Information about and access to the Library's collection, online resources, and services is gained through the Library's home page (<https://research.moreheadstate.edu/home>). Other services to faculty include an office delivery service, electronic and traditional course reserves, a current publication awareness service, and carrels for research and study.

**Collection Development and the Library Liaison Program:** Each academic department is assigned a librarian to serve as liaison with the department. Faculty members are encouraged to work with their library liaison to build the Library's collection and guide students in learning to use information and library resources. Library liaisons welcome opportunities to collaborate with faculty in providing specialized instruction in information literacy and the use of library resources.

**Circulation:** Books, audio-visual materials, and government documents are checked out at the circulation desk. An MSU faculty-staff I.D. must be presented at the time of check-out. Faculty members may keep most materials for nine weeks, and materials are renewable. Best sellers, DVDs, videos, CDs, and computer software have shorter circulation periods. The Library requires that others who check out materials in a faculty member's name must present the faculty member's identification card along with a note from the faculty member authorizing the checkout. Library materials can be renewed online.

**Reserves:** Course reserves for traditional and/or electronic reserve may be placed at the circulation desk. Two to three days' notice is needed to prepare materials for reserve. The check-out period for each reserve item is designated by the faculty member. Photocopied materials can be placed on both electronic reserve and regular reserve. Obtaining copyright permission is the responsibility of the faculty member.

**Instruction:** The Library supports the course work and success of MSU students, faculty, and staff by providing them with instruction in research and library use. Services include: one-on-one help at the research help desk or by appointment, links to online research guides and other information resources, Library orientations and tours, and course-specific and assignment-specific library use instruction sessions. The Library also provides Embedded Library Services in online or online-enhanced courses. With this service, faculty may have a library staff member provide online instruction and assistance directly in a

Blackboard course. See the Library's website for information on this service.

**Interlibrary Loan:** Books, articles, and microforms not owned by the Library may be requested from other libraries.

**Delivery Service:** Faculty and staff who work on the main campus of Morehead State University can place a "Delivery Service" request through the Library's discovery interface for delivery of circulating items held by the Library. Student workers will deliver items to department or unit offices. Faculty members working away from the Morehead campus may also use the Library's Off-Campus Delivery Service. See the Library's website for instructions how to use these services.

**Learning Resource Center:** The Learning Resource Center (LRC) is a multimedia center containing computer software, videos, CDs, DVDs, audiocassettes, and other non-print formats. It also houses a preschool-grade 12 collection of books, curriculum guides and teaching aids. Faculty may reserve the LRC space for their classes, groups, or meetings. Equipment available for use in the LRC includes: computers for previewing software, audiocassette/CD players, TV, a TV/DVD player, a public print station, mobile smartboards, and several computers with access to the Library's catalog, electronic databases, and the internet.

**Regional Campus Services:** The Library provides special services to faculty teaching off-campus and their students. Faculty may place course reserve materials in cooperating libraries at the regional campus locations by notifying the Regional Campus Library Services office. The Distance Instruction Librarian also provides library instruction and orientation sessions for off-campus classes and coordinates document delivery services to distance learning and extended campus students.

**Learning Technology Lab:** The LTL provides students and faculty access to multimedia software and equipment for their course work. Students and faculty can scan pictures and documents, capture video, edit photos, print documents, create Web pages, design and create student research posters, and use presentation and desktop publishing software. The Lab coordinator and staff conduct class orientations, provide on-site consultations, approve student posters for printing, and can assist individuals who visit the Lab. The LTL also assists faculty with video conversion from analog to digital formats for their courses and can create digital files for Blackboard courses. Obtaining copyright permission to digitize videos is the responsibility of the faculty member.

**Special Collections & Archives:** The Special Collections & Archives is a research center that provides students, faculty and visiting scholars access to unique and rare materials associated with the history of Central Appalachian region and Morehead State University. The center houses the Appalachian / Kentucky Collection of published and printed materials, microfilm and maps that focus upon the rich history and culture of the Central Appalachian region and Kentucky; a Manuscript Collection that consists of diaries, correspondence, business records, photographs and ephemera that focus upon the rich history and culture of the Appalachian region of northeastern Kentucky; Rare Book Collections that consists of published and printed materials classified as being too rare and valuable to circulate, including the works of prominent authors, musicians, and academicians from the Central Appalachian region, such as **Jesse Stuart, James Still and Roger W. Barbour, and Jay Flippin**; the University Archives, which serves as the repository for the official and unofficial records that document the history of the university; an Oral History Collection that consists of audio and video recordings of interviews made with individuals on historic events from the Appalachian region of northeastern Kentucky and the history of the university; a Video Archives contains digitized films and digitally born videos of campus events and oral history interviews from the 1930s to the present; a Genealogy Collection that consists of publications related to the families that settled in Central Appalachia during the 18th and 19th centuries; and masters' theses and doctoral dissertations published by Morehead State University graduate students. Over 24,000

items from these collections may be viewed online at <https://scholarworks.moreheadstate.edu/>.

### **3.2.2 Research and Sponsored Programs/Graduate School**

#### **3.2.2.1 Office of Research and Sponsored Programs**

The Office of Research and Sponsored Programs provides services essential for all phases of proposal development, including budgets that may result in a grant or contract between an external funding source and the University. In coordinating proposal development services, the office serves as the University's official administrative unit to review and submit all proposals to external sources. The resources and services of the office assist faculty and staff members in conducting research, delivering public services, and promoting professional growth through the use of external funds.

The office also provides administrative support for the Research and Creative Productions Committee, Institutional Animal Care and Use Committee, and the Institutional Review Board for the Protection of Human Subjects in Research.

#### **3.2.2.2 Graduate Programs**

The Associate Provost for Research and Dean of the Graduate School coordinates the University's doctorate, master's, education specialist, and graduate certification programs.

The Graduate School includes oversight of the graduate curriculum. Doctorate programs are available in Adult and Higher Education Leadership, P-12 Administrative Leadership, and Educational Technology Leadership. Programs at the master's degree level are offered in the areas of art; biology; business administration; career and technical education; communications; education with emphasis on teacher leader, adult and higher education, counseling, literacy, special education, and teaching; English; music; nursing, psychology; public administration; space systems engineering; sociology; sport management; wellness promotion; and engineering and technology management.

Morehead State University has post-baccalaureate 5th year programs in teacher leader and Rank I programs in career and technical education, counseling, educational technology, environmental education, general pedagogy, gifted, literacy specialist, and TESOL. In addition, the following certification programs are offered: director of pupil personnel, director of special education, English as a second language, gifted education, health systems leadership, health systems management, instructional computer technology, learning and behavior disorders, moderate and severe disabilities, school principal, supervisor of instruction, and superintendent. Education specialist degrees are offered in adult and higher education, curriculum and instruction, school counseling, and instructional leadership.

The Graduate School also serves as the certification office for completion of graduate educational certification forms for the Educational Professional Standards Board.

### **3.2.3 Undergraduate Education and Student Success**

The Associate Provost for Undergraduate Education and Student Success has responsibility for a wide range of academic support services.

### **3.2.3.1 Undergraduate Programs**

The Associate Provost for Undergraduate Education and Student Success oversees the undergraduate curriculum and the general education curriculum proposal and assessment process. The Associate Provost is also responsible for monitoring academic success of students and facilitating undergraduate academic appeals.

### **3.2.3.2 Center for Teaching and Learning**

The Faculty Center for Teaching and Learning is charged with coordinating professional development activities on campus and gathering data from faculty about professional development needs and interests. The center supports a variety of professional development activities including utilizing information technology as a medium for delivering and enhancing instruction; various forms of the scholarship of teaching and learning; discipline-specific approaches to teaching; support to attend teaching-related conferences; support for engaging in scholarship of teaching and learning projects; purchasing desired resources such as books, software, video resources, and periodicals; desired services such as planning and interpreting formative teaching evaluations, and support for collaboration/mentoring; offering a variety of formats for professional development such as collaboration, self-guided groups, workshops and presentations, and teleconferences. The Faculty Center for Teaching and Learning is also a liaison with the Council on Postsecondary Education's (CPE) faculty development initiatives.

### **3.2.3.3 International Education**

Morehead State University provides education abroad opportunities around the world through faculty-led trips throughout the year by its faculty, via partnerships with other institutions, and through membership in two consortia. Faculty-led trips are offered to many countries, and can occur during any academic term, and typically involve associated coursework. In addition, as a member of the Cooperative Center for Study Abroad consortium, the University is able to send faculty and students to English-speaking nations for educational offerings in a variety of subject areas. Programs include a winter interim and two summer sessions. As participants in the Kentucky Institute for International Studies Consortium, University faculty and students can travel to study centers in Europe, Asia, and South and Central America. Courses are offered during the summer and focus on languages, humanities, and social sciences. KIIS also offers several semester programs in Germany, France, Spain, and Mexico.

In addition to faculty-led experiences and those arranged through the consortia, MSU works in cooperation with other universities to allow for additional education abroad opportunities for students. MSU participates in the Fulbright Scholarship program, and has partnerships with universities around the world where students may visit and take classes. Students also may complete international internships. Students interested in study abroad opportunities should contact the Office of Education Abroad at [educationabroad@moreheadstate.edu](mailto:educationabroad@moreheadstate.edu).

MSU also welcomes international students from all over the world. The Office of International Students Services promotes intercultural interchanges through a series of activities. MSU also offers English as a Second Language (ESL) instruction for international students and U.S. students have the opportunity to assist as conversation partners with ESL students.



### 3.2.3.4 Academic Services

**Services for Students with Disabilities:** Professional staff assists physically handicapped and learning disabled students in the acquisition of academic aids such as taped textbooks, note-takers, interpreters, and tutors. The staff coordinates efforts to address the accessibility and class accommodations with instructors of handicapped and learning disabled students. Students may participate in individual counseling with the staff. Faculty resources related to disability services can be found at

<https://www.moreheadstate.edu/Student-Affairs/Disability-Services/Faculty-Resources>.

**Provisional Studies Program:** The Provisional Studies Program specifically addresses the needs of students who may be initially underprepared to successfully complete a college-level program of study. The program provides advising, counseling, and academic support to assist these students in preparing to complete a college education. The staff meets with the students individually to encourage and provide assistance with study habits, personal concerns, or other problems that students may encounter. Students are required to attend regularly scheduled advising sessions, and study tables a minimum of three times a week. Students in the Provisional Studies Program also must complete required corequisite (or Enhanced) courses.

### 3.2.3.5 Distance Learning

The Distance Education and Instructional Design (DEID) office supports faculty, staff, and students with course design, technology use issues, and integrating digital technologies into teaching and learning. DEID is located on the first floor in Camden-Carroll Library, where frequent professional development sessions are offered to faculty. DEID also assists faculty and students via their Help Desk (606-783-2140).

**Online Education (Blackboard):** Courses offered via the internet use the learning management system called Blackboard that can be accessed from any internet capable computer or mobile device. Blackboard is a tool to be used by the faculty to enable the course to be delivered entirely online or as a component to any course at the University. The DEID office automatically creates a Blackboard shell for every course offered.

### 3.2.3.6 Office of Retention and Academic Advising

This office assists students in successfully completing their academic pursuits from beginning of the educational career through graduation. This department provides academic guidance and counseling, peer coaching, tutoring, supplemental instruction, and other educationally-focused support to all students, with a focus on first-year students. The Office of Retention & Academic Advising is the centralized hub for the Student Service Centers across campus and oversees the Eagle Success Program, The Tutoring and Learning Center, Advise (Ellucian retention software), Retention Alert, the Academic Recovery Program, Success Academy (a summer bridge program for underprepared students), and various other retention-focused initiatives. Workshops and seminars centered on improving study skills, increasing motivation for academic success, and supporting student achievement are offered to students and faculty/staff.

### **3.2.3.7 Career Services**

This office offers guidance and programming to students to help them identify a career path based on personality, interests, values, and aptitude, plan and launch their career development through workshops and internship opportunities, and prepare to job search. Specific services include, but are not limited to, administering career inventories and counseling to help students choose a major or career path, job-search coaching, evaluation of job search and graduate school application documents (e.g. resumes), service as internship liaison for departments, instruction of internship class MSU 339 (open to all majors), practice interviews, employer research, on-campus interviewing with employers, and the maintenance of an online career management system offering job postings for full-time and part-time positions, student employment and internships,. Career Services coordinates and hosts numerous career events including two annual career fairs, a networking etiquette dinner, and workshops.

Faculty members are encouraged to utilize Career Services' expertise to identify employability skills that should be fostered through coursework, and to enhance classroom assignments through class presentations and workshops that are industry/major focused as well as resume and practice interview evaluation. Staff can offer contact information to faculty for specific industries, companies, or alumni for expert class presentations or class projects.

### **3.2.3.8 Supplemental Instruction**

Supplemental instructors are available to assist in corequisite (or Enhanced) classes. The supplemental instructors are professionals with expertise in the subject matter or students who have successfully completed the course. These individuals attend all class sessions and work closely with the instructor of record to provide support services for students at additional class meetings or outside of the regular class. The supplemental instructors meet with the students in a small groups or individually outside of class to review material and assist students to learn the major concepts.

### **3.2.3.9 Academic Retention Program for Minority Students**

Dedicated to Retention, Education, and Academic Success at Morehead State (DREAMS) provides academic support for minority students. DREAMS is a comprehensive academic support and retention program targeting African American, Latino/Hispanic students, but open to first generation students, students who identify as coming from low-income families, or any student committed to enriching their experience at Morehead State University. This comprehensive retention program is focused on first year transition, mentoring, and leadership.

### **3.2.3.10 Eagle Success Program**

The Eagle Success Program specifically addresses the needs of students who do not meet the unconditional admission index. The program provides advising, counseling, peer coaching, tutoring, and other academic support to assist participants in preparing to complete a college education. The Eagle Success Program staff meets with the student individually to encourage and provide assistance with study habits, personal concerns, transitional, or navigational problems that students may encounter. Students are required to complete documented study hours, meet with their academic advisor, and a peer coach throughout their time in the Eagle Success Program.

### **3.2.3.11 Tutoring and Learning Center**

The Tutoring and Learning Center provides supplemental academic assistance to students outside the classroom through individualized instruction, the use of audio-visual materials, and computer software in such areas as mathematics, writing, and study skills, as well as in specific disciplines (e.g., chemistry, biology, psychology, history, etc.). The staff works with the faculty to provide academic support services for students. Peer tutors provide one-on-one help and small group assistance in many academic disciplines. Services are available upon request by the student or through referrals from instructors. All tutoring is done by appointment at no cost to the student.

### **3.2.3.12 Honors**

The George M. Luckey Academic Honors Program challenges students through stimulating educational experiences in the classroom and beyond. Membership in the program is restricted to students who have earned the Honors Scholarship, a highly competitive full scholarship awarded through a rigorous selection process. Students in the program take four core classes, all of which fulfill general education requirements. They also complete several one-credit individualized projects, designed to enable them to pursue their own interests within the framework of the program. All Honors students are required to work as unpaid undergraduate research fellows for at least one year; they must also complete a service requirement, and an approved overseas experience, the cost of which is partly covered by the scholarship. Our goal is to provide the support and guidance our best students need to fulfill their potential, regardless of major.

## **3.2.4 Regional Education and Outreach**

### **3.2.4.1 Regional Campus Programs**

The University conducts an extensive regional campus program. Graduate and undergraduate programs and courses that are taught by tenured, tenure-track, and adjunct faculty are offered at regional campuses in Ashland, Prestonsburg, and Mt. Sterling. Courses are also available on the Hazard Community and Technical College campus through the University Center of the Mountains partnership. Online courses are available through the University Center of Southern Kentucky at Somerset Community College. Full-time faculty members are located in Ashland, Mt. Sterling, and Prestonsburg. Courses are delivered through face-to-face instruction and interactive television. The University partners with the Kentucky Community and Technical College System to deliver programs. All courses carry resident credit, with the quality of instruction and expected student performance equal to that of on-campus study. Students may choose from a variety of courses leading to an associate's, bachelor's, or master's degree.

#### **3.2.4.1.1 MSU at Ashland**

Morehead State University at Ashland serves students from the Kentucky, Ohio, and West Virginia Tri-State area. As partners with Ashland Community and Technical College, MSU at Ashland offers students the ability to complete bachelor's and master's degrees on

the Ashland Community and Technical College campus. Currently, bachelor's degree programs are offered in Education-Elementary, Middle School and Special Education, Social Work, and University Studies. The campus also supports and assists with online degree programs. For more information, email [ashland@moreheadstate.edu](mailto:ashland@moreheadstate.edu).

### **3.2.4.1.2 MSU at Mount Sterling**

Morehead State University's Mount Sterling campus offers an intimate classroom environment and state-of-the-art computer and training laboratories. The facility supports students who wish to complete associate and bachelor's degree programs in areas such as Nursing, Social Work, Business, University Studies, and more. Additionally, students may begin general education courses at MSU in Mount Sterling. For more information, email [mtsterling@moreheadstate.edu](mailto:mtsterling@moreheadstate.edu).

### **3.2.4.1.3 MSU at Prestonsburg**

MSU at Prestonsburg provides educational and training opportunities for those in Floyd, Johnson, Magoffin, Martin, and Pike counties and beyond. As a partner with Big Sandy Community and Technical College, MSU at Prestonsburg offers students the opportunity to take classes on campus during the day, night, and online to complete bachelor's degrees including social work, elementary education, special education, middle school, and university studies, masters degrees, or education specialist degrees. The campus also supports and assists with online degree programs. For more information, email [prestonsburg@moreheadstate.edu](mailto:prestonsburg@moreheadstate.edu).

### **3.2.4.2 East Kentucky Small Business Development Center**

The EKSBDC conducts training programs for existing and prospective small business entrepreneurs and provides one-on-one consulting in a variety of business concerns such as marketing and sources of finance. Offices are maintained in Morehead, Ashland, and Prestonsburg with outreach sites in Maysville and Pikeville.

### **3.2.4.3 Regional Outreach Programs**

Regional Outreach Programs are directly related to the University's public service mission. These programs are collaborative efforts with public schools, human service agencies, government, and business to address the educational, social, and economic needs of the region. The University provides programs for students both prior to attending postsecondary schools and while attending Morehead State University.

**Adult Education Academy:** The Adult Education Academy works in partnership with Kentucky Adult Education (Skills U) to develop, provide and assess professional development activities that help program directors and adult education instructors to meet state, programmatic and student goals. The Academy offers face-to-face workshops, online courses, coaching, and a bank of research-based instructional resources aligned with national standards in mathematics and language arts.

**Adult Education Learning Centers:** The Adult Education Learning Centers provide adults with the means and opportunities to develop and improve skills essential to greater financial stability and self-sufficiency. The centers provide high school equivalency seekers the opportunity to earn a GED and improve academic skills to enroll in postsecondary education and obtain meaningful employment. The program serves Bath,

Montgomery, Morgan, Powell, Rowan and Wolfe counties.

**AmeriCorps/MSUCorps:** MSUCorps is a school success program funded by the Corporation for National and Community Service via Serve Kentucky. MSUCorps has two staff members. The program places an equivalent of 30 full-time members in the Family Resource and Youth Service Centers and schools in 12 counties. These 12 counties are Bath, Bourbon, Clark, Rowan, Carter, Boyd, Magoffin, Morgan, Elliott, Greenup, Nicholas, and Robertson. Each member targets a minimum of 20 at-risk children to provide tutoring/mentoring.

**Commonwealth Educational Opportunity Center (TRIO):** The CEOC assists 2,500 first generation and low-income adults who want to complete their high school equivalency and/or pursue or complete a college degree in 36 counties in Eastern Kentucky. The CEOC provides college, financial aid and career information as well as assistance with completing college admissions applications or processes and the Free Application for Federal Student Aid (FAFSA). Staff members are stationed Morehead, Mt. Sterling, Hazard, Pikeville, Ashland, Middlesboro, Prestonsburg, Corbin and Somerset.

**GEAR UP Programs:** Through partnerships with Berea College's Partners for Education and the Kentucky Council on Postsecondary Education assists students in GEAR UP and Promise Neighborhood programs to successfully transition from high school to Morehead State University. These students come from low-income communities. The program works with students while they are in high school to prepare them for the transition to Morehead State University and then continues to mentor and coach students during their freshman year at MSU.

**Retired Senior Volunteer Program:** The MSU-Retired Senior Volunteer Program services the counties of Bath, Boyd, Carter, Elliott, Greenup, Lawrence, Menifee, Montgomery, Morgan, and Rowan. The Corporation for National Service and United Way of Montgomery County provide funding. Additional funding is provided by the Administration on Aging. There are 230 volunteers in the program. The purpose of RSVP is to place senior citizens, 55+, in volunteer assignments with non-profit organizations. RSVP serves many of these people through food banks, schools, health education and socialization, as well as provides volunteer assignments to this age group.

**Senior Medicare Patrol (SMP):** The Senior Medicare Patrol informs Medicare recipients and local communities how to protect recipients from fraud, detect potential abuse, and report fraud and errors. In partnership with the Louisville Metro Department of Public Health & Wellness, workshops and personal consultation are provided to a 15 county area inclusive of the Buffalo Trace, FIVCO and Gateway Area Development Districts.

**Student Support Services (TRIO):** Student Support Services (SSS) at MSU is a federally funded, student-oriented program that offers cultural enrichment, tutoring, academic advising, personal, career, and financial aid counseling. The program serves 221 participants. The services are designed to help MSU students in SSS graduate. SSS offers the support needed to ensure a successful academic experience in the pursuit of an education. To be eligible, MSU students must meet the following criteria: they must have an academic need; two-thirds of the participants must be low income first-generation college students; or have a documented disability and be low-income.

**Summer Academies:** MSU hosts the INSIGHT, Governor's Scholars Program and Rogers Scholars and Explorers Programs during the summer. **INSIGHT** assists high school juniors and seniors who are visually impaired to prepare for the transition to a postsecondary environment by providing a ten-day residential and academic experience. The program is a partnership between MSU, Kentucky Vocation Rehabilitation, School for the Blind, and Kentucky Educational Development Corporation. **Governor's Scholars Program (GSP)** strives to enhance Kentucky's next generation of civic and economic leaders by providing a five-week residential summer academy that emphasizes academic and personal growth for 350 high school juniors. The **Rogers Scholars and Explorers** programs are intensive

residential programs offered in partnership with The Center for Rural Development. The Explorers program is a three-day two-night program focused on cultivating skills in leadership, technology, math, science, and community services for students entering the ninth grade. The Rogers Scholars program is an intensive six-day five-night experience focused on developing skills in leadership, technology, entrepreneurship, engineering, healthcare, and community service.

**Talent Search (TRIO):** The Talent Search program motivates, encourages, and empowers 1,800 low-income and first generation middle and high school students to complete high school and enroll in and complete postsecondary education. Participants receive academic counseling, career counseling, financial counseling and personal counseling. The program serves students in Bath, Carter, Elliott, Greenup, Johnson, Lewis, Magoffin, Menifee, Morgan, Powell and Rowan.

**Today's Youth:** Today's Youth serves 90 participants, ages 16 – 24, in Bath, Boyd, Bracken, Fleming, Greenup, Lewis, Mason, Montgomery, Robertson, and Rowan counties. The program works to increase basic skills, achieve work readiness and develop occupational skills for participants through counseling, building self-esteem, leadership development, and various other tools for individual growth, development and enhancement. The program strives to keep participants in postsecondary education and prepare them to move into the workforce. The staff works closely with the postsecondary institutions in the region, transportation services and community organizations in all ten counties.

**Upward Bound and Upward Bound Math Science (TRIO):** Upward Bound and Upward Bound Math Science are academic preparatory programs for 334 first generation and low-income high school students. The program helps students to prepare for college by generating the academic skills and motivation to graduate from college. Student participate in an academic year and five week summer residential academy. The programs serve Bath, Boyd, Carter, Elliott, Fleming, Harrison, Lawrence, Johnson, Lewis, Magoffin, Mason, Menifee, Montgomery, Morgan, Nichols, Robertson, and Rowan counties.

### 3.2.5 Registrar

The Office of the Registrar develops, implements, and maintains delivery systems of students' academic records. The office coordinates preregistration, registration, course changes, and the preparation of the semester schedule of classes. In addition, grade processing, evaluation of transfer and military work, enrollment verification, academic transcript issuance, National Collegiate Athletic Association athletic eligibility, and the monitoring of all students receiving veterans' benefits are performed by the office. The organization and coordination of University commencements, an academic degree audit of each undergraduate student's credentials prior to receipt of a diploma, and the development, implementation, and administration of the University's computerized advising degree audit systems are integral functions of the office.

### 3.3 Deans' Council

Members of the council include the Provost and Vice President for Academic Affairs as the chairperson, the Associate Provost Undergraduate Education and Student Success, the Associate Provost for Research and Dean of the Graduate School, the Deans of the four colleges, and the Chair of the Chairs' Forum. This council meets bi-weekly. Duties and responsibilities of this council are to provide the Provost and Vice President with recommendations for implementations and/or modifications that strengthen University programs and plans and to provide opportunity for the Provost to inform the

academic leadership of major actions being considered and/or taken.

### **3.4 Chairs' Forum**

Members of the forum include all department chairs/associate deans and interim/acting department chairs/associate deans. The forum meets at least once a semester to identify concerns of department chairs/associate deans, to provide a means of communication between chairs/associate deans and other university units, to consult on policies and procedures affecting department/school function, and to communicate recommendations to the provost. The forum is administered by an executive committee elected by the members.

### **3.5 Deans**

Each dean is charged with the overall responsibility for the development of the college. Accordingly, the dean is the individual ultimately responsible for the recruitment, evaluation and retention of faculty, for the academic advising of students; for curriculum development, course offerings and classroom instruction in the college; for the development of library materials and laboratory equipment; and for the administrative and financial management of the college.

Considerable academic autonomy is granted each college; hence, each dean is accorded commensurate authority and responsibility. This responsibility and authority are shared by the dean with the chairs/associate deans, faculty, and staff to whatever extent is most productive for the college. The dean is accountable to the provost for the success of the college.

### **3.6 Department Chairs/Associate Deans**

The department chairs/associate deans are responsible for the development and management of programs at the departmental/school level. The department chair/associate dean reports to the dean of the college in which the department/school is located. The department chair/associate dean recommends the employment and retention of departmental/school faculty and staff and develops and recommends courses, programs, schedules, facilities, and budgets.

### **3.7 Program Coordinators**

Program coordinators are responsible for the development and management of single programs within a department/school or college. A program coordinator may report to a department chair/associate dean or to a college dean. Program coordinators develop and recommend courses, schedules, facilities, and budgets. The decision to appoint a program coordinator rests with the dean and department chair/associate dean.

## **Chapter 4**

### **4 Shared Governance**

#### **4.1 Definition of Shared Governance**

The following is the "Preamble" to the *Faculty Senate Constitution* (as approved by

the Morehead State University Board of Regents 25 September 2010):

The faculty of Morehead State University supports a system of shared governance in decision making which promotes mutual understanding and coordination of efforts among faculty, staff, administrators, and students as they strive to meet the university's mission.

The Faculty Senate, an elected representative body of the University faculty, serves to express the faculty voice and functions as the primary mechanism for faculty participation in university governance. The Faculty Senate is established with the belief that members of the University faculty who are involved in the day-to-day life of the University should participate in the formulation of policies affecting the faculty and the academic life of the institution. The Senate provides a vehicle through which such collective intelligence can be directed toward promoting the well-being of the University. The decisions of the Faculty Senate will be made in good faith and after careful deliberation.

Additionally, the Faculty Senate aspires to the goals of shared governance as they relate to budgeting and employment as outlined by the following statement by the American Association of University Professors (AAUP):

The principle of shared authority and responsibility requires a process of discussion, persuasion, and accommodation within a climate of mutual concern and trust. Where that process and climate exist, there should be no need for any party to resort to devices of economic pressure such as strikes, lockouts, or unilateral changes in terms and conditions of employment by faculty or academic management.

## **4.2 Faculty Senate**

The Faculty Senate, organized in 1984, is the official representative body of the faculty of the University. It is the responsibility of the Faculty Senate to share in the governance of the University in matters pertaining to faculty and the academic life of the institution. The Senate reports to the faculty and the president. Members of the Senate are elected from each academic department by the full-time faculty of that department for a three-year term. All departments are represented by two senators (except Military Science, which has one), and two professional librarians represent librarians.

The Faculty Senate meets twice per month during the academic year in open meetings. The current meeting time is 3:45 pm on Thursdays. In addition, there are at least two summer meeting times reserved in case of pressing business. Agenda for senate meetings are set by the Senate's Executive Council at least forty-eight hours in advance of meetings and are published to the faculty. Minutes of senate meetings are a matter of public record.

### **4.2.1 Faculty Senate Constitution and Special Rules of Order**

For all additional information about the Faculty Senate, see the constitution available on the MSU website. This explains how the Senate functions, who is eligible to serve as a senator, how and when elections should be held, what counts as a quorum, the officers, the sub-committees of the Senate, and so forth.

### **4.2.2 University Standing Committees**

<https://www.moreheadstate.edu/Leadership/Faculty-Senate/MSU-Standing-Advisory-Committees> The faculty, staff, administrators, and students of Morehead State University support a collegial system of shared university governance that assures and promotes university-wide representation and joint deliberation within the institution. A collegial system of shared university governance as defined as a communication process which encourages responsible participation and open discussion, and provides opportunities to present diverse points of view resulting in increased advice to the University administration for enhanced quality in decisions.



A representative and functional University Committee structure (consisting of faculty selected by the Faculty Senate, staff members selected by the Staff Congress, administrators appointed by the President, and students selected by the President of the Student Government association) serves to provide the clearest expression of thought and representation of these respective constituencies in the University committee structure, and this structure shall function as a primary mechanism for representative participation in shared university governance.

The following principles, policies, and procedures regarding University committees shall apply to all University committee structures regardless of the particular title.

- (A) All University Committees shall:
  - (1) Be established with the approval of the President, or as mandated by statute;
  - (2) Be terminated with the approval of the President unless mandated by statute;
  - (3) Have a clearly defined and stated purpose;
  - (4) Have a clearly defined and stated structure for membership;
  - (5) Have clearly defined and stated duties and responsibilities;
  - (6) Have stated requirements regarding frequency of meetings;
  - (7) Have a stated administrative official at the Vice President level or higher that the committee is recommendatory to;
  - (8) Maintain an up-to-date record of approved minutes reflecting committee actions, proposals and recommendations in the Camden-Carroll Library, with copies to other individuals, offices, and representative bodies as stated in the specific committee guidelines;
  - (9) Have a Chair, Vice-Chair, and Secretary;
  - (10) Hold an organizational/informational meeting by September 15th;
  - (11) Shall have a designated representative/office to be responsible for coordination of appropriate fiscal and clerical support; and
  - (12) Shall use all possible sources of information for input from appropriate constituent groups, other committees, individuals, and University administrative offices.
- (B) University Standing Committees
  - (1) **Definition of University Standing Committee:** University Standing Committees are committees which have no stated termination date. They are expected to function on an on-going basis within the specific guidelines stated for that committee.
  - (2) Procedures for selecting members to serve on University Standing Committees
    - (a) Committee membership on University Standing Committees shall be defined by the stated criteria under MEMBERSHIP given for each University Standing Committee.
    - (b) Term of service may be successive unless prohibited by criteria under membership.
    - (c) Replacements of members of University Standing Committees shall be selected by the appropriate constituent body and follow the membership guidelines established for that committee.
    - (d) Faculty members will be selected by the Faculty Senate, according to its constitution and by-laws.
    - (e) Staff members will be selected by the Staff Congress, according to its constitution and by-laws.
    - (f) Students will be selected by the Student Government Association, according to its constitution and by-laws.
    - (g) Administrators will be selected by the President.

- (h) Final formal constitution of a committee will be approved by the President. The President may ask for changes in selected members if individuals do not meet the stated membership criteria. The President will notify members of their appointments, term of service, etc.
  - (i) Year of service is operationalized as beginning of the school year to the beginning of the next school year, e.g., mid-August 1990 to mid-August 1991.
  - (j) No person should serve on more than two University Standing Committees at the same time.
- (C) University Ad Hoc Committees
- (1) **Definition of University ad hoc committees:** University ad hoc committees are committees/task forces/etc. which have a stated termination date. They shall:
    - (a) Not duplicate the function, duties, or responsibilities of University Standing Committees;
    - (b) Function on a short-term basis (normally defined as less than one a year);
    - (c) Have a clearly defined and specific goal or task; and
    - (d) Have a clearly defined and stated membership structure, which follows the general guidelines for University Standing Committees.
  - (2) Procedures of selecting members for ad hoc University committees: The President shall appoint members to an ad hoc University committee with the advice of the Faculty Senate, Staff Congress, and Student Government, as appropriate when members of these constituencies are involved.

University Standing Committees will report, advise, and/or recommend to the administrative official or designated individual/office listed in the specific guidelines for the committee and send copies of approved minutes to the Camden-Carroll Library and appropriate representative bodies, as listed in the specific committee guidelines.

It is the responsibility of the President or appropriate Vice President listed in the specific guidelines for the committee, to transmit to the Faculty Senate, Staff Congress, and Student Government Association, for review and comment before implementation, policies, and procedures resulting from the recommendations of the University Standing Committees.

The Faculty Senate, Staff Congress, and Student Government Association may respond to proposed policies and procedures or reports issued by the University Standing Committees through the appropriate administrative official. The Faculty Senate, Staff Congress, and Student Government Association may refer matters to the committee chair to consider with proper notification to the President or appropriate Vice President to whom the committee reports.

Committee membership lists and committee descriptions are maintained by the Faculty Senate on the following MSU web-site: <http://www/moreheadstate.edu/units/msac>

### 4.3 Personnel Policies

From 1977 through February 1984, numerous academic and administrative policies were recommended to, and adopted by, the MSU Board of Regents. These "policy statements," as they were labeled, were initially published in a Policy Manual in 1977 and published again in February 1984 with some revisions as approved by the Board.

In 1985, the Board of Regents approved personnel policies published in a comprehensive Personnel Policy Manual, which superseded personnel-related policies in the 1984 policy manual and other documents, such as the Faculty Handbook. The Personnel Policy Manual is now the "official" document where all Board approved policies related to personnel issues are published.

The Personnel Policy Manual is divided into five sections. The first section is on general personnel policies that apply to a variety of classifications of faculty and staff members. Unless specified otherwise, each policy in this section applies to all employees. The policy symbol for general policies is PG.

Four additional sections contain policies specific to a particular classification category as follows:

<i>Classification Category</i>	<i>Policy Symbol</i>
Academic	PAc
Administrative	Pad
Staff Exempt	PSE
Staff Nonexempt	PSNE

Definitions of these classification categories are presented in PG-2.

Access to personnel policies is at

<https://www.moreheadstate.edu/Administration/Human-Resources/Personnel-Policies/MSU-Personnel-Policies>

#### **4.4 University Administrative Regulations**

While a "policy" is a statement which establishes the foundation for making decisions according to statute and by-laws, University Administrative Regulations (UAR) describe how to carry out operations and actions to meet the letter of a policy. UARs are defined as administrative procedures that require written guidelines/steps to execute a policy and/or statute.

Steps to be taken for the approval of UARs will be as follows:

- A) All UARs shall be initiated through the President or a Vice President. If another person/group proposes a procedure, it should be sent through the President or appropriate Vice President for completion of the established steps;
- B) It is the responsibility of the initiator (President or Vice President) to circulate a draft of the UAR to all members of the Executive Council for comment. Using these comments, the UAR should be redrafted and submitted to the Executive Council for discussion;
- C) After such discussion, the President or Vice President should seek input as appropriate from the Faculty Senate, Staff Congress, Student Government Association, Academic Council, University Standing Committees, etc. Comments from all those consulted will be used to draft a final version. If necessary, the UAR would be sent back to the Executive Council for further discussion; and
- D) The President shall have final authority to approve UARs. UARs will be given a title and assigned a number. The numbers will include digits after the decimal point, which will be reserved for identification of revision/version of the regulation (e.g., 1001.01 would indicate the original regulation #1001, first revision).

#### **4.5 Other Guidelines**

##### **4.5.1 Minimum Guidelines for Faculty Evaluation Process**

The major purpose of the University's Faculty Evaluation Process (FEP) is the improvement of faculty performance and ultimately a higher quality of instruction. Much of the data collected for the FEP may also be applicable to decisions regarding promotion and tenure. These minimum guidelines are established in PAC-35 and provide guidance for departments in establishing their respective FEPs.

#### 4.5.2 Selection, Orientation, and Supervision of Part-time Faculty Members

**Definition of Terms:** The term part-time faculty refers to the category of faculty described in PAC-1 as "lecturer."

**Policy:** This title is used for appointments of nonregular faculty members who teach on a temporary or ad hoc basis, or if on a continuing basis, for less than full-time. The minimum qualification is the master's degree with 18 graduate semester hours in the teaching field or an approved record of outstanding professional experience and demonstrated contributions to the teaching field.

**Selection Process:** The main authority in filling part-time positions rests with the department chair/associate dean. The chair/associate dean will, to the extent possible, select the best-qualified applicant from a pool of qualified applicants. In no event will the chair/associate dean select a faculty member who is not qualified by the standards of the accrediting agency of the program or by SACSCOC criteria, whichever are higher.

**Verification of Credentials:** All part-time faculty members must have academic credentials on file in the Office of the Provost prior to deployment. If certifications, work experience, or other qualifications are to be used to demonstrate the competency of the proposed part-time faculty member, the hiring process may not be completed until all documentation of the part-time faculty member's competence has been completed. Non-academic credentials will be maintained in the department/school office. It is expected that the departmental/school office will expedite the obtaining of credentials.

**Conditions of Employment:** The contract or equivalent document submitted to the proposed part-time faculty member must include an attachment that describes any departmental/school conditions for employment. Conditions may include stipulations for scheduled time for conferences with students, requirements for time needed for appropriate orientation, supervision, and evaluation by the department/school of the part-time faculty, and any special features required by the department/school for basic instruction.

**Orientation:** The department chair/associate dean is responsible for providing specific orientation to the department/school for part-time faculty, when hired at the university for the first time.

Such departmental/school orientation should include relevant general information about the University as well as statements of the objectives of the department/school and of the course the part-time faculty member is to teach. [A formal introduction to the department/school faculty as a whole, and more complete introduction to relevant faculty is recommended when possible.] The expectations of the department/school including the necessary parts of an evaluation procedure and other details of supervision should be explicitly discussed. Additionally, any unique features of evaluation of student performance and departmental/school grading practices should be covered.

**Supervision and Evaluation:** The department chair/associate dean shall supervise the instruction carried out by part-time faculty in the same way that the chair supervises that of fulltime faculty. The chair/associate dean will maintain regular contacts with part-time faculty and respond to unsolicited student comments on this instruction. Evaluation of the effectiveness of instruction will be conducted in the same way for full-time and part-time faculty members unless a specific written policy in the department/school provides for a different but equally effective method. No part-time faculty member will be reappointed if the results from his or her evaluation are significantly poorer than those for full-time department/school faculty members.

## **4.6 Kentucky Revised Statutes**

Kentucky law is codified in Revised Statutes (KRS) divided into chapters. These statutes are available on the Kentucky State web site maintained by the Legislative Research Commission (LRC). Morehead State is governed by the statutes that relate to public comprehensive universities which are overseen by boards of regents. Other statutes govern the two Kentucky research universities overseen by boards of trustees. The chapters that pertain to Morehead State University are KRS 164.350 and KRS 164.360.

## **4.7 Privilege in Rank Statement**

Upon recommendation of the Faculty Senate, the following Privilege in Rank Statement was approved in 1989:

The Faculty adhere to the principle and purpose inherent in Privilege in Rank, not only between rank from instructor through professor. Rank, seniority, and value to the university shall be major factors in administrative decisions regarding salaries, teaching responsibilities, release time, committee assignments, summer employment [sic] and sabbatical leaves.

# **Chapter 5**

## **5 Student Affairs**

### **5.1 Mission of Student Affairs**

The Division of Student Affairs fulfills the mission of the University by creating and maintaining safe environments in which community members live and learn. We recruit students, provide student support services and student engagement outside the academic classroom. We provide activities that promote cultural awareness and support a diverse community. We provide opportunities for student leadership development and practice. These life learning, co-curricular experiences assist students in defining and accomplishing their personal, academic, and career goals. We provide the community with facilities, programs, and logistical services that meet the needs of students, faculty, staff, alumni, and guests. We provide support for maintaining physical and mental health and activities that contribute to individual physical fitness and wellness as well as providing opportunities for cooperative and competitive play and leisure activities.

### **5.2 Assistant Vice President/Dean of Students**

The Assistant Vice President/Dean of Students serves as the chief student judicial officer for the university and is responsible for the implementation of the student judicial system. The office maintains all disciplinary records and judicial files, organizes discipline committees and supervises their operations, serves as liaison to the University's General Counsel in litigious matters involving students, investigates the facts in cases and makes provisional decisions on cases subject to review. The office identifies and responds to the co-curricular and non-academic needs of the students, including crisis management.

The Assistant Vice President/Dean of Students/ supervises the operations of the Office of Student Housing and Residence Education, Disability Services, and Counseling &

Health Services. The office and departments of the Dean of Students serve to safeguard the welfare and protect the rights of the university community; develop safe, secure, and supportive residential communities for our student population; and improve the quality of student life.

### **5.2.1 Office of Student Housing**

The Office of Student Housing provides and develops safe, secure, and supportive residential communities for our residential student population. Serving approximately 3,000 residential students in 13 residence halls/apartment communities with 75 undergraduate student staff members and 4 live-in professionals, the Office of Student Housing provides 24/7 crisis response, facility oversight, and student support 365 days per year.

The Housing and Residences Education staff create and manage programs to provide a positive life experience through community involvement, leadership opportunities, educational programming, and service to others. The office seeks to enhance the residential experience through the development of a community based on the foundations of safety, civility, inclusion, and involvement. Faculty interested in participating in Residential initiatives, including Living- Learning Community Development, are encouraged to contact the Director of Housing and Residence Education.

### **5.2.2 Disability Services**

MSU's Disability Services office enables equal access to MSU's programs, activities, and services in accordance with federal and state regulations. The program works directly with qualified students to identify appropriate accommodations and afterward collaborates with faculty and staff to ensure their effective provision. In addition to monitoring compliance, Disability Services is also committed to the spirit of disability law and contributing to a culture of inclusion at the university. The mission encompasses advising the full campus community on disability-related issues and promoting educational, social, and leadership opportunities at the University for students with disabilities.

### **5.2.3 Counseling and Health Services**

Counseling and Health Services is a full service primary-care facility devoted to providing students, faculty, and staff with quality counseling, medical, and employee health services. Located on the first floor of Allie Young Hall, the clinic provides a variety of services such as preventative care, allergy treatments, immunizations, and treatment of illness. The counseling center offers assistance with mental health and substance abuse, as well as emergency and crisis services. The clinic provides the following services:

- Management of acute and chronic illness
- Simple office procedures
- Full service lab and phlebotomy services
- Travel Clinic Services
  - Initial consultation and pre-travel examination
  - Vaccination review and administration (including Yellow Fever Vaccine)
  - Travel medication
  - Post-travel examination and treatment
- Vaccinations such as Tdap, Hepatitis B, MMR, Varicella, HPV and TB skin testing
- Reproductive health for both males and females

- Counseling and psychotherapy
- Emergency and crisis services

**Medical Excuses.** The Counseling and Health Services Office does not issue medical excuses. Refer to University Administrative Regulation (UAR) 131 for more information about medical absences/excuses. Health records are strictly confidential, and information about a student's illness or reason for visiting the clinic will not be released.

## 5.3 First Year Programs

This office coordinates the programs known as Student Orientation, Advising, and Registration (SOAR) and New Student Days, which provide students with an orientation experience that helps prepare them to transition to university life. In conjunction with the Associate Provost for Undergraduate Education & Student Success and the General Education Council, this office also coordinates the First Year Seminar (FYS 101 and FYS 101E) a 3-credit hour, core General Education Course. The intent of the course is to establish the expectations of life and study in an academic setting.

### 5.3.1 Eagle Diversity Education Center

The Eagle Diversity Education Center (EDEC) seeks to develop a comprehensive educational experience through improved retention and graduation initiatives leading to enhanced career transitions. EDEC provides assistance and support to prospective and enrolled underrepresented minority students expanding opportunities for student engagement, leadership, and scholarship.

EDEC is home to the DREAMS academic support and retention program. Additionally, EDEC provides academic monitoring for Diversity Opportunity Scholarship recipients promoting high academic achievement.

## 5.4 University Police Department

The mission of the Morehead State University Police Department is to preserve and protect the rights of citizens in the University community to live, work, and learn in an environment conducive to the discovery of knowledge, and the pursuit of intellectual, creative, ethical and technical development. This is to be achieved by providing police services dedicated to the preservation of order, protection of students, faculty, staff, and the general public, prevention of crime and physical security of facilities and resources dedicated to the educational process. The Morehead State University Police Department is a public safety and security department organized in accordance with KRS 164.950-KRS 164.980. Its police officers are Public Peace Officers Conservators of the Peace, serving at the pleasure and appointed by the MSU Board of Regents. In accordance with KRS 164.955 Morehead State University Police Officers have general police powers. The police officer possesses all of the Common Law and Statutory powers, privileges and immunities of Sheriffs.

The office provides twenty-four hour service through its own communications dispatcher operation. On campus Emergency responses are directed through the communication dispatch service (783-2035). The office provides the following services for faculty:

- Auto registration and parking zone assignment--Parking permits are issued each year beginning August 15 of the academic year.

- Motor vehicle regulations--Parking regulations are revised each year and are available at the beginning of each fall semester.
- Crime investigation--The office investigates criminal offenses committed on University property.
- Programs--The office provides programs to classes and/or student groups on a variety of safety and personal security topics including crime and personal safety awareness, rape awareness and prevention, alcohol and controlled substance awareness and effects of driving under their influence, home and/or residence hall security, Kentucky law and individual rights.
- Facility security--The office directs the University's after-hours facility utilization/authorization program as well and provides routine after-hour building checks. The unit works with departments in the conduct of security surveys for University facilities.

## **5.5 Recreation & Wellness Center**

The Department of Recreation and Wellness at MSU provides opportunities for the campus community to enhance and encourage healthy lifestyle choices through diverse programs and services. The Recreation & Wellness Center (RWC) merged the aquatics, fitness/wellness, outdoor adventures, and intramural departments into a student-run comprehensive program managed by a professional staff. The 120 professionally trained and certified student-staff members provide a wide assortment of recreational and wellness services to over 100,000 visitors each semester. The primary areas of programming are Aquatics, Fitness, Intramurals and Outdoor Adventures. In addition, the RWC is free to Governor's Scholars Program and the Craft Academy.

## **5.6 Student Activities**

This office strives to enhance out-of-class learning, a sense of community, and student involvement within the university through special events, cultural programming, and social programming. In addition, this office works closely with the Student Activities Council and the Student Government Association on such activities as Family Weekend and the coronation of the Homecoming Queen.

### **5.6.1 Campus Activities Board**

The Mission of the Campus Activities Board (CAB) is to enhance and unify the MSU community by providing collaborative programming that supports student engagement and a co-curricular learning experience along with complementing MSU's Academic Mission. There are five student-led areas that make up the Campus Activities Board: Cultural Programming, Entertainment Programming, Educational Programming, Weekend Programming and Public Relations.

CAB plays an integral part of planning and executing Morehead State's legacy programs which include: EagleFest, Family Weekend, Homecoming and the Holiday Carnival as well as Awareness and Heritage events, Cultural Awareness workshops, Study and Time Management sessions, Comedians, Magicians, Movies on the Lawn, Hypnotists, Tailgates, Mental Health Awareness forums and Alcohol and Drug Abuse Awareness functions.



CAB Crew is a student organization comprised of motivated individuals who want to be a part of a select group of students who play an essential role in planning and executing some of the most impactful programs for MSU's student body. If interested in getting involved with CAB Crew, please contact Sami Case, [slcase@moreheadstate.edu](mailto:slcase@moreheadstate.edu), staff assistant for programming and engagement.

### **5.6.2 Greek Life and Student Organizations**

This office works with all student organizations including academic, honor, religious, residential, service, sports, and social organizations. This office advises all existing and new organizations and their advisors. The Coordinator advises the Interfraternity Council, the Panhellenic Council and Pan-Hellenic Council.

### **5.6.3 Eagle Essentials**

From time to time, students may endure financial hardships that make it difficult for them to pursue higher education at MSU. We have set up three programs to address such emergencies: Eagle Essentials, the SHARE Fund and the Eagle Emergency Loan Fund. <https://www.moreheadstate.edu/need>

## **5.7 Student Center and Conference Services**

This office provides services of the Adron Doran University Center. Students, staff, faculty, and other constituencies may schedule rooms for meetings, banquets, lectures, and other programs. The ADUC is open seven days a week. The University Center provides students a "laboratory environment" in which they can learn and practice a wide range of skills in communication, leadership, programming, management, social responsibility, and recreation and leisure-time activities.

The Office of Conference Services is responsible for scheduling facilities for University and non-University groups and individuals and coordinating arrangements for summer camps and conferences and other special events. The coordinator maintains the campus master calendar for facilities use.

## **5.8 Enrollment Services**

### **5.8.1 Admissions**

Admissions implements the University's undergraduate recruitment program. The office supports the University in its efforts to recruit and enroll qualified students.

### **5.8.2 Financial Aid**

Student financial aid programs at the University help qualified students and their families meet the cost of a college education. Approximately ninety-seven percent of the full time undergraduate students at the University were awarded financial assistance in the form of grants, loans, scholarships, and part-time employment.

### **5.8.3 Eagle Scholars Program**

The Eagle Scholars Program is the university's dual-credit program. Participating high schools using high school faculty, who have been approved by the sponsoring university academic departments, in accordance with SACS requirements, teach MSU courses to their high school students. Classes are taught primarily in the high schools, but also online, in

conjunction with KET, and on the MSU campus.

#### **5.8.4 International Student Services**

International Student Services provides an array of support services to international students including admissions, visa, ESL and compliance consultations.

<https://www.moreheadstate.edu/success/International-Student-Info>

#### **5.8.5 Director of Military Initiatives**

The Director of Military Initiatives is an upper-level strategist and program manager responsible for the planning and oversight of University programs involving military and veteran outreach, partnerships, and services. The Director is directly involved with the concept development, coordination, and implementation of military/veteran programs and initiatives that are mutually beneficial to the University and external (military/veteran) organizations. The Director is responsible for implementing efficiencies in existing programs and developing new initiatives with military/veteran organizations that create opportunities for university outreach, growth, partnerships, marketing, and research. This position works closely with the senior administration and collaboratively coordinates projects across university departments/schools.

### **5.9 Intercollegiate Athletics**

The Office of Intercollegiate Athletics seeks, within the framework of institutional, Ohio Valley Conference, Pioneer Football League, and National Collegiate Athletic Association rules, to set national standards in athletic achievement and program excellence by fostering the personal, moral, and physical development of student athletes through athletic competition at the intercollegiate level.

#### **5.9.1 Intercollegiate Athletics Mission Statement**

Morehead State University believes that intercollegiate athletics is an integral part of the university and that a broad-based intercollegiate athletics program encourages student participation and involvement in the total life of the university. In addition, intercollegiate athletics programs play a positive role by supporting the academic and public service mission of the university.

Each athletics program shall be conducted in a manner that protects the physical, mental, emotional, and social welfare of each student-athlete.

Each student-athlete, through academic counseling and individual assistance, shall be encouraged toward completion of degree requirements and graduation.

Each athletics program shall adhere to the principles of fair play and amateur competition as defined by the National Collegiate Athletic Association and the Ohio Valley Conference.

The athletics programs at Morehead state University shall make every effort to educate and serve the student-athletes of the university' primary service area and their respective educational institutions.

The athletics program will accommodate student's interests and abilities in a manner that is nondiscriminatory to both sexes and reasonable within the university's resources.

The athletics program shall adhere to the university's Affirmative Action Plan promoting equal opportunity for all employees and students, as well as applicants for employment and student participation.

#### **5.9.1.1 Relationship to the Institutional Mission**

The intercollegiate athletics programs at Morehead State University provide opportunities for participation in athletic activities for many students and serve as an integral part of the social, educational, and cultural life of many more. In addition to the educational benefit of athletic participating, the availability of quality spectator sports enhances the university community and the community at large.

Athletic programs have played an important role in the development of traditions which serve as a link between students, faculty, administrators, alumni, and the people of the region. Moreover, intercollegiate athletic competition provides the university with an opportunity for media exposure throughout the state, region, and nation.

#### **5.9.2 Memberships**

The University is a member institution of the Ohio Valley Conference, the Pioneer Football League, and the National Collegiate Athletic Association.

## **Chapter 6**

### **6 Support Services**

#### **6.1 Budgets and Financial Planning**

The Office of Budgets and Financial Planning anticipates and provides service in support of the University's mission of excellence to instruction, research and public service through effective use of our fiscal resources and a commitment to continuous improvement.

##### **6.1.1 Accounting and Financial Services**

The Office of Accounting & Financial Services is the central financial office at Morehead State University, providing the support services that fulfill the financial needs of its students, faculty, and staff. Its mission is to ensure fiscal integrity by complying with all applicable federal and state statutes, using the highest internal standards and proper reporting of all revenues and expenditures, and to provide responsible, superior customer service and guidance to the entire campus community.

For current information about the office, please refer to the Office of Accounting and Financial Services web site.

## **6.1.2 Budgets and Financial Planning**

Budgets and Financial Planning coordinates development and administration of the University's operating and capital budget, develops models as necessary to forecast budget capacity and needs, and develops quarterly and annual budget reports, financial summaries, and related publications and articles as necessary to communicate with various university stakeholders.

## **6.2 Auxiliary Services**

MSU Auxiliary Services include entities that provide goods and services that cultivate student success, support the University's administrative function, and enhance the quality of campus life. Auxiliary Services include both University-operated and contractor-managed entities.

Reporting Units:

- 6.2.2.1 Vending
- 6.2.2.2 Food Services (Aramark)
- 6.2.2.3 Document Services
- 6.2.2.4 Eagle Card Office
- 6.2.2.5 Eagle Trace Golf Course
- 6.2.2.6 Postal Services
- 6.2.2.7 University Store

## **6.3 Facilities Management**

Facilities Management maintains and improves University facilities, grounds, and environment and supplies appropriate services in the most efficient and economical manner, promoting a safe, clean, and aesthetically pleasing campus environment in support of Morehead State University's students, faculty, and staff.

Reporting Units

- Facilities Accounting & Administration
- Facilities Information Systems & Engineering Technology
- Building Services (Custodial)
- Construction Services & Engineering
- Facilities Maintenance Services
  - Energy Conservation
  - HVAC
  - Maintenance
- Risk Management/Environmental Health & Safety, Insurance
- Heating and Water Plant
- Grounds & General Services
  - General Services (Movers)
  - Grounds
  - Motor Pool

For current information about the office, please refer to the Facilities Management website.

## **6.4 Procurement Services**

The Office of Procurement Services administers the procurement function for all departments to ensure the University and individual departments are compliant with all applicable law, as well as state and university policies while maintaining sound and ethical business practices. We seek to provide a full range of professional purchasing services to ensure the University receives the best quality goods and services in a timely manner and for the best available price while treating all providers of goods and services equally and fairly.

Reporting Units:

- 6.4.2.1 Purchasing
- 6.4.2.2 Central Receiving
- 6.4.2.3 Surplus Property

For current information about the office, please refer to the Procurement Services web site.

## **6.5 Human Resources**

The Office of Human Resources provides a full range of services for faculty, staff, and external clients. These services include recruitment, employment, wage and salary management, benefits administration, staff professional development, travel services and policy for review and revision. Services are performed with the goal of ensuring that the mutual needs of both the University and its employees are fully considered and met.

The Payroll Office reports to the Office of Human Resources. The purpose of the Payroll Office is to process all payments to employees as a direct result of employment at Morehead State University in an accurate, efficient, and timely manner while maintaining compliance with federal, state, and local regulations.

For current information about the office, please refer to the Human Resources web site.

## **6.6 Information Technology**

Information Technology provides timely and quality support for the academic and administrative technology needs of faculty, staff, and students at Morehead State University's main and regional campuses. Support areas include enterprise applications; classroom technology equipment; desktop computing; intranet and internet access; wireless computing; telephony; voice messaging; cable television; multi-media systems; radio-frequency communications; cell phones; and technology equipment acquisition, installation, and maintenance.

For current information about the office, please refer to the Information Technology website.

## **6.7 Planning Performance and Effectiveness**

Planning, Performance, and Effectiveness (PPE) provides academic program data and student success reports, coordinates assessment and program accreditation, and provides MSU's testing services. PPE manages the quality enhancement of academic programs and support units through research-based implementation and evaluation of a continuous improvement process.. PPE manages the accreditation of Morehead State University (MSU) by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), supports the academic program-level accreditation processes, reviews program- accreditation reports, and works with campus leadership to ensure compliance with SACSCOC principles

for the entire University. Additionally, the Testing Center is responsible for administering individual and group tests that require a controlled setting.

### **6.7.1 Office of Institutional Research**

The Office of Institutional Research and Analysis provides high quality information and analytical support to Morehead State University decision makers that will enhance institutional effectiveness through university planning, policy making, decision-making, and assessment. The Office collects, analyzes, reports, and serves as a repository for institutional data pertaining to students, faculty, staff, and academic programs. Primary responsibilities include:

- report accurate, consistent, and timely information to federal and state reporting agencies, state and national organizations, senior administrators, and faculty/staff committees;
- collect and systematically store the university's statistical, historical, and managerial information with the institution's official reports;
- plan and coordinate institutional research studies and assist other University departments and offices to implement research projects at the request of University administrators;
- develop and maintain the University Profile (an annual statistical factbook) and other publications;
- prepare, administer, and analyze surveys for institutional purposes, and
- conduct routine and specialized training workshops on accessing and utilizing institutional research and assessment resources.

## **Chapter**

### **7**

## **7 University Advancement**

The University Advancement team develops, builds and nurtures relationships to promote Morehead State University, its alumni, students, faculty and staff. University Advancement fosters pride, communicates with and reaches out to the community, celebrates MSU's heritage, secures philanthropic support, and provides stewardship to MSU constituencies.

### **7.1 Office of Communications and Marketing**

The Office of Communications and Marketing (OCM) supports MSU's efforts to become the best public university in the South through the development of the messages and means to promote MSU's academic programs and learning experience for the recruitment of students and donors, and to support communication to alumni, nearby community, and internal audiences (students and employees). OCM provides consultation, planning, design, writing, editing, and production services for marketing and advertising to MSU departments and offices for print and electronic media.

### **7.2 Alumni Relations and Development**

The Office of Alumni Relations and Development supports and furthers the education and advancement of current, future, and former MSU students through fundraising and by maintaining goodwill and positive relationships with MSU alumni and other friends of the

University.

### **7.3 MSU Foundation Inc.**

The MSU Foundation is a 501(c)(3) non-profit educational foundation. Organized in 1979 as a non-profit Kentucky Corporation, the Morehead State University Foundation provides private financial support to the University as a tax-exempt educational foundation under section 501(c)(3) of the Internal Revenue code of the United States.

The MSU Foundation is a non-affiliated corporation recognized under Kentucky law as an entity dedicated to assisting the University but not controlled by the institution. As such, it reimburses the University for staff support, office space, utilities, and other services under terms of a detailed operating agreement. The agreement also establishes the Foundation's fiduciary responsibilities for managing gift assets of the University.

The MSU Foundation was established:

- 7.3.2.1 To prudently administer all assets of the Foundation and/or Morehead State University as provided by federal and state law and regulations and through fiduciary responsibility between the University and the Foundation;
- 7.3.2.2 To promote educational purposes in connection with or at the request of the University by encouraging, sponsoring and supporting institutional priorities;
- 7.3.2.3 To provide advice, consultation, and support to the President and Board of Regents of Morehead State University; and
- 7.3.2.4 To provide volunteer leadership to Morehead State University's fund raising programs and to assist other institutional advancement efforts.

### **7.4 Morehead State Public Radio**

Morehead State Public Radio (MSPR) is the University's non-commercial, public radio station broadcasting 24 hours a day and operating as WMKY at 90.3FM. MSPR is affiliated with African-American Public Radio Consortium, Kentucky Educational Television, National Public Radio and Public Radio International. MSPR offers award-winning news and public affairs programming, and a variety of locally-hosted music programs including classical, bluegrass, blues, folk and jazz. Local news reporting, combined with the Associated Press and Kentucky News Network, provides comprehensive coverage of events within the region and throughout the state. MSPR supports the academic community through the training provided student interns, volunteers and work-studies by utilizing the expertise of staff, faculty and community volunteers. MSPR's studios and offices are located in 132 Breckinridge Hall.

### **7.5 Kentucky Folk Art Center**

The Kentucky Folk Art Center (KFAC) is the only art museum in Kentucky's 54-county Appalachian region. The museum focuses its activities in the following areas:

- 7.5.2.1.1 KFAC houses, presents, and conserves the world's finest collection of contemporary, self-taught art from Kentucky;
- 7.5.2.1.2 KFAC presents, when possible, changing exhibitions, many of which are curated by the museum itself;
- 7.5.2.1.3 KFAC provides arts educational programming to public school students;
- 7.5.2.1.4 KFAC operates one of the region's finest gift shops;

7.5.2.1.5 KFAC provides real world museum experience to student employees and interns; and

7.5.2.1.6 KFAC presents cultural events each year, including art fairs, speakers, readings, and more.

KFAC receives no University funding. All expenses are paid through the MSU Foundation, Inc. from donor/membership funding, revenue generated from its gift shop and activities and funding from community partners.



## **RATIFY PERSONNEL ACTIONS**

**BOR (VI-A-5)  
August 8, 2019**

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### **Recommendation:**

That the Board ratify the Personnel Actions for the period May 16, 2019 through July 19, 2019.

### **Background:**

#### ***Previously Included:***

- 1) full-time Faculty and Executive, Administrative and Managerial employees, excluding supplemental actions not listed under Item 3, below;
- 2) full-time non-classified Executive, Administrative and Managerial and Professional Staff positions (including supplemental actions);
- 3) supplemental actions for faculty acquiring managerial duties, excluding normal grant activities;
- 4) discipline;
- 5) leave of absences;
- 6) sabbaticals;
- 7) reassignments; and
- 8) retirements.

#### ***This Report Includes:***

**All** actions for Personnel Action Request & Supplementals.

**MOREHEAD STATE UNIVERSITY  
ROSTER POSITIONS SUMMARY  
07/19/19**

	A	B	C	D	E	F	G	H	I	J	K
1			July 1		Current		+/-		Current		%
2			Authorized		Authorized		Position		Position		Current
3			Positions		Positions		Adjustments		Strength		Strength
4											
5	Office of the President		14.60		15.60		1.00		13.60		87.18
6	Division of University Advancement		26.58		26.58		0.00		26.58		100.00
7	Division of Administration and Fiscal Services		76.10		76.10		0.00		74.60		98.03
8	Facilities Management		96.75		96.75		0.00		92.75		95.87
9	Division of Student Affairs		141.06		141.06		0.00		128.86		91.35
10	Division of Academic Affairs		42.41		42.41		0.00		38.41		90.57
11	Caudill College of Arts, Humanities & Social Sciences		130.06		131.06		1.00		113.31		86.46
12	Smith College of Business and Technology		46.42		46.42		0.00		41.42		89.23
13	College of Education		51.90		51.90		0.00		46.90		90.37
14	College of Science		145.25		145.25		0.00		136.25		93.80
15	Undergraduate Education & Student Success		28.63		28.63		0.00		26.33		91.97
16	Regional Education & Outreach		7.40		7.40		0.00		5.90		79.73
17	Camden-Carroll Library		23.00		23.00		0.00		23.00		100.00
18											
19			830.16		832.16		2.00		767.91		92.28
20											
21	Note: Positions are expressed in terms of full-time equivalency.										
22											
23											

## DEFINITIONS OF THE DIFFERENT KINDS OF APPOINTMENTS

- Full-Time Standing:** A Full-Time Standing Appointment designates an appointment that is full-time and for which no ending date is specified. Such appointments are terminable in accordance with the appropriate University policy. Full-time Standing Appointments must be backed with budgeted funds. Full-Time Standing Appointments may be used for all four payroll classification categories, namely 1) Academic; 2) Administrative; 3) Staff Exempt; and 4) Staff Nonexempt (see PG-2). Full-Time Standing Appointments may be specified for nine, ten, eleven, or twelve months per fiscal year. This type of appointment is provided all regular University benefits.
- Full-Time Fixed:** A Full-Time Fixed Appointment designates an appointment that is full-time for a fixed period of time and for which an ending date is specified. Such appointments may be specified for nine, ten, eleven, or twelve months. The appointments do not have to be backed by permanent funds. Full-Time Fixed Appointments may be used for all four payroll classification categories, namely 1) Academic; 2) Administrative; 3) Staff Exempt; and 4) Staff Nonexempt (see PG-2). This includes instructors and any other individuals in a classification covered by the tenure regulations. Such appointments are discontinued automatically at the specified ending date. Appointments may be terminated before the ending date for cause or business necessity. Full-Time Fixed Appointments may be renewed. Persons appointed to Full-Time Fixed Appointments are not converted to Full-Time Standing Appointments without an appropriate search or search waiver. This type of appointment is provided all regular University benefits.
- Supplemental:** A Supplemental Appointment designates an appointment which is supplementary to a Full-Time Standing or Full-Time Fixed Appointment and has the effect of providing an additional contractual provision beyond the term of the Full-Time Standing or Full-Time Fixed Appointments. For example, a Supplemental Appointment may be used if an individual whose regular appointment is for nine months but whose appointment is extended for one to three additional months. Supplemental Appointments will also be used to designate those appointments which are supplementary to Full-Time Standing or Full-Time Fixed Appointments to compensate for approved additional services normally outside the scope of regular duties. For example, A Supplemental Appointment can be used when an eligible employee is employed to teach a course for additional compensation. Regular University benefits, except sick leave and vacation accrual, continue with a Supplemental Appointment.

	A	B	C	D	E	F	G	H
1	Effective Ending							
2	Name	Title	Department/Office	Date	Date	Salary	Supplemental Type	Comments
3	Adams, Annie	Prof., English	English	06/10/19	07/05/19	4,208.94	Summer I	3 hours
4	Ahmadi, S.	Assoc. Prof., Economics	School of Business Administration	06/10/19	07/05/19	4,671.36	Summer I	3 hours
5	Alloway, Sissy	Instructor, Spanish	Communications, Media and Language	06/10/19	07/05/19	2,289.78	Summer I	3 hours
6	Ash, Elizabeth	Instructor, Health & Wellness	Kinesiology, Health and Imaging Sciences	06/10/19	07/05/19	3,823.29	Summer I	6 hours
7	Baldwin, Farah	Retention Specialist & Academic Advisor	Academic Advising & Retention	07/01/19	06/30/20	18.00	Additional Duties	Group Fitness Instructor
8	Barr, Lynn	Prof., Education	Foundational & Grad Studies Education	06/10/19	07/05/19	6,215.88	Summer I	6 hours
9	Barrett, Lindsey	APRN	Counseling & Health Services	07/31/19			End Supplemental pay	
10	Birriel, Jennifer	Prof., Physics	Mathematics and Physics	06/10/19	07/05/19	5,462.96	Summer I	4 hours
11	Blackledge, John	Assoc. Prof., Psychology	Psychology	06/10/19	07/05/19	1,729.74	Summer I	1.5 hours
12	Blankenbuehler, Mark	Assoc. Prof., Chemistry	Biology & Chemistry	06/10/19	07/05/19	3,401.97	Summer I	4 hours
13	Botts, James	Police Officer	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
14	Breschel, Edward	Assoc. Prof., Sociology	Sociology, Social Work & Criminology	06/10/19	07/05/19	3,896.83	Summer I	3 hours
15	Brown, Virginia	Bldg Svc Tech	Building Services/Facilities Management	07/01/19	06/30/19	4.24	Additional Duties	Acting Building Svcs Supervisor
16	Burchett, Charla	APRN/Health Educator	Counseling & Health Services	08/01/19	06/30/19	6,416.70	Additional Duties	Assistant Director duties
17	Carlisle, Greg	Assoc. Prof., Theatre	Music, Theatre & Dance	06/10/19	07/05/19	1,557.09	Summer I	3 hours
18	Carlson, Kathryn	Professor, English	English	06/01/19	07/31/19	13,568.00	Grant Work	Carson-NIH Grant Research
19	Caudill, Erik	Police Supervisor (Sergeant)	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
20	Chandler, Hunter	Success Academy Coord., Instructor	Success Academy	07/08/19	08/02/19	2,100.00	Summer II	3 hours
21	Chandler, Hunter	Success Academy Coord., Instructor	Success Academy	07/08/19	08/02/19	1,000.00	Additional Duties	Summer Success Academy
22	Chen, Steve	Prof., Sport Management	School of Business Administration	06/10/19	07/05/19	2,209.50	Summer I	3 hours
23	Chen, Steve	Prof., Sport Management	School of Business Administration	06/10/19	06/28/19	220.95	8 week summer part I	1/2 release 3 credit hours
24	Chen, Steve	Professor, Sport Management	School of Business Administration	07/01/19	08/02/19	220.95	Summer	Half Summer Session payment
25	Cheng, Cheng	Asst., Prof., Engineering & Tech Management	Engineering and Technology Management	05/16/19	06/30/19	10,725.00	Grant Work	Grant-Cheng-CED-UKFRF-Water 19
26	Cheng, Cheng	Asst. Prof., Engineering & Tech Management	Engineering and Technology Management	06/10/19	07/05/19	2,113.02	Summer I	3 hours
27	Choi, Haiwook	Assoc. Prof., CIS	Computer Science and Information Systems	06/10/19	07/05/19	5,314.95	Summer I	3 hours
28	Clevenger, Kimberly	Prog. Coord.(BA) Assoc. Prof., Nursing	Nursing	06/10/19	07/05/19	1,866.78	Summer I	1.5 hours reassigned time
29	Cline, Gaylena	Associate Director, Payroll Operations	Human Resources & Payroll	07/01/19	06/30/20	18.00	Additional Duties	Group Fitness Instructor
30	Cline, Mark	Police Officer	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
31	Cooper, Marcia	Assoc. Prof., Imaging Science	Kinesiology, Health and Imaging Sciences	06/10/19	07/05/19	7,228.90	Summer I	4.75 hours
32	Creekmore, Timothy	Studio Supervisor/Mass Comm Lab Mngr	Comm., Media and Language	08/13/19	05/10/19	5,000.00	Other	Supervising student media operation
33	Cundiff, Travis	Police Officer	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
34	Cyrus, Vivian	Prof., Mathematics	Mathematics and Physics	06/10/19	07/05/19	4,271.93	Summer I	6 hours
35	Davis, Natasha	Associate Professor of Dance	Music, Theatre & Dance	07/15/19	06/30/20	5,974.00	Additional Duties	Assistant Dean Duties
36	Dearden, Jennifer	Prof. of Health & Wellness	Kinesiology, Health and Imaging Sciences	06/10/19	07/05/19	7,248.96	Summer I	6 hours
37	DeMoss, Darrin	Prof., Biology	Biology & Chemistry	06/03/19	06/30/19	4,556.70	Additional Duties	Faculty Athletic Representative
38	Dobranski, J Michael	Associate Professor, Mathematics	MSU Teach	07/01/19	08/02/19	862.95	Summer	Half Summer Session payment
39	Dobranski, J Michael	Associate Prof., Mathematics	MSU Teach	07/02/19	07/31/19	6,392.22	Other	Implementation of MSU Teach Program
40	Dobranski, J.	Assoc. Prof., Mathematics	Mathematics and Physics	06/10/19	06/28/19	862.95	8 week summer part I	1/2 release 3 credit hours
41	Edmonds, Zachary	Lecturer	Mathematics and Physics	06/10/19	07/05/19	350.00	Summer I	3 hours, enrollment 2
42	Edmonds, Zachary	Instructor, Part-time	Success Academy	07/08/19	08/02/19	1,000.00	Additional Duties	Summer Success Academy
43	Elgazzar, Heba	Instructor, Computer Science	Computer Science and Information Systems	06/10/19	07/05/19	2,513.33	Summer I	7 hours
44	Elliott, Terry	Assoc. Prof., Accounting	School of Business Administration	06/10/19	07/05/19	4,269.46	Summer I	3 hours
45	Elliott, Terry	Assoc. Prof., Accounting	School of Business Administration	06/10/19	06/28/19	333.55	8 week summer part I	1/2 release 3 credit hours
46	Elliott, Terry	Associate Professor, Accounting	School of Business Administration	07/01/19	08/02/19	333.55	Summer	Half Summer Session payment
47	Fannin, Jeff	Assoc. Prof., Imaging Science	Kinesiology, Health and Imaging Sciences	06/10/19	07/05/19	5,963.40	Summer I	5 hours
48	Ferguson, Teresa	Prog. Coord. (Associate Degree) Prof. of Nursing	Nursing	06/10/19	07/05/19	1,904.37	Summer I	1.5 hours reassigned time
49	Fernandez, Jody	Assoc. Prof., Education	Early Child, Elementary & Special Education	06/10/19	07/05/19	3,196.32	Summer I	3 hours
50	Fife, Nashia	Instrucor, Psychology	Upward Bound Programs	06/10/19	07/05/19	2,000.00	Other	Teaching table top games
51	Flavell, John	Instructor, Journalism	Communications, Media and Language	06/24/19	06/28/19	1,000.00	Grant Work	Morehead Writing Project
52	Gabrielson, Deanna	Instructor, English	English	06/10/19	07/05/19	2,207.40	Summer I	3 hours
53	Gancio, Charles	Interim Exec. Dir., Auxiliary Services	University Store	07/01/19	06/30/20	17,500.00	Interim Appt	Interim Exed. Dir., Auxiliary Services
54	Ghirmay, Teame	Assoc. Prof., Economics	School of Business Administration	06/10/19	07/05/19	8,603.05	Summer I	3 hours
55	Gonzalez, Gina	Prof., Kinesiology	Kinesiology, Health and Imaging Sciences	06/10/19	07/05/19	4,466.98	Summer I	3 hours
56	Gonzalez, Gina	Prof., Kinesiology	Kinesiology, Health and Imaging Sciences	06/10/19	06/28/19	1,574.90	8 week summer part I	1/2 release 3 credit hours
57	Gonzalez, Gina	Professor, Kinesiology	Kinesiology, Health and Imaging Sciences	07/01/19	08/02/19	1,574.90	Summer	Half Summer Session payment
58	Gonzalez-Espada, Wilson	Prof., Physics & Science Ed.	Mathematics and Physics	06/10/19	06/28/19	668.11	8 week summer part I	1/2 release 3 credit hours
59	Gonzalez-Espada, Wilson	Professor, Physics and Science Ed.	Mathematics and Physics	07/01/19	08/02/19	668.11	Summer	Half Summer Session payment
60	Goodpaster, Wretha	Assoc. Prof., Imaging Science	Kinesiology, Health and Imaging Sciences	06/10/19	07/05/19	373.91	Summer I	3 hours
61	Goodpaster, Wretha	Assoc. Prof., Imaging Science	Kinesiology, Health and Imaging Sciences	06/10/19	06/28/19	1,869.57	8 week summer part I	1/2 release 3 credit hours
62	Goodpaster, Wretha	Assoc.Prof. Imaging Science	Kinesiology, Health and Imaging Sciences	07/01/19	08/02/19	1,869.57	Summer	Half Summer Session payment

	A	B	C	D	E	F	G	H
63	Grimes, Connie	Instructor, CIS	College of Science, Dean	06/10/19	07/05/19	2,168.56	Summer I	3 hours
64	Grimes, Connie	Instructor, CIS	Arts and Humanities, Dean	06/10/19	06/28/19	1,829.72	8 week summer part I	1/2 release 3 credit hours
65	Grimes, Connie	Instructor, CIS	Computer Science and Information Systems	07/01/19	08/02/19	1,829.73	Summer	Half Summer Session payment
66	Grupe, Dirk	Asst. Prof., Astrophysics & Space Science	Space Science Center	06/01/19	06/30/19	3,002.00	Other	Work on 3D satellite models
67	Grupe, Dirk	Asst. Prof., Astrophysics & Space Science	Earth and Space Science	06/10/19	07/05/19	1,891.26	Summer I	3 hours
68	Grupe, Dirk	Asst. Prof, Astrophysics & Space Science	Earth and Space Science	06/18/19	06/19/18	750.00	Other	Facilitating Space Science Camp with the Organization of Black Aerospace Prof.
69	Grupe, Dirk	Asst. Prof., Astophysics and Space Science	Earth and Space Science	07/01/19	07/31/19	3,002.00	Other	PT Work, SSC
70	Grupe, Dirk	Asst. Prof., Astrophysics & Space Science	Earth and Space Science	08/13/19	05/10/19	10,500.00	Overload	15 hours
71	Haber, Michael	Asst. Athletic Trainer	Men's Basketball/Athletics	06/10/19	06/13/19	240.00	Other	Eagle Day Camp
72	Hail, Michael	Prof., Government	History, Phil., Pol., Int. and Legal Studies	06/10/19	07/05/19	1,537.67	Summer I	3 hours
73	Haky, John	Asst. Dir., Student Housing	Housing	08/14/19	08/14/19	2,500.00	Other	2019 Distinguished Staff Service Award
74	Hall, Raymond	Instructor, Sociology	Sociology, Social Work & Criminology	06/10/19	07/05/19	2,568.18	Summer I	3 hours
75	Haller, Lynn	Assoc. Prof., Psychology	Psychology	06/10/19	07/05/19	3,920.21	Summer I	3 hours
76	Haller, Lynn	Assoc. Prof., Psychology	Foundational & Grad Studies Education	06/10/19	07/05/19	3,801.42	Summer I	3 hours
77	Haller, Lynn	Assoc. Prof., Psychology	Psychology	08/13/19	05/10/19	2,800.00	Overload	4 hours
78	Hare, Janelle	Prof., Biology	Biology & Chemistry	07/15/19	08/15/19	6,980.00	Grant Work	Summer Grant Work
79	Hare, Timothy	Professor, Anthropology	Sociology, Social Work & Criminology	06/10/19	07/05/19	3,808.86	Summer I	3 hours reassigned time
80	Harris, Jessica	Police Officer	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
81	Harrison, Merrell	Chief of Police	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
82	Hassan, Ahmad	Assoc. Prof., Management	School of Business Administration	06/10/19	07/05/19	5,615.76	Summer I	3 hours
83	Himes, Monica	Asst. Prof., Social Work	Sociology, Social Work & Criminology	06/10/19	06/28/19	612.00	8 week summer part I	1/2 release 3 credit hours
84	Himes, Monica	Asst. Prof., Social Work	Sociology, Social Work & Criminology	07/01/19	08/02/19	612.00	Summer	Half Summer Session payment
85	Holbrook, Chris	Assoc. Prof, English	English	06/10/19	07/05/19	3,426.36	Summer I	3 hours
86	Holbrook, Chris	Assoc. Prof., English	English	06/10/19	06/28/09	1,070.74	8 week summer part I	1/2 release 3 credit hours
87	Holbrook, Chris	Associate Professor, English	English	07/01/19	08/02/19	1,070.74	Summer	Half Summer Session payment
88	Howard, Candace	Credentials Processing & Comm Coord	Enrollment Services	07/01/19	06/30/20	6,000.00	Additional Duties	Additional duties for eliminated postion
89	Howell, Teresa	Prog. Coord.(Associate Degree) Prof. of Nursing	Nursing	06/10/19	07/05/19	2,166.87	Summer I	1.5 hours reassigned time
90	Howell, Teresa	Prog. Coord. (Associate Degree) Prof. of Nursing	Nursing	06/10/19	06/28/19	1,733.50	8 week summer part I	1/2 release 3 credit hours
91	Howell, Teresa	Program Coord, (Assoc Degree)/Prof. of Nursing	Nursing	07/01/19	08/02/19	1,733.49	Summer	Half Summer Session payment
92	Hruby, Alison	Prof., English	English	06/10/19	07/05/19	6,000.00	Grant Work	Collaorative Center for Literacy Development/Adolescent Literacy Project
93	Hruby, Alison	Assoc. Prof, English	English	06/10/19	07/05/19	6,000.00	Grant Work	Collab. Center for Literacy
94	Hughes, Amber	Asst. Prof., Education Counseling	Foundational & Grad Studies Education	06/10/19	07/05/19	6,104.64	Summer 1	6 hours
95	Hunt, Jared	Police Superviosr (Lieutenant)	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
96	Hypes, Julia	Assoc. Prof., Sport Management	School of Business Administration	07/01/19	08/02/19	1,744.98	Summer	Half Summer Session payment
97	Hypes, Michael	Assoc. Prof., Sport Management	School of Business Administration	06/10/19	07/05/19	2,252.33	Summer I	3 hours
98	Hypes, Michael	Assoc. Prof., Sport Management	School of Business Administration	06/10/19	06/28/19	1,744.99	8 week summer part I	1/2 release 3 credit hours
99	Jaisingh, Lloyd	Prof., Mathematics	Mathematics and Physics	06/10/19	07/05/19	9,940.32	Summer I	6 hours
100	James, David	Police Officer	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
101	Jenab, Kouroush	Asst. Prof, Engineering & Technology Management	Engineering and Technology Management	06/10/19	07/05/19	5,947.50	Summer I	6 hours
102	Jerde, Eric	Dept. Chair, EASS & Assoc. Prof.	Earth and Space Science	06/07/19	06/30/19	2,500.00	Additional Duties	Examination of faculty files before SACS audit
103	Jerde, Eric	Chair, PHES/Assoc. Prof.	Physics, Earth Science, & Space System Eng.	07/01/19	07/31/19	4,000.00	Additional Duties	Examining faculty files before SACS audit
104	Jones, Peggy	Instructor, Nutrition	Agricultural Sciences	06/10/19	07/05/19	3,525.45	Summer I	6 hours
105	Jones, Shawn	Police Officer	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
106	Joshi, Nilesh	Assoc. Prof., Engineering & Tech Mngmt.	Engineering and Technology Management	06/10/19	07/05/19	7,199.16	Summer I	6 hours
107	Justice, Lenora	Asst. Prof., Ed. Tech	Foundational & Grad Studies Education	06/10/19	07/05/19	3,958.72	Summer I	4 hours
108	Justice, Lenora	Asst. Prof., Education	Foundational & Grad Studies Education	06/10/19	06/28/19	1,484.52	8 week summer part I	1/2 release 3 credit hours
109	Justice, Lenora	Asst. Prof., Ed. Tech	Foundational & Grad Studies Education	07/01/19	08/02/19	1,484.52	Summer	Half Summer Session payment
110	Kessinger, Michael	Asst. Prof., Education Leadership	Foundational & Grad Studies Education	06/01/19	06/22/19	1,124.00	Grant Work	COE/Christopher Miller
111	Kessinger, Michael	Asst. Prof., Ed. Leadership	Foundational & Grad Studies Education	06/10/19	07/05/19	5,720.77	Summer I	7 hours
112	Kessinger, Michael	Asst. Prof. Ed. Leadership	Foundational & Grad Studies Education	06/10/19	06/28/19	1,027.55	8 week summer part I	1/2 release 3 credit hours
113	Kessinger, Michael	Asst. Prof., Ed. Leadership	Foundational & Grad Studies Education	07/01/19	08/02/19	1,027.56	Summer	Half Summer Session payment
114	Kidwell, Shari	Assoc. Prof., Psychology	Psychology	06/10/19	07/05/19	2,584.60	Summer I	2 hours
115	Klecker, Beverly	Prof. Education	Foundational & Grad Studies Education	06/10/19	07/05/19	9,492.50	Summer I	9 hours
116	LaFleur, Gary	Assoc. Prof., Speech	Communications, Media and Language	06/10/19	07/05/19	6,836.24	Summer I	6 hours
117	Lennox, Lesia	Prof. Education	Middle Grades/Secondary Education	06/10/19	07/05/19	6,451.58	Summer I	6 hours
118	Liew, Clive	Enrollment Services Counselor	Enrollment Services	07/01/19	06/30/20	6,000.00	Additional Duties	Additional duties for eliminated postion
119	Lindsey, Sara	Assoc. Prof., Education	Middle Grades/Secondary Education	06/10/19	07/05/19	3,714.82	Summer I	6 hours
120	Lombardi, Dominic	Asst. Men's Basketball Coach	Men's Basketball/Athletics	06/10/19	06/13/19	421.00	Other	Youth basketball camp
121	Martin, Michael	Police Officer	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
122	Mascle, Deanna	Instructor, English	English	06/10/19	07/05/19	3,717.81	Summer I	6 hours

	A	B	C	D	E	F	G	H
123	Mason, Brian	Interim Assoc. Dean SCCA/Prof., Music	School of Creative Arts	08/14/19	08/14/19	2,500.00	Other	2019 Distinguished Teacher Award
124	Mattox, Johathan	Asst. Men's Basketball Coach	Men's Basketball/Athletics	06/10/19	06/13/19	421.00	Other	Youth basketball camp
125	Mays, Lucille	Online Nursing Programs Coord./Prof., Nursing	Nursing	06/10/19	07/05/19	5,378.78	Summer I	1.5 reassigned time, & 1 hour teaching
126	McGuire, Michael	Head Baseball Coach	Baseball/Athletics	06/15/19	06/15/19	1,374.69	Other	Media apperaranace per MOA
127	Mefford, Melissa	Assistant Professor, Biology	Biology & Chemistry	05/27/19	07/21/19	11,200.00	Grant Work	KBRIN IDEA Grant
128	Merritt, Christopher	Instructor, Communications	Communications, Media and Language	06/10/19	07/05/19	2,258.76	Summer I	3 hours
129	Mesa-Gaido, Gary	Professor of Art	Art and Design	07/01/19	06/30/20	18.00	Additional Duties	Group Fitness Instructor
130	Mesa-Gaido, Gary	Professor of Art	Art and Design	08/14/19	08/14/19	2,500.00	Other	2019 Distinguished Creative Productions Award
131	Middleton, Steven	Instuctor, Mass Communications	Communications, Media and Language	06/10/19	07/05/19	2,403.90	Summer I	3 hours
132	Modaff, John	Prof. Speech	Communications, Media and Language	06/10/19	07/05/19	5,314.51	Summer I	3 hours
133	Mohamed, Fatma	Assoc. Prof., Management	School of Business Administration	06/10/19	06/28/19	1,016.90	8 week summer part I	1/2 release 3 credit hours
134	Mohammed, Fatma	Assoc. Prof., Management	School of Business Administration	07/01/19	08/02/19	1,016.90	Summer	Half Summer Session payment
135	Morgan, Joseph	President	President	07/01/19	06/30/20	14,400.00	Other	Vehicle Allowance
136	Murphy, Mark	Dir., Small Business Development Center	Small Business Development Center	07/01/19	12/31/19	6,000.00	Additional Duties	Innovation Launchpad Incubator Director
137	Murray, Donell	Instructor, Communications	Communications, Media and Language	06/10/19	07/05/19	2,683.53	Summer I	3 hours
138	Murray, Donell	Instructor, Communications	Success Academy	07/08/19	08/02/19	2,000.00	Additional Duties	Summer Success Academy
139	Murray, Donell	Instructor, Communications	Success Academy	07/08/19	08/02/19	4,200.00	Summer II	6 hours
140	Nabb, Lee	Assoc. Prof., Adult & Higher Ed.	Foundational & Grad Studies Education	06/10/19	07/05/19	1,015.40	Summer I	1 hour
141	Nabb, Lee	Assoc. Prof., Adult & Higher Ed.	Foundational & Grad Studies Education	06/10/19	06/28/19	1,142.32	8 week summer part I	1/2 release 3 credit hours
142	Nabb, Lee	Assoc. Prof., Adult & Higher Ed.	Foundational & Grad Studies Education	07/01/19	08/02/19	1,142.33	Summer	Half Summer Session payment
143	Nash, Shondra	Prof., Sociology	Sociology, Social Work & Criminology	05/16/19	06/15/19	7,001.00	Grant Work	Grant evaluation & reporting
144	Nash, Shondra	Prof., Sociology	Sociology, Social Work & Criminology	05/16/19	06/15/19	7,001.00	Grant Work	Grant evaluation & reporting
145	Nash, Shondra	Prof., SSWC	Sociology, Social Work & Criminology	06/16/19	07/15/19	7,001.00	Grant Work	Grant evaluation & reporting
146	Nash, Shondra	Prof., Sociology	Sociology, Social Work & Criminology	06/16/19	07/15/19	7,001.00	Grant Work	Grant Evaluation & Reporting
147	Nash, Shondra	Prof., Sociology	Sociology, Social Work & Criminology	07/16/19	08/15/19	7,000.00	Grant Work	Grant Evaluation & Reporting
148	Nataraj, Sam	Prof. Computer Information Systems	Computer Science and Information Systems	06/10/19	07/05/19	4,868.98	Summer I	3 hours
149	Nataraj, Sam	Prof., Computer Information Systems	Computer Science and Information Systems	06/10/19	06/28/19	3,043.11	8 week summer part I	1/2 release 3 credit hours
150	Nataraj, Sam	Prof., Computer Information Systems	Computer Science and Information Systems	07/01/19	08/02/19	3,043.11	Summer	Half Summer Session payment
151	Nehring, Daniel	Instructor, Management	School of Business Administration	06/10/19	07/05/19	6,746.85	Summer I	6 hours
152	Nelson, Johnathan	School of Business Administrative Associate Dean/Associate Professor, Management	School of Business Administration	07/01/19	08/02/19	2,889.72	Summer	Half Summer Session payment
153	Nelson, Johnathan	School of Business Administrative Associate Dean/Associate Professor, Management	School of Business Administration	07/01/19	06/30/20	9,000.00	Additional Duties	Program Director, Healthcare Leadership Certificate Program
154	Nettleton, Kim	Assoc. Prof., Education	Early Child, Elementary & Special Education	06/10/19	07/05/19	1,972.73	Summer I	3 hours
155	Nutter, April	Web Digital Marketing Director	Success Academy	07/08/19	08/02/19	1,000.00	Additional Duties	Summer Success Academy
156	Nutter, April	Web Digital Marketing Director	Success Academy	07/08/19	08/02/19	2,100.00	Summer II	3 hours
157	O'Dell, Gary	Prof., Geography	History, Phil., Pol., Int. and Legal Studies	06/10/19	07/05/19	1,678.85	Summer I	3 hours
158	Ortega-Moody, Jorge	Asst. Prof., Engineering & Tech Management	Engineering and Technology Management	06/10/19	07/05/19	5,538.00	Summer I	6 hours
159	Ottersen, Helen	Assistant Prof., Sculpture	Art & Design	07/01/19	06/30/20	18.00	Additional Duties	Group Fitness Instructor
160	Pace, Joel	Enrollment Services Counselor/International Recruiting	Enrollment Services	07/01/19	06/30/20	6,000.00	Additional Duties	Additional duties for eliminated postion
161	Pace, Lora	Dir., First Year Programs	First Year Programs	07/01/19	06/30/20	20,000.00	Additional Duties	Title IX Coordinator
162	Paise, Michele	Asst. Prof., Music	Music, Theatre & Dance	06/10/19	07/05/19	1,060.00	Summer I	3 hours
163	Peng, Chien-Chih	Prof., Finance	School of Business Administration	06/10/19	07/05/19	6,388.44	Summer I	3 hours
164	Peng, Chien-Chih	Prof., Finance	School of Business Administration	06/10/19	06/28/19	3,194.22	8 week summer part I	1/2 release 3 credit hours
165	Peng, Chien-Chih	Prof., Finance	School of Business Administration	07/01/19	08/02/19	3,194.22	Summer	Half Summer Session payment
166	Perkins, Elizabeth	Assoc. Prof., Criminology	Sociology, Social Work & Criminology	06/10/19	07/05/19	6,770.77	Summer I	6 hours
167	Perkins, Elizabeth	Assoc. Prof., Criminology	Sociology, Social Work & Criminology	07/01/19	07/31/19	6,302.36	Grant Work	HHS-MCC-CBHC
168	Pidluzny, Jonathan	Assoc. Prof., Government	History, Phil., Pol., Int. and Legal Studies	06/10/19	07/05/19	5,298.30	Summer I	6 hours
169	Pollock, Holly	Dir., Undergrad Admissions	Enrollment Services	07/01/19	06/30/20	6,000.00	Additional Duties	Additional duties for eliminated postion
170	Pollock, Holly	Dir., Undergrad Admissions	Enrollment Services	07/01/19	06/30/20	4,000.00	Additional Duties	Additional duties for eliminated postion
171	Porter, Brenda	Craft Student Activities & Event Coordinator	Craft Academy	07/01/19	06/30/20	2,356.00	Other	additional salary
172	Porter, Daniel	Instructor, English	Success Academy	07/08/19	08/02/19	2,000.00	Additional Duties	Summer Success Academy
173	Porter, Daniel	Instructor, English	Success Academy	07/08/19	08/02/19	4,200.00	Summer II	6 hours
174	Prater, Robert	Police Officer	Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
175	Price, Kent	Assoc. Prof., Physics	Mathematics and Physics	06/10/19	07/05/19	3,841.26	Summer I	3 hours
176	Privott, Daryl	Asst. Prof., Adult & Higher Ed.	Foundational & Grad Studies Education	06/10/19	07/05/19	1,007.22	Summer I	1 hour
177	Privott, Daryl	Asst. Prof., Adult & Higher Ed.	Foundational & Grad Studies Education	06/10/19	06/28/19	3,021.66	8 week summer part I	1/2 release 6 credit hours
178	Privott, Daryl	Assoc. Prof., Adult & Higher Ed	Foundational & Grad Studies Education	07/01/19	08/09/19	6,000.00	Additional Duties	Director, Faculty Center for Teaching & Learning
179	Privott, Daryl	Asst. Prof., Adult & Higher Ed	Foundational & Grad Studies Education	07/01/19	08/02/19	3,021.66	Summer	Half Summer Session payment

	A	B	C	D	E	F	G	H
180	Privott, Daryl	Assoc. Prof., Adult & Higher Ed	Foundational & Grad Studies Education	08/14/19	08/14/19	2,500.00	Other	2019 Distinguished Faculty Service Award
181	Qualls, Joshua	Visiting Assistant Professor, Mathematical Phys	Mathematics and Physics	07/01/19	08/02/19	33,373.33	Summer	Half Summer Session payment
182	Qualls, Joshua	Visiting Asst. Prof., Mathematics	Sociology, Social Work & Criminology	05/16/19	06/15/19	1,226.67	Grant Work	Data Analysis
183	Qualls, Joshua	Visiting Asst. Prof., Math & Physics	Mathematics and Physics	06/10/19	06/28/19	3,373.84	8 week summer part I	1/2 release 8 credit hours
184	Rashad, Sherif	Assoc. Prof., Computer Science	Computer Science and Information Systems	06/10/19	07/05/19	960.00	Summer I	3 hours
185	Ratliff, Janet	Assoc. Prof., Entrepreneurship	School of Business Administration	06/10/19	06/28/19	2,685.12	8 week summer part I	1/2 release 3 credit hours
186	Ratliff, Janet	Assoc. Prof., Entrepreneurship	School of Business Administration	07/01/19	08/02/19	2,685.12	Summer	Half Summer Session payment
187	Reeder, Brian	Prof., Biology	Biology & Chemistry	08/14/19	08/14/19	2,500.00	Other	2019 Distinguished Researcher Award
188	Reeder, Brian	Prof., Biology	Biology & Chemistry	06/10/19	07/05/19	9,521.28	Summer I	6 hours
189	Roberts, Carla	Clinical and Field Exp. Coordinator	Quality Assurance and Accreditation	07/01/19	06/30/20	75.00	Other	Teacher Certification Highly Qualified evaluations
190	Rogers, Brent	Assoc. Prof., Agriculture	Agricultural Sciences	08/13/19	05/10/19	3,619.00	Overload	5.17 hours
191	Ross, Randy	Assoc. Prof., Mathematics	Mathematics and Physics	06/10/19	07/05/19	3,398.95	Summer I	6 hours
192	Rucker, Laura	Retention Specialist & Academic Advisor	Academic Advising & Retention	07/01/19	06/30/19	1,500.00	Additional Duties	Vice-Chair Staff Congress
193	Savard-Hogge	Senior Accountant, Grants & Contracts	Accounting & Financial Services	07/01/19	06/30/20	3,600.00	Additional Duties	Staff Congress Chair
194	Schack, Edna	Prof., Education	Early Child, Elementary & Special Education	06/01/19	06/15/19	3,169.00	Grant Work	NKU MATH 18/19 Project Director
195	Schack, Edna	Prof., Education	Early Child, Elementary & Special Education	06/16/19	06/30/19	2,441.00	Grant Work	NSF TECHNO wrap-up
196	Schack, Edna	Prof. Educ./MSU Teach Co-Director	MSU Teach	07/01/19	07/31/19	2,201.50	Grant Work	Implementation of Schack-NSF-NOYCE
197	Schack, Edna	Prof., Education	MSU Teach	07/02/19	07/31/19	8,814.78	Other	Summer work implementation of MSU Teach
198	Schadle, Gabriel	Enrollment Services Counselor	Enrollment Services	07/01/19	06/30/20	6,000.00	Additional Duties	Additional duties for eliminated position
199	Schworm, Brian	Instructor, Mathematics	Mathematics and Physics	06/10/19	07/05/19	1,047.75	Summer I	3 hours
200	Scott, Alana	Assoc. Prof., History	History, Phil., Pol., Int. and Legal Studies	06/10/19	07/05/19	2,271.41	Summer I	6 hours
201	Sexton, Gabira	Admin Asst to Assoc. Provost, UESS	Undergraduate Education & Student Success	07/01/19	06/30/19	2,183.00	Grant Work	Admin Support, KCM grant
202	Shannon, Lisa	Assoc. Prof., Social Work	Sociology, Social Work & Criminology	05/16/19	06/15/19	6,084.00	Grant Work	Grant evaluation & reporting
203	Shannon, Lisa	Assoc. Prof., Social Work	Sociology, Social Work & Criminology	06/16/19	07/15/19	6,084.00	Grant Work	Grant evaluation & reporting
204	Shannon, Lisa	Assoc. Prof., Social Work	Sociology, Social Work & Criminology	07/16/19	08/15/19	6,084.00	Grant Work	Grant Evaluation & Reporting
205	Sharp, Kimberly	Assoc. Prof., Education	Middle Grades/Secondary Education	05/20/19	06/07/19	2,400.00	Additional Duties	Re-designing recruitment materials for College of Education
206	Shi, Bo	Assoc., Prof., Finance	School of Business Administration	06/10/19	07/05/19	6,479.82	Summer I	3 hours
207	Shi, Bo	Assoc. Prof., Finance	School of Business Administration	06/10/19	06/28/19	2,024.95	8 week summer part I	1/2 release 3 credit hours
208	Shi, Bo	Assoc. Prof., Finance	School of Business Administration	07/01/19	08/02/19	2,024.94	Summer	Half Summer Session payment
209	Shon, Mee-Ryoung	Prof., Education	Early Child, Elementary & Special Education	06/10/19	06/28/19	1,618.97	8 week summer part I	1/2 release 3 credit hours
210	Shon, Mee-Ryoung	Prof., Education	Early Child, Elementary & Special Education	07/01/19	08/02/19	1,618.97	Summer	Half Summer Session payment
211	Shope, Shane	Asst. Prof., Education Leadership	Foundational & Grad Studies Education	06/10/19	07/05/19	4,898.88	Summer I	6 hours
212	Stamper, Jessica	Asst Dir., Admissions, Public Relations & Recruitment	Craft Academy	07/01/19	06/30/20	6,613.00	Other	additional salary
213	Stapleton, Samuel	Instructor, Mangement	School of Business Administration	06/10/19	07/05/19	2,800.62	Summer I	3 hours
214	Stidam, Mark	Police Supervisor (Sergeant)	Morehead State Police Department	07/01/19	06/30/19	4,000.00	Other	Incentive Pay
215	Stone, Andrea	Director, Procurement Svcs.	Procurement Services	07/01/19	06/30/19	1,500.00	Additional Duties	Secretary/Treasurer Staff Congress
216	Stubbs, Steven	Instructor, Career & Techincal Educ/CTE Coordinator	Engineering and Technology Management	06/10/19	07/05/19	3,675.00	Summer I	12 hours
217	Stultz, Sherry	Asst. Prof., Educ	Early Child, Elementary & Special Education	08/13/19	12/14/18	777.20	Over the Road	29 trips Prestonsburg
218	Subramaniam, Vijayaratnam	Asst. Prof., Agribusiness	Agricultural Sciences	06/10/19	07/05/19	3,225.24	Summer I	3 hours
219	Susan, Paul	Instructor, Social Work	Sociology, Social Work & Criminology	06/10/19	07/05/19	2,400.00	Summer I	3 hours
220	Susan, Paul	Instructor, Social Work	Sociology, Social Work & Criminology	06/10/19	06/28/19	2,600.00	8 week summer part I	1/2 release 6 credit hours
221	Susan, Paul	Instructor, Social Work	Sociology, Social Work & Criminology	07/01/19	08/02/19	2,600.00	Summer	Half Summer Session payment
222	Tan, Fujuan	Assoc. Prof., Adult & Higher Ed.	Foundational & Grad Studies Education	06/10/19	07/05/19	3,136.22	Summer I	3 hours
223	Waltmire, Joshua	Instructor, Mathematics	Mathematics and Physics	06/10/19	07/05/19	2,000.00	Other	Instructor for Upward Bound 2019 Summer academy
224	White, Ilun	Prof., Psychology	Psychology	06/10/19	07/05/19	5,886.53	Summer I	6 hours
225	White, Wesley	Prof., Psychology	Psychology	08/13/19	05/10/19	4,200.00	Overload	6 hours
226	Willoughby, Barb	ADS, KHIS	Kinesiology, Health and Imaging Sciences	08/12/19	05/31/20	25.20	Additional Duties	Secretary, Faculty Senate
227	Wright, Pam	Enrollment Services Counselor	Enrollment Services	07/01/19	06/30/20	6,000.00	Additional Duties	Additional duties for eliminated position
228	Xu. Qingzhou	Asst. Prof., Engineering & Technology Management	Computer Science and Information Systems	06/10/19	07/05/19	3,402.00	Summer I	3 hours
229								
230								
231	<b>Total Appointment Status Actions: 226</b>							

**APPROVE STUDENT CODE OF CONDUCT REVISIONS**

**BOR (VI-A-6)  
August 8, 2019**

**Recommendation:**

That the Board of Regents approve the revised Student Code of Conduct. The revisions address necessary changes to comply with Kentucky law, notably HB 254 to KRS 164.348. Other substantive changes include revisions to update processes, align processes to the University's student conduct database and automated capabilities, and address student organization conduct. A copy of the red-lined revisions and clean copy of the revised Student Code of Conduct is attached hereto.

**Background:**

The Student Code of Conduct reinforces student behavioral expectations by providing general notice of expected and prohibited behavior. The code is not written with the specificity of a criminal statute, and similarities in vocabulary between criminal statutes and the Student Code of Conduct are unintentional. Students found responsible for misconduct are subject to disciplinary sanctions intended to promote personal growth, educate students to the consequences of their actions, and contribute to the safety/security of the larger campus community.



# DRAFT

## Student Conduct Codes

### **SCC 100 Academic Misconduct – Dishonesty or Disruption**<sup>1</sup>

*Last Revised: 8/01/2019*

a. Dishonesty:

Assisting or participating in cheating, plagiarism, violating copyright laws, and other forms of dishonesty in an academic setting.

b. Disruption:

Engaging in behavior that intentionally, materially, and substantially disrupts the educational process associated with teaching, research, or other activities related to the academic mission of the university, or otherwise creates the conditions in which teaching cannot continue.

### **SCC 200 Aiding and Abetting**

*Last Revised: 8/01/2012*

Assisting with, having knowledge of without reporting, or inciting violations of the Student Conduct Code or other University policies and/or regulations.

### **SCC 300 Alcohol**

*Last Revised: 8/01/2012*

Possessing or consuming alcoholic beverages in public or on University-owned or controlled property, or while participating in University related activities which include student teaching, internships, class trips, etc., or providing alcoholic beverages to others. Possession of alcohol related paraphernalia (i.e., kegs, beer bong, empty containers, etc.). Exhibiting drunken behavior on University-owned or controlled property or while off-campus in a manner that can be defined as disorderly, disrespectful, or disruptive to the community, individual citizens, and/or the reputation of Morehead State University.

### **SCC 400 Assault**

*Last Revised: 8/01/2017*

Intentionally causing, or attempting to cause, physical injury to another person. This policy is applicable on University-owned or controlled property, or while participating in University related activities (e.g. student teaching, internships, class trips). The standard is applicable off-campus when: 1) all parties involved are MSU employees or students; or 2) the behavior threatens the health, welfare, safety, or educational environment of the University community or any individual member thereof; or 3) the behavior reflects adversely upon the student's character and fitness as a member of the student body and/or the reputation of Morehead State University.

### **SCC 500 Commercial Solicitation**

*Last Revised: 8/01/2019*

Distributing, promoting, selling, advertising, or collecting information or material goods on University property or within University-owned facilities for commercial purposes without authorization per UAR 322. Requesting that someone engage in the aforementioned activities on behalf of an individual or organization.

# DRAFT

## **SCC 600 Computer Infraction – Fraud and Misconduct**

*Last Revised: 8/01/2017*

### a. Fraud:

Using information technology or communication systems to disseminate, transfer, enter, alter, or gather data by using another person's or organization's access code or technology/communication equipment without their permission.

### b. Misconduct:

Using University-owned or provided equipment or internet access systems in any manner that is prohibited by the Student Conduct Code, MSU policies; or local, state or federal law.

## **SCC 700 Copyright Infringement**<sup>1</sup>

*Last Revised: 8/01/2018*

Reproducing or distributing copyrighted materials without approval from the copyright owner. Using technology, devices, or services to circumvent measures that control access to copyrighted works. Refer to PG-55 Technology Resource Acceptable Use for additional information.

## **SCC 800 Discrimination**

*Last Revised: 8/01/2019*

**Unlawfully** discriminating against another person on a basis not reasonably related to the education or job function involved including, but not limited to, age, sex, sexual preference, disability, race, religion, national origin, or marital status.

## **SCC 900 Disorderly Conduct**

*Last Revised: 8/01/2019*

Acting or inciting others to act in a manner that **substantially** disrupts or interferes with the normal operation of the University or infringes on the rights of other members of the University community. **Engaging in conduct that intentionally, materially, and substantially disrupts another's expressive activity if that activity is occurring in a campus space previously scheduled or reserved for that activity or under exclusive use or control of a particular group.** Interfering with or obstructing the duties of any University administrator, faculty, staff member or local authority.

## **SCC 1000 Drugs**

*Last Revised: 8/01/2012*

Using, possessing, transferring, or selling drug paraphernalia, narcotics, or other controlled and/or illegal substances on University-owned or controlled property or while participating in University related activities which include student teaching, internships, class trips, etc.

## **SCC 1100 Failure to Comply**

*Last Revised: 8/01/2012*

Failure to respond to the reasonable requests of University officials or law enforcement officers acting in performance of their duties, and/or failing to produce identification when requested to do so by these individuals. Failing to abide by sanctions imposed during a University disciplinary proceeding or authorized official.

## **SCC 1300 Forgery**

*Last Revised: 8/01/2012*

Altering, creating, completing, executing, falsifying, or authenticating any school record document, instrument, or identification card with the intent to defraud or harm any individual.

# DRAFT

## **SCC 1400 Fraud**

*Last Revised: 8/01/2012*

Deceiving, tricking, or misrepresenting with the intent of defrauding or misleading another individual or the University. Examples include, but are not limited to, misuse of an ID card in dining facilities and/or library.

## **SCC 1500 General Policies**

*Last Revised: 8/01/2012*

Violating any rule, regulation, or policy established by the Board of Regents, the President of the University or an authorized representative, any college, division, department, office, or other authorized University employee within the scope of his/her authority. Such rules, regulations, and policies will be published, posted, or otherwise publicized in a fashion that allows students opportunities to have adequate knowledge of said information.

## **SCC 1600 Harassment**

*Last Revised: 8/01/2017*

Any behavior that is threatening or intimidating and which places a person in reasonable fear of harm to person or property; or creates a hostile environment by substantially interfering with or impairing the person's educational performance, opportunities or benefits. Any conduct or pattern of behavior directed at an individual or a group in a manner that is unwelcome and, under the totality of the circumstances, is so severe or pervasive that it undermines or detracts from the person's educational or work opportunities or participation in University activities, effectively denying equal access to University resources and opportunities.

## **SCC 1800 Hazing**

*Last Revised: 8/01/2012*

Acting in a manner or creating a situation, whether physical, mental, emotional or psychological, which subjects another, voluntarily or involuntarily, to anything which may: (a) abuse, mistreat, degrade, humiliate, harm or intimidate, (b) endanger the mental or physical health or safety of another; or (c) induce or coerce another to endanger his or her mental or physical health or safety. (For more detailed information, see the University's policy on hazing).

## **SCC 1900 ID /Access Card Misuse**

*Last Revised: 8/01/2012*

Using, or allowing another person to use, a University ID card in an inappropriate manner. Examples include, but are not limited to, improper use in a dining facility, unauthorized use with a card access system, improper use in the library, etc.

## **SCC 2000 Key Misuse**

*Last Revised: 8/01/2012*

Possessing or duplicating keys or door access cards to any University premises without proper authorization.

# DRAFT

## **SCC 2100 Lying**

*Last Revised: 8/01/2012*

Intentionally providing false information to, or filing false charges against, another person or organization. Examples include, but are not limited to, written or oral communication given to student government association, residence hall association, disciplinary councils, University officials, faculty members, law enforcement officers

## **SCC 2300 Prohibited Animals**

*Last Revised: 8/01/2019*

Possessing an animal in a University non-residential facility, other than a service animal trained to provide assistance to a person with a disability. Possessing an unauthorized animal in a University residential facility, other than an assistance animal that has been approved as a reasonable accommodation by the University. Possessing an animal on University property that damages property, substantially disrupts the University community, or exhibits aggressive behavior. Failing to maintain an animal on a leash, maintain control of an animal, or properly dispose of animal waste.

## **SCC 2400 Possession of Stolen Property**

*Last Revised: 8/01/2012*

Receiving, retaining, storing, or disposing of movable property which belongs to another person knowing that it has been stolen, or having reason to believe that it has been stolen unless it is clear that the property is received, retained, or stored with the specific intent to restore it to the proper owner.

## **SCC 2500 Property Damage**

*Last Revised: 8/01/2012*

Causing or assisting with the misuse, vandalism, malicious or unwarranted damage or destruction, defacement, disfiguration, or unauthorized use of property belonging to the University or another person or organization. Examples include, but are not limited to, fire alarms, fire equipment, elevators, telephones, keys, library materials, statues, artwork, or vehicles.

## **SCC 2700 Residence Hall Infractions**

*Last Revised: 8/01/2017*

Failure to adhere to the guidelines as outlined in the “Housing Policies and Guidelines” (see Office of Housing website).

## **SCC 2750 Retaliation**

*Last Revised: 8/06/2018*

Retaliating, or encouraging others to retaliate, against another student for making an inquiry, participating in an investigation, or making a reasonable good faith report of possible non-compliance with laws and regulations. Procedure for this code violation may be prescribed by PG-5, PG-6, or PG-61.

# DRAFT

## **SCC 2770 Safety Infractions**

*Last Revised: 8/06/2019*

### **a. Fire Safety:**

Willfully or maliciously burning or attempting to burn property. Failure to exit a University-owned building upon activation of a fire alarm or direction from designed authorities or personnel. Tampering with, obstructing, or inappropriately using fire equipment (e.g. fire extinguishers, smoke detectors, etc.). Using, possessing, or improperly storing hazardous materials (e.g. fireworks, propane tanks) on University-owned or controlled property.

### **b. Obstruction of Movement:**

Preventing the free movement of a person and/or vehicle, or restricting the access to or egress from a designated passageway.

### **c. Recreational Equipment Safety:**

Using bicycles, scooters, in-line skates, skateboards, hoverboards and other recreational equipment on any University-owned property in a manner that causes (or may cause) damage, hazardous conditions, or harm to others.

## **SCC 2800 Sexual Misconduct**<sup>1</sup>

*Last Revised: 8/07/2018*

Engaging in behavior that includes, but is not limited to, sexual harassment, sexual assault, intimate partner violence, sexual exploitation, and stalking. Engaging in, or advocating engagement in, inappropriate sexual acts such as indecent exposure or sexual activity in public. Refer to PG-6 Sexual Misconduct Policy for additional information.

## **SCC 3100 Theft**

*Last Revised: 8/01/2012*

Unlawfully taking (or attempting to take) property belonging to the University, members of the Morehead State University community, visitors, guests, or another person or organization.

## **SCC 3200 Tobacco**

*Last Revised: 8/01/2019*

Using or distributing tobacco, products giving the appearance of tobacco, or electronic nicotine delivery systems (e.g. vaporizers, e-cigarettes) while on University owned, leased, or controlled property unless excluded by UAR 902 Morehead State University Designated Smoking Areas. The violation includes conduct while in University owned, leased, or rented vehicles at any location, and privately owned vehicles that are parked on, or in transit across, University property. Refer to PG-64 University Tobacco Use Policy for additional information.

## **SCC 3300 Trespassing**

*Last Revised: 8/01/2012*

Entering a building or area where the individual has been informed by University officials and/or law enforcement officers that s/he has been restricted from that facility or location. Being in a University-owned or controlled facility after designated hours of operation without written permission from designated officials.

## **SCC 3400 Unauthorized Entry**

*Last Revised: 8/01/2012*

Entry Entering a building or area without proper authorization from University officials and/or the owner of the property in question.

# DRAFT

## **SCC 3500 Unauthorized Use of Recording**

*Last Revised: 8/01/2019*

Using an electronic device to record (without prior permission from the person(s) being recorded):  
1) another person in which the person has a reasonable expectation of privacy; or 2) an exam or a meeting closed pursuant to the Kentucky Open Meetings Act. Use of an electronic recording device is permissible and authorized when appropriately used as a reasonable accommodation in accordance with ADA policies and laws.

## **SCC 3600 Violation of Law**

*Last Revised: 8/01/2012*

Committing any act that is in violation of federal, state, and local laws or regulations, whether on or off campus, when it appears that the student has acted in a manner that adversely impacts or interferes with the University's normal function, or which injures or endangers the general welfare of the University community.

## **SCC 3700 Weapons**

*Last Revised: 8/01/2012*

Possessing any weapon, regardless if licensed to possess said weapon, while on University-owned or controlled property, or at University-sponsored or supervised activities without proper authorization from the President of the University or his/her designee. Examples include, but are not limited to firearms, rifles, handguns, shotguns, ammunition, air guns, paint-ball guns, pellet guns, explosive devices (including fireworks), hunting knives, etc.

<sup>1</sup> *Procedure for this code violation may be prescribed by another university policy or regulation.*

## Student Conduct Codes

### SCC 100 Academic Misconduct – Dishonesty or Disruption<sup>1</sup>

*Last Revised: 8/01/2019*

a. Dishonesty:

Assisting or participating in cheating, plagiarism, violating copyright laws, and other forms of dishonesty in an academic setting.

b. Disruption:

Engaging in behavior that intentionally, materially, and substantially disrupts the educational process associated with teaching, research, or other activities related to the academic mission of the university, or otherwise creates the conditions in which teaching cannot continue.

### SCC 200 Aiding and Abetting

*Last Revised: 8/01/2012*

Assisting with, having knowledge of without reporting, or inciting violations of the Student Conduct Code or other University policies and/or regulations.

### SCC 300 Alcohol

*Last Revised: 8/01/2012*

Possessing or consuming alcoholic beverages in public or on University-owned or controlled property, or while participating in University related activities which include student teaching, internships, class trips, etc., or providing alcoholic beverages to others. Possession of alcohol related paraphernalia (i.e., kegs, beer bong, empty containers, etc.). Exhibiting drunken behavior on University-owned or controlled property or while off-campus in a manner that can be defined as disorderly, disrespectful, or disruptive to the community, individual citizens, and/or the reputation of Morehead State University.

### SCC 400 Assault

*Last Revised: 8/01/2017*

Intentionally causing, or attempting to cause, physical injury to another person. This policy is applicable on University-owned or controlled property, or while participating in University related activities (e.g. student teaching, internships, class trips). The standard is applicable off-campus when: 1) all parties involved are MSU employees or students; or 2) the behavior threatens the health, welfare, safety, or educational environment of the University community or any individual member thereof; or 3) the behavior reflects adversely upon the student's character and fitness as a member of the student body and/or the reputation of Morehead State University.

### SCC 500 Commercial Solicitation

*Last Revised: 8/01/2019*

Distributing, promoting, selling, advertising, or collecting information or material goods on University property or within University-owned facilities for commercial purposes without authorization per UAR 322. Requesting that someone engage in the aforementioned activities on behalf of an individual or organization.

### **SCC 600 Computer Infraction – Fraud and Misconduct**

*Last Revised: 8/01/2017*

#### a. Fraud:

Using information technology or communication systems to disseminate, transfer, enter, alter, or gather data by using another person's or organization's access code or technology/communication equipment without their permission.

#### b. Misconduct:

Using University-owned or provided equipment or internet access systems in any manner that is prohibited by the Student Conduct Code, MSU policies; or local, state or federal law.

### **SCC 700 Copyright Infringement**<sup>1</sup>

*Last Revised: 8/01/2018*

Reproducing or distributing copyrighted materials without approval from the copyright owner. Using technology, devices, or services to circumvent measures that control access to copyrighted works. Refer to PG-55 Technology Resource Acceptable Use for additional information.

### **SCC 800 Discrimination**

*Last Revised: 8/01/2019*

Unlawfully discriminating against another person on a basis not reasonably related to the education or job function involved including, but not limited to, age, sex, sexual preference, disability, race, religion, national origin, or marital status.

### **SCC 900 Disorderly Conduct**

*Last Revised: 8/01/2019*

Acting or inciting others to act in a manner that substantially disrupts or interferes with the normal operation of the University or infringes on the rights of other members of the University community. Engaging in conduct that intentionally, materially, and substantially disrupts another's expressive activity if that activity is occurring in a campus space previously scheduled or reserved for that activity or under exclusive use or control of a particular group. Interfering with or obstructing the duties of any University administrator, faculty, staff member or local authority.

### **SCC 1000 Drugs**

*Last Revised: 8/01/2012*

Using, possessing, transferring, or selling drug paraphernalia, narcotics, or other controlled and/or illegal substances on University-owned or controlled property or while participating in University related activities which include student teaching, internships, class trips, etc.

### **SCC 1100 Failure to Comply**

*Last Revised: 8/01/2012*

Failure to respond to the reasonable requests of University officials or law enforcement officers acting in performance of their duties, and/or failing to produce identification when requested to do so by these individuals. Failing to abide by sanctions imposed during a University disciplinary proceeding or authorized official.

### **SCC 1300 Forgery**

*Last Revised: 8/01/2012*

Altering, creating, completing, executing, falsifying, or authenticating any school record document, instrument, or identification card with the intent to defraud or harm any individual.



**SCC 1400 Fraud**

*Last Revised: 8/01/2012*

Deceiving, tricking, or misrepresenting with the intent of defrauding or misleading another individual or the University. Examples include, but are not limited to, misuse of an ID card in dining facilities and/or library.

**SCC 1500 General Policies**

*Last Revised: 8/01/2012*

Violating any rule, regulation, or policy established by the Board of Regents, the President of the University or an authorized representative, any college, division, department, office, or other authorized University employee within the scope of his/her authority. Such rules, regulations, and policies will be published, posted, or otherwise publicized in a fashion that allows students opportunities to have adequate knowledge of said information.

**SCC 1600 Harassment**

*Last Revised: 8/01/2017*

Any behavior that is threatening or intimidating and which places a person in reasonable fear of harm to person or property; or creates a hostile environment by substantially interfering with or impairing the person's educational performance, opportunities or benefits. Any conduct or pattern of behavior directed at an individual or a group in a manner that is unwelcome and, under the totality of the circumstances, is so severe or pervasive that it undermines or detracts from the person's educational or work opportunities or participation in University activities, effectively denying equal access to University resources and opportunities.

**SCC 1800 Hazing**

*Last Revised: 8/01/2019*

Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization. Acting in a manner or creating a situation which subjects another, voluntarily or involuntarily, to abuse, mistreatment, degradation, humiliation, harm or intimidation. Pursuant to KRS 164.290 such action may result in suspension or dismissal from the University.

**SCC 1900 ID /Access Card Misuse**

*Last Revised: 8/01/2012*

Using, or allowing another person to use, a University ID card in an inappropriate manner. Examples include, but are not limited to, improper use in a dining facility, unauthorized use with a card access system, improper use in the library, etc.

**SCC 2000 Key Misuse**

*Last Revised: 8/01/2012*

Possessing or duplicating keys or door access cards to any University premises without proper authorization.

**SCC 2100 Lying**

*Last Revised: 8/01/2012*

Intentionally providing false information to, or filing false charges against, another person or organization. Examples include, but are not limited to, written or oral communication given to student government association, residence hall association, disciplinary councils, University officials, faculty members, law enforcement officers

**SCC 2300 Prohibited Animals**

*Last Revised: 8/01/2019*

Possessing an animal in a University non-residential facility, other than a service animal trained to provide assistance to a person with a disability. Possessing an unauthorized animal in a University residential facility, other than an assistance animal that has been approved as a reasonable accommodation by the University. Possessing an animal on University property that damages property, substantially disrupts the University community, or exhibits aggressive behavior. Failing to maintain an animal on a leash, maintain control of an animal, or properly dispose of animal waste.

**SCC 2400 Possession of Stolen Property**

*Last Revised: 8/01/2012*

Receiving, retaining, storing, or disposing of movable property which belongs to another person knowing that it has been stolen, or having reason to believe that it has been stolen unless it is clear that the property is received, retained, or stored with the specific intent to restore it to the proper owner.

**SCC 2500 Property Damage**

*Last Revised: 8/01/2012*

Causing or assisting with the misuse, vandalism, malicious or unwarranted damage or destruction, defacement, disfiguration, or unauthorized use of property belonging to the University or another person or organization. Examples include, but are not limited to, fire alarms, fire equipment, elevators, telephones, keys, library materials, statues, artwork, or vehicles.

**SCC 2700 Residence Hall Infractions**

*Last Revised: 8/01/2017*

Failure to adhere to the guidelines as outlined in the “Housing Policies and Guidelines” (see Office of Housing website).

**SCC 2750 Retaliation**

*Last Revised: 8/06/2018*

Retaliating, or encouraging others to retaliate, against another student for making an inquiry, participating in an investigation, or making a reasonable good faith report of possible non-compliance with laws and regulations. Procedure for this code violation may be prescribed by PG-5, PG-6, or PG-61.

### **SCC 2770 Safety Infractions**

*Last Revised: 8/06/2019*

#### **a. Fire Safety:**

Willfully or maliciously burning or attempting to burn property. Failure to exit a University-owned building upon activation of a fire alarm or direction from designed authorities or personnel. Tampering with, obstructing, or inappropriately using fire equipment (e.g. fire extinguishers, smoke detectors, etc.). Using, possessing, or improperly storing hazardous materials (e.g. fireworks, propane tanks) on University-owned or controlled property.

#### **b. Obstruction of Movement:**

Preventing the free movement of a person and/or vehicle, or restricting the access to or egress from a designated passageway.

#### **c. Recreational Equipment Safety:**

Using bicycles, scooters, in-line skates, skateboards, hoverboards and other recreational equipment on any University-owned property in a manner that causes (or may cause) damage, hazardous conditions, or harm to others.

### **SCC 2800 Sexual Misconduct**<sup>1</sup>

*Last Revised: 8/07/2018*

Engaging in behavior that includes, but is not limited to, sexual harassment, sexual assault, intimate partner violence, sexual exploitation, and stalking. Engaging in, or advocating engagement in, inappropriate sexual acts such as indecent exposure or sexual activity in public. Refer to PG-6 Sexual Misconduct Policy for additional information.

### **SCC 3100 Theft**

*Last Revised: 8/01/2012*

Unlawfully taking (or attempting to take) property belonging to the University, members of the Morehead State University community, visitors, guests, or another person or organization.

### **SCC 3200 Tobacco**

*Last Revised: 8/01/2019*

Using or distributing tobacco, products giving the appearance of tobacco, or electronic nicotine delivery systems (e.g. vaporizers, e-cigarettes) while on University owned, leased, or controlled property unless excluded by UAR 902 Morehead State University Designated Smoking Areas. The violation includes conduct while in University owned, leased, or rented vehicles at any location, and privately owned vehicles that are parked on, or in transit across, University property. Refer to PG-64 University Tobacco Use Policy for additional information.

### **SCC 3300 Trespassing**

*Last Revised: 8/01/2012*

Entering a building or area where the individual has been informed by University officials and/or law enforcement officers that s/he has been restricted from that facility or location. Being in a University-owned or controlled facility after designated hours of operation without written permission from designated officials.

### **SCC 3400 Unauthorized Entry**

*Last Revised: 8/01/2012*

Entering a building or area without proper authorization from University officials and/or the owner of the property in question.

### **SCC 3500 Unauthorized Use of Recording**

*Last Revised: 8/01/2019*

Using an electronic device to record (without prior permission from the person(s) being recorded):  
1) another person in which the person has a reasonable expectation of privacy; or 2) an exam or a meeting closed pursuant to the Kentucky Open Meetings Act. Use of an electronic recording device is permissible and authorized when appropriately used as a reasonable accommodation in accordance with ADA policies and laws.

### **SCC 3600 Violation of Law**

*Last Revised: 8/01/2012*

Committing any act that is in violation of federal, state, and local laws or regulations, whether on or off campus, when it appears that the student has acted in a manner that adversely impacts or interferes with the University's normal function, or which injures or endangers the general welfare of the University community.

### **SCC 3700 Weapons**

*Last Revised: 8/01/2019*

Possessing any weapon, regardless if licensed to possess said weapon, while on University-owned or controlled property, or at University-sponsored or supervised activities without proper authorization from the President of the University or his/her designee. Examples include, but are not limited to firearms, rifles, handguns, shotguns, ammunition, air guns, paint-ball guns, pellet guns, explosive devices (including fireworks), hunting knives, etc. Refer to PG-62 Weapons Policy for additional information.

<sup>1</sup> *Procedure for this code violation may be prescribed by another university policy or regulation.*

## **Introduction to Student Rights and Responsibilities**

Morehead State University is committed to providing a supportive learning environment for our students. MSU students are expected to reflect a commitment to obtaining an education, and meet the standards of conduct promulgated by federal, state, and local laws and University policies, rules, and regulations.

Students, faculty, and staff constitute our University community. Membership carries with it the responsibility to abide by our community's behavioral expectations and hold others accountable for their behavior. We expect our members to treat each other with integrity, dignity, and respect. While the University does not regard itself as the arbiter of morals, we do reserve the right to make members aware of the expectations of the larger society and the University community, and to take action when individual behavior fails to meet community standards. In order to maintain the educational process, each member of the University community must be prepared to accept the consequences of their actions regardless of intent or circumstance.

If you believe our expectations fail to reflect our community values or protect student rights, we encourage you to responsibly and respectfully work for constructive change through the appropriate university channels. In many cases, the Dean of Students can assist students in understanding their options.

### **Student Responsibilities**

Students are expected to abide by University policies, rules, and regulations published in official publications of the University including, but not limited to, the Undergraduate Catalog, the Graduate Catalog, University Administrative Regulations, and the Eagle Student Handbook (which includes the Student Conduct Code). The Student Conduct Code provides students general notice of expected and prohibited behavior. The scope of the Student Conduct Code and additional notices of University expectations are detailed in this document.

### **Scope of the Student Conduct Code**

The Student Conduct Code applies to the behavior of students on University property or facilities owned, operated, controlled, or being used by the University. The Student Conduct Code also applies to the behavior of students off campus when such behavior impairs University functioning, impacts another member of the University community, has a negative impact upon the reputation of the University, and/or endangers the safety of the University community.

The code is not written with the specificity of a criminal statute, and similarities in vocabulary between criminal statutes and the Student Conduct Code are unintentional. Students found responsible for misconduct are subject to disciplinary sanctions which are intended to provide education and accountability while also reducing the likelihood of continued prohibited conduct.

Federal, state, and local laws apply to students whether on or off the campus. Students are not immune to prosecution by local, state, or federal law irrespective of whether the University initiates

conduct proceedings in a given situation. Violations of the law may be subject to the penalties imposed by law as well as the sanctions issued by the University.

### **Academic Integrity**

All students at Morehead State University are required to abide by accepted standards of academic honesty. Academic honesty includes doing one's own work, giving credit for the work of others, and using resources appropriately.

### **Alcohol and Drugs**

The Drug-Free Schools and Communities Act mandates that universities adopt and implement programs to prevent the unlawful possession, use, dispensation, or distribution of illicit drugs and alcohol. The Student Conduct Code defines prohibited behaviors involving alcohol and drugs, and violations of the prohibited behavior shall result in disciplinary action up to and including suspension or termination. In general, the possession or consumption of alcoholic beverages on University property or while participating in University related activities is strictly prohibited unless approved by the MSU President. The unlawful use, possession, or distribution of drugs and/or drug paraphernalia on University property or while participating in University related activities is also strictly prohibited

### **Dress Code**

Morehead State University does not maintain a formal dress code, however it is expected that students dress appropriately when attending public functions and classes.

### **Noise**

In keeping with our academic mission, and to maintain an environment that is conducive to learning, the University maintains reasonable expectations regarding excessive noise. Sustained noise (including boisterous behavior, loud music, etc.) is generally prohibited in and around academic buildings during the times when academic instruction is taking place. Sustained noise (including boisterous behavior, loud music, etc.) is generally prohibited in and around residence halls during the periods of 10pm and 7am, which are the same hours specified by the local city ordinance. The use of noise amplification devices are generally prohibited at any time and location on University property. Exceptions may be approved by the Dean of Students, a University Vice President, or the MSU President.

Nothing contained in the University policies, rules, or regulations is intended to limit the rights of free speech and peaceful assembly. These rights must be exercised in a peaceful, reasonable, and orderly manner, and may not violate the rights of other members of the University community or interfere with the academic mission of the University.

### **Official University Communications**

Students are held responsible for any official information the University sends via email. There will be several occasions when faculty, staff, and other members of the University community will need

to contact students with important information. Therefore, students are encouraged to check their University email on a daily basis.

### **Recording, Downloading and File Sharing**

Recording, downloading and sharing materials has become commonplace within our society. Although there are legitimate reasons to leverage today's technology, it is essential that members of the MSU community have a clear understanding of copyright requirements, regulations, guidelines, and laws before recording, downloading or sharing any information. Violations of the law may be subject to the penalties imposed by law as well as the sanctions issued by the University.

### **Tobacco**

Tobacco and electronic nicotine delivery system (e.g. vaporizers, e-cigarettes) use is prohibited on all University owned, leased, or controlled property and vehicles. This includes privately owned vehicles parked on, or in transit across, University property and in the interior of all buildings and residence halls. Exceptions to this policy are only allowed in designated outside smoking areas approved by the MSU President. Approved smoking areas are clearly marked with signage and equipped with appropriate containers for the disposal of ash, butts and other waste from tobacco use.

### **Student Rights**

Students have the right to enjoy the freedoms guaranteed by the Constitution of the United States and the Commonwealth of Kentucky. Nothing contained in the University policies, rules, or regulations is intended to limit these rights.

### **Due Process**

Students who are alleged to have violated the Student Conduct Code are entitled to certain procedural rights to ensure a fair and impartial resolution of the allegation. These rights also apply to those students representing student organizations charged with violations of the Student Conduct Code.

### **Freedom of Speech**

Morehead State University ensures the right to free speech and expression, and encourages the timely and rational discussion of topics whereby the ethical and intellectual development of students and general welfare of the public may be promoted. The generally accessible, open, outdoor areas of the campus are maintained as traditional public forums for students to express their views. In this regard, the University grants students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue; including ideas considered by some or most members of the University's community to be offensive, unwise, disagreeable, conservative, liberal, traditional or radical. However, these rights shall not be construed to grant students the right to engage in conduct that intentionally, materially, and substantially disrupts another's expressive activity if that activity is occurring in a campus space previously scheduled or reserved for that activity or under the exclusive use or control of a particular group. Students shall not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject so that a lively and fearless freedom of debate and deliberation is promoted and protected.

In all circumstances regarding free speech, the University reserves the right to regulate the time, place and manner. Any regulation by the University will be reasonable, justified without reference to the content of the regulated speech, narrowly tailored to serve a compelling governmental interest, and limited to provide ample alternative options for the communication of the message.

### **Nondiscrimination**

Morehead State University is committed to providing equal educational opportunities to all persons regardless of race, color, national origin, age, religion, sex, sexual orientation, gender identity, gender expression, disabled veterans, recently separated veterans, other protected veterans, and armed forces service medal veterans, or disability. Furthermore, the expression of a student's religious or political viewpoint in the classroom, homework, artwork, and other written and oral assignments is free from discrimination or penalty based on the religious or political content of the submission.

### **Student Records**

The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. Students wishing to review their records, request amendments, restrict the disclosure of information, or better understand their FERPA rights are encouraged to visit the Registrar's office or website to learn more.



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## Student Conduct Procedures and Due Process

### Terms, Roles and Definitions

**Administrative Officer:** A University employee who is authorized by the Dean of Students to review alleged violations of the Student Conduct Code, evaluate charges, administratively resolve alleged violations, determine responsibility, and issue sanctions.

**Amnesty:** A protocol in which students who violate the University's alcohol and drug policies are not subject to disciplinary sanctions. The protocol is applicable only for alcohol/drugs use and not for other prohibited behavior.

**Assistant Director(s) for Student Housing:** Administrative officer for alleged violations of the Student Conduct Code in the residential community (campus housing).

**Associate Director of Student Activities:** Administrative officer for alleged violations of the Student Conduct Code in registered student organizations.

**Complainant:** Person or organization accusing a student or student organization of a violation of the Student Conduct Code.

**Dean of Students:** Chief judicial officer and administrative officer for the university. Responsible for the implementation of the student judicial system.

**Director for Housing & Residence Education:** Administrative officer for alleged violations of the Student Conduct Code in the residential community (campus housing).

**Mediation:** A voluntary process that utilizes an impartial, neutral third party who acts as a facilitator to help the parties reach a mutually acceptable outcome.

**Preponderance of the Evidence Standard:** "More likely than not" standard used in determining whether a student is responsible or not responsible for violating the Student Conduct Code.

**Respondent:** Student or student organization accused of violating the Student Conduct Code.

**Responsible/Not Responsible:** Student conduct finding. A student may be found Responsible if it is determined that, more likely than not, the student violated the Student Conduct Code. A student may be found Not Responsible if there was not sufficient evidence or information to find the student responsible for violating the Student Conduct Code.

**Sanction:** A consequence or disciplinary action due to a violation of the Student Conduct Code. Sanctions are intended to provide educational opportunities and accountability while also reducing the likelihood of future prohibited conduct.

**Student Disciplinary Committee:** Hearing committee for students who have been charged with violations of the Student Conduct Code that may lead to suspension or dismissal from the

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University. Appellate body for administrative officer decisions made or upheld by the Dean of Students.

### **Misconduct Allegations**

Allegations of misconduct may be initiated via several sources, including but not limited to, law enforcement reports, incident reports, direct observations, and complaints. Any member of the university community may file a report against a student for misconduct. Reports **should** be prepared in writing and directed to the Dean of Students or, in the case of infractions occurring in the residential community, to the Director for Housing & Residence Education. Allegations of misconduct by a Registered Student Organization may be reported to the Associate Director of Student Activities. **Reports not submitted in writing will be independently verified prior to initiating the conduct process.**

If a reporting party requests that their identity be withheld or the allegation not be investigated, the University may consider if the request can be honored while still providing a safe and nondiscriminatory environment (federal law mandates reporting in some cases) for the University. The reporting party should be aware that: 1) the University cannot guarantee confidentiality; 2) honoring the request may limit the ability to fully respond to the incident, and; (3) such request may limit the University's ability to carry out its conduct process.

The Student Conduct Code and conduct process are administrative functions, separate and distinct from local, state and federal law. The student conduct process may proceed against students charged with a violation of the law when the alleged conduct is also a violation of the Student Conduct Code. The student conduct process may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

### **Administrative Evaluation of Conduct**

After receiving a report, an administrative officer will be assigned to review the circumstances of the incident and determine if a Student Conduct Code has been violated. The administrative officer has discretion to dismiss any alleged violation if the officer determines that the reported conduct does not violate the Student Conduct Code. A report that alleges behavior that does not violate the Student Conduct Code, or that lacks sufficient information, may result in no action being taken. In the event that a complainant disagrees with this decision, the complainant may request a review by the Dean of Students or the Vice President for Student Affairs.

If an **administrative officer** believes that the complaint/information merits further action, then the officer will initiate an investigation. The investigation may include meeting with any sources with knowledge of the complaint, the complainant, and any witnesses for the purpose of establishing necessary facts of the incident in question. **If the administrative officer determines that the alleged conduct constitutes a violation of the Student Conduct Code, then the investigation shall include notification to the respondent of the charges under the University's conduct process (*See Initiation of Conduct Process*).**

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If a report of misconduct is a result of an unresolved, on-going dispute between students, then the students may be informed of the option to resolve the matter through mediation instead of the student conduct process.

### **Amnesty for Alcohol or Drug Use.**

A student who reports a potential violation of the Student Conduct Code, or who is participating in an investigation as a witness, may be granted amnesty for their use of alcohol or drugs if: 1) The student reports the alcohol/drug violation voluntarily and in good faith, and 2) The reported use is not a pending/existing case or currently under investigation. However, the student may be provided resources on drug and alcohol counseling and/or education, as appropriate.

A student who seeks emergency/medical treatment for another student believed to be experiencing an alcohol or drug related medical emergency may be granted amnesty for their own use of alcohol or drugs. The protocol also applies to students who are experiencing an alcohol or drug related medical emergency and seek emergency/medical treatment on their own behalf or are the subject of such a request. The student may be provided resources on drug and alcohol counseling/education, and the parents of the student may be notified. A record of the alcohol/drug use will be maintained should subsequent alcohol/drug violations occur, and will be considered for sanctioning purposes. This protocol does not apply to other prohibited behaviors, including the distribution of illicit substances.

*Note: Complaints involving sexual misconduct will be referred to the university's Title IX Coordinator and administratively adjudicated per PG-6 and UAR 337, Sexual Misconduct Policy.*

### **Interim Measures and Immediate Actions**

The Dean of Students, Title IX Coordinator, or a designee may issue interim measures at any point after the University becomes aware of an allegation or potential incident of misconduct and finds it necessary to enact the measure for the safety of another student and/or the university community. Interim measures are not a determination of responsibility for misconduct and the measures are limited in scope and time. Interim measures may include, but are not limited to: Change of university housing assignment, no contact order, property restrictions, changes to academic or employment arrangements/schedules, or supervision.

If the Dean of Students or the Vice President for Student Affairs determines that a student's presence is of a serious or immediate threat to the university community, then the student may be peremptorily suspended. Under the terms of the peremptory suspension, the student may be required to leave the University property immediately. The student shall have the right to appeal the decision by submitting a written request to the Dean of Students within five class days. The student may also request reinstatement of all or part of their rights and privileges as a student during the appeal process. Such a request must be in a written petition to the Vice President for Student Affairs. This request typically includes only class attendance.

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## Initiation of Conduct Process

When a report has been filed, and the administrative officer has determined that the alleged conduct constitutes a violation of the Student Conduct Code, then the respondent will receive a written notification of charges (includes notification sent via university email). The notification will include the date of the report, the alleged conduct code violation(s), a request to make an appointment, the contact information for the administrative officer, and instructions to refer to the Student Conduct Code for the purpose of understanding the process and student rights. Any further information about the incident requested by the respondent should be addressed during the meeting.

The respondent is responsible for arranging the requested meeting within the parameters stated in the notification. If the student fails to arrange for the requested meeting, or otherwise disregards the request to meet, then a final resolution may be made without the student's input.

## Conduct Resolution:

### **Administrative Officer.**

If a charge of misconduct is not serious enough (if substantiated) to result in suspension or dismissal, then the administrative officer may resolve the case. The officer will make a reasonable attempt to meet with the respondent following the initiation of the conduct process. During the meeting with the respondent the administrative officer will review the alleged violation(s) with the respondent. Such review may include presentation of evidence, any discussion to establish the facts of the case, any mitigating or extenuating circumstances, and/or any defense that the respondent wishes to present. If the respondent accepts responsibility for the misconduct, then the administrative officer will determine the appropriate sanction(s). If the respondent does not accept responsibility for the misconduct, then the administrative officer must determine if there is sufficient information/evidence to make a decision of responsibility. If further information is needed, the administrative officer will continue the investigation, then meet with the respondent after sufficient information is obtained. Once there is sufficient information/evidence to make a decision, the administrative officer will determine if the respondent is responsible or not responsible for violating the Student Conduct Code. If the student fails to meet with the administrative officer, or otherwise disregards the request to meet, then a final resolution may be made without the student's input. If the respondent is found responsible for the violation, then the administrative officer may determine the appropriate sanction(s).

The respondent will be notified of the decision, in writing (includes notification sent via university email), to include the specific conduct code violation(s) and related sanction(s).

If the respondent disagrees with the decision, the respondent may request an appeal. Cases decided by an administrative officer, other than the Dean of Students, will be reviewed by the Dean of Students. Cases decided or reviewed by the Dean of Students will be appealed to the Student Disciplinary Committee. The request for appeal shall be honored if submitted in writing within five class days of the decision.



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If a charge of misconduct is serious enough (if substantiated) that it may result in suspension or dismissal, then the case shall be referred to the Student Disciplinary Committee. However, if the respondent agrees in writing to accept the decision of the Dean of Students, and waives the right to appeal, then the Dean of Students may decide the case and impose the sanction (if applicable).

### **Student Disciplinary Committee.**

If a charge of misconduct is serious enough (if substantiated) that it may result in suspension or dismissal, then the Student Disciplinary Committee shall resolve the case, unless waived by the respondent. **The Dean of Students shall notify the respondent in writing of the charges filed (includes notification sent via university email), the date/location of the committee hearing, and instructions to refer to the Student Conduct Code for the purpose of understanding the process and student rights. The Dean of Students will make a reasonable attempt to meet with the respondent to review the alleged violation(s), the conduct process, the hearing procedures/format, and the respondent's rights.** Upon request, the respondent will be permitted to review the evidence and obtain a copy of each document.

The hearing will be held no earlier than five class days and no later than 10 class days from the date of notification. For extenuating circumstances, a hearing may be held earlier than five class days or postponed past the 10 class days if agreed upon by the respondent and the Student Disciplinary Committee chairperson, and approved by the Vice President for Student Affairs or Dean of Students. Finals week, winter term, summer term, and closed periods are not considered class days. If a hearing is scheduled at any time other than the fall or spring semester, the University president may appoint an ad hoc committee to hear the case.

The hearing will be closed to the public. The respondent and the complainant may be accompanied by an advisor selected from the student body, faculty, or staff. The advisor serves only in a support role and may not participate in the direct examination, cross-examination, and arguments. The respondent and complainant will be given the opportunity to hear the evidence presented and to cross-examine witnesses who testify. The respondent and the complainant may present witnesses who will testify, and make arguments. Reasonable limits may be placed by the chairperson on the direct examination, cross-examination, and argument. The respondent may remain silent, which fact will not be considered adversely against the respondent. At the conclusion of the presentation of all evidence, the Student Disciplinary Committee will move into a closed, executive session for deliberation.

The committee shall determine whether the respondent violated each section of the student conduct code of which the respondent is charged. The determination will be made on the basis of whether it is "more likely than not" that the respondent violated the conduct code. If the committee finds that the respondent is responsible for violating University policies, rules, regulations, or the conduct code, then the committee shall determine the appropriate sanctions.

All proceedings, except deliberations in executive session of the Student Disciplinary Committee, will be recorded. Upon request, the respondent may receive copies of these records at a reasonable cost.

Should the respondent fail to appear and the Student Disciplinary Committee determines that the notification process was reasonable and adequate; the case may be heard in absentia and decided

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with the available evidence. If the respondent withdraws or otherwise leaves the University, the Student Disciplinary Committee retains the option of conducting a hearing.

The committee chairperson will notify the Dean of Students, in writing, of the committee's decision within two class days following the hearing. Within five class days of receiving the committee's decision, the Dean of Students will provide the committee's decision, in writing, to the respondent and any other appropriate individuals. The respondent may appeal the committee's decision to the University president under the conditions and stipulations outlined in the appeals section.

### **Other Conduct Committees.**

In student conduct situations that involve identified groups or part of a community, the Dean of Students may designate another judicial body (e.g., Residence Hall Association, Panhellenic Council, National Pan-Hellenic Council, or Interfraternity Council) to hear the case. This judicial body will have the authority to recommend sanctions to the Dean of Students or another administrative officer.

Additional ad hoc hearing committees may be appointed by the University president as required or in emergency situations.

### **Conduct Appeals and Reviews**

#### **Appeal of decisions made by an administrative officer.**

The Dean of Students shall review appealed student conduct decisions made by the Director of Housing & Residence Education, Assistant Directors of Student Housing, Student Courts, or any others entities designated by the Dean of Students to hear student conduct cases. A request for appeal must be in writing and submitted to the Dean of Students within five class days following written notification of the conduct decision. The Dean of Students shall make a decision after reviewing all recommendations and supporting material. The Dean of Deans will notify the respondent of the decision within 10 class days of receiving the appeal.

#### **Appeal of decisions made by the Dean of Students.**

The Student Disciplinary Committee shall serve as the appellate body for student conduct decisions made by the Dean of Students. The appeal is not simply a second hearing, therefore, the request for appeal must clearly state the reasons for seeking modifications to the student conduct decision.

A request for appeal must be in writing and submitted to the Dean of Students within five class days following written notification of the conduct decision. The Dean of Students will forward the appeal letter to the Student Disciplinary Committee chairperson within three class days after receiving the document. The respondent may request suspension of all or part of the decision being appealed while awaiting the appeal process. The request must be made in writing to, and be approved by, the Vice President for Student Affairs.

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The hearing will be held no earlier than five class days and no later than 10 class days from the date of notification. For extenuating circumstances, a hearing may be held earlier than five class days or postponed past the 10 class days if agreed upon by the respondent and the Student Disciplinary Committee chairperson, and approved by the Vice President for Student Affairs or Dean of Students. Finals week, winter term, summer term, and closed periods are not considered class days. If a hearing is scheduled at any time other than the fall or spring semester, the University president may appoint an ad hoc committee to hear the case.

The hearing will be closed to the public. The respondent and the complainant may be accompanied by an advisor selected from the student body, faculty, or staff. The advisor serves only in a support role and may not participate in the direct examination, cross-examination, and arguments. The respondent will present the reasons for requesting a dismissal or modification of charges and/or sanctions. The Dean of Students (or designee) will present the reasons for the action taken against the respondent. The committee may ask questions of the respondent, complainant and/or the Dean of Students (or designee). The committee will move to a closed, executive session for deliberation.

The committee may remand a case, dismiss some or all charges, affirm the original decision, or change the sanction(s) imposed.

The committee chairperson will notify the Dean of Students, in writing, of the committee's decision within three class days following the hearing. Within five class days of receiving the committee's decision, the Dean of Students will provide the committee's decision, in writing, to the respondent and any other appropriate individuals.

*Note. The appeal hearing procedure for peremptory suspension will follow the Student Disciplinary Committee Hearing procedure.*

### **Appeal of decisions made by the Student Disciplinary Committee.**

Decisions of the Student Disciplinary Committee, either as the initial hearing body or as an appeal, may be appealed to the President of the University. The President shall make a decision after reviewing all recommendations and supporting material. In sanctions other than suspension or dismissal from the University, the decision of the President is final. A request for appeal must be in writing and submitted to the President's office, with a copy to the Dean of Students, within five class days following written notification of the action of the Student Disciplinary Committee. The letter of appeal must clearly state the reason(s) for the appeal. The President shall review the findings of the Student Disciplinary Committee, including hearing transcripts and other documents relating to the case. At the discretion of the President, the review process may include a meeting with the student filing the appeal. The President shall issue a decision within 10 class days.

### **Appeal of decisions made by the University President.**

Respondents suspended or dismissed from the University for violations of the Student Conduct Code shall have the right to appeal to the Board of Regents. The various levels of University review must be exhausted before appealing to the Board of Regents. Appeals to the Board of Regents must be in writing and submitted to the Chair of the Board of Regents, with a copy to the Dean of Students, within five class days following written notification of the action of the President. The letter of appeal must clearly state the reason(s) for the appeal. The Chair of the Board of Regents

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may present the appeal to the entire board or a subcommittee of the board with no fewer than three members. At the discretion of the Chair, or the subcommittee, the review process may include a meeting with the respondent. Appeals will be completed as soon as possible but no later than the Board of Regents regularly scheduled quarterly meeting subsequent to the filing of the appeal. The decision of the Board of Regents is final. The decision will be relayed in writing to the respondent and to the Dean of Students within five class days of the date of the decision. The Dean of Students will notify appropriate individuals and maintain all student conduct records.

### **Review for Cause.**

The Vice President for Student Affairs may modify or remand a case back to the Dean of Students for cause. Cause may include, but is not limited to, the outcome of a court proceeding or availability of new evidence. Review for cause is exercised at the discretion of the Vice President for Student Affairs.

### **Student Organization Conduct Process**

The conduct process for Registered Student Organizations will generally follow the same protocols as individual student conduct cases. Potential variations to the protocols are listed in this subsection. (Note: A student may be held accountable as an individual and as a member of an organization for the same incident.)

**Administrative Evaluation of Conduct.** The Associate Director of Student Activities may serve as the administrative officer for alleged violations of the Student Conduct Code by a student organization. The Associate Director of Student Activities will coordinate the process through, and receive administrative support from, the Dean of Students.

**Initiation of Conduct Process.** When a report has been filed, and the administrative officer has determined that the alleged conduct constitutes a violation of the Student Conduct Code, then the president of the student organization will receive a written notification of charges. The president of the student organization will act as the representative of the organization throughout the conduct process. The president of the student organization may delegate this responsibility to another active member of the student organization, but must notify the administrative officer in writing. The national organization affiliated with the local student organization may be notified by the University, if applicable.

**Interim Measures.** The Dean of Students or administrative officer may issue interim measures at any point after the University becomes aware of an allegation or potential incident of misconduct by a student organization. Interim measures include, but are not limited to: 1) interim suspension; 2) interim social suspension, and; 3) restriction.

### **Conduct Resolution.**

A review of an alleged violation of the Student Conduct Code by a student organization will consider all circumstances, including, but not limited to whether: 1) the allegation involved one or more members of the organization; 2) officers of the organization had prior knowledge of the

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alleged misconduct; 3) organization funds were used in relation to the alleged misconduct; 4) the alleged misconduct occurred as a result of an organization's sponsored function, and; 5) members of the organization lied about the alleged incident. The amnesty protocol does not apply to organizations, however potential conduct consequences may be mitigated if a representative of the student organization hosting an event calls for medical assistance.

If a charge of misconduct is serious enough (if substantiated) that it may result in loss of recognition or suspension, then the case shall be referred to the Dean of Students. Charges in this category include, but are not limited to: Hazing, Sexual Misconduct, Drugs, and violations of the law that result in injury or arrest.

If a charge of misconduct is not serious enough (if substantiated) that it may result in loss of recognition or suspension, then the student organization may request that their case be resolved through a student judicial body. Resolution through a student judicial body requires the following conditions: 1) the student organization that is charged with misconduct accepts responsibility for the conduct and waives their right to appeal, in writing, and; 2) the student judicial body hearing the case has a written judiciary protocol that is accepted/approved by the Office of Student Activities.

If heard by a student judicial body then the hearing shall include the presentation of any available evidence and the student organization's testimony. After the hearing is complete, the student judiciary body will meet in a closed session to determine the appropriate sanctions and any other recourse authorized by organizational bylaws or rules. The student judiciary body will present their decision to the administrative officer who may uphold, overturn, or remand the decision. The final decision shall be submitted to the Dean of Students within five class days of the hearing. Upon receipt of the final decision from the student judicial body, the Dean of Students will provide the decision, in writing, to the student organization and any other appropriate offices.

**Appeal.** The Student Disciplinary Committee shall serve as the appellate body for student organization conduct decisions made by the Dean of Students. Decisions of the Student Disciplinary Committee may be appealed to the President of the University, whose decision is final.

### **Administrative Information**

#### **Standard of Evidence.**

A determination of whether a student is responsible or not responsible for violating the student conduct code will be based upon a preponderance of the evidence standard. This means that a determination is made on the basis of whether it is "more likely than not" that the respondent violated, or did not violate, the conduct code.

#### **Procedural/Process Variations.**

Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student results.

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The following student conduct code violations may follow a different procedure that is prescribed by a university regulation or policy:

- SCC 100 Academic Misconduct – Dishonesty or Disruption
- SCC 700 Copyright Infringement
- SCC 2800 Sexual Misconduct

### **Student Conduct Records and Release of Information.**

1. Conduct records, except for Title IX, are maintained by the Dean of Students within the Office of Student Affairs. The Dean of Students is responsible for safeguarding the conduct records and ensuring privacy. The University Title IX Coordinator maintains and safeguards the Title IX Sexual Misconduct records.
2. Files documenting academic integrity code violations, suspensions, and dismissals, including any records of previous student conduct action, shall be indefinitely maintained by the Dean of Students. The student's admission record will indicate any action that prohibits readmission as long as the suspension/dismissal is in effect.
3. Files documenting student conduct violations, other than those listed in paragraph 2, will be retained until three (3) years after graduation or three (3) years after last date of attendance or three (3) years after all sanctions have been met, whichever is longer.
4. If a student fails to complete a sanction, then the student's record will be annotated so as to restrict that student from registering for new courses. Once the sanction has been completed, removed by expiration, or by action of the Dean of Students, then the notation will be removed from the record by the Dean of Students.

### **Student Disciplinary Committee Membership and Responsibilities.**

The Student Disciplinary Committee consist of members of the Morehead State University community. Voting membership of the committee shall consist of one faculty member from each college selected by the Faculty Senate, two staff members from the executive managerial and/or professional non-faculty categories selected by the Staff Congress, four students (one from each college) selected by the Student Government Association, and one student who resides in University housing and is selected by the Student Government Association or **Residence Hall Association**.

The committee will elect a chairperson, **vice-chairperson, and secretary**. **The secretary shall maintain committee meeting minutes and forward the minutes to the Dean of Students. The vice-chairperson shall assume the duties of the chairperson in the chairperson's absence.** The Chairperson shall be responsible for making arrangements for committee meetings and disciplinary hearings, ensuring due process in cases heard by the committee, and ensuring the committee renders a decision on cases heard by the committee.

Members of the Student Disciplinary Committee who cannot continue to serve shall notify the Dean of Students, who shall arrange for another appointment. Members of a hearing committee who cannot serve on a particular case will notify the chairperson. In the case where the chairperson and **vice-chairperson** cannot serve on a particular case, the chairperson shall notify the Dean of Students who will arrange for a chairperson pro tem.

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In rendering a decision in a student conduct hearings, the committee will determine if the respondent is responsible or not responsible for violating University policies, rules, regulations, or the Student Conduct Code. A determination of whether a student is responsible or not responsible for violating the student conduct code will be based upon a preponderance of the evidence standard. This means that a determination is made on the basis of whether it is “more likely than not” that the respondent violated, or did not violate, the conduct code. **A student’s academic performance or similarly unrelated information will not be taken into consideration in determining if the respondent violated University policies, rules, regulations, or the conduct code.**

If the committee determines that the respondent is responsible for violating University policies, rules, regulations, or the Student Conduct Code, the committee shall also determine the appropriate sanction(s). **Academic performance, past behavior, and other mitigating factors may be used in determining the appropriate sanctions.**

Five voting members shall constitute a quorum, although reasonable efforts shall be made to have all members of the Student Disciplinary Committee present. Committee decisions will be determined by a simple majority of a quorum and each committee member present will have one vote. The committee chairperson is a non-voting member except in circumstances in which the committee vote is tied.

### **Sanctions.**

Students who are found responsible for violating the guidelines established within the Student Conduct Code shall be subject to one or more of the following disciplinary sanctions:

#### Dismissal:

The Student Disciplinary Committee may impose the sanction of suspension. Dismissal is for an indefinite period of time, and may be imposed even though the violator has not received a previous sanction of suspension, warning or probation. Only when a sanction of dismissal has been removed by action of the President or his/her designee may a student apply for readmission. Normally, dismissed students must wait two years before requesting removal of the dismissal sanction from their records and annually thereafter. Students who have been dismissed must meet all other University requirements before being reinstated. Under provisions of KRS 164.370, a student dismissed for violations of the Student Conduct Code shall have the right of appeal to the Board of Regents. The decision of the Board of Regents is final.

#### Probated Dismissal:

The Vice President for Student Affairs or the Dean of Students may impose the sanction of probated dismissal. This sanction serves as written notification that further violation of University policies, procedures, or regulations may result in a hearing before the Student Disciplinary Committee to determine if the student should be dismissed from the University. Probated dismissal will be for a specific period of time as determined by the Vice President for Student Affairs or the Dean of Students.

#### Suspension:

The Student Disciplinary Committee may impose the sanction of suspension. Suspension from the University is for a specific period of time as determined by a designated University official. The

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sanction of suspension may be imposed even though the violator has not received a previous sanction of warning or probation. Only when the designated period of suspension has expired may a student apply for readmission to the University. Students who have been suspended must meet all other University requirements before being reinstated. Under provisions of KRS 164.370, a student suspended for violations of the Student Conduct Code shall have the right of appeal to the Board of Regents. The decision of the Board of Regents is final.

### Peremptory Suspension:

The Vice President for Student Affairs or the Dean of Students may peremptorily suspend a student in cases of flagrant or repeated violation of the Student Conduct Code, University policies, procedures or regulations, and/or federal, state, or civil law, especially when occurring under crisis or emergency circumstances. The Vice President for Student Affairs or the Dean of Students may also peremptorily suspend a student as a result of a single incident of behavior or conduct that is deemed extreme or dangerous to an individual (including self) or group. The student retains the right of a hearing as outlined in the Eagle Student Handbook. Under the terms of peremptory suspension a student may be asked to leave the campus immediately.

### Probated Suspension:

The Vice President for Student Affairs or the Dean of Students may impose the sanction of probated suspension. This sanction serves as written notification that further violation of University policies, procedures, or regulations may result in a hearing before the Student Disciplinary Committee to determine if the student should be suspended from the University. Probated suspension will be for a specific period of time as determined by the Vice President for Student Affairs or the Dean of Students.

### University Housing Suspension:

Suspension from University Housing removes a student from university housing for a specific period of time as determined by a designated University official. The sanction of suspension from a residence hall may be imposed even though the violator has not received a previous sanction of warning or probation. Only when the designated period of suspension has expired may a student apply to live in University-owned housing facilities. Students who have been suspended from University Housing must meet all other sanctioning requirements before being reinstated.

### Probated Housing Suspension:

Probated Housing Suspension serves as written notification that further violation of University policies, procedures, or regulations may result in the removal of the student from university housing for a specific period of time as determined by a designated University official.

### Probation:

Probation is a written notice that it has been determined that there is substantial evidence that a student has violated University policies, rules, regulations, or the Student Conduct Code. Probation may include designated restrictions on the student.

### Referral to Counseling & Health Services:

Referral requires a student to visit the University Counseling & Health Services for an initial evaluation and follow-through on any prescribed treatment program. Although the content of sessions will remain confidential, the student will be required to sign a waiver allowing the



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Counseling & Health Services to communicate with the Dean of Students regarding the student's commitment to scheduling and attending required meetings.

### Community Service:

Required performance of community service hours at a location either on or off campus as determined by the Dean of Students or his/her designee. Students who do not complete their community restitution hours in a timely fashion, or who do not represent the University in a positive fashion while performing their community restitution hours, will be subject to further disciplinary action and/or payment of financial restitution in the amount equal to the assigned number of community restitution hours multiplied by minimum wage.

### Financial Restitution:

Restitution requires the reimbursement for damages, misappropriation of property, financial loss due to fraud or gross negligence, or for personal injury cost.

### Fine:

A financial penalty to hold students accountable for their actions or to pay for resources required to fund another sanction.

### Restriction:

An official written notice that a student may not participate in designated University-sponsored events or functions. Restrictions will be imposed for designated periods of time, and the parameters will be given to students in written form.

### Administrative Loss of Privileges:

Suspension the privileges of a student prior to or as a component of the disciplinary process (e.g., loss of parking privileges, loss of access to a designated area, loss of eligibility to participant in intramural events, etc.). The student will receive written notification of any loss of privileges, and will be given the opportunity to speak with the Dean of Students or his/her designee related to the matter in an expedient fashion.

### No Contact Order:

A restriction prohibiting any type of contact with another person. No contact restrictions include, but are not limited to, phone calls, text messages, social media, and/or third party messages.

### Warning:

A warning is an official written notice advising the student that his or her conduct has been found in violation of the Student Conduct Code. In addition, the student is advised against recurrence of behavior in violation of the Student Conduct Code.

### Restorative Actions:

Restorative actions require a student to engage in actions to repair the harm caused by the misconduct. Actions may include mediation, letters of apology, and restitution.

### Other Sanctions:

Other sanctions may be imposed in addition to, or in conjunction with, previously specified sanctions. Examples include but are not limited to, research projects, losing membership or leadership position in an organization, writing assignments, meeting with designated University

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officials, etc. In extreme circumstances, students may be required to provide documentation related to treatment to address specific concerns before being allowed to continue as a student or considered for readmission.

**Student Organization Sanctions.** The following sanctions apply to student organizations found responsible for violations of the Student Conduct Code.

### Loss of Recognition:

A permanent loss of the student organization's relationship with the University, including loss of all privileges associated with organizational membership. The Vice President for Student Affairs or the Dean of Students may impose the sanction of Loss of Recognition.

### Suspension of Student Organization:

A temporary loss of the student organization's relationship with the University, including loss of all privileges associated with organizational membership, for a specified period of time and/or mandated requirement. The Vice President for Student Affairs or the Dean of Students may impose the sanction of Suspension of Student Organization.

### Organizational Probation:

A notification that any further violation of the Student Conduct Code may result in a hearing with a recommendation of Loss of Recognition or Suspension of Student Organization. Notification will be sent to any national or regional organization with whom the student organization is affiliated, if applicable. The period of probation shall be specified. An administrative officer may impose the sanction of Organizational Probation.

### Organizational Warning:

Official notification the organization's behavior violates the Student Conduct Code and that any future violation may result in more severe disciplinary action. Notification will be sent to any national or regional organization with whom the student organization is affiliated, if applicable. An administrative officer may impose the sanction of Organizational warning.

### Restitution:

A reimbursement for a loss caused by the student organization's actions. An administrative officer may impose the sanction of Restitution.

### Fine:

A penalty to hold student organizations financially accountable for their actions and/or to fund other activities. An administrative officer may impose the sanction of Fine.

### Community Service:

Required performance of community service hours at a location either on or off campus as determined. An administrative officer or student judicial body may impose the sanction of Community Service.

### Restrictions:

Restriction of some or all of the organization's activities or privileges, including, but not limited to, social privileges and recruitment privileges. An administrative officer or student judicial body may impose the sanction of Restrictions.

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### Organizational Review:

A notification that a student organization is beginning to show a pattern of concerning behavior. The organization must conduct a self-assessment, develop a corrective action plan, and provide proof of implementation by a specified date. An administrative officer or student judicial body may impose the sanction of Organizational Review.

### Educational Sanctions:

Projects or assignments designed to educate an organization in connection with the effect of its members' actions. Educational assignments include, but are not limited to, alcohol awareness programs and/or risk management programs. An administrative officer or student judicial body may impose the sanction of Educational Sanctions.

# Student Conduct Procedures and Due Process

## Terms, Roles and Definitions

**Administrative Officer:** A University employee who is authorized by the Dean of Students to review alleged violations of the Student Conduct Code, evaluate charges, administratively resolve alleged violations, determine responsibility, and issue sanctions.

**Amnesty:** A protocol in which students who violate the University's alcohol and drug policies are not subject to disciplinary sanctions. The protocol is applicable only for alcohol/drugs use and not for other prohibited behavior.

**Assistant Director(s) for Student Housing:** Administrative officer for alleged violations of the Student Conduct Code in the residential community (campus housing).

**Associate Director of Student Activities:** Administrative officer for alleged violations of the Student Conduct Code in registered student organizations.

**Complainant:** Person or organization accusing a student or student organization of a violation of the Student Conduct Code.

**Dean of Students:** Chief judicial officer and administrative officer for the university. Responsible for the implementation of the student judicial system.

**Director for Housing & Residence Education:** Administrative officer for alleged violations of the Student Conduct Code in the residential community (campus housing).

**Mediation:** A voluntary process that utilizes an impartial, neutral third party who acts as a facilitator to help the parties reach a mutually acceptable outcome.

**Preponderance of the Evidence Standard:** "More likely than not" standard used in determining whether a student is responsible or not responsible for violating the Student Conduct Code.

**Respondent:** Student or student organization accused of violating the Student Conduct Code.

**Responsible/Not Responsible:** Student conduct finding. A student may be found Responsible if it is determined that, more likely than not, the student violated the Student Conduct Code. A student may be found Not Responsible if there was not sufficient evidence or information to find the student responsible for violating the Student Conduct Code.

**Sanction:** A consequence or disciplinary action due to a violation of the Student Conduct Code. Sanctions are intended to provide educational opportunities and accountability while also reducing the likelihood of future prohibited conduct.

**Student Disciplinary Committee:** Hearing committee for students who have been charged with violations of the Student Conduct Code that may lead to suspension or dismissal from the

University. Appellate body for administrative officer decisions made or upheld by the Dean of Students.

## **Misconduct Allegations**

Allegations of misconduct may be initiated via several sources, including but not limited to, law enforcement reports, incident reports, direct observations, and complaints. Any member of the university community may file a report against a student for misconduct. Reports should be prepared in writing and directed to the Dean of Students or, in the case of infractions occurring in the residential community, to the Director for Housing & Residence Education. Allegations of misconduct by a Registered Student Organization may be reported to the Associate Director of Student Activities. Reports not submitted in writing will be independently verified prior to initiating the conduct process.

If a reporting party requests that their identity be withheld or the allegation not be investigated, the University may consider if the request can be honored while still providing a safe and nondiscriminatory environment (federal law mandates reporting in some cases) for the University. The reporting party should be aware that: 1) the University cannot guarantee confidentiality; 2) honoring the request may limit the ability to fully respond to the incident, and; (3) such request may limit the University's ability to carry out its conduct process.

The Student Conduct Code and conduct process are administrative functions, separate and distinct from local, state and federal law. The student conduct process may proceed against students charged with a violation of the law when the alleged conduct is also a violation of the Student Conduct Code. The student conduct process may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

## **Administrative Evaluation of Conduct**

After receiving a report, an administrative officer will be assigned to review the circumstances of the incident and determine if a Student Conduct Code has been violated. The administrative officer has discretion to dismiss any alleged violation if the officer determines that the reported conduct does not violate the Student Conduct Code. A report that alleges behavior that does not violate the Student Conduct Code, or that lacks sufficient information, may result in no action being taken. In the event that a complainant disagrees with this decision, the complainant may request a review by the Dean of Students or the Vice President for Student Affairs.

If an administrative officer believes that the complaint/information merits further action, then the officer will initiate an investigation. The investigation may include meeting with any sources with knowledge of the complaint, the complainant, and any witnesses for the purpose of establishing necessary facts of the incident in question. If the administrative officer determines that the alleged conduct constitutes a violation of the Student Conduct Code, then the investigation shall include notification to the respondent of the charges under the University's conduct process (*See Initiation of Conduct Process*).

If a report of misconduct is a result of an unresolved, on-going dispute between students, then the students may be informed of the option to resolve the matter through mediation instead of the student conduct process.

### **Amnesty for Alcohol or Drug Use.**

A student who reports a potential violation of the Student Conduct Code, or who is participating in an investigation as a witness, may be granted amnesty for their use of alcohol or drugs if: 1) The student reports the alcohol/drug violation voluntarily and in good faith, and 2) The reported use is not a pending/existing case or currently under investigation. However, the student may be provided resources on drug and alcohol counseling and/or education, as appropriate.

A student who seeks emergency/medical treatment for another student believed to be experiencing an alcohol or drug related medical emergency may be granted amnesty for their own use of alcohol or drugs. The protocol also applies to students who are experiencing an alcohol or drug related medical emergency and seek emergency/medical treatment on their own behalf or are the subject of such a request. The student may be provided resources on drug and alcohol counseling/education, and the parents of the student may be notified. A record of the alcohol/drug use will be maintained should subsequent alcohol/drug violations occur, and will be considered for sanctioning purposes. This protocol does not apply to other prohibited behaviors, including the distribution of illicit substances.

*Note: Complaints involving sexual misconduct will be referred to the university's Title IX Coordinator and administratively adjudicated per PG-6 and UAR 337, Sexual Misconduct Policy.*

### **Interim Measures and Immediate Actions**

The Dean of Students, Title IX Coordinator, or a designee may issue interim measures at any point after the University becomes aware of an allegation or potential incident of misconduct and finds it necessary to enact the measure for the safety of another student and/or the university community. Interim measures are not a determination of responsibility for misconduct and the measures are limited in scope and time. Interim measures may include, but are not limited to: Change of university housing assignment, no contact order, property restrictions, changes to academic or employment arrangements/schedules, or supervision.

If the Dean of Students or the Vice President for Student Affairs determines that a student's presence is of a serious or immediate threat to the university community, then the student may be peremptorily suspended. Under the terms of the peremptory suspension, the student may be required to leave the University property immediately. The student shall have the right to appeal the decision by submitting a written request to the Dean of Students within five class days. The student may also request reinstatement of all or part of their rights and privileges as a student during the appeal process. Such a request must be in a written petition to the Vice President for Student Affairs. This request typically includes only class attendance.

## **Initiation of Conduct Process**

When a report has been filed, and the administrative officer has determined that the alleged conduct constitutes a violation of the Student Conduct Code, then the respondent will receive a written notification of charges (includes notification sent via university email). The notification will include the date of the report, the alleged conduct code violation(s), a request to make an appointment, the contact information for the administrative officer, and instructions to refer to the Student Conduct Code for the purpose of understanding the process and student rights. Any further information about the incident requested by the respondent should be addressed during the meeting.

The respondent is responsible for arranging the requested meeting within the parameters stated in the notification. If the student fails to arrange for the requested meeting, or otherwise disregards the request to meet, then a final resolution may be made without the student's input.

## **Conduct Resolution:**

### **Administrative Officer.**

If a charge of misconduct is not serious enough (if substantiated) to result in suspension or dismissal, then the administrative officer may resolve the case. The officer will make a reasonable attempt to meet with the respondent following the initiation of the conduct process. During the meeting with the respondent the administrative officer will review the alleged violation(s) with the respondent. Such review may include presentation of evidence, any discussion to establish the facts of the case, any mitigating or extenuating circumstances, and/or any defense that the respondent wishes to present. If the respondent accepts responsibility for the misconduct, then the administrative officer will determine the appropriate sanction(s). If the respondent does not accept responsibility for the misconduct, then the administrative officer must determine if there is sufficient information/evidence to make a decision of responsibility. If further information is needed, the administrative officer will continue the investigation, then meet with the respondent after sufficient information is obtained. Once there is sufficient information/evidence to make a decision, the administrative officer will determine if the respondent is responsible or not responsible for violating the Student Conduct Code. If the student fails to meet with the administrative officer, or otherwise disregards the request to meet, then a final resolution may be made without the student's input. If the respondent is found responsible for the violation, then the administrative officer may determine the appropriate sanction(s).

The respondent will be notified of the decision, in writing (includes notification sent via university email), to include the specific conduct code violation(s) and related sanction(s).

If the respondent disagrees with the decision, the respondent may request an appeal. Cases decided by an administrative officer, other than the Dean of Students, will be reviewed by the Dean of Students. Cases decided or reviewed by the Dean of Students will be appealed to the Student Disciplinary Committee. The request for appeal shall be honored if submitted in writing within five class days of the decision.

If a charge of misconduct is serious enough (if substantiated) that it may result in suspension or dismissal, then the case shall be referred to the Student Disciplinary Committee. However, if the respondent agrees in writing to accept the decision of the Dean of Students, and waives the right to appeal, then the Dean of Students may decide the case and impose the sanction (if applicable).

### **Student Disciplinary Committee.**

If a charge of misconduct is serious enough (if substantiated) that it may result in suspension or dismissal, then the Student Disciplinary Committee shall resolve the case, unless waived by the respondent. The Dean of Students shall notify the respondent in writing of the charges filed (includes notification sent via university email), the date/location of the committee hearing, and instructions to refer to the Student Conduct Code for the purpose of understanding the process and student rights. The Dean of Students will make a reasonable attempt to meet with the respondent to review the alleged violation(s), the conduct process, the hearing procedures/format, and the respondent's rights. Upon request, the respondent will be permitted to review the evidence and obtain a copy of each document.

The hearing will be held no earlier than five class days and no later than 10 class days from the date of notification. For extenuating circumstances, a hearing may be held earlier than five class days or postponed past the 10 class days if agreed upon by the respondent and the Student Disciplinary Committee chairperson, and approved by the Vice President for Student Affairs or Dean of Students. Finals week, winter term, summer term, and closed periods are not considered class days. If a hearing is scheduled at any time other than the fall or spring semester, the University president may appoint an ad hoc committee to hear the case.

The hearing will be closed to the public. The respondent and the complainant may be accompanied by an advisor selected from the student body, faculty, or staff. The advisor serves only in a support role and may not participate in the direct examination, cross-examination, and arguments. The respondent and complainant will be given the opportunity to hear the evidence presented and to cross-examine witnesses who testify. The respondent and the complainant may present witnesses who will testify, and make arguments. Reasonable limits may be placed by the chairperson on the direct examination, cross-examination, and argument. The respondent may remain silent, which fact will not be considered adversely against the respondent. At the conclusion of the presentation of all evidence, the Student Disciplinary Committee will move into a closed, executive session for deliberation.

The committee shall determine whether the respondent violated each section of the student conduct code of which the respondent is charged. The determination will be made on the basis of whether it is "more likely than not" that the respondent violated the conduct code. If the committee finds that the respondent is responsible for violating University policies, rules, regulations, or the conduct code, then the committee shall determine the appropriate sanctions.

All proceedings, except deliberations in executive session of the Student Disciplinary Committee, will be recorded. Upon request, the respondent may receive copies of these records at a reasonable cost.

Should the respondent fail to appear and the Student Disciplinary Committee determines that the notification process was reasonable and adequate; the case may be heard in absentia and decided



with the available evidence. If the respondent withdraws or otherwise leaves the University, the Student Disciplinary Committee retains the option of conducting a hearing.

The committee chairperson will notify the Dean of Students, in writing, of the committee's decision within two class days following the hearing. Within five class days of receiving the committee's decision, the Dean of Students will provide the committee's decision, in writing, to the respondent and any other appropriate individuals. The respondent may appeal the committee's decision to the University president under the conditions and stipulations outlined in the appeals section.

### **Other Conduct Committees.**

In student conduct situations that involve identified groups or part of a community, the Dean of Students may designate another judicial body (e.g., Residence Hall Association, Panhellenic Council, National Pan-Hellenic Council, or Inter-Fraternity Council) to hear the case. This judicial body will have the authority to recommend sanctions to the Dean of Students or another administrative officer.

Additional ad hoc hearing committees may be appointed by the University president as required or in emergency situations.

## **Conduct Appeals and Reviews**

### **Appeal of decisions made by an administrative officer.**

The Dean of Students shall review appealed student conduct decisions made by the Director of Housing & Residence Education, Assistant Directors of Student Housing, Student Courts, or any others entities designated by the Dean of Students to hear student conduct cases. A request for appeal must be in writing and submitted to the Dean of Students within five class days following written notification of the conduct decision. The Dean of Students shall make a decision after reviewing all recommendations and supporting material. The Dean of Deans will notify the respondent of the decision within 10 class days of receiving the appeal.

### **Appeal of decisions made by the Dean of Students.**

The Student Disciplinary Committee shall serve as the appellate body for student conduct decisions made by the Dean of Students. The appeal is not simply a second hearing, therefore, the request for appeal must clearly state the reasons for seeking modifications to the student conduct decision.

A request for appeal must be in writing and submitted to the Dean of Students within five class days following written notification of the conduct decision. The Dean of Students will forward the appeal letter to the Student Disciplinary Committee chairperson within three class days after receiving the document. The respondent may request suspension of all or part of the decision being appealed while awaiting the appeal process. The request must be made in writing to, and be approved by, the Vice President for Student Affairs.

The hearing will be held no earlier than five class days and no later than 10 class days from the date of notification. For extenuating circumstances, a hearing may be held earlier than five class days or postponed past the 10 class days if agreed upon by the respondent and the Student Disciplinary Committee chairperson, and approved by the Vice President for Student Affairs or Dean of Students. Finals week, winter term, summer term, and closed periods are not considered class days. If a hearing is scheduled at any time other than the fall or spring semester, the University president may appoint an ad hoc committee to hear the case.

The hearing will be closed to the public. The respondent and the complainant may be accompanied by an advisor selected from the student body, faculty, or staff. The advisor serves only in a support role and may not participate in the direct examination, cross-examination, and arguments. The respondent will present the reasons for requesting a dismissal or modification of charges and/or sanctions. The Dean of Students (or designee) will present the reasons for the action taken against the respondent. The committee may ask questions of the respondent, complainant and/or the Dean of Students (or designee). The committee will move to a closed, executive session for deliberation.

The committee may remand a case, dismiss some or all charges, affirm the original decision, or change the sanction(s) imposed.

The committee chairperson will notify the Dean of Students, in writing, of the committee's decision within three class days following the hearing. Within five class days of receiving the committee's decision, the Dean of Students will provide the committee's decision, in writing, to the respondent and any other appropriate individuals.

*Note. The appeal hearing procedure for peremptory suspension will follow the Student Disciplinary Committee Hearing procedure.*

### **Appeal of decisions made by the Student Disciplinary Committee.**

Decisions of the Student Disciplinary Committee, either as the initial hearing body or as an appeal, may be appealed to the President of the University. The President shall make a decision after reviewing all recommendations and supporting material. In sanctions other than suspension or dismissal from the University, the decision of the President is final. A request for appeal must be in writing and submitted to the President's office, with a copy to the Dean of Students, within five class days following written notification of the action of the Student Disciplinary Committee. The letter of appeal must clearly state the reason(s) for the appeal. The President shall review the findings of the Student Disciplinary Committee, including hearing transcripts and other documents relating to the case. At the discretion of the President, the review process may include a meeting with the student filing the appeal. The President shall issue a decision within 10 class days.

### **Appeal of decisions made by the University President.**

Respondents suspended or dismissed from the University for violations of the Student Conduct Code shall have the right to appeal to the Board of Regents. The various levels of University review must be exhausted before appealing to the Board of Regents. Appeals to the Board of Regents must be in writing and submitted to the Chair of the Board of Regents, with a copy to the Dean of Students, within five class days following written notification of the action of the President. The letter of appeal must clearly state the reason(s) for the appeal. The Chair of the Board of Regents

may present the appeal to the entire board or a subcommittee of the board with no fewer than three members. At the discretion of the Chair, or the subcommittee, the review process may include a meeting with the respondent. Appeals will be completed as soon as possible but no later than the Board of Regents regularly scheduled quarterly meeting subsequent to the filing of the appeal. The decision of the Board of Regents is final. The decision will be relayed in writing to the respondent and to the Dean of Students within five class days of the date of the decision. The Dean of Students will notify appropriate individuals and maintain all student conduct records.

### **Review for Cause.**

The Vice President for Student Affairs may modify or remand a case back to the Dean of Students for cause. Cause may include, but is not limited to, the outcome of a court proceeding or availability of new evidence. Review for cause is exercised at the discretion of the Vice President for Student Affairs.

## **Student Organization Conduct Process**

The conduct process for Registered Student Organizations will generally follow the same protocols as individual student conduct cases. Potential variations to the protocols are listed in this subsection. (Note: A student may be held accountable as an individual and as a member of an organization for the same incident.)

**Administrative Evaluation of Conduct.** The Associate Director of Student Activities may serve as the administrative officer for alleged violations of the Student Conduct Code by a student organization. The Associate Director of Student Activities will coordinate the process through, and receive administrative support from, the Dean of Students.

**Initiation of Conduct Process.** When a report has been filed, and the administrative officer has determined that the alleged conduct constitutes a violation of the Student Conduct Code, then the president of the student organization will receive a written notification of charges. The president of the student organization will act as the representative of the organization throughout the conduct process. The president of the student organization may delegate this responsibility to another active member of the student organization, but must notify the administrative officer in writing. The national organization affiliated with the local student organization may be notified by the University, if applicable.

**Interim Measures.** The Dean of Students or administrative officer may issue interim measures at any point after the University becomes aware of an allegation or potential incident of misconduct by a student organization. Interim measures include, but are not limited to: 1) interim suspension; 2) interim social suspension, and; 3) restriction.

### **Conduct Resolution.**

A review of an alleged violation of the Student Conduct Code by a student organization will consider all circumstances, including, but not limited to whether: 1) the allegation involved one or more members of the organization; 2) officers of the organization had prior knowledge of the

alleged misconduct; 3) organization funds were used in relation to the alleged misconduct; 4) the alleged misconduct occurred as a result of an organization's sponsored function, and; 5) members of the organization lied about the alleged incident. The amnesty protocol does not apply to organizations, however potential conduct consequences may be mitigated if a representative of the student organization hosting an event calls for medical assistance.

If a charge of misconduct is serious enough (if substantiated) that it may result in loss of recognition or suspension, then the case shall be referred to the Dean of Students. Charges in this category include, but are not limited to: Hazing, Sexual Misconduct, Drugs, and violations of the law that result in injury or arrest.

If a charge of misconduct is not serious enough (if substantiated) that it may result in loss of recognition or suspension, then the student organization may request that their case be resolved through a student judicial body. Resolution through a student judicial body requires the following conditions: 1) the student organization that is charged with misconduct accepts responsibility for the conduct and waives their right to appeal, in writing, and; 2) the student judicial body hearing the case has a written judiciary protocol that is accepted/approved by the Office of Student Activities.

If heard by a student judicial body then the hearing shall include the presentation of any available evidence and the student organization's testimony. After the hearing is complete, the student judiciary body will meet in a closed session to determine the appropriate sanctions and any other recourse authorized by organizational bylaws or rules. The student judiciary body will present their decision to the administrative officer who may uphold, overturn, or remand the decision. The final decision shall be submitted to the Dean of Students within five class days of the hearing. Upon receipt of the final decision from the student judicial body, the Dean of Students will provide the decision, in writing, to the student organization and any other appropriate offices.

**Appeal.** The Student Disciplinary Committee shall serve as the appellate body for student organization conduct decisions made by the Dean of Students. Decisions of the Student Disciplinary Committee may be appealed to the President of the University, whose decision is final.

## **Administrative Information**

### **Standard of Evidence.**

A determination of whether a student is responsible or not responsible for violating the student conduct code will be based upon a preponderance of the evidence standard. This means that a determination is made on the basis of whether it is "more likely than not" that the respondent violated, or did not violate, the conduct code.

### **Procedural/Process Variations.**

Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student results.

The following student conduct code violations may follow a different procedure that is prescribed by a university regulation or policy:

- SCC 100 Academic Misconduct – Dishonesty or Disruption
- SCC 700 Copyright Infringement
- SCC 2800 Sexual Misconduct

### **Student Conduct Records and Release of Information.**

1. Conduct records, except for Title IX, are maintained by the Dean of Students within the Office of Student Affairs. The Dean of Students is responsible for safeguarding the conduct records and ensuring privacy. The University Title IX Coordinator maintains and safeguards the Title IX Sexual Misconduct records.
2. Files documenting academic integrity code violations, suspensions, and dismissals, including any records of previous student conduct action, shall be indefinitely maintained by the Dean of Students. The student's admission record will indicate any action that prohibits readmission as long as the suspension/dismissal is in effect.
3. Files documenting student conduct violations, other than those listed in paragraph 2, will be retained until three (3) years after graduation or three (3) years after last date of attendance or three (3) years after all sanctions have been met, whichever is longer.
4. If a student fails to complete a sanction, then the student's record will be annotated so as to restrict that student from registering for new courses. Once the sanction has been completed, removed by expiration, or by action of the Dean of Students, then the notation will be removed from the record by the Dean of Students.

### **Student Disciplinary Committee Membership and Responsibilities.**

The Student Disciplinary Committee consist of members of the Morehead State University community. Voting membership of the committee shall consist of one faculty member from each college selected by the Faculty Senate, two staff members from the executive managerial and/or professional non-faculty categories selected by the Staff Congress, four students (one from each college) selected by the Student Government Association, and one student who resides in University housing and is selected by the Student Government Association or Residence Hall Association.

The committee will elect a chairperson, vice-chairperson, and secretary. The secretary shall maintain committee meeting minutes and forward the minutes to the Dean of Students. The vice-chairperson shall assume the duties of the chairperson in the chairperson's absence. The Chairperson shall be responsible for making arrangements for committee meetings and disciplinary hearings, ensuring due process in cases heard by the committee, and ensuring the committee renders a decision on cases heard by the committee.

Members of the Student Disciplinary Committee who cannot continue to serve shall notify the Dean of Students, who shall arrange for another appointment. Members of a hearing committee who cannot serve on a particular case will notify the chairperson. In the case where the chairperson and vice-chairperson cannot serve on a particular case, the chairperson shall notify the Dean of Students who will arrange for a chairperson pro tem.

In rendering a decision in a student conduct hearings, the committee will determine if the respondent is responsible or not responsible for violating University policies, rules, regulations, or the Student Conduct Code. A determination of whether a student is responsible or not responsible for violating the student conduct code will be based upon a preponderance of the evidence standard. This means that a determination is made on the basis of whether it is “more likely than not” that the respondent violated, or did not violate, the conduct code. A student’s academic performance or similarly unrelated information will not be taken into consideration in determining if the respondent violated University policies, rules, regulations, or the conduct code.

If the committee determines that the respondent is responsible for violating University policies, rules, regulations, or the Student Conduct Code, the committee shall also determine the appropriate sanction(s). Academic performance, past behavior, and other mitigating factors may be used in determining the appropriate sanctions.

Five voting members shall constitute a quorum, although reasonable efforts shall be made to have all members of the Student Disciplinary Committee present. Committee decisions will be determined by a simple majority of a quorum and each committee member present will have one vote. The committee chairperson is a non-voting member except in circumstances in which the committee vote is tied.

### **Sanctions.**

Students who are found responsible for violating the guidelines established within the Student Conduct Code shall be subject to one or more of the following disciplinary sanctions:

#### Dismissal:

The Student Disciplinary Committee may impose the sanction of suspension. Dismissal is for an indefinite period of time, and may be imposed even though the violator has not received a previous sanction of suspension, warning or probation. Only when a sanction of dismissal has been removed by action of the President or his/her designee may a student apply for readmission. Normally, dismissed students must wait two years before requesting removal of the dismissal sanction from their records and annually thereafter. Students who have been dismissed must meet all other University requirements before being reinstated. Under provisions of KRS 164.370, a student dismissed for violations of the Student Conduct Code shall have the right of appeal to the Board of Regents. The decision of the Board of Regents is final.

#### Probated Dismissal:

The Vice President for Student Affairs or the Dean of Students may impose the sanction of probated dismissal. This sanction serves as written notification that further violation of University policies, procedures, or regulations may result in a hearing before the Student Disciplinary Committee to determine if the student should be dismissed from the University. Probated dismissal will be for a specific period of time as determined by the Vice President for Student Affairs or the Dean of Students.

#### Suspension:

The Student Disciplinary Committee may impose the sanction of suspension. Suspension from the University is for a specific period of time as determined by a designated University official. The

sanction of suspension may be imposed even though the violator has not received a previous sanction of warning or probation. Only when the designated period of suspension has expired may a student apply for readmission to the University. Students who have been suspended must meet all other University requirements before being reinstated. Under provisions of KRS 164.370, a student suspended for violations of the Student Conduct Code shall have the right of appeal to the Board of Regents. The decision of the Board of Regents is final.

Peremptory Suspension:

The Vice President for Student Affairs or the Dean of Students may peremptorily suspend a student in cases of flagrant or repeated violation of the Student Conduct Code, University policies, procedures or regulations, and/or federal, state, or civil law, especially when occurring under crisis or emergency circumstances. The Vice President for Student Affairs or the Dean of Students may also peremptorily suspend a student as a result of a single incident of behavior or conduct that is deemed extreme or dangerous to an individual (including self) or group. The student retains the right of a hearing as outlined in the Eagle Student Handbook. Under the terms of peremptory suspension a student may be asked to leave the campus immediately.

Probated Suspension:

The Vice President for Student Affairs or the Dean of Students may impose the sanction of probated suspension. This sanction serves as written notification that further violation of University policies, procedures, or regulations may result in a hearing before the Student Disciplinary Committee to determine if the student should be suspended from the University. Probated suspension will be for a specific period of time as determined by the Vice President for Student Affairs or the Dean of Students.

University Housing Suspension:

Suspension from University Housing removes a student from university housing for a specific period of time as determined by a designated University official. The sanction of suspension from a residence hall may be imposed even though the violator has not received a previous sanction of warning or probation. Only when the designated period of suspension has expired may a student apply to live in University-owned housing facilities. Students who have been suspended from University Housing must meet all other sanctioning requirements before being reinstated.

Probated Housing Suspension:

Probated Housing Suspension serves as written notification that further violation of University policies, procedures, or regulations may result in the removal of the student from university housing for a specific period of time as determined by a designated University official.

Probation:

Probation is a written notice that it has been determined that there is substantial evidence that a student has violated University policies, rules, regulations, or the Student Conduct Code. Probation may include designated restrictions on the student.

Referral to Counseling & Health Services:

Referral requires a student to visit the University Counseling & Health Services for an initial evaluation and follow-through on any prescribed treatment program. Although the content of sessions will remain confidential, the student will be required to sign a waiver allowing the

Counseling & Health Services to communicate with the Dean of Students regarding the student's commitment to scheduling and attending required meetings.

Community Service:

Required performance of community service hours at a location either on or off campus as determined by the Dean of Students or his/her designee. Students who do not complete their community restitution hours in a timely fashion, or who do not represent the University in a positive fashion while performing their community restitution hours, will be subject to further disciplinary action and/or payment of financial restitution in the amount equal to the assigned number of community restitution hours multiplied by minimum wage.

Financial Restitution:

Restitution requires the reimbursement for damages, misappropriation of property, financial loss due to fraud or gross negligence, or for personal injury cost.

Fine:

A financial penalty to hold students accountable for their actions or to pay for resources required to fund another sanction.

Restriction:

An official written notice that a student may not participate in designated University-sponsored events or functions. Restrictions will be imposed for designated periods of time, and the parameters will be given to students in written form.

Administrative Loss of Privileges:

Suspension the privileges of a student prior to or as a component of the disciplinary process (e.g., loss of parking privileges, loss of access to a designated area, loss of eligibility to participant in intramural events, etc.). The student will receive written notification of any loss of privileges, and will be given the opportunity to speak with the Dean of Students or his/her designee related to the matter in an expedient fashion.

No Contact Order:

A restriction prohibiting any type of contact with another person. No contact restrictions include, but are not limited to, phone calls, text messages, social media, and/or third party messages.

Warning:

A warning is an official written notice advising that the student behavior has been found in violation of the Student Conduct Code. In addition, the student is advised against recurrence of behavior in violation of the Student Conduct Code.

Restorative Actions:

Restorative actions require a student to engage in actions to repair the harm caused by the misconduct. Actions may include mediation, letters of apology, and restitution.

Other Sanctions:

Other sanctions may be imposed in addition to, or in conjunction with, previously specified sanctions. Examples include but are not limited to, research projects, losing membership or leadership position in an organization, writing assignments, meeting with designated University



officials, etc. In extreme circumstances, students may be required to provide documentation related to treatment to address specific concerns before being allowed to continue as a student or considered for readmission.

**Student Organization Sanctions.** The following sanctions apply to student organizations found responsible for violations of the Student Conduct Code.

Loss of Recognition:

A permanent loss of the student organization's relationship with the University, including loss of all privileges associated with organizational membership. The Vice President for Student Affairs or the Dean of Students may impose the sanction of Loss of Recognition.

Suspension of Student Organization:

A temporary loss of the student organization's relationship with the University, including loss of all privileges associated with organizational membership, for a specified period of time and/or mandated requirement. The Vice President for Student Affairs or the Dean of Students may impose the sanction of Suspension of Student Organization.

Organizational Probation:

A notification that any further violation of the Student Conduct Code may result in a hearing with a recommendation of Loss of Recognition or Suspension of Student Organization. Notification will be sent to any national or regional organization with whom the student organization is affiliated, if applicable. The period of probation shall be specified. An administrative officer may impose the sanction of Organizational Probation.

Organizational Warning:

Official notification the organization's behavior violates the Student Conduct Code and that any future violation may result in more severe disciplinary action. Notification will be sent to any national or regional organization with whom the student organization is affiliated, if applicable. An administrative officer may impose the sanction of Organizational warning.

Restitution:

A reimbursement for a loss caused by the student organization's actions. An administrative officer may impose the sanction of Restitution.

Fine:

A penalty to hold student organizations financially accountable for their actions and/or to fund other activities. An administrative officer may impose the sanction of Fine.

Community Service:

Required performance of community service hours at a location either on or off campus as determined. An administrative officer or student judicial body may impose the sanction of Community Service.

Restrictions:

Restriction of some or all of the organization's activities or privileges, including, but not limited to, social privileges and recruitment privileges. An administrative officer or student judicial body may impose the sanction of Restrictions.

Organizational Review:

A notification that a student organization is beginning to show a pattern of concerning behavior. The organization must conduct a self-assessment, develop a corrective action plan, and provide proof of implementation by a specified date. An administrative officer or student judicial body may impose the sanction of Organizational Review.

Educational Sanctions:

Projects or assignments designed to educate an organization in connection with the effect of its members' actions. Educational assignments include, but are not limited to, alcohol awareness programs and/or risk management programs. An administrative officer or student judicial body may impose the sanction of Educational Sanctions.

**APPROVE POLICE STANDARD  
OPERATING PROCEDURES  
MANUAL REVISIONS**

**BOR (VI-A-7)  
August 8, 2019**

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**Recommendation:**

That the Board approve the Morehead State University Police Department Standard Operating Procedures (SOP) Manual. No new revisions were made to the current Manual.

**Background:**

The Morehead State University Department's Standard Operating Procedures Manual (SOP) was first approved and published in 1980 as the Public Safety Policy Manual. Since that time, there have been several revisions brought before and approved by the Board. It is customary to update the Manual as needed, which may include changes to KRS; as equipment, trainings, and accreditation standards are revised; and to address minor housekeeping updates related to University procedures and processes. The Emergency Operations Plan contact list is routinely updated as personnel changes occur.

The current Manual is attached hereto.

Prepared by: Russell Mast



**Morehead State University Police Department  
Standard Operating Procedure Manual**



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<b>Title:</b> Preamble	<b>Chapter:</b> Section I <b>Page(s):</b> 1	<b>KACP</b>
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

This manual is approved by The Board of Regents of Morehead State University. At certain times during the year, a change may be necessary to effectively operate the unit. These changes may be a result of a change in law, court ruling, or other events that may necessitate timely action. This manual may be amended upon recommendation from the Chief of Police and approval from the Vice President for Student Life, the President, and the University Legal Counsel if deemed appropriate. Changes will be presented for Board of Regents approval at the next scheduled meeting.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b> Mission	<b>Chapter:</b> Section I <b>Page(s):</b> 1	<b>KACP</b> 1.1, 6.3
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

The mission of the Morehead State University Police Department is to preserve and protect the rights of citizens in the University community to live, work, and learn in an environment conducive to the discovery of knowledge, and the pursuit of intellectual, creative, ethical and technical development. This is to be achieved by providing police services dedicated to the preservation of order, protection of students, faculty, staff, and the general public, prevention of crime and physical security of facilities and resources dedicated to the educational process.



**Morehead State University Police Department  
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<b>Title:</b> Mission Support Statement	<b>Chapter:</b> Section I <b>Page(s):</b> 1	<b>KACP</b> 1.1, 6.3
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

In the furtherance of such a mission, it is essential that officers and employees remember that in the execution of their duties they act not for themselves but for the good of the public. They shall respect and protect the rights of individuals and perform their services with honesty, courage, discretion, and sound judgment.

University Police Officers and all employees must seek and preserve public confidence by demonstrating impartial service to law, and by offering service and trust to all members of the public.

It is the expressed policy of this unit that University Police Officers use force when the exercise of persuasion, advice, and warning is found insufficient to obtain public cooperation to the extent necessary to secure observance of the law or to restore order, and to use only the minimum degree of physical force necessary upon any particular occasion to achieve a police objective.

Morehead State University Police Department shall develop and implement procedures to assure the effective delivery of the services required to meet the mission of the University Police Department. Inherent in this responsibility shall be the goal to assure all applicable state and federal regulations affecting the protection of life and property within the University community are implemented and disseminated as appropriate. Such procedures shall assure at a minimum University compliance with all aspects of the Federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1998, and the Kentucky Postsecondary Education Campus Security (Minger) Act of 2000.

The contents of this manual have been developed to guide and assist officers and employees in achieving this mission and accomplishing these goals. Adherence to these principles and guidelines by officers and employees of the office will eliminate the need for disciplinary action and will ensure our acceptance by the campus community as a truly professional Police Department.

An attempt has been made to make those appropriate personnel policies in this manual consistent with the University Personnel Policy Manual. However, the provisions in this manual setting forth University Police personnel policies take precedence over those policies in the University Personnel Policy Manual, which may be less restrictive.





**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Code of Ethics and Oath of Office	<b>Chapter:</b> Section I  <b>Page(s):</b> 1 - 3	<b>KACP</b> 1.1, 12.1
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**POLICY:** The Morehead State University Police Department required all personnel, prior to assuming sworn status, to take an oath of office to enforce the law, uphold the Constitution of the United State and the Constitution of the Commonwealth of Kentucky, and to abide by the Code of Ethics adopted by this department. Jurisdiction is limited to Rowan County, mostly specifically Morehead State University, unless assistance is requested by another agency. (A copy of the Oath of Office is located on the following page).

**PROCEDURES:**

- A. Administrative Assistant to the President may administer the oath of office to all personnel of sworn positions.
- B. Chief of Police shall provide all personnel with job orientation and outlay responsibilities, authority and jurisdiction.
- C. The following Code of Ethics had been adopted by the Morehead State University Police Department.

**MOREHEAD STATE UNIVERSITY POLICE DEPARTMENT  
CODE OF ETHICS**

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I Will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint and be constantly mindful of the welfare of others, honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I Will never act officiously or permit personal feeling, prejudices, animosities or friendship to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I Recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objections and ideals, dedicating myself, before God, to my chosen profession . . . .

. . . . **LAW ENFORCEMENT.**

## OATH OF OFFICE

I, do solemnly swear that I will support and defend the Constitution of the United State of America and the Constitution of the Commonwealth of Kentucky as long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of a campus police officer, of Morehead State University, according to law.

I do further solemnly swear that since the adoption of the present Constitution, I being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it. Nor have I sent or accepted a challenge to fight a duel with deadly weapons. Nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Further, I do solemnly swear that to the best of my ability, I will detect and prosecute all gamblers and other violating the law against gambling.

Further, I do solemnly swear that I will, without respect to persons, faithfully and impartially perform the duties of a police officer at Morehead State University to the best of my ability, showing neither favor nor partiality to any person or persons, firms or corporations, and that I will at all times conduct myself as a gentleman/lady, and will not use any intoxicating liquors while on duty as such officer, so help me God.

The Oath of Office was given on this \_\_\_\_\_ day of \_\_\_\_\_, year \_\_

Officer's Signature\_\_\_\_\_

Witnesses Signature\_\_\_\_\_



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Value Statement	<b>Chapter:</b> Section I  <b>Page(s):</b> 1	<b>KACP 6.3</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

We are the Morehead State University Police Department VALUE the University Community that we serve.

We VALUE the job that we do.

We VALUE the laws that we enforce

We VALUE our fellow officers.

We VALUE the trust that we are given as law enforcement officers.

Community – Above all, we are here for the University Community. We truly protect and serve. We are here to help and will always put the University Community first, in everything we do. We are the problem solvers, the counselors, the friends, the shoulder to cry on and a helping hand, and we would not want it any other way.

Job – The job is not easy. The job is not glamorous. It will not make us wealthy. It sometimes makes us angry, sad, and hurt. It has all the pain and violence that most people avoid, yet we continue day after day. The job is our life. We strive for perfection in an imperfect world. We will never give up. We do the job for the ones that can't help themselves, the ones that need us. They are why we continue.

Laws – We enforce all the laws of our Commonwealth and the Country. We treat everyone fairly, no matter who he or she is or what he or she has done. We are not the Judge, we are not the jury, we are the law enforcers. We are knowledgeable in the law and we obey the law courteously and appropriately, and without fear or favor. We use only the means and force necessary because we have respect for the laws that we enforce.

Fellow Officers – They are our “family”. They are our backup our assistance and our trusting friends. We could not do our jobs without fellow officers. We work together to help others. We do not compete with each other, yet we push each other to make each a better officer; a better person. We keep a positive attitude to help a fellow officer keep the same. Together we strive to make the department better and are proud to say we are members.

Trust – Without trust, we could not do our jobs. Without trust, we would be part of the problem and not the cure. Trust is the single most important part of our relationship with the University Community that we serve. We earn our trust. We keep the trust by being fair, honest, truthful and being there in times of need. We put others first and never think twice about helping those that are in need. We can be trusted because we are trustworthy.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Administrative Authority and Jurisdiction Granted by the Board of Regents		<b>Section:</b> I  Page(s): 1-4	<b>KACP 1.2</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police	

The Morehead State University Police Department is Public Safety and Security Department organized in accordance with KRS 164.950-KRS 164.980. (See Section 2, chapter 1.) Its officers are public peace officers and conservators of the peace, serving at the pleasure of and appointed by the Morehead State University Board of Regents.

In accordance with KRS 164.955, Morehead State University Police officers have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. The sworn officer possesses all of the common law and statutory powers, privileges and immunities of sheriffs, except that they are empowered to serve all civil process to the extent authorized by the Board of Regents of Morehead State University.

Without limiting the generality of the foregoing, Morehead State University Police officers are hereby specifically authorized and empowered as their duty to:

1. Preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on the campus and properties of Morehead State University and to protect or reduce the risks of all persons and property located therein from injury, harm, and damages.
2. Enforce and assist the officials of Morehead State University in the enforcement of the lawful rules and regulations of the institution and to assist and cooperate with other law enforcement agencies and officers.
3. Exercise the powers herein granted upon any real property owned or occupied by the institution, including the streets passing through and adjacent thereto. These powers may be exercised in any county of the Commonwealth where Morehead State University owns or occupies property.
4. Serve all civil process at the request of the court or properly empowered court officials.

**FURTHER, IN ACCORDANCE WITH KRS 164.955** (1) (b), additional jurisdiction has been established by an agreement,(See attachment I) approved by the Board of Regents on May 9, 1990, with the Sheriff of Rowan County, Kentucky to grant county-wide jurisdiction. Morehead State University public safety police officers may exercise their powers away from the locations described only under the following conditions:

1. When in hot pursuit of an actual or suspected violator of the law  
or,
3. When requested to act by the Chief of Police of the City of Morehead, the Sheriff of Rowan County, the Kentucky State Police or their authorized representative, when in the opinion of the Morehead State University Chief of Police or his authorized representative, the request to act is in response to an emergency. In the event Morehead State University police officers respond to an emergency, Morehead State University police officers are to serve primarily as backup to the requesting agency.
4. As authorized pursuant to a jurisdictional agreement with the Rowan County Sheriff in accordance with KRS 164.955 (1)(b) (See following page)
5. When the Morehead State University Police Department is requested to assist a state, county, or city police officer, sheriff, or other peace officer in the performance of his duties, the requesting agency should limit Morehead State University involvement as much as possible without jeopardizing its officers.

**FURTHER, IN ACCORDANCE WITH KRS 164.950 to 164.980**, Morehead State University police officers have the power to conduct investigations anywhere in the Commonwealth, provided such investigations relate to criminal offenses which have occurred on property owned, leased, or controlled by Morehead State University. When desirable, and at the direction of the Chief of Police the Morehead State University Police Department may coordinate said investigations with any law enforcement agency of the Commonwealth or agencies of the federal government.

Nothing herein shall be construed as a diminution or modification of the authority or responsibility of any city, county, state police department, or sheriff, constable or other peace officer either on the property of Morehead State University or otherwise.

**FURTHER, THIS AUTHORITY AND JURISDICTION** will serve to guide the Morehead State University Police Department, its officers, and the external police agencies having jurisdiction on the campus of Morehead State University in the performance of their lawful duties.

1 ATTACH – Jurisdictional Agreement

## **JURISDICTIONAL AGREEMENT**

**Whereas**, Morehead State University Police Officers work special events at the M.S.U. Farm and respond to various calls to the M.S.U. Farm located on KY 377 in Rowan County, Kentucky.

**Whereas**, Morehead State University Police Officers provide money escorts for M.S.U.'s Business Services to banks in Morehead, Kentucky.

**Whereas**, Morehead State University Police Officers patrol and respond to various calls to the Eagle Trace Golf Course located on US 60 in Rowan County, Kentucky. Morehead State University Police Officers also patrol and respond to various calls to the Kentucky Folk Art Center located on West First Street in Rowan County, Kentucky.

**Whereas**, some offenses that occur on M.S.U.'s campus take Morehead State University Police Officers off campus in investigating these cases.

**Whereas**, Morehead State University Police Officers are empowered as sworn Law Enforcement Officers, and designated as University Safety and Security Officers by KRS.164.955.

**Whereas**, Section 164.955 of the Kentucky Revised Statutes reads as follows:

### **164.955 Safety and Security Officers-Powers and duties.**

- (1). Safety and Security Officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriff, except that they shall be empowered to serve civil process to the extent authorized by the employing governing board of the respective institution employing them. Without limiting the generality of the foregoing, such Safety and Security Officers are hereby specifically authorized and empowered, and it shall be their duty:
  - (a). To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions, and to protect all persons and property located thereon from injury, harm and damage;
  - (b). To enforce, and to assist the officials of their respective institutions in the enforcement of, the lawful rules and regulations of said institution, and to assist and cooperate with other law enforcement agencies and officers. Provided, however, that such Safety and Security Officers shall exercise the powers herein granted upon any real property owned or occupied by their respective institutions, including streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the institution owns, uses, or occupies property.

Additional jurisdiction may be established by agreement with the Chief of Police of the municipality or Sheriff of the County or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.

**Therefore,** in accordance with the aforementioned section, it is agreed that jurisdiction is established coterminous with the county line of Rowan County, Kentucky for all sworn officers of the Morehead State University Police Department. This jurisdiction is established by agreement between the Rowan County Sheriff and The Morehead State University Police Department. This agreement authorizes exercise of peace officer powers incident to but not restricted to just the reasons mentioned in this agreement.

_____	_____	_____	_____
Matt Sparks, Sheriff	Date	Merrell J. Harrison	Date
Rowan County, Kentucky		Chief of Police	
		Morehead State University	

This is to certify that the Board of Regents approved the authorization of the University, through the Morehead State University Police Department, to enter into a Jurisdictional Agreement with the Rowan County Sheriff's Office as provided for in KRS 164.955

Signed: \_\_\_\_\_  
Sharon Reynolds, Secretary      Date  
Board of Regents





**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Manual	<b>Section:</b> II  <b>Page(s):</b> 1	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**CHAPTER AND SECTION DESIGNATION.** Each chapter, section, and subsection shall be designated by title.

**FLEXIBILITY OF SYSTEM.** This system shall provide a simple and quick method of referral to material in this manual. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revisions of the contents.

**RIGHT TO AMEND OR REVOKE.** The right to amend, add to, or revoke any of these authorized regulations is reserved to the Board of Regents.

**PREVIOUS ORDERS.** All rules, regulations, procedures, and orders issued prior to the Board of Regents approval of this revised manual that are, contrary to those embodied in this manual, are hereby revoked.

**DISTRIBUTION OF THE MANUAL.** One copy of the regulations manual shall be distributed to each employee of the Morehead State University Police Department.

**RESPONSIBILITY FOR MAINTENANCE.** All officers and employees who are assigned a manual shall be responsible for its maintenance and care. All manuals shall be kept current, and supplementary pages concerning additions, revisions, or amendments shall be promptly and properly inserted. All Manuals are the property of Morehead State University Police Department.

**FAMILIARIZATION.** Each sworn Morehead State University Police Department officer and each civilian employee assigned a manual is duty bound to thoroughly familiarize himself/herself with the provisions of the manual. Failure to comply shall be considered neglect of duty.

**IGNORANCE OF CONTENTS OF MANUAL.** In the event of neglect of duty is charged against an officer or other employees for failure to observe the rules and regulations, office procedures or orders, ignorance of any provision of this manual, or any office procedure or order will not be accepted as an excuse.



**Morehead State University Police Department  
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<b>Title:</b> Definition of Terms	<b>Section:</b> II  <b>Page(s):</b> 1 -4	<b>KACP</b> 4.5, 4.6
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**ANNUAL VACATION.** Vacation period granted to members annually.

**COMMANDING OFFICER.** The rank of Chief, Assistant Chief, Supervisor or designated ranking representative in the absence of the Chief of Police.

**DAYS OFF.** Those days, determined by the Chief of Police, on which a given officer or employee is excused from duty. This will be based on a 4 or 5 day work week.

**DETAIL.** A temporary assignment of personnel for a specialized activity.

**DUTIES.** Work requirements of each position and extent of supervision or responsibility.

**EMPLOYEE.** Civilian employee (non-sworn) of the unit.

**EXPECTATIONS.** Procedures and orders of Chief of Police are issued for the purpose of properly regulating and guiding the actions of all officers. It is the duty of all commanding officers of the office to take appropriate action whenever violations of such procedures or orders occur. All employees of this office shall:

- (1) Conform to all points of this policy manual.
- (2) Obey all laws, ordinances, policies, procedures, and orders that you are sworn to enforce.
- (3) Report to duty in the proper uniform.
- (4) Keep physically fit, be neat and clean and maintain a professional stature when on duty.
- (5) When reporting for duty, familiarize yourself with events that have taken place since the end of your last tour of duty.

- (6) When reporting for duty, check the vehicle and equipment that you may be called upon to use during your tour of duty.
- (7) Never be absent from duty without notifying Morehead State University Police Department and your supervisor.
- (8) Never exchange tours of duty with an associate with an associate without the permission of a supervisor.
- (9) Never undertake an official duty if said duty is not understood completely. Ask your supervisor for clarification.
- (10) Respond to all calls promptly and safely.
- (11) Never permit a person to ride in the police car except when said person's presence is absolutely necessary for official business, unless approved by a supervisor.

**GENDER.** Use of the masculine gender herein shall also include, where applicable, the female gender.

**GENERAL ORDERS.** Written directive issued by the Chief of Police. General orders remain in full force and effect until amended, superseded, or canceled by the Chief of Police and/or his superiors. Unit general orders establish procedures governing matters, which affect the entire unit. They are the most authoritative directive issued in the unit and may be used to amend, supersede, or cancel any other order.

**INCOMPETENCE.** Not efficient in the performance of duties, performs inadequately, or is incapable of satisfactory performance of Morehead State University Police Department duties.

**INSUBORDINATION.** Failure to deliberate refusal of any officer or employee to obey a lawful order by a superior officer. Failure to comply with written law, written policy or procedures of the unit of the University. Ridiculing a superior officer or his order, whether in or out of his presence. Language directed toward a supervising officer and failing or refusing to recognize his or her supervisory authority.

**MISCONDUCT.** "Misconduct" means immoral character or conduct unbecoming an officer or employee of the unit or which is calculated or tends to subvert good order, efficiency or discipline, or which tend to discredit the Morehead State University Police Department.

**LAWFUL ORDER.** Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of Morehead State University Police Department duty which is not in violation of any law, ordinance, or any University or office policy, procedure, or general order.

**MOREHEAD STATE UNIVERSITY POLICE DEPARTMENT MANUAL.** Reference and policy manual specifying the rules and regulations governing the conduct of personnel and the operation of the office as well as specifying office policies and procedures. This manual is issued by authority of the Board of Regents.

**MAY/SHOULD.** As used herein words MAY and SHOULD shall mean that the action indicated is permitted.

**MEMORANDA.** Information bulletins which are primarily designed to inform and secondarily to direct issues to the office level. Such memoranda are not official orders but express the thinking of the issuing authority on the subject under consideration.

**MILITARY LEAVE.** The period of time during which an officer is excused from duty by reason of serving the armed forces of the United States in an active capacity as provided by University policy.

**NEGLECT OF DUTY.** Failure to give suitable attention to the performance of duty. Examples include, but are not limited to:

- Inefficiency,
- Failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving Morehead State University Police Department attention,
- Absence without leave,
- Failure to report to duty at the time and place designated,
- Unnecessary absence from assigned responsibilities during a tour of duty,
- Failure to perform duties or comply with provisions prescribed in the Morehead State University Police Department Standard Operating Procedure Manual.

**OFF DUTY.** The status of an officer during the period he is free from the performance of specified duties; also may be known as rest period, day off, or annual leave.

**ON DUTY.** The status of an officer during the period of the day when he is actively engaged in the performance of his duties. A University Officer is subject to recall to duty at all times.

**ORDER.** Any written order or directive issued by a superior officer to any subordinate or group subordinates in the course of Morehead State University Police Department duty.

**PERSONNEL ORDERS.** Appointment, assignment, or any other status change of personnel within the office accomplished by office personnel orders issued by the Morehead State University Chief of Police, with ultimate approval resting with the Board of Regents.

**PROCEDURE.** The official method of administering Board of Regents policy set forth in this manual or dealing with any given situation prescribed by the Chief of Police's order or procedural guide.

**QUALIFICATIONS.** Education, experience, and/or training requirements which determine the eligibility of an applicant for initial appointment.

**UNIVERSITY POLICE OFFICER.** A sworn peace officer recognized within the Commonwealth of Kentucky as having full police powers. Sworn officers may carry firearms both on and off duty.

**SHALL/WILL.** The words SHALL and WILL as used herein shall indicate the action required is mandatory.

**SHIFT.** An eight or ten hour tour of duty.

**SHIFT COMMANDER.** A supervisory officer of a shift.

**SICK LEAVE.** The period of time during which an officer or unit employee is excused from active duty by reason of illness or injury. May include an immediate family member as defined by MSU Policy.

**SPECIAL DUTY.** Police or special service the nature of which requires that the officer or employee be excused from the performance of his regular duties.

**SUPERVISORY OFFICER.** Officer assigned to a position requiring the exercise of immediate supervision over the activities of other officers and employees.

**TENSE OF WORDS.** The words used in the present tense include the future.

**TITLE.** Used to designate an authorized position and shall be as nearly as possible descriptive of the duties.

**TRAINING BULLETIN.** Published bulletins designed to keep officers abreast of current campus safety and policing techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study.

**UNIT.** The Morehead State University Police Department.



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<b>Title:</b> Interpretations	<b>Section:</b> II  <b>Page(s):</b> 1	<b>KACP</b>
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

It is not the policy of Morehead State University nor any of its administrators, agents, or employees thereof, that the provisions of this policy manual set, or be construed to require standards of conduct, higher than or in addition to those established by law and/or that which would be recognized and followed by a reasonably well-training and experienced law enforcement officer under like or similar circumstances.



**Morehead State University Police Department  
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<b>Title:</b>  Safety/Security Officer Authority	<b>Section:</b> III  <b>Page(s):</b> 1-4 KRS 164.960-980	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**164.950 SAFETY AND SECURITY DEPARTMENTS AND OFFICERS AUTHORIZED**

The governing board of each public institution of higher education is authorized to establish a safety and security department and appoint safety and security officers and other employees for the university, college, or other institution of public higher education for which it is responsible, to prescribe distinctive uniforms for the safety and security officers of said institution, and to designate and operate emergency vehicles. Safety and security officers so appointed shall take an appropriate oath of office, in the form and manner consistent with the Constitution of Kentucky, and shall serve at the pleasure of the governing board.

**164.955 SAFETY AND SECURITY OFFICERS; POWERS AND DUTIES**

(1) Safety and security officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing governing board of the respective institution employing them. Without limiting the generality of the foregoing, such safety and security officers are hereby authorized and empowered, and it shall be their duty:

(a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions, and to protect all persons and property located thereon from injury, harm, and damage;

(b) To enforce, and to assist the officials of their respective institutions in the enforcement of the lawful rules and regulations of said institution and to assist and cooperate with other law enforcement agencies and officers. Provided, however, that such safety and security officers shall exercise the powers herein granted upon any real property owned or

occupied by their respective institutions, including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the institution owns, uses,



## Morehead State University Police Department Standard Operating Procedure Manual



or occupies property. Additional jurisdiction may be established by agreement with the Chief of Police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved. (Note: See Section III, Chapter I for information on the jurisdictional agreement with the Rowan County Sheriff).

(2) Safety and security officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:

- (a) When in hot pursuit of an actual or suspected violator of the law; or
- (b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section; or
- (c) When authorized to act by the Chief of Police of the city or county in which the institution's property is located; or
- (d) When requested to act by the sheriff of the county in which the institution's property is located; or
- (e) When requested to act by the director of state police; or
- (f) When requested to act by the authorized delegates of those person or agencies listed in (c), (d), or (e) above; or
- (g) When requested to assist a state, county, or municipal police officer, sheriff, or other peace officer in the performance of his lawful duties; or
- (h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.

(3) Safety and security officers appointed pursuant to KRS 164.950 to 164.980 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided such investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the university. Where desirable and at the discretion of the institution of higher education police officials, the University Safety and Security department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.

(4) Safety and security departments created and operated by the governing boards of public institutions of higher education shall, for all purposes, be deemed public police departments and the sworn safety and security officers thereof are, for all purposes, deemed public police officers.

(5) Nothing in KRS 164.950 to 164.980 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Kentucky State

Police, sheriff, constable, or other peace officer either on the property of an institution of higher education or otherwise.

### **164.960. SAFETY AND SECURITY OFFICES; QUALIFICATIONS**

All persons appointed as safety and security officers pursuant to KRS 164.950 to 164.980 shall, at any time of their employment, are:

- (1) Not less than eighteen years of age; and





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- (2) Comply with the requirements of KRS 61.300, other than the age requirement; and
- (3) Shall possess whatever other requirements as may be set by the governing board of the institution of public higher education which employs them.

### **164.965. SAFETY AND SECURITY OFFICERS; PROMOTION AND COMPENSATION**

The governing board of each institution of public higher education may provide for the appointment of promotion to the ranks and grades and positions of the department such officers and civilians as are considered by the board to be necessary for the efficient administration of the department. Such officers and civilians shall receive such compensation as shall be fixed and paid by the board.

### **164.970. SAFETY AND SECURITY OFFICERS; USE OF VEHICLES**

(1) Vehicles used for emergency purposed by the safety and security department of a public institution of higher education shall be considered as emergency vehicles and shall be equipped with blue lights and sirens and shall be operated in conformance with the requirements of KRS Chapter 189.

(2) Safety and security officers directly employed by the governing board of public institutions of higher education pursuant to KRS 164.950 to 164.980 shall have the rights to accorded to peace officers in cities of the first four classes provided under KRS 527.020, providing the governing board of public institution of higher education so authorized in writing.

(3) Safety and security departments of public institutions of higher education may install, maintain, and operate radio systems on police or other radio frequencies under licenses

issued by the Federal Communications Commission, or its successor; KRS 432.570 to the contrary notwithstanding.

(4) Safety and security departments of public institutions of higher education shall comply with the requirements of the Kentucky Revised Statutes and the justice cabinet with regard to reporting of criminal and other statistics.

### **164.975. REGULATION OF THE USE OF EDUCATIONAL PROPERTY**

(1) The governing boards of public institutions of higher education, each having the power and authority to govern and control the method and purpose of use of property owned or occupied by their



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respective institution, including travel over such property, is each hereby confirmed in its authority to regulate the traffic and parking of motor vehicles, bicycles, or other vehicles as well as the traffic of

pedestrians on, over, and across the streets, roads, paths, and grounds of real property owned, used or occupied by such institution. Such regulations applicable to traffic and parking may include, but not be limited to, the following provisions:

- (a) Provisions governing the registration, speed, operation, parking, and times, places, and manner of use of motor vehicles, bicycles, and other vehicles.
  - (b) Provisions prescribing penalties for the violation of such regulations, which penalties may include the imposition of reasonable charges, the removing and impounding (at the expense of the violator) of vehicles which are operated or parked in violation of such regulations, and the denial of permission to operate vehicles on the property of such institution.
  - (c) Provisions establishing reasonable charges and fees for the registration of vehicles and for the use of parking spaces of facilities owned or occupied by such institution. Provided, however, that nothing herein contained shall be deemed to limit or restrict the powers of any other governmental authority jurisdiction over public streets, roads, alleys, or ways.
- (2) Motor vehicle moving violations of regulations issued under this section shall be deemed violations of the appropriate equivalent sections of the motor vehicle laws of the Commonwealth and may be prosecuted in the courts having territorial jurisdiction over the physical location of the offense.

### **164.980 IMPERSONATION OF SAFETY AND SECURITY OFFICER PROHIBITED**

No person shall falsely represent himself to be a safety and security officer, agent, or employee of a safety and security department of a public institution of higher education and in such assumed character, arrest, detain, search, or question, in any manner the person or property of any person, nor shall any person without the authority of the governing board of the public institution of higher education wear its official uniform, insignia, badge, or identification of the department.



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<b>Title:</b>  Amber Alert	<b>Chapter:</b> 1  <b>Page(s):</b> 1-3	<b>KACP:</b> 30.7
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

- I. **Purpose:** The AMBER (America's Missing: Broadcast Emergency Response) Plan Program is a voluntary program through which emergency alerts are issued to notify the public about abductions of children
- II. **Policy:** These child abduction alerts may be communicated through various means including radio and television stations, highway advisory radio, changeable message signs (CMS), and other media. Under certain circumstances, using CMS to display child abduction messages as part of an AMBER Plan Program has been determined to be consistent with our current policy governing the use of CMS and the type of messages that are displayed.
- III. **Definitions:** The term AMBER refers to America's Missing: Broadcast E m e r g e n c y Response.
- IV. **Procedure:**
  1. Once the Officer has conducted an initial investigation, certain criteria must be met to trigger an AMBER ALERT. Consistent with recommendations by the National Center for Missing and Exploited Children, the following criteria shall be met before an alert is activated:
    - a. The officer confirms a child has been abducted;
    - b. The officer believes and confirms the circumstances surrounding the abduction.
    - c. There are indications the child is in danger of serious bodily harm or death;
    - d. There is sufficient descriptive information about the child, the abductor, and/or the suspect's vehicle.
  2. If these criteria are met, then all pertinent information shall be gathered concerning the possible location of the abducted child and circumstances surrounding his or her disappearance. The officer at the scene of the abduction will obtain the following Alert information to include:
    - a. Full name, nicknames, age sex, race height, weight, hair color, eye color, clothing child was last observed wearing.

- b. Location, date and time the child was last seen.
  - c. Recent photograph(s), preferably a close-up of the child's face.
  - d. Medical issues the child has (i.e. need for prescription drugs, allergies, or other pressing medical conditions).
  - e. Belongings in the child's possession when he or she was last seen (book bags, backpacks, game cases, notebooks), jewelry, body piercing, or noticeable scars.
  - f. Abductor information: Name (if known), age, sex, race, height, weight, hair/eye color, clothing, dress, jewelry, body piercing, facial hair, glasses or other identifying information.
  - g. Abductor's vehicle description, including year, make, model, color, license plate, distinctive insignia, personalization, or damage which sets it apart from others.
  - h. Direction of travel and last known location of vehicle or conveyance.
3. A Kentucky State Police Missing Person form (KSP-261) shall be completed in full as required by Kentucky Revised Statute, with a current photograph attached. The information contained within the KSP-261 shall be entered into LINK/NCIC computer system as expeditiously as possible.
  4. The officer will confirm that the Rowan County Emergency Management has been notified and the CCEM official has notified the state. The Officer in Charge will contact the Chief of Police regarding the abducted child. The Chief of Police or designee will be prepare a press release and be available for any further inquiries from the press if needed.

## **AMBER ALERT ACTIVATION/DEACTIVATION**

The Kentucky State Police has the primary responsibility for activation of the Kentucky Amber alert system. In the event a local, city, county, or state law enforcement agency makes a request for Amber alert system activation, the following procedure shall apply.

- A. The request for Amber alert activation shall be made through the nearest state police post.
- B. The post commander or his designee shall forward this request by the quickest means available to the Amber alert coordinator at headquarters during normal business hours or to the Command Officer in Charge otherwise.
- C. If the criteria for Amber alert system activation are met, the Kentucky State Police command officer in charge shall direct the headquarters telecommunicator to obtain all pertinent data from the investigating agency.
- D. The headquarters telecommunicator shall then contact the Division of Emergency Management, Emergency Operations Center (24 hour access) via phone and fax to inform them of an Amber alert system activation. The telecommunicator shall then enter the applicable data into the Kentucky Amber Alert Web Portal thus activating the alert. The Kentucky Amber Alert Web Portal will disseminate the alert to all Amber Alert Web Portal partners.
- E. The headquarters telecommunicator shall also notify the National Center for Missing and Exploited Children via telephone that the Kentucky Amber alert system has been activated and shall provide brief circumstances surrounding the disappearance.

**Upon location of the missing child, the following procedure shall apply:**

- A. The request for Amber alert deactivation shall be made through the nearest state police post.
- B. The post commander or his designee shall forward this request by the quickest means available to the Amber alert coordinator at headquarters during normal business hours or to the Command Officer in Charge otherwise.
- C. The Kentucky State Police command officer in charge shall direct the headquarters telecommunicator to deactivate the Amber alert system.
- D. The headquarters telecommunicator shall then contact the Division of Emergency Management, Emergency Operations Center (24 hour access) via phone and fax to inform them of deactivation of the Amber alert system. The telecommunicator shall then enter the applicable data into the Kentucky Amber Alert Web Portal thus deactivating the alert. The Kentucky Amber Alert Web Portal will disseminate the alert to all Amber Alert Web Portal partners.
- E. The headquarters telecommunicator shall also notify the National Center for Missing and Exploited Children via telephone that the Kentucky Amber alert system has been deactivated.



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<b>Title:</b> Carrying Concealed Weapon	<b>Chapter:</b> 2  <b>Page(s):</b> 1	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**CARRYING CONCEALED WEAPON**

**KRS 527.020**

- (1) A person is guilty of carrying a concealed weapon when he carries a concealed firearm or other deadly weapons.
- (2) Peace officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties; may carry concealed weapons.
- (3) Police officers directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by the government employing the officer.
- (4) A deadly weapon shall not be deemed concealed on or about the person if it is located in a glove compartment, regularly installed in a motor vehicle by its manufacturer, regardless of whether said compartment is locked, unlocked, or does not have a locking mechanism.
- (5) Carrying a concealed weapon is a Class A misdemeanor unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used, or displayed in which case it is a Class D felony.



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<b>Title:</b> Complaints Against Police Officers	<b>Chapter:</b> 3  <b>Page(s):</b> 1-3	<b>KACP</b> 12.6  <b>KRS 15.520</b> Effective: June 24, 2015
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**15.520 Complaints against police officers**

(1) In order to establish a minimum system of professional conduct for officers of local units of government of this Commonwealth, the following standards are stated as the intention of the General Assembly to deal fairly and set administrative due process rights in certain disciplinary matters concerning those officers of an employing unit of government that participates in the Kentucky Law Enforcement Foundation Program fund administered pursuant to KRS 15.430 and, at the same time, to provide a means for redress by the citizens of the Commonwealth for wrongs allegedly done to them by officers covered by this section.

(2) Any complaint taken from a citizen alleging misconduct on the part of any officer shall be taken as follows:

- (a) If the complaint alleges criminal activity by an officer, the allegations may be investigated without a signed, sworn complaint of the citizen;
- (b) If the complaint alleges any other type of violation not constituting criminal activity, including violations of law enforcement procedures or the general employment policies of the employing agency, an affidavit, signed and sworn to by the citizen, shall be obtained, except as provided by paragraph (c) of this subsection; or
- (c) If a complaint is required to be obtained and the citizen, upon request, refuses to make allegations under oath in the form of an affidavit, signed and sworn to, the employing agency may investigate the allegations, but shall bring charges under subsection (6) of this section against the officer only if the employing agency can independently substantiate the allegations absent the sworn statement of the citizen.

(3) (a) When an officer is accused of an act or omission that would constitute a violation of law enforcement procedures by any individual within the law enforcement agency employing the officer, including supervisors and elected or appointed officials of the officer's employing agency, the employing agency shall conform the conduct of any investigation to the provisions of subsection (5) of this section, shall formally charge the officer in accordance with subsection (6) of this section, and shall conduct a hearing in accordance with subsection (7) of this section before any disciplinary action shall be taken against the officer.

(b) The provisions of this subsection shall not prevent the employing agency from suspending the officer, with or without pay, during an investigation and pending the final disposition of any formal charges, except that an officer suspended without pay shall be entitled to full back pay and benefits for the regular hours he or she would have worked if no formal charges are brought or the hearing authority finds the officer not guilty of the charges.

(c) An employing agency shall not be required to follow the provisions of this section in addressing conduct by the officer that would constitute a violation of the general employment policies of the employing agency.



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(4) (a) Any complaint filed by a citizen under subsection (3) of this section or any allegation of conduct that would constitute a violation of law enforcement procedures under subsection (4) of this section shall be investigated by the employing agency or another designated law enforcement agency in accordance with the provisions of this subsection if the employing agency determines that an investigation of the complaint or the alleged conduct is warranted.

(b) No threats, promises, or coercions shall be used at any time against any officer while he or she is a suspect in a criminal case or has been accused of a violation of law enforcement procedures. Suspension from duty with or without pay, or reassignment to other than an officer's regular duties during the period shall not be deemed coercion. Prior to or within twenty-four (24) hours after suspending the officer pending investigation or disposition of a complaint, the officer shall be advised in writing of the reasons for the suspension.

(c) Unless otherwise agreed to in writing by the officer, no police officer shall be subjected to interrogation for alleged conduct that violates law enforcement procedures, until forty-eight (48) hours have expired from the time the request for interrogation is made to the accused officer, in writing. The notice of interrogation shall include a statement regarding any reason for the interrogation and shall be served on the officer by certified mail, return receipt requested, or by personal delivery.

(d) The interrogation shall be conducted while the officer is on duty. The officer may be required to submit a written report of the alleged incident if the request is made by the employing agency no later than the end of the subject officer's next tour of duty after the tour of duty during which the employing agency initially was made aware of the complaint.

(e) If an officer is under arrest, or likely to be arrested, or a suspect in any criminal investigation, he or she shall be afforded the same constitutional due process rights that are accorded to any civilian, including, but not limited to, the right to remain silent and the right to counsel, and shall be notified of those rights before any questioning commences.

(5) (a) If it is determined through investigation or other means that the facts alleged in a citizen complaint or in an accusation of a violation of law enforcement procedures warrant charging the officer, the charge shall be made in writing with sufficient specificity so as to fully inform the officer of the nature and circumstances of the alleged violation in order that he or she may be able to properly defend himself or herself.

(b) The charge shall be signed by a representative of the employing agency, shall set out the disciplinary action recommended or imposed, and shall be served on the officer in writing by certified mail, return receipt requested, or by personal delivery.

(c) When an officer has been charged with a violation of law enforcement procedures, no public statements shall be made concerning the alleged violation by any person or persons of the employing agency or the officer so charged, until final disposition of the charges.

(d) No officer as a condition of continued employment by the employing agency shall be compelled to speak or testify or be questioned by any person or body of a nongovernmental nature.

(6) Unless waived by the charged officer in writing, a hearing shall be conducted by the officer's appointing authority to determine whether there is substantial evidence to prove the charges and to determine what, if any, disciplinary action shall be taken if substantial evidence does exist. In conducting a hearing, the following administrative due process rights shall be recognized and these shall be the minimum rights afforded any officer charged, except as otherwise agreed to in writing by the officer and the employing agency:

(a) The accused officer shall be given at least twelve (12) days' written notice of any hearing. The notice of hearing shall be served on the officer by certified mail, return receipt requested, or by





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personal delivery;

(b) Copies of any sworn statements or affidavits to be considered by the hearing authority and any exculpatory statements or affidavits shall be furnished to the officer no less than twelve days (12) prior to the time of any hearing;

(c) At any hearing based upon the sworn complaint of a citizen, the citizen shall be notified to appear at the time and place of the hearing by certified mail, return receipt requested, or by personal delivery;

(d) If the return receipt has been returned unsigned, or the individual does not appear, except due to circumstances beyond his or her control he or she cannot appear at the time and place of the hearing, any charge resulting from a complaint made by that citizen shall not be considered by the hearing authority and shall be dismissed with prejudice;

(e) The accused officer shall have the right and opportunity to obtain and have counsel present, and to be represented by counsel;

(f) The appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes shall subpoena and require the attendance of witnesses and the production by them of books, papers, records, and other documentary evidence at the request of the accused officer or the charging party. If any person fails or refuses to appear under the subpoena, or to testify, or to attend, or produce the books, papers, records, or other documentary evidence lawfully required, the appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes may report to the Circuit Court or any judge thereof the failure or refusal, and apply for a rule. The Circuit Court, or any judge thereof, may on the application compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court;

(g) The accused officer shall be allowed to present witnesses and any documentary or other relevant evidence the officer wishes to provide to the hearing authority, and may cross-examine all witnesses called by the charging party;

(h) If any officer who has been suspended with or without pay is not given a hearing as provided by this section within seventy-five (75) days of any charge being filed pursuant to this section, the charge shall be dismissed with prejudice and shall not be considered by any hearing authority and the officer shall be reinstated with full back pay and benefits;

(i) Any officer who has been suspended without pay who is found not guilty of the charges by the hearing authority shall be reinstated with the full back pay and benefits for the regular hours he or she would have worked;

(j) The failure to provide any of the rights or to follow the provisions of this section may be raised by the officer with the hearing authority. The hearing authority shall not exclude proffered evidence based on failure to follow the requirements of this section but shall consider whether, because of the failure, the proffered evidence lacks weight or credibility and whether the officer has been materially prejudiced; and

(k) To the extent the provisions of KRS 61.805 to 61.850 are applicable, the hearing authority may conduct the hearing required by this subsection in a closed session, unless the officer requests of the hearing authority in writing at least three (3) days prior to the hearing that the hearing be open to the public.

(7) (a) Any officer who is found guilty by any hearing authority of any charge, may bring an action in the Circuit Court in the county in which the employing agency is located within thirty (30) days of the date written findings are issued to appeal the action of the hearing authority. The appeal shall be initiated by the filing of a complaint in the same manner as any civil action under the Rules of Civil Procedure and shall include a copy of the hearing authority's final order. The Circuit Court review of the case shall be based solely upon the administrative record created before the



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hearing authority and any new evidence offered by the officer regarding alleged arbitrariness on the part of the hearing authority.

(b) The judgment of the Circuit Court shall be subject to appeal to the Court of Appeals. The procedure as to appeal to the Court of Appeals shall be the same as in any civil action.

(8) The provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall not apply in any proposed disciplinary action arising from a citizen complaint made under subsection (3) of this section or arising from any allegation of conduct that would constitute a violation of law enforcement procedures under subsection (4) of this section. This section shall not be interpreted or construed to alter or impair any of the substantive rights provided to a city police officer under KRS 90.310 to 90.410, 95.450, and 95.765 for any proposed disciplinary action or other matters not arising under subsections (3) and (4) of this section, including proposed actions involving alleged violations of general employment policies. To the extent that the provisions of this section are inapplicable to any proposed disciplinary action against a city police officer, the provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall remain in full force and effect.

(9) As the provisions of this section relate to a minimum system of professional conduct, nothing in this section shall be interpreted or construed to:

(a) Limit or to in any way affect any rights previously afforded to officers of the Commonwealth by statute, collective bargaining or working agreement, or legally adopted ordinance;

(b) Preclude an employing agency from investigating and charging an officer both criminally and administratively;

(c) Prevent the suspension with or without pay or reassignment of an officer during an investigation and pending final disposition charges;

(d) Permit an employing agency to categorize and treat any complaint that originates from a citizen as an internal matter in order to avoid application of all of the provisions of this section to the final disposition of a citizen's complaint;

(e) Apply any disciplinary action required by this section to actions taken by an employing agency that is not related to misconduct by a law enforcement officer, such as personnel decisions made by the employing agency due to a lack of resources or personnel decisions related to a chief's management of a department; or

(f) Prevent an employing agency from electing to apply the provisions of this section, or parts thereof, in circumstances that would not be covered under this section. (11) This section shall not apply to officers employed by a consolidated local government that receives funds under KRS 15.410 to 15.510, who shall instead be governed by the provisions of KRS 67C.326.



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<b>Title:</b>  Diminished Capacity/ Mental Illness	<b>Chapter:</b> 4  Pages: 1-4	<b>KACP:</b> 30.8
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

- I. **Purpose:** The primary purpose for police response to an incident involving a person of diminished capacities is, to control the situation and ensure that the person receives appropriate care by qualified mental health professionals. As a general rule, a sense of urgency may require the officer to take immediate action.
- II. **Scope:** Persons of diminished capacities can range from intoxication, suicidal potentials, medical complications or mental illness. Persons of diminished capacities may display behaviors that are bizarre, irrational, unpredictable and threatening. They often do not respond to authoritative persons, the display of force, and may not comprehend commands. Officers are expected to control the incident. Proper tactical and intervention techniques can assist in resolving the encounter and provide insight for qualified mental health professionals if required.
- III. **Definitions:**
  - A. Persons of diminished capacity: Persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable or weird. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness or medical complications.
  - B. Mental Illness: This policy does not require officers to make a diagnosis of what form of mental illness the subject may have. The officer must use reasonable judgment to recognize behavior, which is outside the norm in which a person poses a danger to themselves or others.
  - C. “Mentally Ill Person” means a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person’s affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological or social factors.
  - D. Professional resources: These sources are those available to the police agency such as mental health professionals, emergency medical facilities, and outpatient counseling.
  - E. Voluntary and involuntary commitments: These are the provisions within KRS 202A.006 through 202A.432, which the agency can use for the civil commitment of persons requiring professional psychological intervention.

F. Prosecution guidelines: The decision to cite, arrest, or request a criminal complaint with the Rowan County Attorney is based on officer discretion. Consideration for a Mental Health Petition can be inclusive to any prosecution by the responding officers.

**IV. Procedure:** The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and then determine the best course of action for the subject person. No officer shall place criminal charges against a person who is mentally ill and in need of hospitalization for the purpose of avoiding transporting the person to an appropriate medical or psychiatric facility.

**A. Commitment procedures:**

1. **Involuntary Commitment:** Any peace officer that has reasonable grounds to believe that an individual meets the criteria for emergency evaluation shall take the individual into custody and transport the individual without necessary delay to a hospital or psychiatric facility.

An authorized staff physician may order the admission of any person who is present at, or is presented at, a hospital within twenty-four hours of the admission under KRS 202A.051. The authorized staff physician ordering the admission of the individual shall certify in the record of the individual that in his opinion the individual should be involuntarily hospitalized.

Any officer who has determined an individual presents an immediate danger or threat of danger to self, family, or others shall promptly take the individual into custody.

- The officer shall arrange transport of the individual, without unnecessary delay, to a hospital or designated psychiatric facility for treatment.
- The officer shall provide information to the facility as to the behavior of the individual in custody and the conditions of the danger/threat.
- The officer shall maintain custody of the individual until the hospital/psychiatric facility adequately determines the course of treatment.

2. **Voluntary Commitment:** Whenever officers are unable to determine if an individual qualifies for involuntary commitment, officers shall consider requesting local crisis intervention personnel. This option may result in the individual agreeing to a voluntary commitment under the care of that Qualified Mental Health Professional. Local resources are:

- MSU Counseling and Health Services On-Call Staff
- Saint Claire Medical Center, Emergency Room Evaluation
- Pathways Crisis On-Call Hotline

The officer may request the MSUPD Telecommunicator to contact the on-call counselor to assist. The officer will remain with the individual until the appropriate Qualified Mental Health Professional (QMHP) arrives to assist. The (QMHP) may require privacy while interviewing the individual. If the (QMHP) is unavailable to assist, the officer will be required to transport the individual, in custody, to Saint Claire Medical Facility for evaluation.

The officer shall maintain custody of the individual until the (QHMP) determines the next course of action. The following are common courses of action.

- Involuntary Commitment into psychiatric facility.
- Voluntary Commitment into psychiatric facility.
- Outpatient Care and follow-up at a counseling center.
- Full release, after (QMHP) evaluation.

3. **Mental Health Petition:** A peace officer, spouse, relative, friend or guardian of the individual exhibiting behaviors of mental illness can file a Mental Health Petition with the Rowan County Attorney. The Rowan County Attorney/Commonwealth's Attorney shall review the petition before requesting a judge's signature to validate adequate information is available before requesting a court ordered mental health evaluation. If validated, the judge will order the individual to be remanded into custody and brought to a predetermined location for an examination. Following an examination by a qualified mental health professional and a certification by that professional that the person meets the criteria for involuntary hospitalization, a judge may order the person hospitalized for a period not to exceed seventy-two (72) hours, excluding weekends and holidays. Officers may utilize a Mental Health Petition when:

- Individuals suffering of mental illness are no longer within agency jurisdiction and independent investigation has found that that individual may harm himself/others.
- The officer discovered independently, through investigation, that the individual had recently threatened harm to themselves/others. The officer's immediate attempt to locate the individual fail and the individual is known to be returning to a specific location.

**B. Containment Procedures:** Before any reasonable control and defusing techniques can be used, the subject must be contained:

- Two (2) officers shall be dispatched to an incident involving a person of diminished capacity. Officer discretion shall be utilized if additional police assistance will be required before attempting to intercede.
- If possible, the officers shall devise a plan that separates the subject from other civilians.
  - Officers should utilize all available tactics to de-escalate the situation where possible, however if an officer is faced with a violent situation, which poses a threat to the officer or other persons present, then officers should utilize use of force control measures.
- Once in custody, the use of restraints is required. These types of persons may present officers with conflicting considerations in determining the best means for restraint and transportation.
- In some cases an ambulance may be required. If the individual is transported by ambulance, one officer will remain with the individual, whom is in custody. Such situations are:

(a) Individual in custody requires immediate medical attention.

(b) Individual in custody is impaired/sedated and cannot stand without assistance.

(c) Individual in custody is suggesting non-visible injury that would be understood as life threatening.

**C. Coordination Procedures: Planning and use of personnel and resources:**

- If possible, a perimeter shall be determined to ensure that outside persons and/or family members don't become involved.
- Officers should try, when available, to gather intelligence regarding the subject being encountered. This type of information can come from persons at the scene, neighbors and/or family. This information can become important in determining the further tactical approaches to the subject and the most appropriate form of referral.
- The lead officer should determine what resources should be requested including additional police personnel, specialized weapons, professional resources and staged medical personnel.
- When warranted, the lead person will designate the location for a command post and staging area. This should be out of sight of the location of the subject encounter.

**D. Communication:**

- Prior to engaging the subject in communication, the initial responder should await the arrival of a cover officer. When dealing with edged weapons officers should, where possible, maintain a zone of safety, which allows for reaction should the subject decide to attack.
- Verbal communication should be non-threatening. It may be necessary to change the person designated as the primary officer to aid in de-escalation.
  - Sharp, authoritative commands should be avoided. Officer should use calming communicative attempts.
  - History has shown that the longer the encounter is allowed to occur, the better the chance for a successful and safe resolution.
  - Time encourages the ability to communicate and create a relationship between the subject, police and qualified mental health professional.

**V. Reporting requirements:**

Officers shall prepare all required reports whether the subject of the call is arrested, committed, or released. This can provide valuable information for future contacts with the individual and shall be submitted to on-duty supervisor for review.



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<b>Title:</b>  Golden Alert/Elderly Missing	<b>Chapter:</b> 5  <b>Pages(s):</b> 1	<b>KACP</b> 30.5
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

- I. **Purpose:** The purpose of this policy is to comply with Kentucky Revised Statute 39F.180 as it relates to Golden Alert/Elderly Missing
  
- II. **Definitions:** For the purpose of this policy, “impaired adult” means a person eighteen (18) years of age or older who has a verified mental or cognitive impairment and whose disappearance poses a credible threat to the health or safety of the person, as determined by a local law enforcement agency.

**III. Procedure:**

A search for a person who is known or reported to have an organic brain disorder, including but not limited to Alzheimer’s disease, shall immediately be reported as a **Golden Alert** to the local Emergency Management Director (EMD), local search and rescue coordinator if different from the EMD, local media outlets, and the duty officer of the Division of Emergency Management by the officer or supervisor conducting/managing the search.

Whenever there is a report that qualifies as a Golden Alert, the responding officer shall immediately begin to formulate a plan for locating the individual. The extent and length of the search should be governed by the available information and evidence. Consideration should be given to using the following resources when appropriate:

1. Other Law Enforcement Agencies/Personnel
  2. Fire Department Personnel
  3. Emergency Management Director
  4. Volunteers
  5. Canine tracking, if available from other agencies.
- 
- A. The officer shall immediately notify a supervisor, complete the missing persons report and ensure that relevant and accurate information is entered into LINK/NCIC as soon as possible.
  - B. The officer or supervisor shall immediately notify the local EMD and local Search and Rescue Coordinator.
  - C. The officer or supervisor shall contact Morehead State University’s Media Relations Director for a determination to alert the local media.
  - D. Upon notification, the EMD assumes overall responsibility for the ongoing search of the missing person.



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<b>Title:</b>  Safe Infant Act	<b>Chapter:</b> 6  <b>Page(s):</b> 1-2	<b>KACP</b> 30.6
<b>Approved Date:</b>  July 2017	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose:** The purpose of this policy is to establish guidelines and responsibilities regarding the Morehead State University Police Department response to the abandonment of newborn infants. Pursuant to KRS 405.075 and KRS 620.350, Kentucky law enforcement agencies are required to accept newborn abandoned infants and immediately arrange for the infant to be taken to the nearest hospital emergency room.

**Policy:** It is the policy of the Morehead State University Police Department to comply with KRS 405.075 and KRS 620.350, The Thomas J. Burch Safe Infants Act.

1. The “Safe Infants Act” allows a parent of newborn infants to anonymously drop them off at a safe place (i.e.: EMS, Sheriff, Police, Fire Station, or Hospital) without fear of prosecution.
2. The law is intended to provide a humane option for parents who might otherwise abandon their newborn infant in a public place.
3. The law is intended to prevent any unwanted newborn from being abandoned in an unsafe environment.
4. A parent or person acting on behalf of the parent may anonymously leave the unwanted infant without fear of prosecution, unless there are signs of child abuse, or neglect after birth.
5. Police Officers will be sensitive to the fact that this may be an extremely difficult choice for a parent to make, working from the basis that the parent is trying to do the right thing for their newborn.

**Definitions:** The term infant refers to a human being that is medically determined to be less than 30 days old, and does not have indications of child abuse, maltreatment, or neglect after birth.

**A. Procedure:**

1. Officers Responsibilities:
  - a. Respond promptly to the scene of the report.
  - b. Immediately arrange for transportation to the nearest hospital emergency room.
  - c. Notify their supervisor.



- d. Must accept the infant, if it is determined medically to be less than 30 days old.
- e. Investigate for signs of abuse, neglect, or mistreatment.
- f. Attempt to get the parents or person acting on behalf of the parent to complete medical information for Newborn Infants Form (DPP1268), for use in gathering voluntary, non-identifying information from a person who leaves an infant. The form may be filled out immediately or mailed to the Kentucky Cabinet for Families and Children at a later date. A parent is encouraged to complete the form, but providing this information is voluntary.
- g. If a Police Officer suspects any form of abuse, neglect, or mistreatment the Department of Community Based Services hotline should be called immediately at 1-800-752-6200. This is a statewide number and can be reached 24 hours a day, 7 days a week.

2. Police Officers **may not:**

- a. Detain, follow, or pursue the parent or person acting on the parents behalf.
- b. Coerce or otherwise force the parent to reveal their identity.
- c. Coerce or otherwise force the parent to give medical information.
- d. Coerce or otherwise force the parent to keep the infant.
- e. None of the above provisions will apply in cases when indicators of child abuse, neglect, or mistreatment are present.



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<b>Title:</b>  Response to Resistance	<b>Chapter:</b> 7  <b>Page(s):</b> 1-9	<b>KACP</b> 1.3, 1.8, 1.12
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**KRS 503.090 USE OF FORCE I.**

**PURPOSE**

The policy on Use of Force is established to provide guidelines and direction to officers regarding the limitations of force used and clearly describe certain prohibited activities. The policy supports the department’s mission to maintain the highest regard for all individual’s Constitutional Rights: safety and protection afforded by law and the ideal of human dignity.

**II. DEFINITIONS**

**DEADLY PHYSICAL FORCE:** Any force which is used with the purpose of causing death or serious physical injury or which the officer knows or reasonably should know to create a substantial risk of causing death or serious physical injury.

**SERIOUS PHYSICAL INJURY:** Any physical injury which creates a substantial risk of death, or which causes serious and prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member of the organ.

**PHYSICAL INJURY:** Any injury which causes substantial physical pain or any impairment of bodily condition.

**LESS-LETHAL FORCE:** Force employed which is neither likely nor intended to cause death or serious physical injury.

**EXCESSIVE FORCE:** Force is excessive when its application is inappropriate to the circumstances and that may result in physical injury or death of a suspect. No comprehensive objective definition or excessive force can be offered; each situation must be evaluated according to the particular circumstances unique to the event under review.

As a guide, **King v. Blankenship** 636 F. 2d 70 (4<sup>th</sup> Circuit, 1980) established four considerations in determining whether force was excessive:

1. Need for the application of force;
2. Relationship between the need and the amount of force that was used;
3. Extent of injury inflicted; and
4. Whether the force was applied in a good faith effort to maintain and restore order or maliciously used for the very purpose of causing harm.

**REASONABLE BELIEF:** The facts or circumstances the officer knows, or reasonably should know, that would cause an ordinary prudent person to act or think in a similar manner under similar circumstances.

**REASONABLE FORCE:** The minimum amount of force required to overcome the use or imminently threatened use of force against the officer or other person, which, based on facts or circumstances the officer knows, or should know, would cause an ordinary prudent person to act or think in a similar manner.

**FIREARM:** Any weapon from which a projectile is forcibly ejected by an explosion.

### III. PROCEDURE – GENERAL GUIDELINES: Reasonable Force

#### USE OF FORCE IN AN ARREST

- A. In all instances, officers of this department are expected to use the minimum force necessary to lawfully and properly make an arrest or assist in making an arrest. The officer is responsible to the following elements when using force to make an arrest, pursuant to KRS 503.090(1):
  1. The officer must believe that such force is necessary to make the arrest;
  2. The officer makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonable be made known to the person to be arrested;
  3. The officer believes the arrest is lawful.
- B. An officer may use deadly force in making an arrest only when he/she meets the three (3) above requirements set forth in KRS 503.090(1), and the following conditions apply:
  1. The arrest is for a felony involving the use or threatened use of physical force likely to cause death or serious physical injury (pursuant to KRS 503.090(2b); and
  2. The officer making the arrest believes the person to be arrested is likely to endanger human life unless apprehended without delay (pursuant to KRS 503.090(2c).

#### **IV. USE OF FORCE IN SELF-PROTECTION AND IN PROTECTION OF OTHERS**

##### **A. Use of Force in Self Protection (Pursuant to KRS 503.050)**

1. An officer may use physical force upon another person when the officer believes that such force is necessary to protect himself/herself against the use or imminent use of unlawful physical force by the other person.
2. An officer may use deadly force in self-defense when he/she believes such force is necessary to protect against death, serious physical injury, kidnapping or forcible rape.
3. In the event an officer reacts with force in self-defense as a result of an unlawful act, the officer should file the appropriate charge (if any) against the person committing the unlawful act.

##### **B. Use of Force in Protection of Others (Pursuant to KRS 503.070).**

1. An officer may use physical force upon another person when the officer believes that such force is necessary to protect a third person against the use or imminent use of unlawful physical force by the other person.
2. An officer may use deadly force upon another person when the officer believes that such force is necessary to protect a third person against serious physical injury, kidnapping or forcible rape but such use of force would be justifiable only if the protected person would have been justified in using the same force in his own defense.
3. An officer so acting should file appropriate charges (if any) against the person who unlawfully used or threatened the force which required the officer to defend a third person.

#### **V. SUMMARY OF USE OF FORCE**

- A. Officers of this department shall use only the minimum force necessary while performing their duty in accordance with KRS Chapter 503.
- B. An officer must frequently employ the use of force to effect an arrest and ensure public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat (with all the risks involved) before resorting to the use that will more quickly, humanely and safely bring the arrested under physical control. (This, of course, assumes the officer is acting in accordance with KRS Chapter 503).

## **VI. TYPES OF FORCE AUTHORIZED**

When the use of force is necessary and appropriate, either on or off duty, officers shall, to the extent possible, utilize an escalating scale of options and shall not use a more forceful measure unless it is determined that a lower level of force would not be adequate, or that such level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is established as:

- 1. Verbal permission.**
- 2. Physical strength (e.g., holding, pulling, exerting greater strength to overcome resistance).**
- 3. OC pepper spray or other personal chemical agent / CEW (Taser)**
- 4. Straight baton.**
- 5. Firearm.**

It is not the intent of this order to require officers to try each option before escalating to the next level. Clearly, good judgment and the circumstances of a given situation will dictate what level the officer chooses as appropriate to the risk confronted. The department shall hold the officer accountable for any type of force used.

### **A. Personal Chemical Agent**

1. When physical force or other means have proven insufficient, an officer may need to resort to the use of a chemical agent in an act of self-defense or in defense of another person, or to subdue a resisting subject. Officers must exercise sound judgment when using a chemical agent and realize the dangers this chemical agent poses to the user, assisting officers and bystanders.
2. In the event an officer uses a chemical agent, the officer is responsible for beginning decontamination of suspect using issued equipment and following guidelines taught in training. Immediate medical assistance is needed for those person who meet guidelines taught in training; (i.e., contact lenses). To minimize the medical risks, officers should observe the following:
  - a. Avoid spraying subject(s) in the mouth, if possible. Spray subject(s) directly in the eyes.
  - b. Keep the application to the absolute minimum required to effectively control the subject.
  - c. Exercise great care in use upon person(s) who resist being taken from a vehicle. In such cases, use only as the last resort to prevent injury to subject(s) and officer(s). Remove the subject(s) from the vehicle as quickly as possible after application.
  - d. Once the person(s) has been sprayed with a chemical agent and restrained, officers will advise subject not to rub his/her eyes. The officer shall start to flush the person's

eyes and skin with cool water as soon as possible.

3. Officers should consider the following as a matter of standard procedure before using a chemical agent:
  - a. Is sufficient physical force available from assisting officer to subdue the subject(s) without resorting to a chemical agent?
  - b. Is it practical to summon for backup assistance before using the chemical agent?
  - c. Is the environmental condition such that use of the chemical agent will negatively affect the officer's ability to control the situation? (wind direction, how close the person is to the officer, proximity of other officers, etc.)

## **B. Tear Gas**

These are chemicals primarily used in dealing with unruly crowds and armed barricaded subjects.

1. Gas grenades are used to disperse unruly crowds and induce the surrender of barricaded subjects when negotiations have failed.
2. Tear gas is used to fire projectiles to the area of an armed barricaded subject when the use of hand-tossed grenade would be unsafe or impartial.
3. Tear gas shall only be used with the permission of the Chief of Police or Acting Chief of Police. However, if exigent circumstances present imminent threat of serious physical injury or death to any officer or other person, the Sergeant may use the tear gas in an attempt to protect others from death or serious physical injury.

## **C. Straight Baton**

1. The straight baton is a very formidable weapon.
2. An officer shall avoid unnecessary injury to suspects and use the straight baton properly and judiciously.
  - a. The baton is generally used against an aggressive, unarmed suspect or when lesser levels of control have failed, or have been determined by the officer to be inadequate
  - b. When properly used, the baton is capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat and side of neck must be avoided when possible.
  - c. Officers shall carry only batons authorized by the Chief of Police. Batons shall not be altered in any manner.
3. Officers are prohibited from carrying or using any instrument as an offensive weapon, not specifically authorized or issued as a weapon by the department.
4. The officer may use the Kel-lite type flashlight in a defensive manner for self-protection or for the protection of another person when no other reasonable alternative is available.

## **D. Conductive Electronic Weapon (CEW) aka, Taser**

### **I. PURPOSE**

To inform department officers in the proper use, maintenance, and storage of department-issued conductive electronic weapons.

### **II. POLICY**

It shall be the policy of the Morehead State University Police Department that all department-issued conductive electronic weapons and cartridges shall be used, maintained, and stored as prescribed in this policy, unless otherwise directed.

A conductive electronic weapon (CEW) is a less lethal weapons system not intended to replace firearms, other less lethal systems, or other approved resistance control measures. CEW systems, when deployed in accordance with approved training, have been shown to greatly enhance officer and suspect safety while minimizing injury potential. The CEW should be utilized in situations commensurate with those in which chemical agents would be authorized under KRS and existing Morehead State University Police Department policy.

### **III. DEFINITIONS**

- A. The Morehead State University Police Department shall issue and provide CEW training to appropriate sworn members as described in this policy.
- B. CEW Download Report: Each CEW records usage information on the last 1,500 cycles including spark tests. Download reports include the serial number and model number of the weapon as well as the sequence number, time, date, duration, temperature, and battery status for each cycle. The download report can be generated for a specific date range or for all history in the device's memory.

### **IV. PROCEDURES**

- A. The department CEW Training Officer shall be responsible for the direction and coordination of agency CEW training programs and shall simulate, as much as possible, realistic usage of all issued CEWs.
- B. No department-issued CEW shall be carried or utilized until the officer has successfully completed the required training.
- C. **Voluntary** CEW exposure is highly recommended as part of the initial training unless a medical condition prohibits it.
- D. Officers attending CEW training shall advise the instructor of any and all medical conditions that might be adversely affected by exposure and shall not participate in exposure exercises unless authorized by competent medical authority.
- E. Operator training shall only be conducted by personnel trained as instructors.
- F. All CEW-certified officers shall re-train annually with their issued CEW in accordance with the CEW Training Program Guidelines.
  - 1. Officers shall attend a minimum of one hour of CEW refresher training annually to remain qualified as operators.
  - 2. Such training shall consist of a minimum of two (2) actual or simulated cartridge deployments per officer in a realistic scenario setting.

## V. ISSUANCE AND MAINTENANCE OF CEWS

- A. Upon being issued, all CEWs and CEW cartridges shall be tested for proper mechanical operation, using actual or simulated cartridges.
- B. Officers shall immediately report any CEW mechanical problem to their immediate supervisor who shall notify the department CEW Training Officer.
- C. Department CEW Training Officers shall inspect all agency-issued CEWs at least annually, but may perform periodic inspections at any time.
- D. When any issued CEW is left in an unattended vehicle, the doors of the vehicle shall be locked.
- E. If an officer's vehicle is left at a garage, service station, or location not under the control of the department or officer, the CEW shall be removed from the vehicle and retained by the officer.

## VI. CARRYING THE ISSUED CEW

- A. The CEW shall be carried on the uniform in accordance with Chapter 30 of the Morehead State University Police Department SOP.
- B. Only authorized holsters shall be used to carry the CEW.
- C. CEWs shall be carried so as to minimize the chance of confusion with any lethal weapon system present. Absent approval of the Commissioner, and with an appropriate level of additional training, officers shall position the CEW holster on the reaction side of the duty belt, and may position the holster for a cross draw with the weapon hand or to draw with the reaction hand.
- D. The CEW will remain holstered unless being tested, maintained, or deployed in accordance with training and agency guidelines.
- E. Officers lacking available space on the duty belt may remove their OC aerosol projector to accommodate placement of the CEW. In such cases, OC should then be stored in a secure, appropriate location within the cruiser when not being carried or used.

## VII. READINESS AND SAFETY OF ISSUED CEWS

- A. If the central information display (CID) on the unit indicates less than 20 percent battery life remaining, the digital power magazine (DPM) should be replaced. The removed DPM should be used only for training purposes as long as 1 percent or greater battery life remains.
- B. The CEW shall be properly stored and secured in accordance with training guidelines when not in use.
- C. The CEW shall be treated as a less lethal weapon and handled accordingly.
- D. Officers shall not modify or use the CEW in any manner not authorized in the applicable training course or department policy.
- E. Officers shall "spark test" the CEW as prescribed in operator training at the **beginning of every shift**.

## VIII. DEPLOYMENT OF ISSUED CEW

- A. It should be emphasized that the CEW, while extremely effective, should not generally be utilized against imminent lethal threats absent exigent circumstances and/or the availability of a lethal cover officer.



- B. Officers about to deploy the CEW should, whenever practical, inform other officers present that the weapon is about to be used (i.e., state “TASER! TASER! TASER!” or other appropriate verbal cue).
- C. Officers should be prepared to follow-up with appropriate control measures and handcuffing techniques, as applicable to the situation, after use of the CEW on resistive subjects.

## IX. POST-USE PROCEDURES

Removal of the CEW probes from the subject shall be performed in the following manner:

- 1. Do not attempt to remove probes if the subject is combative or if the location of the probe is in **a sensitive area such as the genitals, face, neck, ear, or breast (females)**.
- 2. Do not attempt to remove probes if they are deeply embedded.
- 3. **Probes embedded as described in subsections 1 and 2 above shall only be removed by EMS officials or other authorized medical personnel.**
- 4. Probes superficially embedded shall only be removed by an officer trained to do so. When practical, such removal should be witnessed by another officer or by medical personnel.
- 5. Use latex gloves for removal of probes.
- 6. Clean wound sites with antiseptic wipe and apply bandage.
- 7. Assess subjects for injury or condition that may warrant additional medical attention or screening and seek appropriate medical care accordingly.
- 8. Handle removed probes as biohazard “sharps” and store accordingly.
- 9. Retain and mark probes as biohazards in cases where they are to be held as evidence.

## X. DOCUMENTATION

A. Officers shall immediately report to their supervisor any incident where their department- issued CEW was deployed, except during training or practice sessions.

B. In any event of a standard deployment or touch/drive stun of the CEW upon a subject, documentation and supervisory review shall be mandatory. The reporting process for use of the CEW shall be in accordance with the response to resistance reporting guidelines.

C. A CEW Download Report shall be downloaded under the following circumstances:

- 1. When the CEW is permanently issued. The report documents the date the receiving officer becomes responsible for the CEW and he will not be held responsible for usage history prior to that date.
  - a. The supervisor shall spark test the weapon to establish the current date and time.
  - b. A complete download report including all history to date shall be generated.
  - c. The report shall be saved on a designated department folder.
- 2. When the CEW is permanently transferred to another officer. The report documents the date the officer turned in the CEW and the usage history while he was responsible for it.
  - a. The supervisor shall spark test the weapon to establish the current date and time.
  - b. A download report shall be generated from the date of issue to the officer through the date returned.

- c. The report shall be saved on a designated department folder.
3. When the CEW is returned to the department upon retirement or resignation.
  - a. The supervisor shall spark test the weapon to establish the current date and time.
  - b. A complete download report including all history to date shall be generated.
  - c. The report shall be saved on a designated department folder.
4. When the CEW is deployed as a response to resistance.
5. During the officer's line inspections.

## **XI. REPORTING PROCEDURES**

1. The deploying officer shall notify his or her supervisor as soon as practical after using the device and that supervisor shall complete the appropriate Response to Resistance Report.
2. The responding supervisor submit a Response to Resistance Report (MSUPD-42) describing the deployment.

## **VII. PROCEDURES FOR APPLICATION OF DEADLY FORCE**

1. The general policy if this department regarding the use of firearms or other deadly force by an officer, on or off duty, is authorized provided the officer is using the firearm only to prevent the death or serious physical injury to their self or another person.
2. All officers are strictly prohibited from drawing or displaying their firearm except for a legal use, official inspection or formal training exercise while on duty or acting in any other official capacity as a peace officer.
3. An officer may discharge their firearm while in performance of official duty for the following reasons:
  - a. During formal training exercises authorized by the Chief of Police.
  - b. During safe practice in any area where firing a weapon would not be in violation of the law.
  - c. To humanely kill a seriously injured or dangerous animal when other alternatives are impractical or unavailable and then only with authorization from the Lieutenant of Shift Sergeant unless time does not permit.
  - d. When all other levels of force and control have failed or are not practical and the officer reasonable believes that such action is necessary to defend against imminent serious physical injury or death in accordance with KRS Chapter 503.050.
  - e. When all other levels of force and control have failed or are not practical and the officer reasonably believes that such action is necessary to defend another person against imminent serious physical injury or death in accordance with KRS Chapter 503.070.

- f. When the officer is authorized to use deadly physical force in making an arrest or preventing the escape of an individual that is very likely to kill or cause serious physical injury to another person in accordance with KRS Chapter 503.090.
4. Unauthorized Use of Firearm
    - a. **Officers are prohibited from firing warning shots.**
    - b. Officers shall not fire at any person for the purpose of effecting a misdemeanor arrest unless circumstances of protection against imminent serious physical injury or death develop.
    - c. Officers shall not fire any deadly weapon at individuals merely for the purpose of preventing the destruction or theft of property.
    - d. Officers shall not fire at any person who simply runs away in an attempt to avoid arrest.
    - e. Officers shall not fire at moving vehicles except in self-defense or the defense of another person.
    - f. Officer shall not fire from any moving vehicle.
    - g. No department issued firearm shall be used for any purpose not described in policy (e.g., shotguns shall not be used for hunting).

## VIII. REPORTING RESPONSE TO RESISTANCE

### A. Requirement of Response to Resistance Report

1. A responding supervisor shall submit a Response to Resistance Report (MSUPD-42) as a result of any event when force is used by a department officer.
2. The Response to Resistance Report shall be submitted by the responding supervisor before completing their shift unless approval is granted by the Chief of Police or his designee.
3. In the event an officer is involved in the use of force against another person, the officer shall make no public statement unless authorized by the Chief of Police.

### B. General Provisions: Use of Force

1. Response to Resistance Report shall contain, at a minimum, the following information:
  - a. The circumstances causing the officer to resort to physical force.
  - b. The type of physical force used.
  - c. Description of deadly or non-deadly weapons used.
  - d. Any other circumstances that pertain to the use of force and/or assist in explaining the event.
  - e. Photographs of the suspect and/or officer in any case of reported injury.
2. The Chief of Police or designee shall review each Response to Resistance Report and, if necessary, request supplemental material containing additional facts, opinion or other pertinent information about the event.
3. At any time when an officer's use of force results in a death, the officer using such force shall be placed on administrative leave with pay pending the outcome of the investigation.

4. Before the officer returns to duty after using deadly physical force, they shall be evaluated by a physical/psychological health professional. This will be at the department's expense.

## **IX. INCIDENTS OF FIREARMS DISCHARGE: SPECIAL REQUIREMENTS**

- A. All intentional or accidental discharges of firearms by an officer, other than for practice where permitted, must be reported to the officer's immediate supervisor as soon as possible. If the discharge of the firearm results in injury to any person, the Chief of Police or designee shall be notified immediately.
- B. In the event of firearm discharge, the officer is responsible for the following:
  1. Summon medical assistance for injured individuals.
  2. Immediately notify on-duty Sergeant or Senior Officer.
    - a. This notification applies to all shooting incidents in which an officer is involved, including those which may occur outside the city limits while the officer is off duty.
    - b. In any event of firearm discharge outside the city limits, the officer is required to immediately notify the appropriate law enforcement agency of that jurisdiction.
  3. The first officer arriving at the scene shall be in charge until relieved by their immediate supervisor or higher authority.
  4. Any officer directly involved in the event will be prohibited from interviewing witnesses or suspects.

### **C. Shift Supervisor Responsibilities**

1. Confirm that immediate emergency medical assistance has been requested.
2. Secure the weapon that was discharged. It is recommended that the Sergeant or Shift Supervisor exchange weapons with the officer involved in the shooting.
3. Notify the Chief of Police as soon as possible.
4. Coordinate the protection of the scene and the investigation until relieved by higher authority.
5. Assure that preliminary investigative reports are completed.

## **X. ADMINISTRATIVE REVIEW**

All reports shall be reviewed by the Chief of Police. In any case of intentional or accidental discharge of firearms or use of deadly or less-lethal force by an officer, the Chief shall seek to determine if the officer's conduct was proper or improper. If the facts of the incident are not clear or if a possible violation of department policy exists, the Chief of Police may choose to assign a team of investigators to examine the circumstances and forward a report within thirty (30) days of the event.

At any time when an officer's use of force results in a death or serious physical injury, the officer using such force shall be placed on administrative leave with pay pending the outcome of the investigation (KACP 1.12). Before the officer returns to duty after using deadly physical force, he/she shall be evaluated by a psychological health professional (KACP 1.12).



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<b>Title:</b>  Applicant Qualifications	<b>Chapter:</b> 8  Page(s): 1-2	<b>KACP</b> 10.6, 13.1, 13.2, 15.1
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**(A) QUALIFICATIONS FOR UNIVERSITY POLICE OFFICER.**

Must be 21 years of age; high school graduate; resident of Kentucky; proof of honorable discharge for veterans (classification for non-veterans); must be able to pass a written exam and oral interview, must be able to pass physical examination; including a baseline audiogram, specified by the Morehead State University Police Department; must be able to complete a psychological examination; must be able to complete a polygraph examination; must have completed or be able to complete the police basic training academy provided by the Department of Criminal Justice Training. Pre-employment drug testing shall be required. Must pass specific tested areas through (POPS) Police Officer Professional Standards. All of the above examinations shall be provided at no cost to the employee.

**(B) TELECOMMUNICATIONS DISPATCHERS REQUIREMENTS.**

A high school graduate, proficiency in computer keyboard, must satisfactorily have completed or be required to complete within the first year of employment a 40-hour communications procedures class and a basic LINK/NCIC class conducted by the Department of Criminal Justice Training, Kentucky Justice Cabinet or complete the 4 week Telecommunicator Academy. Must maintain Department of Criminal Justice Certification throughout term of employment.

**(C) OATH OF OFFICE.**

All new Morehead State University Police Department officers, before their appointment to duty, shall be required to take oath of office as required by law.

**(D) BACKGROUND INVESTIGATION.**

Each applicant shall have their background comprehensively investigated. Background investigations shall include school, credit, and criminal records; interviewing persons used as references and other persons in the applicant's community; and interviewing past and present employers. The interview may extend to other communities as well, if the applicant has lived elsewhere. Prior convictions, work habits, emotional stability, among other characteristics, shall be determined to ascertain whether the applicant is suitable.

**(E) PROBATIONARY PERIOD.**

Any sworn University Police Officer appointed to the Morehead State University Police Department will be on probation for six (6) months before their employment is made permanent. If as a condition of permanent employment, completion of a basic training course is required by the Chief of Police, the probationary period will extend 90 days from completion of the basic training course. Continuation in the office is dependent upon the conduct of the probationer and their fitness to perform their duties during the probationary period. At the end of the probationary period, the Chief of Police, based upon personal observations and reports from supervisors and training officers and the completion of a Staff Performance Evaluation of the officer, shall recommend to the Vice President for Student Life whether the appointment should be made permanent. Probationary officers shall not carry firearms until completion of the basic training course at the Department of Criminal Justice Training, unless specially authorized, in writing by the President of Morehead State University.

**(F) DRIVER'S LICENSE.**

All employees operating Morehead State University Police Department motor vehicles shall possess a valid driver's license. Whenever a driver's license is revoked, suspended or otherwise lost, that person shall immediately notify the Chief of Police.

**(G) APPOINTMENT.**

All appointments are made in accordance with University personnel policies governing personnel appointments and will be in conformance with University Affirmative Action and Equal Employment Opportunity Plan. Final appointment authority rests with the Board of Regents, as recommended by the President.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Career Development	<b>Chapter:</b> 9  <b>Page(s):</b> 1-4	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**I. Purpose**

The purpose of this policy is to provide police officers and police telecommunicators with the means to improve knowledge, skills, and ability needed to perform the job tasks required in specialized areas of their profession.

**II. Policy**

The overall purpose and goal of the department's career development program is to provide the means where police officers and police telecommunicators of the Morehead State University Police Department, who demonstrate continued interest and ability within a particular career path, may come to realize professional excellence. The measure of efficiency for the career development program will be based upon the attainment of each of the following development levels:

- Law Enforcement Officer Level I
- Law Enforcement Officer Level II
- Law Enforcement Officer Level III
- Law Enforcement Officer Level IV
- Law Enforcement Officer Level V
  
- Police Telecommunicator Level I
- Police Telecommunicator Level II
- Police Telecommunicator Level III
- Police Telecommunicator Level IV
- Police Telecommunicator Level V



## APPLIES TO NON-EXEMPT EMPLOYEES ONLY

### Career Development

#### **Law Enforcement Officer I**

- Pre-employment (POPS) certified
- Eighteen week Basic Training
- Successful completion of the Morehead State University Police Department Field Training Program

#### **Law Enforcement Officer II - 3%**

- Minimum of five (5) years with the Morehead State University Police Department with continued eligibility for benefits.
- Must have completed 240 hours of In-Service Training with five (5) years of employment or Certification in specialized areas from the Department of Criminal Justice Training's Career Development Program.
- Must have an average score of 3.0 or more for the past five years on the Annual Performance Evaluation.
- Must achieve the Standards of Physical Fitness which will be evaluated annually by the Morehead State University Wellness Center in January of each year (Medical Exception).
- Accumulation of College Credits. Minimum of 15 college credit hours within in five(5) years.

#### **Law Enforcement Officer III – 3%**

- Minimum of 10 years service with Morehead State University Police Department with continued eligibility for benefits.
- Must have accumulated a minimum of 480 hours of In-Service Training within ten(10) years or Certification in two specialized areas from the Department of Criminal Justice Training's Career Development Program.
- Must have an average score of 3.0 or more for the past five annual Performance Evaluations.
- Must achieve the Standards of Physical Fitness set forth in the "Standards of Physical Fitness Policy" annually (Medical Exception).
- Minimum of 30 college credit hours to be obtains with ten (10) years.

#### **Law Enforcement Officer IV – 3%**

- Minimum of 15 years service with Morehead State University Police Department with continued eligibility for benefits.
- Must have accumulated a minimum of 1040 hours of In-Service Training within fifteen (15) years or three certifications from the Department of Criminal Justice Training's Career Development Program.
- Must have an average score of 3.0 or more for the past five annual Performance Evaluations.
- Must achieve the Standards of Physical Fitness set forth in the "Standards of Physical Fitness Policy" annually (Medical Exception).
- Minimum of 64 college credit hours to be obtains with fifteen (15) years.

**Law Enforcement Officer V – 5%**

- Minimum of 20 years service with Morehead State University Police Department with continued eligibility for benefits.
- Must have accumulated a minimum of 1400 hours of In-Service Training within twenty (20) years.
- Must have an average score of 3.0 or more for the past five annual Performance Evaluations.
- Must achieve the Standards of Physical Fitness set forth in the “Standards of Physical Fitness Policy” annually (Medical Exception).
- Must have obtained 128 hours or a Bachelor’s Degree.

**Police Telecommunicator I –**

- Pre-employment (POPS) certified
- 4 week Basic Telecommunications Academy
- Successful completion of the Morehead State University Police Department Field Training Program

**Police Telecommunicator II - 3%**

- Minimum of five (5) years with the Morehead State University Police Department with continued eligibility for benefits.
- Must have completed 240 hours of In-Service Training with five (5) years of employment or Certification in specialized areas from the Department of Criminal Justice Training.
- Must have an average score of 3.0 for the past five years on the Annual Performance Evaluation.
- Must achieve the Standards of Physical Fitness which will be evaluated annually by the Morehead State University Wellness Center in January of each year (Medical Exception).
- Accumulation of College Credits. Minimum of 15 college credit hours within in five (5) years.

**Police Telecommunicator III – 3%**

- Minimum of 10 years service with Morehead State University Police Department with continued eligibility for benefits.
- Must have accumulated a minimum of 480 hours of In-Service Training within ten (10) years or certification in two specialized areas from the Department of Criminal Justice Training’s Career Development Program.
- Must have an average score of 3.0 or more for the past five annual Performance Evaluations.
- Must achieve the Standards of Physical Fitness set forth in the “Standards of Physical Fitness Policy” annually (Medical Exception).
- Minimum of 30 college credit hours to be obtains with ten (10) years.

**Police Telecommunicator IV – 3%**

- Minimum of 15 years service with Morehead State University Police Department with continued eligibility for benefits.
- Must have accumulated a minimum of 1040 hours of In-Service Training within fifteen (15) years or certification in three specialized areas from the Department of Criminal Justice Training's Career Development Program.
- Must have an average score of 3.0 or more for the past five annual Performance Evaluations.
- Must achieve the Standards of Physical Fitness set forth in the "Standards of Physical Fitness Policy" annually (Medical Exception).
- Minimum of 64 college credit hours to be obtained with fifteen (15) years.

**Police Telecommunicator V – 5%**

- Minimum of 20 years service with Morehead State University Police Department with continued eligibility for benefits.
- must have accumulated a minimum of 1400 hours of In-Service Training within twenty (20) years.
- Must have an average score of 3.0 or more for the past five annual Performance Evaluations.
- Must achieve the Standards of Physical Fitness set forth in the "Standards of Physical Fitness Policy" annually (Medical Exception).
- Must have obtained 128 hours or a Bachelor's Degree.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Campus Safety Initiatives	<b>Chapter:</b> 10  <b>Page(s):</b> 1-3	
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**CAMPUS SAFETY AND SECURITY SURVEY**

At least twice annually (normally March and September), and more often as reasonably believed necessary, the Chief of Police, Environmental Safety and Health or their designated representatives shall make a comprehensive campus survey at night to determine lighting adequacy and needs. They will accomplish the survey on foot and make every effort to observe all possible routes used by the University community, including parking lots. A list of needs will be identified to the Director of Risk Management and the Vice President for Student Life and forwarded to the Physical Plant. This survey will also cover shrubs, sidewalks, and other issues impacting the overall safety and security of the campus.

**DAILY CRIME LOG**

The Morehead State University Police Department maintains a Daily Crime Log of all reported crimes, which is updated on a daily basis. The log includes the nature, date and time reported, and general location of each crime reported to our department. The University Police Department's Daily Crime Log contains information on all crimes and arrests, which occur on campus property and its geographical area of responsibility in accordance with federal laws. The Daily Crime Log is available 24 hours a day for review at our main office location at 100 Laughlin Health Building and available on the Web at [www.moreheadstate.edu/police](http://www.moreheadstate.edu/police).

**EMERGENCY PHONES**

The Morehead State University Police Department maintains and controls Emergency Phones in various locations throughout the campus. The Emergency Phones can be used for any emergency situation, information, or for requesting the evening shuttle van. After the button has been pushed, dispatchers will answer and take any necessary action to assist. If there is no reply to the 911 Telecommunications Center after the Emergency Phone has been activated, a Police Officer will be sent to check the area for a reason for the activation. The MSU Police Dispatch Office will have a listing of Emergency Phone locations.

## **EVENING SHUTTLE SERVICE**

To promote safety after dark, the University Police Department provides uniformed student cadets to drive the evening shuttle van to parking lots or vehicles, depending upon the availability of resources. Students, faculty and staff who need this service should call the main office at 3-2035, 3-8747 (3-TRIP) or **911** from any emergency phone. Escorts to an off campus location will only be provided in the event of an emergency situation or other mitigating circumstances with the approval of the Chief of Police. We also recommend that you use the “buddy system”, organize groups and walk together to a destination. These small measures can make a big difference in personal safety.

## **FIRE ALARMS**

University Police officers will respond to all fires and fire alarm calls. The Morehead Fire Department shall be contacted on any fire call. Officers responding to fire calls shall be responsible for directing vehicle and pedestrian traffic at the fire scene and assist with evacuation, if necessary. The responding officer will write a report on any fires or fire alarms. **(ALSO SEE FIRE ALARM POLICY).**

## **NOTIFICATION OF THE UNIVERSITY COMMUNITY**

In the event of an emergency (including weather and safety alerts), Morehead State University will utilize a number of communication tools and strategies to communicate with the campus community. Depending upon the nature of the announcement, any or all of the following methods may be used:

- Text messaging and e-mail alert system (Eagle Alerts; e2Campus); Sign up is voluntary but is strongly recommended.
- Mass campus e-mail
- Campus-wide voicemail
- Posting on University Web site and portals
- Radio, TV, and other media outlets, including Morehead State Public Radio
- Campus TV override announcements
- Digital information system/digital signs
- Posted printed notices in residence halls and in administrative/academic buildings

## **TIMELY WARNINGS / SAFETY ALERTS**

The Morehead State University Police Department is designed to inform the University community in a timely manner of crimes committed on campus and heighten safety awareness as well as request information that will assist University Police and the local police departments in arresting and convicting the perpetrator when crimes have been committed against persons or property.

When a crime that represents a threat to the safety of the members of the University community is reported to University Police or the local police department, the University Police Department will issue a Campus Crime Alert. Every attempt will be made to issue the Alert within 24 hours of the incident being reported, however, the release of the Alert is subject to the availability of

facts concerning the incident. The Alert will be distributed through a network of on-campus offices, buildings and residence halls and via the MSU website at [www.moreheadstate.edu](http://www.moreheadstate.edu)

### **TRAFFIC CONTROL DEVICES:**

The Morehead State University Police Department will monitor vehicle and pedestrian traffic to determine the placement and location of traffic devices and crosswalks.

### **WEAPONS POLICY**

The possession or storage of a deadly weapon, destructive device, or fireworks in any form is prohibited on any Morehead State University campus property or in any facility, including that which is owned, leased, or operated/controlled by the University. This includes University housing, University vehicles, University parking areas, and private vehicles parked or operated either on campus or at any off-campus facility owned, leased or operated by the University. Signs stating that weapons are not permitted on property owned, leased, or controlled by Morehead State University are posted at campus entrances.

Weapons and firearms have historically been barred from the University campus since they represent a threat to good order and the proper environment for the pursuit of academic endeavors. This policy establishes the University procedures for dealing with persons carrying unauthorized weapons and destructive devices. The University's Chief of Police may grant exceptions to this policy, in writing, for the convenience of the University. HB 40, as enacted, provides that "Nothing contained in Section I of this Act shall be construed to limit, restrict, or prohibit in any manner the right of a college, university, or any post-secondary education facility, including technical schools and community colleges, to control the possession of deadly weapons on any property owned or controlled by them..." In view of this, those licensed to carry concealed deadly weapons are prohibited from doing so on University property under this regulation.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Crime Analysis	<b>Chapter:</b> 11  <b>Page(s):</b> 1	<b>KACP</b> 5.1
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose:** To establish procedures for the reporting of departmental activity and the preparation of written directives.

**Scope:** This procedure is applicable to Morehead State University Police Department command staff and their designees, as appropriate.

**Procedure:** The department will prepare daily, monthly, quarterly, and annual crime/activity reports and forward them to the appropriate University officials. In addition, written directives will be properly distributed to departmental staff.

1. Crime/activity reports will be disseminated as follows:
  - a. Daily – The Chief of Police or a designated representative (normally Secretary or the Coordinator of Investigations and Special Programs) shall forward, by computer program, a daily report of incidents within 24 hours of occurrence to the pre-designated University officials. Information for a press release should be included if media attention is probable.
  - b. Monthly, quarterly, and annual crime reports will be prepared by the Coordinator of Investigations and Special Programs for review by the Chief of Police and to be forwarded to the Vice President for Student Life.
  - c. The Chief of Police and the Vice President for Student Life prepare annual activity reports for review. This information shall also be used for reporting under the Federal Campus Crime Act.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Order of Rank/Duties and Job Description of Personnel	<b>Chapter:</b> 12  <b>Page(s):</b> 1 – 20	<b>KACP</b> 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 8.1, 8.2, 8.3, 12.3, 17.4, 19.1
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**RANK ESTABLISHED.** Rank in the Morehead State University Police Department shall descend in the following order:

- (1) Chief of Police (Colonel)
- (2) Assistant Chief of Police (Captain)
- (3) Detective Lieutenant
- (4) Lieutenant
- (5) Sergeant
- (6) Senior Officer

### ORDER OF RANK.

- (1) In the absence of the Chief of Police, command of the office will be in accordance with the established rank structure, unless other arrangements have been made in advance by unit general order. In situations where the rank of on-duty personnel is equal, employment seniority with the Morehead State University Police Department shall be the deciding factor for command.
- (2) In the absence of the Shift Supervisor, the senior officer on duty will be in command.
- (3) In a situation where the Chief of Police should be contacted (to make decisions or otherwise) but is not available, command shall pass in accordance with the rank structure.

### ACCOUNTABILITY

- A. The individual department member is expected to conduct himself/herself in a manner that serious corrective measures are unnecessary.
  - a. A personal knowledge of department policies and procedures is expected to assure a professional level of conduct from all employees.
  - b. Employees are expected to report infractions of law or of department policies and procedures in order to ensure the integrity of the department is maintained.



- B.** Supervisors are accountable for all actions of their subordinates. Supervisors shall be thoroughly familiar with department policies and procedures and apply the highest ethical concern to their responsibilities and those of their subordinates. In this regard, supervisor's responsibilities, but not necessarily limited to:
- a. Orientation of new employees in department policies and procedures and expected of performance and conduct;
  - b. Implementation of department policies and procedures; and
  - c. When necessary, the imposing of suitable disciplinary measures to ensure adherence to department procedures.

**Incidents requiring the presence of a supervisor:**

The OIC (Officer in charge), Sergeant and/or Chief of Police or his designee shall be notified and may respond to the following incidents:

- (1) Serious injury to an officer
- (2) Injury or fatal collision involving a police or University vehicle
- (3) Major crimes including murder, robbery, rape, major drug activity/drug arrest, search warrant, assault, etc.
- (4) Disasters or severe weather producing emergency conditions
- (5) Serious complains or incidents involving any university police employees.

## **Chief of Police**

### **Job Summary**

Under general executive direction, plans, organizes, directs, coordinates, and evaluates all activities and programs of the department to protect individual rights, preserve the peace, prevent and suppress crime, protect life and property, identify and apprehend criminal offenders, and enforce regulatory measures; performs related duties as required.

### **Duties and Responsibilities**

#### **Essential**

Plans, organizes, directs, coordinates and evaluates the activities and programs of the department. Responsible for planning the agency's response to an unusual occurrence. Formulates and enforces departmental policies, regulations, goals, and priorities. Formulates and prescribes work methods and procedures. Authorizes work schedules and ensures that accurate time cards and personnel records are prepared and maintained. Furnishes technical advice on police problems. Maintains constant surveillance of criminal and traffic reports in addition to activity reports. Supervises and evaluates the use and maintenance of departmental equipment. Instructs, disciplines, and evaluates departmental employees. Assists in recruiting, selection, promotion, and training of departmental personnel. Prepares and administers departmental budget; authorizes purchase requisitions of supplies and equipment for the department within established limits. Monitors external funding sources; prepares applications for funding; administers awarded projects. Confers with representatives of federal, state, and local agencies on various police problems. Prepares memoranda and reports on activities of the department; supervises others in report preparation. Meets with citizens or citizens' groups concerning problems, police actions, hazardous conditions, etc. Reviews all laws, official opinions, and guidelines with reference to police activities and summarizes for departmental personnel. Responds to all major calls; may take command at the scene. Makes arrests; issues court citations; appears in court as necessary.

Ensures that accurate records pertaining to citations, arrests, and investigations are prepared and maintained. Participates in approved law enforcement courses and ensures that subordinates are scheduled for training. Develops and conducts effective public relations programs. Serves as the Director of the Disaster Operations Center and is responsible for campus disaster planning. Advises appropriate University administrative officers on action to be taken during emergencies and special events and implements such actions as directed. Evaluates campus security needs and develops programs to implement necessary improvements (including physical security and intrusion detection). Develops, implements, revises, and enforces departmental policies, procedures, and methods of operations for all aspects of campus law enforcement. Manages and ensures compliance with the Federal Crime Awareness and Campus Security Act of 1990.

Carries firearm and must qualify semiannually on a prescribed course of fire, demonstrating proficient using each hand. Drives an emergency vehicle without the benefit of assistance. Operates a mobile radio while driving.

### **Other**

Prepares annual and biennial operating budget recommendations for the Morehead State University Police Department. Represents the Morehead State University Police Department and, when appropriate, the University in meetings and on committees involving community, state, and federal agencies or offices. Serves as the supervisor for the Assistant Chief of Police, Traffic Control Specialist, Police Records Specialist and the Key Access Control Specialist. Supervises the traffic flow and parking function for the University. Makes recommendations to the University administration on street and parking lot needs. Receives complaints from the general public. Performs other duties as assigned by supervisor.

### **Organizational Relationships**

The Chief of Police reports directly to the Vice President for Student Life. Incumbent supervises police department staff. This position interacts with faculty, staff, students, other law enforcement agencies, government officials and the general public.

### **Minimum Requirements**

Bachelor's degree in law enforcement or related curriculum and five years of progressively responsible law enforcement experience or an associate degree and seven years of police supervisory level experience or ten years of police supervisory/command experience and a minimum of 30 college credit hours. Must have Peace Officer Professional Standards Certification in Kentucky or qualify for minimum standards. Pre-employment drug testing is also mandatory. Must meet all pre-employment standards as established by the Kentucky Law Enforcement Council and the Peace Officers Professional Standards Office. Must complete a 16- week basic training course or hold a current K.L.E.C. certification; required to complete, on an annual basis, in-service training and any other training required by K.L.E.C. or Morehead State University Police Department. Must possess and maintain a valid driver's license issued by the Commonwealth of Kentucky. Effective interpersonal and communication skills. Ability to command departmental personnel. The ability to plan, assign, and supervise the work of others in a manner conducive to full performance and high morale. The ability to enforce laws, rules and regulations firmly, tactfully and consistently. The ability to analyze complex police problems and to adapt quick, effective and reasonable courses of action.

The ability to maintain records and to prepare clear and concise reports of police activities. The ability to react quickly, calmly and effectively under stress and in emergencies. Incumbent in this position is required to successfully complete a Criminal Justice Executive Development Program within three years of employment.

### **Additional Desirable Qualifications**

Demonstrated ability to work effectively within a complex university setting. Extensive knowledge of the principles of effective police patrol, physical security, traffic control, criminal investigations, and crime prevention. The ability to establish and maintain effective working relationships with other police departments/agencies, University officers and employees, and the general public.

### **Working Conditions and Atmosphere**

Some job-related stress and periodic highly stressful situations. Typical University setting for law enforcement and security responsibilities. Working conditions include sitting, standing, stooping, walking; extreme physical demands at scenes of emergencies for long periods of time; lifting heavy objects (more than 25 pounds); may be outdoors for extended periods of time, regardless of weather conditions; exposure to high places, confined spaces, noise, machinery and its moving parts, fumes, chemicals and toxic substances. Must be able to physically restrain individuals when required.

## **Captain/Assistant Chief of Police**

### **Job Summary**

Under general administrative direction, the incumbent assists in all phases of the department; serves as commanding officer for an assigned shift; performs police duties in enforcing federal, state and local laws and ordinances; performs related duties as required.

### **Duties and Responsibilities**

#### **Essential**

Assists the Chief of Police in planning, organizing, directing, coordinating, and evaluating the activities of the department; serves as commanding officer in the absence of the Chief. Assists in preparing and administering departmental budget. Assists in preparing grant applications and administering funded projects. Ensures that accurate departmental records are prepared and maintained; assembles data and prepares periodic inspections and special reports for the department. Assists in scheduling training for departmental personnel. Serves as Shift Commander for an assigned shift, assigning employees, activities and equipment as necessary. Responds to all major calls received during shift; may take charge of the area in the absence of a superior officer. Patrols the University on foot and in cruiser, enforcing federal and state laws. Makes arrests; issues court citations; appears in court as necessary. Controls traffic at fires, collisions, parades, etc. Secures the scene of crimes and collisions, conducts preliminary investigations, gathers evidence, interviews

witnesses and prepares accurate reports. Performs investigative duties as necessary. Assists in emergency situations; may administer first-aid. Performs public relations functions. May operate radar equipment. Represents the department as required. Participates in approved law enforcement training courses. Assists other police agencies with investigations involving University property or members of the University community. Develops and maintains criminal activity and property loss files. Reports crimes against person and property as necessary to comply with the Uniform Crime Reporting System. Compiles and maintains all statistical information in support of the Federal Crime Prevention and the Minger/Clery Act and all other crime statistical reporting required by state and federal agencies. Supervises the Evidence Custodian for the department and maintains all chain of custody records. Conducts security surveys of University facilities and makes recommendations on physical security improvements and intrusion detection alarm systems.

## **Other**

Provides security for facilities and residences as requested; provides security and funeral escorts when necessary. Develops educational programs to classes, resident halls and other on-campus and off-campus groups as requested. Assist the Chief of Police with the formulation of Public Safety policies and procedures. Serves as acting Chief of Police when the Chief of Police is temporarily absent. Recommends programs and prepares grants as necessary. Performs other duties as assigned by supervisor.

## **Organizational Relationships**

The Assistant Chief of Police reports directly to the Chief of Police. The Assistant Chief of Police supervises the police shift supervisors and the investigation functions. The Assistant Chief of Police keeps the Chief of Police informed on the services provided and coordinates these services with members of the University community; local government; and local, state, and federal police agencies, as well as members of the Morehead State University Police Department.

## **Minimum Requirements**

Bachelor's degree in law enforcement or related curriculum and five years of progressively responsible law enforcement experience or an associate degree and seven years of police supervisory level experience or ten years of police supervisory/command experience and a minimum of 30 college credit hours. Must have Peace Officer Professional Standards Certification in Kentucky or qualify for minimum standards. Pre-employment drug testing is also mandatory. Must meet all pre-employment standards as established by the Kentucky Law Enforcement Council and the Peace Officers Professional Standards Office. Must complete a 16- week basic training course or hold a current K.L.E.C. certification; required to complete, on an annual basis, in-service training and any other training required by K.L.E.C. or Morehead State University Police Department. Must possess and maintain a valid driver's license issued by the Commonwealth of Kentucky. Effective interpersonal and communication skills. Ability to command departmental personnel. The ability to plan, assign, and supervise the work of others in a manner conducive to full performance and high morale. The ability to enforce laws, rules and regulations firmly, tactfully and consistently. The ability to analyze complex police problems and to adapt quick, effective and reasonable courses of action. The ability to maintain records and to prepare clear and concise reports of police activities. The ability to react quickly, calmly and effectively under stress and in emergencies. Incumbent in this position is required to successfully complete a Criminal Justice Executive Development Program within 3 years of employment.

## **Additional Desirable Qualifications**

Demonstrated ability to work effectively within a complex university setting. Extensive knowledge of the principles of effective police patrol, physical security, traffic control, criminal investigations, and crime prevention. The ability to establish and maintain effective working relationships with other police departments/agencies, University officers and employees, and the general public.

## **Working Conditions and Atmosphere**

Some job-related stress and periodic highly stressful situations. Typical University setting for law enforcement and security responsibilities. Working conditions include sitting, standing, stooping, walking; extreme physical demands at scenes of emergencies for long periods of time; lifting heavy objects (more than 25 pounds); may be outdoors for extended periods of time, regardless of weather conditions; exposure to high places, confined spaces, noise, machinery and its moving parts, fumes, chemicals and toxic substances. Must be able to physically restrain individuals when required.

## **Lieutenant Detective**

### **Job Summary**

Under general direction, the incumbent performs police detective work for Morehead State University. Enforces federal, state and local laws, administrative regulations and performs related duties as required.

### **Duties and Responsibilities**

#### **Essential**

Investigates major crimes, including homicides, rapes, burglaries, hostage situations, bombing, kidnappings, serious assaults, forgery, etc. Takes controls of scene; interviews witnesses; preserves physical evidence; interrogates suspects; identifies offender; makes arrests; checks criminal history of offender. Arranges for analysis and evaluation of evidence. Prepares comprehensive case reports of each investigation. Maintains files on all cases. Consults with prosecutors while preparing cases to determine if a crime was committed. Attends and gives testimony in court. Distributes information to proper law enforcement persons or agencies. Makes necessary notification, conduct necessary inspections, etc. Prepares care report follow-ups, updates and validations. Assists with location of missing persons. Recovers stolen property. Plans, organizes and obtains warrants. Develops and uses informants. Performs fair, impartial and consistent enforcement of federal, state and local laws, administrative regulations.

#### **Other**

May prepare and make public presentations. Responsible for crime prevention activities. Attends mandatory continuing education programs. Performs other duties as assigned.

## **Organizational Relationships**

The Detective Lieutenant reports directly to the Assistant Chief of Police. Incumbent consults with the Chief of Police and Assistant Chief of Police regarding investigating procedures and supervises the University Police Department in the absence of the Chief of Police and Assistant Chief of Police. Incumbent interacts with all levels of the University administration, faculty, staff, students, and the general public

## **Minimum Requirements**

Bachelor's degree in law enforcement or related curriculum and three years of progressively responsible law enforcement experience; or high school diploma or G.E.D. equivalent with a minimum of seven years of law enforcement experience, including a minimum of three years of supervisory experience, or be able to complete a supervision and/or criminal investigation training course at the Department of Criminal Justice Training within one year of appointment. Must possess and maintain a valid driver's license issued by the Commonwealth of Kentucky. Must meet all pre-employment standards as established by the Kentucky Law Enforcement Council and the Peace Officer Professionals Standards office. Must complete a 16-week basic training course and annual in-service training as required by K.L.E.C.

All newly hired officers will successfully complete a six- to twelve-week field-training program prior to alone field assignments. Incumbent must have knowledge of law enforcement, investigative procedures to interview and interrogate witnesses, victims and suspects. Knowledge of principles, practices and techniques of modern law enforcement. Knowledge of federal, state and local laws, administrative regulations and ordinances. Must have the ability to investigate complex situations, analyze information, and prepare steps to complete investigation. Ability to preserve crime scene. Ability to prepare clear and comprehensive written reports. Ability to present information in court.

## **Additional Desirable Qualifications**

Knowledge of geography of the University. Ability to establish and maintain effective working relationship with University officers and employees, other police departments/agencies, and the general public. Physical strength and agility; excellent physical condition.

## **Working Conditions and Atmosphere**

Some job-related stress and periodic highly stressful situations. Typical University setting for law enforcement and security responsibilities. Working conditions include sitting, standing, stooping, walking; extreme physical demands at scenes of emergencies for long periods of time; lifting heavy objects (more than 25 pounds); may be outdoors for extended periods of time, regardless of weather conditions; exposure to high places, confined spaces, noise, machinery and its moving parts, fumes, chemicals and toxic substances. Must be able to physically restrain individuals when required.

## **Police Lieutenant**

### **Job Summary**

Under general administrative direction, serves as commanding officer for an assigned shift; direct line supervisor of sergeants, performs police duties in enforcing federal, state and local laws and ordinances; performs related duties as required.

## **General Duties and Responsibilities**

### **Essential**

Assists the Assistant Chief of Police in planning, organizing, directing, coordinating, and evaluating the activities of the department; serves as commanding officer in the absence of the Assistant Chief/Chief. Serves as commanding officer for an assigned shift. Prepares work schedules for sergeants and patrol officers. Maintains accurate time cards for all shift employees. Serves as special detail organizer and commander. Ensures that preventive maintenance is performed on all vehicles and equipment. Assigns employees, activities and equipment as necessary; dispatches personnel and/or responds to all calls received during shift; may take charge of the area in the absence of a superior officer. Maintains accurate time cards for all shift employees; ensures that preventive maintenance is performed on all departmental equipment; ensures that accurate records are prepared and maintained. May assist superiors with administrative functions. Patrols the University on foot and in cruiser enforcing federal and state laws. Issues court citations for traffic violations; appears in court when necessary. Makes arrests. Serves legal documents for the Courts. Controls traffic at fires, collisions, parades, etc. Operate Intoxilyzer equipment. Secures the scene of crimes and interviews witnesses, and prepares accurate reports. Ensures that all evidence and confiscated property is safeguarded. Provides security for businesses and homes as requested; provides funeral and security escorts when necessary. Assists in emergency situations; may administer first-aid. Performs public relations functions. Operates radar equipment. Issues parking citations. Participates in approved law enforcement training courses. Recommends specialized training for subordinate officers. May perform specialized duties such as investigator, firearms instructor, etc.

### **Desirable Qualifications**

### **Training and Experience**

Must meet all pre-employment standards as established by the Kentucky Law Enforcement Council and the Peace Officers Professional Standards office. Three years of Law Enforcement experience. Complete a sixteen-week basic training course and required to complete annual in-service training and any other training as required by KLEC or Morehead State University Police Department. All newly hired officers will successfully complete a three-month field-training program prior to working alone on field assignment.

### **Minimum Requirements**

Bachelor's degree in law enforcement or related curriculum and three years of progressively responsible law enforcement experience; or high school diploma or G.E.D. equivalent with a minimum of seven years of law enforcement experience, including a minimum of three years of supervisory experience, or be able to complete a supervision and/or criminal investigation training course at the Department of Criminal Justice Training within one year of appointment. Must possess and maintain a valid driver's license issued by the Commonwealth of Kentucky. Must meet all pre-employment standards as established by the Kentucky Law Enforcement Council and the Peace Officer Professionals Standards office. Must complete a 16-week basic training course and annual in-service training as required by K.L.E.C.



All newly hired officers will successfully complete a six- to twelve-week field-training program prior to alone field assignments. Incumbent must have knowledge of law enforcement, investigative procedures to interview and interrogate witnesses, victims and suspects. Knowledge of principles, practices and techniques of modern law enforcement. Knowledge of federal, state and local laws, administrative regulations and ordinances. Must have the ability to investigate complex situations, analyze information, and prepare steps to complete investigation. Ability to preserve crime scene. Ability to prepare clear and comprehensive written reports. Ability to present information in court.

### **Additional Desirable Qualifications**

Knowledge of geography of the University. Ability to establish and maintain effective working relationship with University officers and employees, other police departments/agencies, and the general public. Physical strength and agility; excellent physical condition. Completion of a Leadership Development Course at Department of Criminal Justice Training within two years of appointment.

### **Working Conditions and Atmosphere**

Some job-related stress and periodic highly stressful situations. Typical University setting for law enforcement and security responsibilities. Working conditions include sitting, standing, stooping, walking; extreme physical demands at scenes of emergencies for long periods of time; lifting heavy objects (more than 25 pounds); may be outdoors for extended periods of time, regardless of weather conditions; exposure to high places, confined spaces, noise, machinery and its moving parts, fumes, chemicals and toxic substances. Must be able to physically restrain individuals when required

## **Police Sergeant**

### **Job Summary**

Under general administrative direction, serves as commanding officer for an assigned shift; performs police duties in enforcing federal, state and local laws and ordinances; performs related duties as required.

### **General Duties and Responsibilities**

#### **Essential**

Serves as commanding officer for an assigned shift. Assigns employees, activities and equipment as necessary; dispatches personnel and/or responds to all calls received during shift; may take charge of the area in the absence of a superior officer. Maintains accurate time cards for all shift employees; ensures that preventive maintenance is performed on all departmental equipment; ensures that accurate records are prepared and maintained. May assist superiors with administrative functions. Patrols the University on foot and in cruiser enforcing federal and state laws. Issues court citations for traffic violations; appears in court when necessary. Makes arrests. Serves legal documents for the Courts. Controls traffic at fires, collisions, parades, etc. Operate Intoxilyzer equipment. Secures the scene of crimes and interviews witnesses, and prepares accurate reports. Ensures that all evidence and confiscated property is safeguarded.

Provides security for businesses and homes as requested; provides funeral and security escorts when necessary. Assists in emergency situations; may administer first-aid. Performs public relations functions. Operates radar equipment. Issues parking citations. Participates in approved law enforcement training courses. Recommends specialized training for subordinate officers. May perform specialized duties such as investigator, firearms instructor, etc.

### **Desirable Qualifications**

#### **Training and Experience**

Must meet all pre-employment standards as established by the Kentucky Law Enforcement Council and the Peace Officers Professional Standards office. Three years of Law Enforcement experience. Complete a sixteen-week basic training course and required to complete annual in-service training and any other training as required by KLEC or Morehead State University Police Department. All newly hired officers will successfully complete a three-month field-training program prior to working alone on field assignment.

#### **Minimum Requirements**

Bachelor's degree in law enforcement or related curriculum and three years of progressively responsible law enforcement experience; or high school diploma or G.E.D. equivalent with a minimum of seven years of law enforcement experience, including a minimum of three years of supervisory experience, or be able to complete a supervision and/or criminal investigation training course at the Department of Criminal Justice Training within one year of appointment. Must possess and maintain a valid driver's license issued by the Commonwealth of Kentucky.

Must meet all pre-employment standards as established by the Kentucky Law Enforcement Council and the Peace Officer Professionals Standards office. Must complete a 16-week basic training course and annual in-service training as required by K.L.E.C.

All newly hired officers will successfully complete a six- to twelve-week field-training program prior to alone field assignments. Incumbent must have knowledge of law enforcement, investigative procedures to interview and interrogate witnesses, victims and suspects. Knowledge of principles, practices and techniques of modern law enforcement. Knowledge of federal, state and local laws, administrative regulations and ordinances. Must have the ability to investigate complex situations, analyze information, and prepare steps to complete investigation. Ability to preserve crime scene. Ability to prepare clear and comprehensive written reports. Ability to present information in court.

#### **Additional Desirable Qualifications**

Knowledge of geography of the University. Ability to establish and maintain effective working relationship with University officers and employees, other police departments/agencies, and the general public. Physical strength and agility; excellent physical condition.

#### **Working Conditions and Atmosphere**

Some job-related stress and periodic highly stressful situations. Typical University setting for law enforcement and security responsibilities. Working conditions include sitting, standing, stooping, walking; extreme physical demands at scenes of emergencies for long periods of time; lifting heavy objects (more than 25 pounds); may be outdoors for extended periods of time, regardless of weather conditions; exposure to high places, confined spaces, noise, machinery and

its moving parts, fumes, chemicals and toxic substances. Must be able to physically restrain individuals when required.

## **Police Officer**

### **Job Summary**

Under general direction, the incumbent performs police duties in enforcing federal, state and local laws and ordinances on an assigned shift; performs related duties as required.

### **General Duties and Responsibilities**

#### **Essential**

Patrols the University on foot and in cruiser on regularly assigned shift, enforcing federal, state and local laws and ordinances. Responds to all calls received on shift, takes proper action and prepares accurate reports. Issues court citations for traffic violations; appears in court when necessary; makes arrests. Serves legal documents for the courts. Controls traffic at fires, collisions, parades, etc. May operate Intoxilyzer equipment. Secures the scene of crimes and collisions, conducts preliminary investigations, gathers evidence, interviews witnesses, and prepares accurate reports. Performs investigative duties when necessary. Assists in emergency situations; may administer first-aid. Issues parking citations. Operates radar equipment. Participates in approved law enforcement training courses. Recognizes and reports safety hazards and security problems. Inspects buildings, vehicles, etc., for security and identifies all persons in buildings after hours. Investigates fire and other security alarms. Prepares cases for prosecution and testifies in court. Obtains and/or serves warrants or subpoenas. Takes custody of and transports prisoners. Enforces laws of state and city and University rules and regulations. Controls traffic during peak periods or special events. Provides information on laws and University regulations, procedures, and organizations. Attends annual training, as well as special training sessions, in order to remain informed regarding new laws and regulations. Carries a firearm and must qualify semiannually on a prescribed course of fire, demonstrating proficiency using each hand. Drives an emergency vehicle without the benefit of assistance.

#### **Other**

Provides security for businesses and homes as requested. Provides security and funeral escorts when necessary. May perform specialized duties such as investigator, firearms instructor, etc. Other duties as assigned by supervisor.

### **Organizational Relationships**

The Police Officer reports to the Shift Supervisor. Incumbent has contact with all levels of the University administration, faculty, staff, students, and the general public. The incumbent will interface with other law enforcement agencies and the court system on a regular basis.

### **Minimum Requirements**

Must be 21 years of age and possess a high school diploma or G.E.D. equivalent. Must be a graduate of or be able to graduate from the 18-week Kentucky Police Basic Training Program within the first year of employment. Proof of honorable discharge is required for veterans. Officers must be capable of performing patrol by driving, walking, or bicycle, as assigned. Applicants must pass a physical exam, physical agility test, polygraph, drug screen, and psychological evaluation as specified by the Kentucky Law Enforcement Council and the Morehead State University Police Department. Must possess and maintain a valid driver's license issued by the Commonwealth of Kentucky. Effective interpersonal and communication skills. The ability to enforce laws, rules and regulations firmly, tactfully and consistently. The ability to analyze complex police problems and to adapt quick, effective and reasonable courses of action. The ability to maintain records and to prepare clear and concise reports of police activities. The ability to react quickly, calmly and effectively under stress and in emergencies.

### **Additional Desirable Qualifications**

Demonstrated ability to work effectively within a complex university setting. Extensive knowledge of the principles of effective police patrol, physical security, traffic control, criminal investigations, and crime prevention. Ability to command departmental personnel. The ability to plan, assign, and supervise the work of others in a manner conducive to full performance and high morale. The ability to establish and maintain effective working relationships with other police departments/agencies, University officers and employees, and the general public.

### **Working Conditions and Atmosphere**

Some job-related stress and periodic highly stressful situations. Typical University setting for law enforcement and security responsibilities. Working conditions include sitting, standing, stooping, walking; extreme physical demands at scenes of emergencies for long periods of time; lifting heavy objects (more than 25 pounds); may be outdoors for extended periods of time, regardless of weather conditions; exposure to high places, confined spaces, noise, machinery and its moving parts, fumes, chemicals and toxic substances. Must be able to physically restrain individuals when required.

## **Police Telecommunicator**

### **Job Summary**

The Police Telecommunicator receives and reacts to, in an unassisted manner, verbal requests for assistance via telephone and radio, and dispatches officers or refers to other emergency services. Must possess the ability to simultaneously coordinates and effectively utilize, without assistive devices, communication activities via telephone, radio, scanner and various terminal devices. Must possess unimpeded articulate speech abilities to assure clear and accurate transmission of essential information affecting potential life safety issues. Directs routine and life safety responses received through the University 911 system.

### **General Duties and Responsibilities**

#### **Essential**

Receives, reacts to, and logs in an unassisted manner, verbal requests for assistance via telephone and radio from Police Officers, security staff and members of the University

community and/or the general public. Initiates, without assistance, expedient and appropriate dispatch of officers or referral to other emergency services via radio or telephone. Coordinates emergency services response effectively utilizing, without assistive devices, communication activities via telephone, radio, scanner and various terminal devices to include University community and Public Safety communications computer log. Communicates verbally in an unimpeded, articulate manner, face to face or via telephone or radio, accurate and essential information affecting potential life safety issues. Enters Incident data from the Daily Communications Log onto the Aims Police Reports Inquiry Log.

### **Other**

Other duties as assigned by supervisor.

### **Organizational Relationships**

The Telecommunicator is supervised by the police supervisor on a shift-by-shift basis. Policy procedures an in-direct supervision for dispatch operations are established by the Coordinator of Investigation and Special Programs and/or the Director of Public Safety in conjunction with Terminal Agency Coordinator. The Telecommunicator must communicate with all levels of the University community and the general public.

### **Minimum Requirements**

High School diploma or G.E.D. equivalent. Must have achieved or be able to complete within 6 months of employment to 4 weeks (160 hours) of Police Telecommunicator Basic training and maintain certification as a Police Telecommunicator in the State of Kentucky as well as certification as a LINK Terminal Operator.

### **Additional Desirable Qualifications**

Additional experience in radio communications and computer use.

### **Working Conditions and Atmosphere**

Telecommunications office environment and part of a 24-hour day service unit and requires availability for any three (3) shifts and for varying days off. Additional stress is involved due to the need for prompt, accurate response to officers and persons requesting emergency assistance.

### **Police Telecommunicator/TAC**

#### **Job Summary**

The Police Telecommunicator/TAC receives and reacts to, in an unassisted manner, verbal requests for assistance via telephone and radio, and dispatches officers or refers to other emergency services. Must possess the ability to simultaneously coordinate and effectively utilize, without assistive devices, communication activities via telephone, radio, scanner and various terminal devices. Directs routine and life safety response to University 911 System. In addition, the Terminal Agency Controller serves as the program manager and assumes additional

responsibility for the overall management of the records and agency interface with the Kentucky State Police Headquarters, Communication Section. The TAC is responsible for all compliance and local oversight for the Law Enforcement Network of Kentucky and National Crime Information Center computer link operations.

## **General Duties and Responsibilities**

### **Essential**

Due to the single staffing and the life-saving responses normally assigned to this position, the following duties and responsibilities must be performed as essential functions:

Receives, reacts to, and logs in an unassisted manner, verbal requests for assistive for assistance via telephone and radio from Police Officers, Security Staff and members of the University community and/or the general public. Initiates, without assistance, expedient and appropriate dispatch of officers or referral to other emergency services via radio or telephone. Enters Incident Date from the Daily Communications Log onto the Aims Police Reports Inquiry Log.

### **Other**

Other duties as assigned by supervisor.

## **Organizational Relationships**

The Police Telecommunicator/TAC is supervised by the police supervisor on a shift-by-shift basis. The incumbent implements policy, procedures, and in-direct supervision for telecommunications operations as established by the Kentucky State Police, the Assistant Director of Public Safety and/or the Director of Public Safety. The Telecommunicator/TAC must communicate with all levels of the University community, state police headquarters, and the general public.

## **Minimum Requirements**

High School diploma or G.E.D. equivalent. Must have achieved or be able to complete within 6 months of employment to 4 weeks (160 hours) of Police Telecommunicator Basic training and maintain certification as a Police Telecommunicator in the State of Kentucky as well as certification as a LINK Terminal Operator.

## **Additional Desirable Qualifications**

Advanced LINK/ru training is preferred and additional experience in radio communications and computer use is desirable.

## **Working Conditions and Atmosphere**

Telecommunications office environment and part of a 24 hour day service unit requires availability for any three (3) shifts and for varying days off. Additional stress is involved due to the need for prompt, accurate responses to officers and persons requesting emergency assistance.

## **Police Records Specialist**

### **Job Summary**

With minimum supervision, the Police Records Specialist is responsible for the maintenance of Police Records which includes Uniform Citations, Uniform Offense Reports, Incident Reports, Fire Reports, Traffic Collisions, Personnel Records, and Training Records, which requires knowledge of forms & procedures uniquely used by the Morehead State University Police Department as required by the Accreditation Standards. Incumbent also manages the Web Database and the Daily Crime Log, as required by the Minger/Clery Act. Also responsible for the accurate accountability of yearly crime statistical reports as required by the Minger/Clery Act. Decision making, office management, and dealing with confidential matters are also responsibilities of this position. Supervision of the workstudy program may be included with this position.

### **General Duties and Responsibilities**

#### **Essential**

Due to the single staffing of this position, the following are considered essential functions:

Custodian of Police Records, which includes Uniform Citations, Uniform Offenses Reports, Incident Reports, Fire Reports, Traffic Collision Reports, Personnel Records, and Training Records. These records must be filed in yearly, monthly, and numerical order. Supervision of the departmental web database and the daily crime activity log, as required by administrative personnel and the Minger/Clery Act within 24 hours of occurrence. Complies and completes information pertaining to yearly crime statistical reports as required by the Minger/Clery Act. Attends conferences as required for updates to maintain compliance with the Minger/Clery Act. Assists all departmental personnel with office correspondences and of distributing information as required. Processes purchase requisitions, check requests, travel requests, travel vouchers, and maintains records for budget transactions. Maintains accurate purchase/credit card receipts for the department records. Processes Personnel Action Requests, maintains personnel records, vacation/sick leave reports, non-exempt time sheets, workstudy time sheets, and submits necessary paperwork for the departments payroll and personnel records. Answers telephone responding to routine inquiries and takes accurate phone messages. Types office correspondences and reports as requested, some of which are of a complex and confidential nature. Operates office equipment such as typewriters, personal computer, copier machine, calculator, etc. Operational skills are required in several computer software programs as well as the University computer programs. Schedules and makes arrangements for meetings, conferences and special programs.

May be responsible for reserving facilities, menus, minutes, etc. as necessary. May be responsible for supervision of workstudy students, preparing work schedules, assignments, preparing and maintaining payroll records. Assists in the absence of the Traffic Control Specialist and the Key Access Control Specialist.

#### **Other**

Opens mail and distributes to appropriate department personnel. Mails various correspondences. Greets and directs faculty, students, staff, visitors and clients of Morehead State University Police Department. Orders office supplies and maintains inventory. Performs other job related duties assigned by the Supervisors.

### **Organizational Relationships**

The Police Records Specialist reports directly to the Assistant Chief or his/her designee. The Police Records Specialist interacts with administrators, faculty, staff, students, visitors, and clients of Morehead State University Police Department.

### **Minimum Requirements**

High school diploma or G.E.D equivalent, with 3 years of secretarial experience. Good typing, filing and communication skills are considered essential functions for this position.

### **Additional Desirable Qualifications**

Should be proficient in the use of Microsoft Word, Publisher, Excel, and other desktop publishing software would be desirable. Work related experience in a police department environment with one year of records management experience.

### **Working Conditions and Atmosphere**

Routine office environment with interruptions and noise due to frequency of visitors, students, faculty, staff, and phone calls. Some pressure can be expected on the job depending of the frequency and number of visitors, phone calls, and meeting of various job deadlines. Overtime may be required during peak registration periods and the meeting of various job deadlines.

## **Key Access Control Specialist**

### **Job Summary**

With limited supervision, serves as the Key Access Control Manager reporting directly to the Chief of Police or his/her designee for the University Police Department. Responsible for key security, inventory control and the overall management of the University key control program. Must be knowledgeable of the University key policies and procedures. Duties are performed independently and carried out to completion. Must exercise good judgment in decision making and dealing with confidential matters. Supervision of work studies may be included with this position.

### **General Duties and Responsibilities**

#### **Essential**

Custodian for key blanks that are to be issued to faculty, staff, graduate students, contractors and key blanks for lock change requests for housing. Develops and maintains an inventory control database for key blanks that are issued and purchased. The inventory control database assists



in having better security for the University keys and more accurate records of the University keys for auditing purposes. Enter key id's, and key codes onto the AIMS database for individuals who receive University keys. Also, remove key codes from individual's record that have returned University keys. Receive electronic key requests and complete the key requests by entering the individuals key id number and key code(s) which coordinates the key cutting process to assist the locksmiths with correct key cuts and identification. Liaison between Physical Plant locksmiths for key receipt pickup and drop off point once keys are cut. Recipient via e-mail on lock change requests/key security issues from University department personnel. Housing's contact person via e-mail when lock changes are requested that require keys to be cut. Pickup area on keys cut for Housing. Station of contact via e-mail for Human Resources for separation clearances for individuals who have key (s) issued to them and have an obligation to return them to Morehead State University Police Department. Contact person when keys are issued and returned by individuals. Maintain the record keeping for the key requests and key receipts. Record keeping system for keys to be returned by a certain date, so that if the keys are not returned a hold will be placed on the individual's account. Representative for Koehlinger Security Technology for the Medeco keys when requesting additional key codes for lock change requests, new additions of offices or reconstruction projects that require new codes on University property. Oversee the budget for the purchase of key blanks. Process purchase requisitions for key blanks to be ordered. Assists in the absence of the Administrative Secretary and the Traffic Control Specialist.

### **Other**

Greets and directs faculty, staff, students and the general public. Answer telephone and takes messages for other department personnel. Assist with memos, filing, coping and other paperwork generated through department as needed. Serves as Notary Public for the department on highly confidential documentation. Performs other job related duties assigned by the Supervisors.

### **Organizational Relationships**

The Key Access Control Manager reports directly to the Police Records Specialist or his/her designee for the University Police Department. The Key Access Control Manager interacts with administration, faculty, staff, students and contractors.

### **Minimum Requirements**

Associate's Degree and two years of related secretarial experience or high school diploma or G.E.D. and four years of secretarial experience. Must possess excellent written and verbal communications skills. Excellent keyboarding and computer skills are required.

### **Additional Desirable Qualifications**

Should be proficient in the use of Microsoft Word, Microsoft Access and other desktop publishing software would be desirable.

### **Working Conditions and Atmosphere**

Routine office environment with interruptions and noise due to frequency of faculty, staff, students, visitors and phone calls. Some pressure can be expected on the job depending on the frequency and number of visitors, phone calls and the meeting of various job deadlines.

Overtime may be required during peak registration periods and the meeting of various job deadlines.

## **Traffic Control Specialist**

### **Job Summary**

The Traffic Control Specialist provides service to student, faculty and staff on all matters concerning MSU Motor Vehicle Regulations and parking. The position performs services to the public; conducts funds management activities; administers the vehicle registration program; controls vehicle impound and releases; makes parking and visitor arrangements for special functions; manages tickets payment and traffic appeals; and maintains traffic office filing and records management. Must possess unimpeded, articulate speech to assure clear communication with the general public.

### **Duties and Responsibilities**

#### **Essential**

Due to the single staffing of this office, the following are considered essential functions:

Provides service to the general public to include, traffic and parking information, visitor information, and the issuance of visitor parking permits. Must communicate verbally in an unimpeded, articulate manner, face to face or via telephone. Evaluates requests for disabled parking permits and controls issuance. Manages funds handling activities in the Traffic Office to include: serving as cashier; preparing receipts; receiving payment by cash, check, and credit card; processing daily receipts; preparing daily deposits; counting and depositing parking meter money; preparing check requests for refunds; and depositing all money received. Must be physically able to use office machines, computers and to sort documents, count money and make change for customers. Reviews Business Office reports of tickets paid and credits appropriate accounts. Complies with University policy on funds handling. Administers the vehicle registration program, to include: selling parking permits to students, faculty, and staff; entering all permits into the University computer system; pre-billing students that pre-register; and maintaining a file by zone of all registered vehicles. Coordinates parking for special functions by coordinating with the event sponsor, preparing and disseminating appropriate passes, and scheduling the necessary parking lots. Maintains the ticket and traffic appeals program to include: recording tickets on the computer; collecting fines and fees; notifying those with unpaid tickets by letter; add and remove "holds" for unpaid tickets; recoding lost or stolen permits; preparing the information necessary for traffic appeals committee meetings; and the forwarding of appeal results to the appropriate individuals. Manages office files and records on permit sales, towing, tickets, receipts, and vehicle registration.

Orders parking permits annually and secures them until sold. Supervises work study students assigned to assist in the operation of the traffic office.

#### **Other**

Fills in for the Secretary and Data Entry Specialist in their absence. Performs other functions directed by the Director of Public Safety.

## **Organizational Relationships**

The Traffic Control Specialist reports to the Assistant Chief of Police and interacts with students, faculty, staff and the general public. This is a one-person office and all functions must be performed by this employee.

## **Minimum Requirements**

High School diploma or G.E.D. equivalent. High School, Vocational School or College level courses in office procedures, transactions, bookkeeping and word-processing. Must possess excellent written and verbal communication skills. Excellent typing and keyboarding skills are required for this position.

## **Additional Desirable Qualifications**

One year or more secretarial experience. Ability to operate a computer terminal. Calm; patient personality when dealing with irate persons.

## **Working Conditions and Atmosphere**

Routine office environment with interruptions and noise due to frequency of visitors, students, faculty, staff and callers. Some pressure may be expected on the job depending on the frequency and number of visitors.

## **Student Cadet**

### **Job Summary**

The Student Cadet is a non-sworn, part-time employee under supervision of a Shift Supervisor/University Police Officer. Student Cadet employment will give selected students work experience with the Morehead State University Police Department. The Student Cadet shall not perform the arrest functions as University Police Officers. The Student Cadet's duties include, building security, operation of the evening Shuttle service, and assistance in special events and parking and security. The Student Cadet shall not carry firearms in the performance of duty.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Disciplinary Action and Grievance Procedure	<b>Chapter:</b> 13  <b>Page(s):</b> 1-4	<b>KACP</b> 12.2, 12.3, 12.6
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**GENERAL.** Unit officers regardless of rank, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the Commonwealth of Kentucky, county, or municipal ordinances, or failure to perform the duties of their rank or assignment; or for violation of any University policy or general order or policy or procedure of the unit or for failure to obey any lawful instruction, order, or command of a superior officer; or for any other and sufficient incompetence insubordination, misconduct, or neglect of duty. Non- sworn personnel of the unit are similarly subject to disciplinary action. Disciplinary action in all cases will be decided on the merits of each case. ***(KRS. 15.520 is strictly adhered to).***

**PERSONNEL POLICY MANUAL DEFINED**

All actions in this chapter are intended to be in accordance with the Morehead State University Personnel Policy Manual. If there is any disciplinary policy conflict, the Morehead State University Personnel Policy Manual shall prevail.

**ESTABLISHING ELEMENTS OF VIOLATION.**

Existence of facts establishing a violation of the law, ordinance, policy, procedure or order is all that is necessary to support any allegation of such as a basis for disciplinary action.

**PENALTIES.**

The following penalties may be assessed against any officer or employee of the office as disciplinary action:

- (1) Oral reprimand.
- (2) Written reprimand. Such reprimands shall comply with the requirements of PSNE-8 or PSE-7 of the Personnel Policy Manual.
- (3) Suspension in accordance with PSNE-8 or PSE-7 of the Personnel Policy Manual.
- (4) Dismissal.

## **UNIT AUTHORITY TO DISCIPLINE**

The unit, Morehead State University Police Department, disciplinary authority and responsibility rests with the Chief of Police. Each level in the chain of command, within the unit, must endorse and forward reports on disciplinary matters to the Chief of Police. Such endorsement at each level allows the approval, disapproval, or modification of the action.

The Chief of Police, the President, and the Morehead State University Board of Regents must approve all recommendations of suspension or dismissal.

Supervisors, designated by the Chief of Police, may take the following disciplinary measures:

- (1) Oral reprimand.
- (2) Written reprimand. (Subject to approval by the Chief of Police).
- (3) Temporary suspension from duty when an officer's or employee's acts may constitute but not be limited to:
  - (a) Misconduct
  - (b) Incompetence
  - (c) Insubordination
  - (d) Violation of a state or federal law, or of a University policy or office procedure or order.
- (4) Written recommendations to the Chief of Police for other penalties.

## **REPORTS OF DISCIPLINARY ACTION TAKEN OR RECOMMENDED.**

Whenever disciplinary action is taken or recommended (except for oral reprimand), a written report must be submitted at the beginning of the next business day, in addition to the requirements, which must be followed in PSNE-8 of the Personnel Policy Manual, to the Chief of Police containing the following information:

- (1) The name and badge number of the person being disciplined.
- (2) The date and time of the misconduct and location.
- (3) The section number, if applicable, of the violated rule and common name of the infraction.
- (4) A complete statement of the facts of the misconduct.
- (5) The punishment imposed or recommended.

- (6) The written signature, badge number, and rank of the preparing officer or other supervisory employee and their position in relation to the officer or employee being disciplined.
- (7) All records regarding disciplinary actions shall be secured in a separate location from other employee records and accessible only to the Chief of Police or assigned designee.

### **INFORMING THE PERSON BEING DISCIPLINED.**

The officer or employee being disciplined shall be informed of the charges in writing as soon as reasonably possible by the Chief of Police and with the specificity required by policy. Where discharge of a regular officer or employee is proposed, such notice shall advise the officer or employee that they have the right to appear before the Chief of Police or their designee to respond to the charges prior to discharge.

### **MISCONDUCT OBSERVED BY POLICE PERSONNEL**

Whenever any employee of Morehead State University Police Department observes, or is informed, of the misconduct of another employee that indicates the need for disciplinary action, he/she shall take authorized and necessary action and render a complete written report of the incident to an immediate supervisors or the Chief of Police.

### **CITIZEN COMPLAINT AGAINST POLICE PERSONNEL**

Complaints by citizens against employees of the Morehead State University Police Department shall not be accepted unless and until the complaint is taken under oath in the form of an affidavit, signed and sworn to by the complainant, and duly notarized. However, if a complainant refuses to make allegations under oath in the form of an affidavit, signed and sworn to, the department may investigate the allegations, but shall bring charges against the officer only if the department can independently substantiate the allegations absent the sworn statement of the complainant. When a complaint is received in this manner, it shall be processed in accordance with the following rules:

- (1) During normal business hours all complaints will be referred to the Chief of Police or his designee.
- (2) Any time other than normal business hours complaints shall be forwarded to a supervisor who will initiate steps to receive and investigate the complaint.
- (3) If, in the opinion of the supervisor, the incident requires immediate action, the supervisor shall take immediate action to preserve the integrity of the agency.

### **INVESTIGATION OF ALLEGED ACTS OF MISCONDUCT**

An alleged act of misconduct must be investigated. The results of the investigation shall be in a written report, with summarization of the pertinent facts, which include but not limited to:

- (1) A summary of the complaint or alleged act of misconduct.
- (2) Pertinent portions of the statements of all parties to the reported incident.
- (3) A description of the incident, physical evidence, and other related materials.
- (4) The observations and conclusions of the investigation.

## FINDINGS

The investigation of alleged acts of misconduct shall have one of the following findings:

- (1) **UNFOUNDED.** The investigation indicates that the act or acts complained of did not occur or failed to involve department personnel.
- (2) **EXONERATED.** Acts did not occur but were justified, lawful, and proper.
- (3) **NOT SUSTAINED.** The investigation fails to discover sufficient evidence to prove or disprove clearly the allegations made in the complaint.
- (4) **SUSTAINED.** Investigation disclosed evidence sufficient to prove clearly the allegations made in the complaint.

## CONSISTENCY OF DISCIPLINE

- A. The Department abides by the philosophy that discipline must be applied consistently and uniformly. This order provides discussion of employee recognition and penalties for various infractions.
- B. The Department does not provide employees with lists of specifically prohibited behavior. Examples of such behavior appear in policy, but no list can be all-inclusive. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on academy training and the observance of the proper behavior of officers in general.
- C. All records related to disciplinary proceedings shall be confidentially retained in the individual's department personnel files. These files shall be available to the individual for inspection at reasonable times and locations.

**GRIEVANCE/APPEAL OR DISCIPLINARY ACTION.** Disciplinary action may be appealed as defined in PSE-8 or PSNE-9 of the Personnel Policy Manual.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Division Duties: Administrative Division Patrol Division Traffic Division	<b>Chapter:</b> 14  <b>Page(s):</b> 1-7	<b>KACP</b> 17.2, 17.3, 17.10, 19.6, 24.1, 24.2, 24.3, 25.1, 22.2, 22.4, 22.5, 22.1, 22.3, 22.6, 23.3, 23.4, 23.5, 23.7
<b>Approved Date:</b>  June 2012	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**GENERAL**

The Morehead State University Police Department operates 24 hours a day, seven days per week to provide the campus community with law enforcement services. The unit will provide, generally, the same services at all hours of the day or night in relation to answering calls for service, emergencies, preventive patrol or traffic enforcement.

**PURPOSE**

The Morehead State University Police Department has three major divisions within the unit.

**1) Administrative Division.**

Police Records, which includes Uniform Citations, Uniform Offenses Reports, Incident Reports, Fire Reports, Traffic Collision Reports, Personnel Records, and Training Records. These records must be filed in yearly, monthly, and numerical order. Supervision of the departmental web database and the daily crime activity log, as required by administrative personnel and the Minger/Clery Act within 24 hours of occurrence. Complies and completes information pertaining to yearly crime statistical reports as required by the Minger/Clery Act. Attends conferences as required for updates to maintain compliance with the Minger/Clery Act. Assists all departmental personnel with office correspondences and of distributing information as required. Processes purchase requisitions, check requests, travel requests, travel vouchers, and maintains records for budget transactions. Maintains accurate purchase/credit card receipts for the department records. Processes Personnel Action Requests, maintains personnel records, vacation/sick leave reports, non-exempt time sheets, work-study time sheets, and submits necessary paperwork for the departments payroll and personnel records. Answers telephone responding to routine inquiries and takes accurate phone messages. Types office correspondences and reports as requested, some of which are of a complex and confidential nature. Operates office equipment such as typewriters, personal computer, copier machine, calculator, etc. Operational skills are required in several computer software programs as well as the University computer programs. Schedules and makes arrangements for meetings, conferences and special programs



## **2) Patrol Division.**

Officers perform patrol by driving, walking, Segway, or bicycle, as assigned. Effective interpersonal and communication skills, enforce laws, rules and regulations firmly, tactfully and consistently. The ability to analyze complex police problems and to adapt quick, effective and reasonable courses of action. The ability to maintain records and to prepare clear and concise reports of police activities. The ability to react quickly, calmly and effectively under stress and in emergencies.

## **3) Traffic Division.**

Controls traffic at fires, collisions, parades, etc. May operate Intoxilyzer equipment. Secures the scene of crimes and, conducts preliminary investigations, gathers evidence, interviews witnesses, and prepares accurate reports. Performs investigative duties when necessary. Assists in emergency situations; may administer first-aid. Issues parking citations. Operates radar equipment. Investigates motor vehicle related collisions.

### **A. COMPONENTS OF ADMINISTRATIVE DIVISION**

#### **TRAFFIC RECORD SYSTEMS**

- (a) The Kentucky Uniform Traffic Collision Report Form will be used to report all traffic crashes investigated.
- (b) All Uniform Traffic Collision reports/traffic enforcement data will be maintained in a Record Management File, maintained by the Custodian of Records.

#### **KENTUCKY UNIFORM CITATIONS**

- (a) Each citation completed by an officer will be submitted to the unit by the end of each shift; the appropriate copies will be given to the violator and/or detention facility if appropriate.
- (b) Uniform Citations, Courtesy Notices, and D.U.I. Field Notes, etc. will be turned in to the Shift Supervisors at the end of each shift and filed in a records management system by the Custodian of Records.

#### **CASE REPORTS**

A Kentucky Uniform Crime Report Form shall be completed when an officer has determined a crime has been committed. Officers shall investigate all crimes to the fullest extent or until:

- (1) Cleared by Arrest
- (2) Summons/Cited
- (3) Exceptionally Cleared
- (4) Death
- (5) Prosecution Declined by Victim

- (6) Refused to cooperate
- (7) Juvenile in Custody
- (8) Adult in Custody
- (9) Prosecution Declined by Prosecuting Attorney or Grand Jury
- (10) No further leads, evidence, suspects or witnesses

**CASE REVIEW.** The Sergeant will conduct a case review for each officer under their chain of command who has open cases quarterly. Cases may be closed or suspended using the above guidelines. Supervisors may approve cases being closed or may recommend cases remain open for further investigation. All officers that have been approved by a supervisor to close a case shall submit a supplement to the Assistant Chief of Police or designee with detailed reasons for recommending the case be closed.

## **II. COMPONENTS OF PATROL ACTIVITIES**

- (a) Crime Prevention activities.
- (b) Response to calls for service.
- (c) Investigations of crime, offenses, incidents and conditions, including arresting offenders.
- (d) Parking Enforcement, traffic direction and control at special events, University Functions, collision scenes, fire scenes. When an officer is directing traffic, they know and use standardized, appropriate gestures, and audible signals to stop, start and turn traffic. This agency requires personnel to wear high visibility or reflective clothing when involved with traffic directions and/or control.
- (e) Maintenance of public order.
- (f) Provision of emergency services.
- (g) Development of relationships between citizens and the unit.
- (h) Reporting of information to the appropriate agencies or offices.

## **PATROL SCHEDULES AND ASSIGNMENTS**

Officers will be assigned to patrol shifts as needed and as determined by the Chief or his designee. Work schedules of sworn officers and telecommunications will be posted monthly. Seniority shall be decided by length of time at that rank or by promotion date as far as work schedule and days off. All other considerations (vacation, etc.), seniority shall be determined by employment date.

**EMERGENCY EQUIPMENT** Emergency equipment; blue lights, siren and spotlights as necessary will be used in all traffic stops or emergency responses.

## **PATROL COMMUNICATIONS**

All patrol officers reporting for duty, including the Shift Commander, shall check the pass-on, Police Bulletin Board and email for any notes or information reported to them by other shifts or parts of the unit. Also any activity occurring on shift relevant to future shifts shall be added to the pass-on communications log as appropriate. For locations of these communications, refer to Pass-on Notifications Chapter.

## **TYPES OF ENFORCEMENT ACTIONS:**

- (a) Warnings may be issued for minor traffic offenses committed. Warnings may be verbal or written.
- (b) Kentucky Uniform Citations will be issued to violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic.
- (c) Physical arrests will be made in compliance with Kentucky Revised Statutes.

### **1. TRAFFIC ENFORCEMENT**

Each shift supervisor may/shall make daily/weekly/monthly assignments. All selected enforcement shall be assigned appropriately.

- (a) Speed violations shall depend on the location of the violation (congested area, pedestrian traffic, etc.). Uniform Citations shall be issued only in incidents where speed is verified by the use of radar.
- (b) Other hazardous violations shall depend on the degree of hazard, location, previous collision history and current patrol emphasis.
- (c) Equipment violations may be issued as warnings, but should be issued on Uniform Citations for any essential equipment defects.
- (d) Public Carrier/Commercial Vehicle violations may be issued as warnings or citations depending on the seriousness of each offense.
- (e) Other non-hazardous violations should be considered for warnings unless repetitive or flagrant.
- (f) Multiple violations should be cited.
- (g) Newly enacted law and/or traffic regulations should have a reasonable warning period before the issuance of a Uniform Citation. Officers should use discretion on these offenses.
- (h) Officers will make a physical arrest in compliance with Kentucky Revised Statutes in the following circumstances:

1. Violations of traffic laws pertaining to KRS 189.920, 189.393, 189.520, 189.580, 189A.010 pertaining to Operating a Motor Vehicle Under the Influence of Alcohol/Intoxicating Substances.
  2. Whenever the operator is licensed by a non-reciprocal state.
  3. When the officer has reason to believe that the person will not comply with the citation, if issued.
- (i) Officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle shall be positioned so that it will provide the officer some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer and all other traffic. When stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, in addition to the above:
  - (j) Request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop.
  - (k) When necessary, use the unit's public address system to give the occupant(s) of the vehicle instructions.
  - (l) Greet the violator courteously with an appropriate title.
  - (m) Inform the violator of what law has been violated.
  - (n) Allow the driver to discuss the offense, but do not argue.
  - (o) Complete the forms required or verbal warning, if appropriate.
  - (p) Explain to the violator exactly what is to be done in response to the action.
  - (q) If enforcement action is taken, make sure the violator knows the court date and location, but do not predict court action.
  - (r) Return the violator's driver's license, registration, etc., and any warning or citation.
  - (s) Assist the violator in safety re-entering the traffic flow.

#### **TRAFFIC CITATION ACCOUNTABILITY**

Any citation issued or voided by an officer shall be submitted to their supervisor for review by the end of assigned shift. The Administrative Assistant logs all citations on a citation accountability sheet.

#### **SPEED MEASURING DEVICES**

- (a) Radar or speed measuring devices shall be operated by properly training operators only.

- (b) The operator prior to use will check speed-measuring equipment.
- (c) Speed measuring devices shall be maintained and calibrated according to requirements of the equipment or court rules.

## **TRAFFIC VIOLATOR/OFFICER RELATIONS**

### **1. Followed in all traffic stops:**

- (1) Be alert at all times for the unexpected
- (2) Be absolutely certain the observations of the traffic violation were accurate.
- (3) Present a professional image in dress, grooming, language, bearing and emotional stability.
- (4) Be prepared for the contact by having the necessary equipment and forms immediately available.

### **2. Before making a vehicle stop:**

- (1) Maintain a reasonable distance between the vehicle and the police unit
- (2) Locate a safe spot to stop the vehicle
- (3) Activate the emergency lights and, when necessary, siren, to signal the vehicle to stop.
- (4) Advise the dispatcher of the intention to stop the particular vehicle, giving:
  - (a) Location of the stop.
  - (b) Vehicle's license tag number and vehicle description.
  - (c) Number and description of occupants.

## **IV. COLLISION SCENE PROCEDURES**

Responses to collision scenes will depend on the injuries or seriousness of the situation, whereas an emergency response may be required. During periods of reduced visibility or darkness, the officer shall put on reflectorized safety vests and use reflective traffic cones on flashlights and use light sticks for directing traffic. In case of danger of fire from leaking or ruptured gas tanks or where there is any major crash of two or more vehicles where there is any sign of hazardous materials having been transported, the fire department shall be called.

### **TRAFFIC COLLISION SCENE RESPONSIBILITIES**

- (a) Administering emergency medical care
- (b) Summoning additional help as required
- (c) Protecting the crash scene
- (d) Preserving evidence
- (e) Establishing a specific pattern around the scene
- (f) Locating witnesses and recording key crash information
- (g) Expediting removal from roadway of vehicles, persons and debris
- (h) If the officer at the scene concludes the driver is under the influence and the defendant is still present, the arrest should be made before transport.
- (i) If the driver is transported to a hospital before arrival of an officer, and the officer later conclude D.U.I., an arrest warrant should be obtained.
- (j) In the other traffic-related investigations, when the officer leaves the scene of the offense and follows up and later identifies an offender or offense, arrest warrants shall be obtained.

## **RESPONSES TO TRAFFIC COLLISIONS**

Officers shall respond to all reports of traffic crashes unless emergency circumstances prohibit response, but the following type crashes will always require a response:

- (a) Death or injury
- (b) Property damage in excess of \$500
- (c) Hit and Run
- (d) Impairment due to alcohol and drugs
- (e) Hazardous material
- (f) Fire
- (g) Officers shall also be assigned to respond to any collision involving disturbances between parties or which create major traffic congestions as a result of the collision or where vehicles are damaged to the extent that towing is required.

## **PRIVATE PROPERTY COLLISIONS**

In case of collisions that occur on private property, a collision report will be filled out if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$500.00 or involves government/University owned-operated vehicles), collisions that do not meet reporting requirements may require a Civilian Collision Report. Officers should supply complainants with this form or direct them to police headquarters where they may obtain this form.

## **COLLISIONS INVOLVING HAZARDOUS MATERIALS**

All police vehicles are equipped with a copy of the current emergency response guidebook, which permits both rapid identification of DOT vehicles, and contains placards for hazardous materials and gives information concerning the nature of the hazard, emergency procedures and evacuation disasters. Any police officer arriving at the scene of such a crash and seeing hazardous materials placards, shall immediately request the fire department. The fire chief will assume control of any scene involving hazardous materials.

## **TACTICAL TEAM REQUESTS**

During certain critical incidents where specialized tactical officers are needed, such as but not limited to hostage situations/barricaded suspect(s), Morehead State University Police Department will make a mutual aid request. In circumstances where a tactical (SWAT) team is needed, the following procedure will apply: the on-duty supervisor will contact the Chief of Police to request Kentucky State Police Special Response Team or Morehead Police Department Special Response Team. The Chief of Police will respond to the scene and will work in conjunction with the commander of the specialized unit to determine the best course of action to successfully resolve the situation.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Department Drug Testing	<b>Chapter:</b> 15  <b>Page(s):</b> 1 - 3	<b>KACP</b>
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

It is the policy of this department that the critical mission of law enforcement justifies maintenance of a drug free work environment through the use of a reasonable employee drug- testing program. Therefore, in order to ensure the integrity of the department, and to preserve public trust and confidence in a fit and drug-free law enforcement profession, this department shall implement a drug-testing program to detect prohibited drug use by sworn employees.

**PROCEDURES/RULES**

1. Applicant Drug-Testing

Applicants for the position of Morehead State University Police Officer shall be required to take a drug test as a condition of employment. Applicants shall be disqualified from further consideration for employment under the following circumstances:

- a. Refusal to submit to a required drug-test intended to determine the presence of any illegal drug or controlled substance; or
- b. A confirmed positive drug-test indicating drug use prohibited by this policy.

2. Employee Drug Testing/Mandatory and Random Basis

Sworn officers shall be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use, as provided below:

any sworn officer may submit to post-collision or other post-incident drug-testing on a voluntary basis when the use of drugs could become an issue.

(c) Employee Drug-Testing/ "Reasonable Suspicion" Basis

Sworn officers shall be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use, as provided below:

Any officer having a reasonable suspicion to believe that another employee is illegally using, or in possession of, any controlled substance shall immediately report the facts and circumstances to their supervisor or, if the supervisor is unavailable, any superior officer.

Any supervisor or superior officer who receives such a report from a subordinate shall immediately contact the suspect officer to observe his behavior and demeanor, or take any other necessary and appropriate steps to determine whether reasonable suspicion exist to suspect that the officer has violated this policy. If it is determined that "reasonable suspicion" exists, the following steps shall be taken immediately:

- a. The suspect officer shall be denied the use of departmental vehicles, denied the authorization to bear weapons, and shall not be allowed to engage in any law enforcement activity.
- b. The Chief of Police shall be immediately informed of all details.

It shall be the responsibility of the Chief of Police or in their absence, the next available ranking officer, to determine whether sufficient grounds exist under the "reasonable suspicion" standard to order the suspect officer to submit to a search and/or a drug test. An administrative search may be conducted at any time.

No officer while on duty shall refuse to submit to a search of a person or of any University property under their custody or control, including any personally owned containers found therein, upon reasonable grounds to suspect that the officer is in possession of any contraband controlled substance. If a search is ordered, the Chief of Police, or the senior ranking supervisor/officer, shall be present during the search.

If a drug test is ordered, the Chief of Police or senior officer ordering the test, shall be responsible for adhering to the drug-testing procedures set forth in this procedure.

If the suspect officer complies with the mandated search and/or drug test order, the officer shall be placed on non-disciplinary leave with pay until such time as a final determination of compliance has been made.

(d) Selection and Notification

Any employee randomly selected is to be drug-tested as soon as practicable, but no later than three (3) days from the time of selection.

The Chief of Police schedules the employee's drug test to occur in a timely and efficient manner. Employees called in from off-duty shall be reimbursed at the overtime rate for no less than the actual time spent, including travel time to and from St. Claire Medical Center.



The Chief of Police or ranking person in-charge notifies the employee by telephone or in person, (not by radio) of the time and place for drug-testing on the day testing is to occur. The employee shall have no prior warning beyond that necessary to ensure their presence for the test. For the night shift, they may be notified upon arriving for the shift if the test is to occur the following morning.

(e) Drug – Testing Procedures

The employee to be drug tested arrives at the time and place (St. Claire Medical Center Lab) set by the Chief of Police.

Where the employee appears unable or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances and notify the Chief of Police.

Failure to submit a sample shall be considered a refusal to submit to a drug – test.

Whenever there is reason to believe that an employee may have altered

or

substituted the specimen, a second specimen shall be obtained the same day under direct observation of the drug testing personnel.

All per pertaining to department – required drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.

Drug test results and records shall be stored and retained by the Chief of Police for a period of two years.

(f) Drug Testing Violations

As prescribed in the drug testing policy, failure to submit to a mandated drug test or having a confirmed positive result from an illegal drug or breaching the confidentiality of drug testing information may result in disciplinary action.



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<b>Title:</b> Emergency Planning for Unusual Occurrences and Disasters	<b>Chapter:</b> 16  <b>Page(s):</b> 1-4	<b>KACP</b> 6.1, 19.1, 19.2, 19.3, 19.4, 19.5, 16.6, 29.8
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**NOTE:** The MSU Emergency Operations Plan (EOP) specifies responsibilities for all units in the event of a disaster or civil disturbance. The master copy of the EOP can be found at the 911 center of Morehead State University.

**PLANNING**

The Chief of Police shall be responsible for planning for the unit. Planning functions may be delegated to other members of the unit as needed. Planning and research functions of criminal activity (crime analysis) are specific by type of activity, location, time and date.

**RESEARCH**

The Chief of Police and The Assistant Chief of Police shall conduct internal and external research to determine the deployment of unit staff and to revise and update policies and procedures as necessary. Unit review shall be conducted annually between January and March.

**CIVIL DISTURBANCES**

Demonstrations or gatherings of persons on the campus which pose a threat to life, limb, or property, or which poses a threat to the normal, orderly processes of any University conducted or sponsored operation, activity, or procedure.

1. Routine patrols shall be maintained on campus with special emphasis on unusual conditions, gatherings, and occurrences, which indicate possible disruptive activities.
2. The Chief of Police shall take steps as necessary to assemble all available and necessary personnel in the event a crowd becomes hostile or disruptive.
3. If advisable, request support from local police agencies.
4. If applicable and if time permits, an Order of Dispersal, KRS 525, is given to the crowd to disperse. This order can be found in the Emergency Operations Plan.
5. Upon discretion of the officers at the location of the disturbance, arrest of participants whom are conducting themselves unlawfully is permissible.
6. The Chief of Police is authorized to activate the Emergency Operations Plan and mobilize additional personnel, equipment, and resources. Refer to the EOP for additional guidance.

## **DISASTER EQUIPMENT**

Under this order, in instances where the Morehead State University Police Department obtains equipment that is used solely for the purpose of unusual occurrences/disasters, that equipment must be inspected on a monthly basis. This inspection shall be done by a designated supervisor and documented each time. This inspection shall be done to ensure proper working condition and operation readiness of such equipment. Any repairs/changes that need to be made shall be addressed to the Chief of Police immediately. Anytime those personnel are exposed to excessive noise level, hearing protection will be required and provided by the unit.

## **HAZARDOUS MATERIALS**

In the event of a situation involving the control and/or removal of hazardous material, the first officer that arrives on the scene, if action may be taken without becoming contaminated or exposed, shall evacuate all individuals within the immediate vicinity and attempt to secure the site based upon guidance provided by the most current U.S. Department of Transportation Emergency Guidebook or appropriate manual. The Office of Environmental Health and Safety shall be contacted and follow the procedures of the Emergency Operations Plan.

## **HAZARDOUS HIGHWAY CONDITIONS/EMERGENCY ASSISTANCES:**

In the event of hazardous highway conditions due to snow and ice/hazardous debris in the roadway, officers shall request the dispatcher to contact the Physical Plant for removal.

## **HIGHWAY EMERGENCIES:**

Officers arriving upon the scene of any highway emergency shall request the dispatcher to obtain necessary services and then provide emergency first aid, fire suppression and obtain additional assistance as the situation requires, pending arrival of appropriate emergency services.

## **NATURAL AND MANMADE DISASTERS**

The Morehead/Rowan County Disaster and Emergency Plan and/or the Emergency Operations Plan for the University will guide the operations of the unit in situations that apply.

- (a) The Chief of Police shall be responsible for overall guidance of the unit in disaster situations; including communicating with university personnel and outside agencies as necessary.
- (b) The Assistant Chief of Police shall be responsible for coordinating activities within the unit. The following will serve as a guide in all situations applicable:
  - (1) Control the scene
  - (2) Establish field command posts
  - (3) Coordinate communications
  - (4) Coordinate media locations and information release.
  - (5) Clear the scene after the situation is controlled.
  - (6) Prepare the necessary reports.

## **UNIVERSITY POLICE DUTIES AND RESPONSIBILITIES**

It will be the responsibility of MSU Police Department to make estimates of the extent and character of the incident and report this information immediately to the Chief of Police and/or University President. Based on this information, the Chief of Police, or his designee, will take appropriate action regarding the mobilization of forces in regards to the occurrence/disaster.

Police responsibilities will be to maintain traffic control, preserving law and order, evacuation assistance, and perhaps building searches. As the first persons on the scene, police will additionally provide primary radio communication from the scene to the Operations Center in order to facilitate the organization of rescue and relief operations.

Specifically, the following actions are outlined in the MSU Emergency Operations Plan:

1. Communications: as outlined in Appendix H of the EOP.
2. Command Post: The primary command post is the University Police Department. An alternate is named in the annual Emergency Operations Plan.
3. Casualty Information: See Appendix I of the EOP.
4. Court Liaison: Liaison with the Rowan County Attorney.
5. Community Relations/Public Information: MSU Media Relations Office.
6. General Liaison: The Vice President for University Relations or his designated representative.
7. Legal Considerations: The MSU General Counsel or the Rowan County Attorney, whichever is appropriate for the situation.
8. Other Law Enforcement Support: Morehead City Police, Rowan County Sheriff's Office, Kentucky State Police all have jurisdiction on campus and can be called upon for support.
9. Military Support: The Kentucky National Guard (502) 607-1638.
10. Public Facility Security: See Appendix I of the EOP.
11. Traffic Control: Consistent with manpower availability, traffic control is the responsibility of the University Police.
12. Juvenile Offenders: juveniles shall be handled in accordance with the University Police S.O.P. manual and Kentucky Revised Statues.
13. Equipment Requirements: All equipment listed in the EOP is at the disposal of Morehead State University.
14. De-escalation Procedures: As the threat or disaster situations subside, Emergency Operations Center Staff will direct a general phase-out of emergency operations. This may include keeping personnel on stand-by-alert for an indefinite period to ensure that the hostilities have little or no potential for reoccurring. Decisions on the resumption of classes and the opening of facilities should be determined on the level of safety students, faculty, and staff can expect.

15. Rumor Control: University employees are not to indulge in rumors. Media Relations is responsible for timely release of factual information to the public and media in order to control rumors.
16. Command Availability: The Emergency Operations Center Staff (EOCS) shall function as the governing body of Morehead State University. Refer to the EOP for command structure.
17. Post Occurrence Duties: See Appendix I of the EOP.
18. After Action Report: See Appendix I of the EOP.
19. Transportation: See Appendix I of the EOP.
20. Arrest/Confinement: Standard police procedures shall be followed regarding age/gender/injuries of arrestees.



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<b>Title:</b>  Internal Affairs	<b>Chapter:</b> 17  <b>Page(s):</b> 1-2	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Goal.** The goal of internal affairs is to ensure that the integrity of the unit is maintained through an internal system where objectivity, fairness, and justice are assured by intensive, impartial investigation and review. Generally, internal affairs investigations deal with citizen complaints, suspected or alleged criminal activity, and exceptionally serious police misconduct. If a lengthy investigation of suspected employee misconduct is necessary, the Chief of Police may refer it to internal affairs.

**KRS 15.520 Complaints Against Police Officers** establishes the due process rights for police officers and provides a means for redress by the citizens of the Commonwealth for wrongs allegedly done to them by police officers. This chapter is not intended to replace disciplinary procedures and supervisory responsibility established under the University Personnel Policy Manual, however, **KRS 15.520** may require some changes to the prescribed disciplinary and notification process. It merely provides a method of fairly dealing with citizen complaints/allegations and ensures they are thoroughly and properly investigated. In the case of criminal activity, notification of the officer may be delayed until the investigation is completed.

**Reported Misconduct.** Allegations of officer or employee misconduct shall be appropriately investigated and properly adjudicated. In addition, reports or accusations against officers or employees of the unit or the unit in general shall be investigated completely. Routine job/duty related misconduct or violations of departmental/University policy or procedures may be handled in accordance with the University Personnel Policy Manual by an appropriate person in the supervisory chain of command. The employee shall have all University rights of appeal, under PSE-8 or PSNE-9, available to them. In such cases, officers shall be provided the opportunity to waive their rights under **KRS 15.520**.

**Responsibilities.** It is the responsibility of the Assistant Chief of Police to function as the Internal Affairs Officer. Other police agencies may be required to assist as determined by the Internal Affairs Officer and the Chief of Police. In cases where the allegations involve the Chief of Police, Kentucky State Police shall be requested to either assist in the inquiry or assume responsibility for the investigation. The Vice President for Student Life shall be notified of investigations and the results.

**Procedures.** The following procedures shall guide internal investigations:

- (a) Internal affairs matters shall be directed to the designated Internal Affairs Officer.
- (b) The Internal Affairs Officer shall inform the Chief of Police of the allegations and provide progress reports throughout the investigation.
- (c) Allegations shall be recorded and the investigation and records shall remain confidential.
- (d) Complaints against the unit or its' officers and employees will be reviewed and investigated by the Internal Affairs Officer or by an officer designated to conduct the investigation if appropriate.
- (e) Officers and employees shall be notified in writing when they become the subject of an internal affairs investigation. This notification shall state the allegations and the officers and employees' rights and responsibilities relative to the investigation.
- (f) The complainant shall be periodically notified regarding the status of the investigation and at the conclusion of the investigation.
- (g) The Internal Affairs Officer shall inform the Chief of Police of the results at the conclusion of an investigation. The Chief of Police shall keep their superiors informed and shall recommend action as appropriate concerning the outcome of the investigation.
- (h) Officers and employees who have been the subject of an investigation shall be notified in writing as to the findings at the conclusion of the investigation.



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<b>Title:</b> Office Technology Policy	<b>Chapter:</b> 18  <b>Page(s):</b> 1	<b>KACP</b>
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**POLICY:**

It is in the best interest of the Morehead State University Police Department to encourage its employees and officers to learn the use of new office technologies that are fundamental to their future success as University Police employees. Use of technology meeting ethical standards is encouraged under this policy.

The Morehead State University Police Department's environment has a wide variety of technologies, such as; fax servers, image scanning and copying, shared computer systems, pagers, phones, cellular phones, televisions, Internet and World Wide Web access, UHF radios.

Use of office technologies is no different from the use of any University or department provided item in the work place. Morehead State University Police Department employees must conform to applicable use of Kentucky statutes, University Policy PG-55 Technology Security Policy and United States Codes related to such technologies. Reasonable use and common sense must prevail in the work place in using office technologies.

**PROHIBITED USES OF OFFICE TECHNOLOGIES** (not limited to the following):

1. Use for any purposes, which violates a United States or Commonwealth of Kentucky law.
2. Use for access to or distribution/download of indecent or obscene material or child pornography (unless in the course of an investigation of such offenses).
3. Any activity, which adversely affects the availability, confidentiality or integrity of any office technology.

Use of the Internet and other office technologies is a privilege. Failure to conform with these guidelines may result in these privileges being revoked and may result in employee disciplinary action.

**NOTE:** The television in the Telecommunications Office will be muted whenever someone comes to the window for assistance. Movies or programs that have a rating above PG are not to be viewed.





## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Pass-on Notifications	<b>Chapter:</b> 19  <b>Page(s):</b> 1	<b>KACP</b> 17.1
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**Purpose:** To ensure that the information flow to all shifts is appropriate and uniform. All personnel shall utilize the pass-on system to relay information to the various shifts. All shifts should make certain that they pass-on significant information using this procedure unless it is of personal nature.

**Definition: BLACKBOARD:** An Internet based system, which requires a username and password, to which the user can access police related information from any computer connected to the internet. This online system also allows inter-office information sharing by posting relevant information into the designated area listed as the PASS-ON.

**POLICE BULLETIN BOARD:** Located in the main hallway of MSU Police Department. This board allows posting of hardcopy information for internal communications. All information posted should be duplicated if possible into the Blackboard Pass-on for extended record keeping.

**EMAIL:** Provided by the unit as an electronic means of communication.

**Procedure:** All information items, which should be shared with dispatch police personnel shall be placed on a PASS-ON NOTIFICATION and placed in the appropriate PASS-ON MEDIA.

- A. It shall be the responsibility of each dispatcher and officer to review his or her Blackboard, Email, and the Police Bulleting Board, immediately upon reporting for duty.
- B. Items added will be in ascending order.
- C. The on-duty supervisor shall remove expired items, which are readily identifiable. At least monthly, the Chief of Police should purge unnecessary items without expiration dates.
- D. Inactive hardcopy pass-on notifications will be provided to the Chief of Police for archive.
- E. All pass-on notifications shall have the name of the person responsible for disseminating the information.
- F. All pass-on notifications should possess expiration dates. If undated, pass-on notifications will be considered void after 30 days.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Payroll Sick, Holiday, Vacation, Court, Military, Resignation	<b>Chapter:</b> 20  <b>Page(s):</b> 1-3	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**WORK SCHEDULES.**

Work schedules will be the responsibility of the Chief of Police. Each officer and employee will receive a work schedule. Any change in the work schedule will be made or approved by the Chief of Police or shift supervisor.

**REPORTING FOR DUTY.**

Immediately upon reporting for duty each officer, unless otherwise directed, shall check the pass-on book, bulletin board and the officer's mailbox for notes and information relating to the shift. Dispatchers shall also check the events calendar for actions that must be completed during their shift.

**TIME SHEETS.**

Time sheets are to be submitted semi-monthly to the supervisor. Time sheets must be completed and signed by the officers and supervisors at the time they are submitted.

**OVERTIME.**

All hours worked over forty (40) hours per week will be compensated for in accordance with University policy. Overtime for scheduled events will be distributed as evenly as possible between the officers. The Chief of Police must approve all overtime. Compensatory time for Morehead State University Police Department officers may be granted in accordance with applicable University personnel policy.

**STAFF MEETING.**

From time to time the Chief of Police will call a staff meeting. Officers and employees directed to attend will report at the designated time and place.

**CALL-OUT AND COURT TIME.**

There will be a minimum of two (2) hours overtime authorized each time an officer, not on regular duty, is called out for duty or for court appearances.

**ABSENCE FROM DUTY.**

Every officer or employee who fails to appear for duty at the date, time and place specified without the consent of superior authority is "Absent Without Leave." Such absence will be reported in writing to the Chief of Police by the shift supervisor



## Morehead State University Police Department Standard Operating Procedure Manual



### **REQUESTING AND REPORTING SICK DAYS OR LEAVE.**

When it becomes necessary to request sick leave or to report illness, each officer or employee unable to report for duty must contact the Morehead State University Police Department before their scheduled work time. Any absence not so reported will be chargeable as leave without pay.

### **HOLIDAYS.**

Officers and employees shall not be paid on an overtime rate for holidays. However, they shall receive a regular workday off (equivalent time) with pay for all holidays observed by the University. The time off for the holidays shall be given when the workload permits, as determined by the shift supervisors and approved by the Chief of Police or Assistant Chief of Police.

### **VACATION LEAVE.**

Vacation leave is in accordance with the personnel policies of the University. However, there are certain restrictions and guidelines that must be followed. The most convenient time for the unit to grant vacation is from the fifteenth (15<sup>th</sup>) of May through the fifteenth (15<sup>th</sup>) of August each year. Vacation requests between these times shall be granted in most circumstances under the following guidelines:

- (1) A written request two (2) weeks prior to the beginning date of vacation leave to the Chief of Police.
- (2) Vacation time will be granted as to allow for coverage of the workload on each shift. Vacation time may be granted at other times if approved by the Chief of Police. Vacation time may be accumulated in accordance with University policy.

### **MILITARY RESERVE LEAVE.**

An officer or employee who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve, United States Marine Corps Reserve, or other affiliated organization shall be entitled to leave of absence in accordance with University personnel policy. Such leave of absence shall be in addition to regularly allowed vacation. Officers or employees going on military leave for field training must notify the Chief of Police immediately upon notification of written orders by the military unit by presenting a copy of the signed orders for the period involved.

**RESIGNATION.** Any member or employee who resigns from the office must submit a written resignation to the Chief of Police.



## Morehead State University Police Department Standard Operating Procedure Manual



### **TO REPORT WORK-RELATED INCIDENTS.**

All work related injuries or illness must be reported immediately (or as soon as possible) to the employee's supervisor/department head by the employee or his/her representative. Delay in reporting job injuries or illness may result in the loss of benefits.

\*If unable to immediately report an incident to Human Resources, please complete and send the form to Human Resources as soon as possible.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Performance Evaluation and Promotion	<b>Chapter:</b> 21  <b>Page(s):</b> 1 – 3	<b>KACP</b> 9.1, 15.2-4, 16.1-12
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Subject:** Performance Evaluation and Promotion

A. The performance evaluation system includes the following:

1. Measurement definitions: The rating process is described on the instruction form and includes four levels of performance; i.e. excels, meets requirements, needs improvement, does not meet requirements and not applicable.
2. Procedures for use of forms: The evaluation process is described in the instruction for the software.
3. Rater responsibilities: The rater is responsible for the entire period covered by the evaluation. The ratings should be substantiated by facts, careful observation and notes from previous informal review. The supervisor shall discuss the evaluation with the employee.
4. Rater training: Evaluations reflect observations and perceptions by rating personnel, and are, therefore, inherently subjective. Therefore, whenever a new supervisor becomes responsible for the evaluation of another employee, he shall receive appropriate and sufficient training on the departmental performance evaluation system, measurement definitions, procedures for use of forms and rater responsibilities. Supervisors shall receive training on the importance of impartial ratings, the rater's role in the performance evaluation and how to counsel and guide employees.

B. The following performance evaluations are conducted within the department:

1. Annual Review: A review during each employee's anniversary month; i.e., the month in which each employee assumed his current position.
2. Promotional: Conducted for those employees participating in the promotional process.

C. An employee's performance gives information concerning suitability for assignment, training needs, ability for absorbing more responsibilities and effectiveness in the assigned position. Supervisors shall begin every rating period with employee counseling on the following:

- a. Position, tasks, duties, and responsibilities;
- b. Level of performance expected;
- c. Evaluation rating criteria.

Evaluations of performance are conducted according to the following procedures:

1. Employees are rated by their immediate supervisor.
  2. Each employee's performance is documented through the department's evaluation forms. Each is rated according to their unacceptable, acceptable or superior behavior. Criteria used to evaluate are specific to the position occupied by the employee. Criteria used to define the quality of work are descriptive, measurable and allow a characterization regarding how the work is performed.
  3. Evaluations cover a specific period.
  4. Evaluations are based only on performance during the rating period.
  5. Each employee is given the opportunity to sign the completed report. The employee's signature does not imply agreement or disagreement with the content. A copy of the completed report will be made available upon request.
  6. The evaluator's supervisor and the Chief of Police review each appraisal form.
  7. Reports are kept as part of a permanent file by the department's personnel officer. Evaluations will be retained for five years. The previous years evaluation will be removed from personnel file and shall be destroyed.
- D. Criteria used for performance evaluation are specific to the position occupied by the employee. Tasks of the position and required knowledge, skills and abilities as set forth in the job description, form the basis for the factors to be evaluated in the performance evaluation. Positions with significantly differing job tasks have separate job descriptions and performance evaluation forms.

## **UTILIZATION**

### ***General Description***

- A. A separate set of criteria is used by each shift supervisor in rating of personnel on probation in order to determine, at the earliest point, their suitability for continued employment. The principal objective of supervisors rating probationary employees is to ascertain whether they can actually perform the required functions. Probationary personnel are rated quarterly unless the employee is still in the Field Training Officers Program, which requires daily performance reviews.
- B. Probationary evaluation reports form a key resource for actions to be taken by management in the following areas:
  1. Career development.
  2. Promotion.

### **Unsatisfactory Performance**

- A. Employees shall be advised in writing whenever their performance is deemed to be unsatisfactory. The written notification will include the following items and

must be preceded by an interview between the immediate supervisor and the involved member:

1. The job performance that is deficient, and
  2. Actions that should be taken to improve their performance.
- B. Written notification of unsatisfactory performance must be tendered to the member at least 90 days prior to the end of the rating period in order to allow the member time to take appropriate corrective action. The supervisor must be prepared to substantiate ratings at the unsatisfactory level.
- C. Written notification of unsatisfactory performance is submitted to the Chief of Police for approval and filed with the department's personnel officer.

### **Review and Appeals**

- A. Employees are rated by their immediate supervisor. Each performance evaluation is reviewed and initialed by the rater's supervisor. Reviews are intended to ensure fairness, uniformity, and validity and shall be accomplished according to:
1. The fairness and impartiality of ratings given;
  2. The rater's participation in counseling and guidance for rated employees, and
  3. The rater's ability to carry out their role in the performance evaluation system.
- B. Evaluation reports express the judgment of the rater and, as such, are not subject to the full grievance process. However, officers may request additional review by the Chief of Police and may offer their own statistical or opinion information. The decision of the Chief of Police in any such arbitration is final. Annual Inspection of the performance appraisal system is inspected annually by the Chief of Police or their designee.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Physical Fitness Standards	<b>Chapter:</b> 22  <b>Page(s):</b> 1-3	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police



## **I. Purpose**

The purpose of this policy is to establish the procedure under which employees may participate in the wellness/physical fitness standards program approved by the Morehead State University Police Department. Studies have shown that wellness programs reduce employee absenteeism and worker compensation claims.

## **II. Policy**

The Morehead State University Police Department's Physical Fitness Standards and wellness program is designed to ensure a fit and healthy workforce, which benefits the employee, the agency, and the public they serve.

## **III. Procedure**

### **A. Employee Orientation**

All new employees of the Morehead State University Police Department shall be provided information regarding the agency Physical Fitness Standards/Wellness program during the regular employee orientation. This shall be a brief overview of the program as to its purpose and procedure.

### **B. Wellness Instruction**

1. Wellness instruction from the University Wellness Center shall consist of the following education information:
  - a) Fitness self-assessment
  - b) Goal setting
  - c) Weight control
  - d) Safety and injury prevention
2. Wellness Center instructors shall perform initial screening on all employees who wish to participate in the wellness program. The purpose of the screening is to gather information from participants and review their risk status, educate about risk factors, and refer high risk/symptomatic employees to their physician. The objective is not diagnostic, but to determine if a risk may exist associated with exercise. Those considered high risk shall receive a release from their physician to participate. Participants shall complete a medical questionnaire annually.
3. As a part of the educational portion, employees shall receive exercise recommendations with a variety of options. These recommendations shall be designed to assist employees in meeting their fitness needs, assure safety, and promote effective job performance.

### **C. Physical Conditioning**

1. Each employee participating in the Morehead State University Police Department Physical Fitness Standards wellness program shall be allowed to exercise any two days per week during their normal work schedule.

2. The agency may allow up to 45 minutes for employees (with Shift Supervisor approval) to exercise on each of the 2 days per week. Time may not be accumulated and carried to another day or into another week.
3. Employees shall consult with their immediate supervisor as to what times are appropriate to ensure normal work is not interrupted. Completion of normal work responsibilities is our primary goal.
4. Employees shall realize that there may be times when their exercise schedule has to be adjusted to accommodate unexpected work changes.
5. Only University Wellness Center staff members who are certified or supervised by a recognized fitness-training program or University Police employees that have been training in administering Physical Fitness Standards shall administer the wellness program/fitness standards assessment.
6. Each employee is subject to call while doing Physical Training.
7. All employees that participate in the Wellness/Physical Fitness Standards Program and use University facilities shall sign a waiver and rules form.
8. Employees participating in the Morehead State University Police Department Physical Fitness Standards Wellness Program shall log on the University Police Activity log each exercise session to ensure proper tracking.
9. If an employee's risk status changes while participating in the program, the employee may be required to be released by a Wellness Center Instructor and to withdraw from the program until the risk is no longer a factor or until a release from the employee's physician is received.
10. The MSU Wellness Center can be used during business hours by participating employees.



**Morehead State University Police Department  
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<b>Title:</b>  Professional Conduct and Responsibilities	<b>Chapter:</b> 23  <b>Page(s):</b> 1 – 6	<b>KACP 4.3 12.1</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**I. ACCOUNTABILITY**

Procedures and orders of Chief of Police are issued for the purpose of properly regulating and guiding the actions of all officers. It is the duty of all commanding officers of the office to take appropriate action whenever violations of such procedures or orders occur.

1. A personal knowledge of department policies and procedures is expected to assure a professional level of conduct from all employees.
2. Employees are expected to report infractions of law or of department policies and procedures in order to ensure the integrity of the department is maintained.
3. **All employees of this office shall:**
  - a) Conform to all points of this policy manual.
  - b) Obey all laws, ordinances, policies, procedures, and orders that you are sworn to enforce.
  - c) Report to duty in the proper uniform.
  - d) Keep physically fit, be neat and clean, and maintain a professional stature when on duty.
  - e) When reporting for duty, familiarize yourself with events that have taken place since the end of your last tour of duty.
  - f) When reporting for duty, check the vehicle and equipment that you may be called upon to use during your tour of duty.
  - g) Never be absent from duty without notifying Morehead State University Police Department and your supervisor.
  - h) Never exchange tours of duty without the permission of a supervisor.
  - i) Never undertake an official duty if said duty is not understood completely. Ask your supervisor for clarification.
  - j) Respond to all calls promptly and safely.
  - k) Never permit a person to ride in the police car except when said person's presence is absolutely necessary for official business, unless approved by a supervisor.
4. **Officers shall,** within their jurisdiction, take appropriate action to:
  - a) Protect life and property.
  - b) Promote safety.

- c) Preserve the peace.
  - d) Prevent crime.
  - e) Detect and arrest violators of the law.
  - f) Enforce all federal, state and local laws, and ordinances coming within their jurisdiction.
5. **Supervisors are accountable for** the actions of their subordinates. Supervisors shall be thoroughly familiar with department policies and procedures and apply the highest ethical concern to their responsibilities and those of their subordinates. In this regard, supervisors' responsibilities, but not necessarily limited to:
- a) Orientation of new employees in department policies and procedures and expected standards of performance and conduct;
  - b) Implementation of department policies and procedures; and
  - c) When necessary, the imposing of suitable disciplinary measures to ensure adherence to department procedures.

## II. **GENERAL POLICY**

**ADDRESS AND TELEPHONE NUMBERS.** Officers and employees shall give their address and telephone numbers to the Chief of Police and shift supervisor. Changes in address or telephone number shall be reported to a shift supervisor of the Chief of Police within 24 hours of the change.

**ASSISTANCE.** All officers are required to take appropriate police action toward aiding a fellow Law Enforcement Officer exposed to danger or in a situation where danger might be impending.

**COOPERATION.** Cooperation between the ranks and units of the office is essential to effective law enforcement. Therefore, officers and employees are strictly charged with establishing and maintaining cooperation within the office and the University.

**CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND ASSOCIATES.** Officers and employees shall treat superior officers, subordinates, and associates with respect. They shall be courteous and civil at all times in their relationships with one another.

**CONFLICTING ORDERS.** Upon receipt of an order conflicting with any previous order or instruction, the officer or employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued only when reasonably necessary for the good of the office.

**CONFISCATED PROPERTY.** The Morehead State University Police Department will periodically take possession of property, which is normally legal for the owner to possess, but violates University policy. The office will hold such property for safe keeping until the owner can properly remove it from Morehead State University property. Such property will be controlled and accounted for as evidence until disposed of. Disposition shall be by return to the owner or as directed by the courts, if appropriate.

**DUTY RESPONSIBILITIES.** Employees of the office are always subject to duty although periodically relieved of its routine performance. They shall, at all times, respond to the lawful orders of supervisors and other proper authorities. Officers assigned to special duties are not

relieved from taking proper action outside the scope of their specialized assignment when necessary.

**LEGAL ADVICE.** Officers may need to consult with the County or Commonwealth Attorney's Office concerning criminal cases or investigations on an on-going basis. At times the University Legal Counsel may need to be consulted. Any request to consult with the University Legal Counsel shall be directed to the Chief of Police, who will assist with the legal advice.

**LOST AND FOUND ARTICLES.** The Morehead State University Police Department has an established lost and found function for the University community. The department will attempt to locate the proper person to allow the articles to be returned. All articles will be kept for a period of sixty (60) days before they are disposed of. Any officer or employee finding or coming into possession of lost items shall do an incident report with case number and forward the items to the evidence custodian for items to be logged and secured.

**LOYALTY.** Loyalty to the office and to associates is an important factor in office morale and efficiency. Officers and employees shall maintain loyalty to the office, their associates, and a University superior as is consistent with the law and personal ethics.

**MANNER OF ISSUING ORDERS.** Orders from superior to subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of office business.

**NATIONAL COLORS AND ANTHEM.** Uniformed officers will render full military honors to the national colors and anthem at appropriate times.

All sworn officers of the department shall be expected to exercise military courtesy on appropriate occasions. This practice distinguishes agency officers, fosters a feeling of respect for others and instills pride in the organization.

#### **HAND SALUTE**

- A. The manner in which a salute is executed is important because it reflects upon the organization and serves as an act of recognition and respect for our country. The hand salute shall be given in the following manner:
  - The right hand, with the fingers fully extended and with the thumb along the forefinger, shall be raised to the right front edge of the brim of campaign hat.
  - The arm, from the shoulder to the elbow, should be parallel to the surface upon which the officer is standing.
  - While saluting, the left hand shall be held at the side with the thumb at the seam of the trousers.
- B. A hand salute **shall not** be rendered when an officer is in uniform with his hat off, when an officer is in civilian clothes or when an officer is in a vehicle.

#### **SALUTING THE NATIONAL COLORS**

- A. Officers in uniform and with the **hat on** shall, upon the approach of the National Colors, face the flag and render a hand salute. The salute shall be rendered when the colors are within six paces of the officer and shall be held until the colors have been carried six paces past the officer.
- B. Officers in uniform with the **hat off** shall, upon the approach of the National Colors, face the flag and come to attention. A salute **shall not** be rendered. The officer shall come to attention when the colors are within six paces of the officer, which shall be held until the colors have been carried six paces past the officer.
- C. During the formal raising or lowering of the National Colors, officers in uniform shall salute the colors as they are being raised or lowered to the fullest extent.

## **PLAYING OF THE NATIONAL ANTHEM**

- A. When the National Anthem is played, an officer not in formation and in uniform with the hat on, shall:
  - Come to attention on the first note;
  - Face the flag, and;
  - Render the hand salute until the anthem's completion.
  - If the flag is not flying, the officers shall face toward the music and salute.
- B. When the National Anthem is played, an officer not in formation and in uniform with the **hat off**, shall:
  - Come to attention on the first note;
  - Face the flag, and;
  - Stay at attention until the anthem's completion.
- C. An officer in uniform with the **hat on** and in formation shall follow the above procedures as outlined in (A.) except that he shall render the hand salute on the order of "Present Arms." Officers in uniform with the **hat off** and in formation shall not salute but come to attention at the order of "Present Arms."
- D. If an officer is in civilian clothes and the national anthem is played, the officer shall remove any headdress worn and place his right hand against the left breast until the anthem's completion.

## **OTHER COURTESIES AND CUSTOMS**

- A. During prayer, uniformed officers shall remove their hats and hold them at their left side. These procedures are not applicable to officers not in uniform, or when duties make the observation of these courtesies impractical or impossible.
- B. All federal, state and local officials shall be called by their official titles by agency personnel when those officials are acting in an official capacity.

**OBEDIENCE TO LAWS AND REGULATIONS.** Officers and employees shall obey all laws and ordinances, university policies and procedures, and orders of the office.

**OBEDIENCE TO UNLAWFUL ORDERS.** Obedience to an unlawful order is never a defense of any unlawful action; therefore, no officer or employee is required to obey any order which is contrary to federal or state law or county or city ordinance, University policy, or office procedure or order. Responsibility for refusal to obey rests with the officer or employee. He shall be required to justify his action.

**PERFORMANCE OF DUTY.** All officers and employees shall perform their duties as required or directed by law, policy or order, or by order of a superior authority, and such duties shall be performed promptly as directed.

**RELIEF.** Officers and employees are to remain at their assignments and on duty until properly relieved by other officers or employees or until dismissed by superior authority.

**REPORTS AND APPEALS--UNLAWFUL, UNJUST, IMPROPER ORDERS.** An officer or employee receiving an unlawful, unjust, or improper order shall, at first opportunity, report in writing to the Chief of Police. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Intra-office action regarding such an appeal shall be conducted by the Chief to investigate the appeal.

**REPORTING VIOLATIONS OF LAWS, ORDINANCES, RULES, OR ORDERS.** Officers and employees knowing or having reasonable grounds to believe that other officers or employees have violated laws, ordinances, University policy or procedures, or orders of the office, shall report same to the Chief of Police or other University officials.

**QUESTIONS REGARDING ASSIGNMENT.** Officers and employees in doubt as to the nature or detail of their assignment shall seek clarification from their immediate supervisor.

**SOLICITING GIFTS, GRATUITIES, FEES, REWARDS, LOANS.** Officers and employees shall neither solicit nor accept, under any circumstances any gift, gratuity, loan, reward, or fee where there is any connection between the solicitation or acceptance and the performance of official duties.

**STANDARD OF CONDUCT.** Officers and employees shall conduct their private and professional lives in such a manner as to avoid bringing the Police Department or University into disrepute.

**STAFF MEETING.** From time to time the Chief of Police will call a staff meeting. Officers and employees directed to attend will report at the designated time and place.

**UNIVERSITY POLICY:** All MSUPD personnel will read and become familiar with the overall University policy concerning fire and fire alarm response procedures.

**UNLAWFUL ORDERS.** No command or supervisory officers shall knowingly issue any order that is in violation of any law/ordinance, University policy, office procedure, or general order.

**WRITTEN DIRECTIVES.** Departmental written directives will be posted in the "Pass-On Book" in the dispatch office for 7 days prior to implementation for staff review and comments (Note: There may be a necessity for emergency implementation which would neglect our ability to provide the 7 day review. In this case, the staff shall be so advised, comments may still be made during the initial implementation period. This would require clear implementing instructions and perhaps personal briefings by command staff). Staff shall acknowledge receipt of the Policy Manual and changes thereto. This acknowledgement shall be placed in their departmental personnel file.

### **III. PROHIBITED ACTIVITIES**

**ACCEPTANCE OF GIFTS, GRATUITIES, FEES, LOANS.** Officers and employees shall not accept either directly or indirectly any gift, gratuity, loan, fee, or anything of more than nominal value, present or promised, the acceptance of which might tend to influence the actions of said officers or employees or any other officer or employee in any matter of public safety or police business or which might tend to cast an adverse reflection on the office or any officer or employees thereof.

- Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any officer or employee shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances.
- Officers and employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty from the community or any person, business, or agency, except lawful salary and that which may be authorized by law.

## **ALCOHOLIC BEVERAGES AND DRUGS.**

- (1) No officer or employee of the office will appear for or be on duty under the influence of intoxicating beverages or controlled substances or be unfit for duty because of their use.
- (2) Officers or employees of the office shall not drink any kind of intoxicating beverage while on duty or take any drugs not duly prescribed and necessary for health at any time.
- (3) Officers or employees of the office shall refrain from drinking intoxicating beverages for a reasonable period of time (minimum of eight hours) before going on duty.
- (4) Officers are subject to both pre-employment and random drug testing during employment at the discretion of the Chief of Police or their superiors in the University chain of command. Testing will be at University expense. Refusal or positive results are grounds for dismissal from employment.

**CRITICISM OF OFFICIAL ACTS OR ORDERS.** Officers and employees shall not criticize the official actions, instructions, or extends to impair the efficient operations of the unit.

**INSUBORDINATION.** Officers or employees shall not commit acts of insubordination as defined in definition of terms in this manual.

**NEGLECT OF DUTY.** Officers and employees shall not omit any act nor shall they be guilty of any omission that constitutes neglect of duty. (see definitions for neglect of duty)

## **POLITICAL ACTIVITIES.**

- (a) Morehead State University Police Officers shall not engage in any political activities while on duty or in uniform.
- (b) Morehead State University Police Officers shall not interfere with or use the influence of their office for political reasons.
- (c) The University Personnel Policy concerning the endorsement of political candidates and causes will govern Morehead State University Police Officers.

**SPECIFIC PROHIBITED ACTIVITY ON DUTY.** Officers and employees are prohibited from engaging in the following activities while on duty with exceptions as noted:

- (1) Sleeping or being otherwise inattentive to duty.
- (2) Conducting private business.
- (3) Gambling, unless to further a University Police purpose.
- (4) Smoking while on duty in public except during suspended patrol.

**WITHHOLDING INFORMATION.** Officers and employees shall not, at any time, withhold information concerning the activities of the Morehead State University Police Department from a superior officer, authorized University official, or other law enforcement agency.





**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Promotion	<b>Chapter:</b> 24  <b>Page(s):</b> 1 – 2	<b>KACP 15.2</b>
<b>Approved Date:</b>  June 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PROMOTION**

**Promotion Process**

1. Performance evaluation
2. Oral interview
3. Written assessment

See Promotional Announcement Form

**Administration**

1. The initiation and direction of the promotional process is the responsibility of the Chief of Police (or other assigned person).
2. Performance evaluations are the responsibility of each candidate’s immediate supervisor.
3. The oral board is made up of individuals from outside the agency and representative(s) from the testing authority.
4. The Chief of Police evaluates the promotional process annually.

**Purpose of Promotional Procedures**

1. The promotional procedures have been established to provide a fair means of promoting qualified employees from within the department. The procedures are job related and non-discriminatory.
2. Procedures apply to all sworn, hazardous-duty positions in the department.

**Elements**

The following are elements of the promotional process:

1. A promotional performance evaluation is performed for each candidate, which supplements the on-the-job annual performance evaluation. His immediate supervisor must rate the candidate.
2. Written examinations may be administered for each classification.
3. Oral interviews are conducted using uniform questions, a uniform rating scale and a standardized form.

### **Appointment Review**

1. As a safeguard against the promotion of employees beyond their capability, the department included a probationary period as the final step in the promotion process. Upon appointment, the officers are on a probationary status for six months from date of promotion.
2. Officers on probation should be closely observed and evaluated. An incumbent's probationary status may be extended or he may be returned by the Chief of Police to his former rank, depending upon an evaluation during the probationary period. Unsatisfactory incumbents should be alerted about their need for improvement and told that lack of improvement would be cause for return to their former rank.



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<b>Title:</b>  Racial Profiling	<b>Chapter:</b> 25  <b>Page(s):</b> 1	<b>KACP</b> 30.2
<b>Approved Date:</b>  June 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**POLICY**

The protection of, and the preservation of the constitutional and civil rights of individuals remains one of the paramount concerns of government, and law enforcement in particular. To safeguard these rights, Morehead State University law enforcement personnel shall not engage in any behavior or activity that constitutes racial profiling. The decision of an officer to make a stop or detain an individual, or conduct a search, shall not be solely motivated by consideration of race, color, or ethnicity. Stops, detention, or searches shall be based on articulable reasonable suspicions, observed violations of law or probable cause, and shall comply with accepted constitutional and legal provisions, and with the Code and Cannon of Ethics adopted by the Kentucky Law Enforcement Council through Peace Officers Professional Standards.

**DEFINITIONS**

For purpose of this policy:

“Racial Profiling” means a process that motivates the initiation of a stop, detention, or search which is solely motivated by consideration of an individual’s actual or perceived race, color, or ethnicity, or making discretionary decisions during the execution of law enforcement duties based on the above stated considerations. Nothing shall preclude an officer from relying on an individual’s actual or perceived race, color, or ethnicity as an element in the identification of a suspect or in the investigation of a crime, a possible or violation of law or statute.

**TRAINING**

All officers shall complete the Kentucky Law Enforcement Council approved training related to racial profiling. Such training shall comply with Federal Law, state statutory provisions, case law and other applicable laws, regulations, and established rules.

**DISCIPLINE**

An officer who violates a provision of this policy shall be subject to the agency’s disciplinary procedures, which shall be consistent with other penalties imposed for similar offenses.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Secondary Employment	<b>Chapter:</b> 26  <b>Page(s):</b> 1-2	<b>KACP:</b> 10.3
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

- I. **Purpose:** The purpose of this policy is to establish guidelines governing Extra Duty Details and Outside employment by employees of this Department.
- II. **Policy:** It is the policy of this Department to allow employees the opportunity to perform extra duty details within the scope of their job classifications and to allow them to engage in outside employment which does not conflict with their official duties.

**III. Definitions:**

- A. **Extra Duty Details:** Performance of law enforcement duties not within regularly scheduled hours provided to any business, person, or enterprise which has made application and been approved for a permit to secure the services of the police agency. These services will be compensated according to a contractual arrangement established by the Department.
- B. **Outside Employment:** Employment of a non-police nature in which vested police powers are not a condition for employment. The work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

**IV. Procedures**

- A. **Extra Duty Details:** Performance of law enforcement duties not within regularly scheduled hours provided to any business, person, or enterprise which has made application and been approved for a permit to secure the services of the police agency. These services will be compensated according to a contractual arrangement established by the Department.
  - a. **Appearance:** Officers shall comply with all departmental regulations concerning uniform standards and personal appearance during any Extra Duty Detail.
  - b. **Schedule:** The Department will assign a supervisor to coordinate the Extra Duty Detail program. The supervisor will ensure that all officers interested in working are provided an equal opportunity for assignment.
  - c. **Limitations:** The following are examples of limitations upon Extra Duty Details that would not be approved:

- 1) Officers are not permitted to work more than 24 additional hours per week unless approved by the Chief of Police.
  - 2) Officers who are under suspension, relieved of duty, or placed on administrative leave are not eligible for assignment.
  - 3) Officers who have not completed the FTO program may participate with supervisor approval.
- d. **Prohibitions:** Permission will not be granted for the following types of details:
- 1) Establishments where alcohol is served.
  - 2) Private Clubs requiring bouncers or related duties.
  - 3) Private security agencies or private investigation agencies where it is determined that such employment may create a conflict of interest.
  - 4) Bodyguard or escort services for transporting merchandise, if it is determined that such employment may create a conflict of interest.
  - 5) Adult entertainment Establishments.
  - 6) Any use of Departmental personnel that is not in the best interest of the Department.
- B. Outside Employment:** Whenever an employee seeks to engage in employment during their off duty hours a written request shall be provided to the Chief of Police with the following information:
- a. Description of the type of work to be performed, i.e. teaching, sales, construction, etc. and information concerning the potential employer.
  - b. Anticipated maximum number of hours per week an employee will engage in the outside employment,
  - c. Statement indicating that no aspect of the employment could be considered questionable in nature such as placement in compromising situations, use of police powers, or have the potential to bring discredit to the Department.
  - d. Statement indicating the services rendered will not be connected with security work, investigations, or collection or repossession of property and will not involve any law enforcement duties.
- C. Approval:** Approval to engage in any law enforcement related outside employment will be submitted through the employee's chain of command and require final approval by the agency head. Permission can be withdrawn at any time.
- D. Annual Approval:** An officer who has obtained written approval for outside employment must re-submit application for re-approval on an annual basis.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Suspending Patrol for Meals	<b>Chapter:</b> 27  <b>Page(s):</b> 1 – 2	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b> 8 May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose:** To establish reasonable limits, consistent with the Morehead State University Police Department Standard Operating Procedure Manual for meals or coffee break, for the sworn staff. This procedure is designed and intended to ensure prompt police officer response to campus incident at all times.

**Scope:** This section applies to the sworn officer staff working patrol duties and University special events. It also applies to command officers when they are filling in on shift or working University special events.

**Procedures:** As established by the Chief of Police, officers will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of having one meal during a normal shift. Only during such period of time shall be allowed, as is reasonable necessary for a meal and a coffee break. However, at no time shall such officer go “out of service” for such purpose and they shall arrange to suspend patrol only at such time as it will cause the least interference with their regular duties. Officers are not permitted to suspend patrol at places distant from campus that would prohibit a quick call back to campus in response to an emergency. Officers are encouraged to take meals in a close proximity to the main campus.

Morehead State University Police Department must remain continually responsive to the campus community; therefore, the following limitation are placed on mean and coffee breaks:

1. For sit-down meal breaks, sworn officers will adhere to the following:
  - A. One officer on-duty: officers will not go beyond the Academic Athletic Center on the east and those establishments bounded by Wilson Avenue on the west for meal breaks.
  - B. Multiple officers on-duty: In order to maintain quick response times, officers will not go beyond Pizza Hut/McDonalds/Wendy’s on the west side and Gem Mart BP on the east. In instances where establishments are adjacent to campus property, officers may congregate for meals with on-duty supervisor approval. Otherwise, no more than one officer is permitted to suspend patrol and leave campus property for meals at any given time.

C. Coffee breaks shall be limited to facilities within allowable patrol areas.  
Normal patrol area include:

- Between AAC and CHER Buildings.
- On Main Campus.

With supervisor approval, supplemental patrol areas may include:

- Eagle Trace Golf Course
- Sunny Brooke
- Support Services

2. For carry-out services, the following shall apply:

- A. One officer on-duty: Officer shall not go beyond Gem Mart BP on the east and Morehead Plaza on the west.
- B. Multiple officers on-duty: Officers will not go beyond Gem Mart BP on the east side and Pizza Hut/Wendy's/McDonalds on the west side. No more than one officer shall be off campus at a time unless approved by a supervisor.



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<b>Title:</b> Time Clock	<b>Chapter:</b> 28  <b>Page(s):</b> 1-3	<b>KACP:</b>
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**INTRODUCTION**

The MSU Police Department uses an electronic time tracking system called Time Clock Plus to capture and record all non-exempt employee time records and all hourly paid supplemental position time. The electronic time tracking system allows employees to accurately monitor and keep track of their time and enables the Department to efficiently process employee time worked and leave taken for payroll purposes. The following guidelines have been created to ensure accurate recordkeeping and compliance.

**ABSENCES FROM DUTY**

Your attendance is extremely important to the success of MSU. We expect employees to strive for perfect attendance and to arrive for work on time. We recognize however that, on occasion, an absence from duty or a late start may be unavoidable. Time Clock Plus is an electronic timekeeping system and as such does not remove the need for employees to report their absences when they are away from or late to their worksite. Your supervisor will direct you on the appropriate method of reporting an absence from duty.

**MSU ID CARD (Eagle Card)**

Every MSU employee is assigned an Eagle Card upon hire. The Eagle Card is unique to each employee and is used for identification purposes throughout the University. The Eagle Card can be used to clock in at the time clock location and your MSU ID number is used to view time worked using the Time Clock Plus Web application. Employees are responsible for having their Eagle Card with them and for knowing their MSU ID number and protecting it from unauthorized use.

**EMPLOYEE TIME REPORTS**

The Fair Labor Standards Act (FLSA) requires that employers keep detailed records on time and payments for all employees. All FLSA provisions guide utilization of the time clock system at MSUPD. Time Clock Plus electronic timekeeping system is used to record all hours worked and leave taken for non- exempt personnel. These automated time reports must reflect all regular and extra duty hours worked for the payroll period (including sick leave, vacation, holidays, etc.). The Lieutenant should make any necessary adjustments to hours and leave.



## **CLOCK LOCATION**

The Time Clock will be located in the MSUPD Squad Room.

## **DAILY CLOCK IN/OUT REQUIREMENTS**

It is a job requirement that all non-exempt employees and employees working on an hourly paid position must “clock in” at the start of their shift and “clock out” at the end of their shift. Employees are expected to clock in and out at their regularly scheduled times.

Under certain conditions (such as trainings at an off-site location, extracurricular events, etc.) when an employee cannot “clock in” at their worksite, the employee should report time worked to the Lieutenant using the **Time Clock Adjustment** form so that their time worked can be manually entered.

## **OFFICIAL TIME OF RECORD**

The Time Clock Plus electronic time keeping system and associated work records are the official basis for recording hours worked for all hourly paid employees of The MSU Police Department (MSUPD). This includes but is not limited to all non-exempt employees. In order to ensure consistency of treatment for hourly paid employees, the data recorded in the Time Clock Plus system shall be considered as the “official” record of the workday for these positions. Any disputes over actual hours worked or attendance will be resolved by referring to the Time Clock Plus records.

## **VIEWING HOURS WORKED**

Employees can view their hours worked from the Time Clock. Additionally, employees have been given access to view their cumulative hours from any computer in the Department.

- a. To view your hours from the time clock – click the ‘view’ button on the time clock and swipe your Eagle Card. Follow the prompts to view cumulative time for the current week.
- b. To view your hours from a Department computer – enter **msudtimeclock** in your internet browser address bar and enter your MSU ID number in the field provided. No PIN number is necessary. Follow the on-screen instructions to view your cumulative time for the current week or any prior weeks.

## **TIME CLOCK ADJUSTMENT FORM**

Any corrections to time that occur *PRIOR TO THE END OF THE PAYROLL CYCLE* require a Time Clock Adjustment form. The form must be completed by the employee and signed by the employee’s supervisor prior to the Lieutenant making any change to the employee’s time. The Time Clock Adjustment form is kept on file and the employee is provided with a copy. Examples of changes would include:

- a. Correcting missed punches
- b. Adjusting the clock in or clock out times

## **EXCEPTION APPROVAL FORM**

The Exception Approval Form will be used to claim time for requested and approved vacation and holiday time, sick time, military leave, non-police court duty (i.e. jury duty and civil court), and for funeral leave.

## **FALSIFICATION, TAMPERING, AND UNAUTHORIZED VIEWING**

The following infractions are prohibited and will be considered severe. Due to the severity of these infractions, employees may be subject to immediate corrective action, up to and including termination.

- (1) Any attempt to tamper with timekeeping hardware or software.**
- (2) Punching in or out for another employee (a.k.a. “buddy punching”).**
- (3) Interference with another employee’s use of the Time Clock Plus system.**
- (4) Unauthorized viewing of another employee’s time in the Time Clock Plus system.**

## **CLOCK PROBLEMS**

If an employee is unable to punch in or out because of a time clock malfunction, accidental oversight, or other reason, it is the employees responsibility to immediately inform their Supervisor and complete the Time Clock Adjustment form. In this situation, the Lieutenant will manually correct the clock in or clock out information.

## **DISPUTES OVER TIME CLOCKED IN OR OUT**

In the event an employee has a dispute over time that was clocked in or out, they should bring it to the attention of their supervisor immediately. The Time Clock Plus electronic time tracking system provides a log to assist in validating times and locations of all employee swipes.

## **COMPENSATORY TIME**

The MSU Police Department does not allow the accrual or use of Compensatory Time. With supervisor approval, employees may flex their hours within a single time clock week if necessary.

## **HOLIDAYS, VACATION AND SICK LEAVE**

Employees who are eligible for paid holidays will have those days manually entered into the Time Clock Plus system by the Lieutenant.

## **OVERTIME**

Unauthorized overtime is prohibited. Any time worked by an employee that exceeds the employees budgeted position hours must be approved by a supervisor prior to the time being worked. All approved overtime will be calculated based on the actual hours recorded and credited to the employee as measured by the Time Clock Plus electronic timekeeping system using straight time or time-and-a-half, based on the hours worked in the Time Clock Week.

## **TIME CLOCK SYSTEM AUDITS**

Time Clock Plus data is subject to annual external audit and may be monitored by a third party to verify compliance. Additionally, the MSU Internal Auditor will monitor Time Clock Plus data on a regular basis and review for irregularities or patterns. Any irregularities and/or patterns will be reported to the Time Clock Approver/Supervisor and all findings will be investigated.



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<b>Title:</b> Training	<b>Chapter:</b> 29  <b>Page(s):</b> 1-2	<b>KACP</b> 29.8
<b>Approved Date:</b> June 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

- A. **BASIC TRAINING POLICE CERTIFICATION.** Each Morehead State University Police Officer must receive basic police academy certification by completing the Basic Training Academy or by equivalent training certification conducted by the Department of Criminal Justice Training Kentucky Justice Cabinet. Determination of training requirements will be made by the Chief of Police at the time of initial employment and will become a requirement of continuing employment.
- B. **IN-SERVICE TRAINING.** Each Morehead State University Police Department officer shall complete at least 40 hours of in-service training annually. This in-service training shall be conducted or approved by the Department of Criminal Justice Training, Kentucky Justice Cabinet.
- C. **DEPARTMENTAL TRAINING.** The Morehead State University Police Department will conduct or provide periodic training sessions throughout the calendar year for University Police officers. These training sessions will be designed to keep officers informed of Policing and security methods and techniques as determined by the Chief of Police or designee. Records will be maintained in officers' training file. Anytime that personnel are exposed to excessive noise levels, hearing protection will be required and provided by the unit.
- E. **SEMINARS.** The Morehead State University Police Department will provide periodic training seminars to enhance the performance of the unit.
- F. **CONTINUING EDUCATION.** The Morehead State University Police Department encourages each unit member to continue their education. Refer to UAR 319.02 located in the Office of Human Resources.
- G. **TELECOMMUNICATIONS DISPATCHER BASIC TRAINING.** Each Telecommunications dispatcher must be certified by the Department of Criminal Justice Training, Kentucky Justice Cabinet, as a LINK/NCIC terminal operator. The telecommunicator training must be completed within the first year of employment, and the LINK/NCIC terminal operator training must be completed within six months of employment. May be required to attend the four-week Telecommunicator Academy.
- H. **TELECOMMUNICATIONS DISPATCHER IN-SERVICE TRAINING.** Each Telecommunications Dispatcher must attend an 8-hour telecommunications in-service training and an 8-hour LINK/NCIC terminal operator training annually. This training will be conducted by the Department of Criminal Justice Training, Kentucky Justice Cabinet.

I. TRAINING EXPENSES. The Morehead State University Police Department will pay the expenses of required training activities in accordance with University travel reimbursement policies.

J. SUPERVISOR AND MANAGEMENT TRAINING. Every employee appointed or promoted to a supervisory or mid-level management position shall successfully complete at least 40 hours of Supervisor or Mid-Level Management Training within 1 year of such appointment. The training shall be conducted by The Department of Criminal Justice Training or approved by The Kentucky Law Enforcement Council.



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<b>Title:</b> Uniform and Equipment	<b>Chapter:</b> 30  <b>Page(s):</b> 1-5	<b>KACP</b> 10.5, 28.5, 29.4
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**I. Policy.** The uniform and accessories are prescribed by the Morehead State University Police Department. Officers and other uniformed employees must ensure that the uniform fits well and is cleaned and pressed, that leather is in good repair and that all brass is polished, and that items that are not authorized by these regulations are not worn. All mandatory items of uniform and equipment as specified by this policy are provided by Morehead State University and remain the property of Morehead State University.

**II. Procedure:**

**POLICE OFFICERS APPEARANCE**

**DATES OF WEAR.**

Winter uniforms are mandatory November 1 through March 31. Summer uniforms are mandatory April 15 through October 15. At other times (Oct. 16 – Oct 31 and April 1 – April 14), summer or winter uniforms are optional. Only appropriate shoes or boots are authorized for wear with the summer uniform.

- (1) **DRESS AND HAIR REQUIREMENT.** Specific instructions:
  - a. The uniform will be worn off- duty only when traveling to and from work.
  - b. The wearing of the campaign hat is mandatory when on routine patrol, including traffic stops. The wearing of the campaign hat is optional while riding the Segway. The Chief of Police may direct that the hats be worn at special campus events.
  - c. All personnel will be clean-shaven about the face.
  - d. Jewelry worn with the uniform will be limited to rings, watches and a medical alert bracelet, if needed. Neck chains may be worn if they are concealed under the shirt. Jewelry items such as earrings, visible neck chains, bracelets and pins are prohibited.
  
- (2) **MUSTACHES.** Mustaches are permitted providing they are neatly trimmed and do not cover any portion of the lip. They will not extend farther on the sides than the corners of the mouth.
  
- (3) **HAIR.** The hair is not to extend to or over the collar when standing in an erect position or extend one inch in length on the sides and back and extend no more than two inches in height from the top of the head. The hair shall also be kept thin enough

about the top portion of the head so as to allow the uniform hat to fit properly as prescribed by the Chief of Police.

- (4) **SIDEBURNS.** Sideburns are not permitted to extend beyond the middle portion of the ear and no wider than one inch.
- (5) **COURT DRESS.** Full uniform or coat and tie will be worn for court appearances.
- (6) **DAMAGED/INOPERATIVE PROPERTY OR EQUIPMENT.** Members and employees shall immediately report to their supervising officer, any loss of or damage to unit property assigned to or used by them.
- (7) **EQUIPMENT ISSUE.** Members and employees assigned equipment/ uniforms will sign an inventory of equipment acknowledging receipt and responsibility for the care and return of University property.

#### **POLICE OFFICERS UNIFORM.**

- (1) HAT – Provided by the unit.

WINTER – Midnight blue, felt campaign style with a gold braid.

SUMMER – Black, straw campaign style with a gold braid.

Both the summer and winter hats will be worn with the gold Police hat badge.

- (2) SHIRT – Provided/approved by the unit. (wear mandatory)

CLASS A WINTER--Navy blue long sleeve police style uniform. All buttons will be buttoned. A navy blue unit issue tie will be worn at all times with the winter shirt.

CLASS B WINTER—Navy blue cotton long sleeve shirt. Department issued baseball cap may be worn. (no tie is to be worn with class B uniform)

CLASS A SUMMER--Navy blue short sleeve police style uniform shirt. All buttons will be buttoned, except the top button and a white crew neck T-shirt.

CLASS B SUMMER—Navy blue short sleeve cotton shirt or Polo uniform shirt. Department issued baseball cap may be worn. All Class B uniforms have sewed on patches.

- (3) TROUSERS-- Navy blue polyester police uniform style or Class B Trousers with cargo pockets (wear mandatory)
- (4) JACKET--Provided by the unit. Navy blue with gold buttons and gold police patch on front. (wear optional)

- (5) SHOES--Provided by the unit. Black clarino chukka boot style police shoes.(wear mandatory for court appearances, while in uniform).
- (6) BOOTS--Provided by the unit. Black police style boot. (wear optional)
- (7) SOCKS--Provided by the individual. Solid black or navy. (wear mandatory)
- (8) TROUSER BELT--Provided by the unit. Black clarion garrison style belt.
- (9) TIE--Provided by the unit. Navy blue police style clip-on neck or Velcro-break-away.
- (10) RAIN GEAR--Provided by the unit. black police rain coat preferred. (Other colors and styles acceptable if approved by the Chief of Police.
- (11) LEATHER--Provided by the unit. Includes a black gun belt, a black holster, two pocket latex glove pouch, a black handcuff case (officer may request to wear two), a double magazine pouch, a black radio case, a black baton ring and black belt keepers. (Velcro closing belts are authorized. (Wear mandatory when working patrol or special event duties)
- (12) OFFICIAL CREDENTIALS – The Police badge engraved “Morehead State University,” gold in color with blank lettering, shall be the official duty badge worn on the uniform on the left side above the shirt pocket. The off-duty badge and police identification shall be carried both on and off duty. Both badges, identification, and leather holder are provided by the department.
- (13) NAMEPLATE--Provided by the unit. Gold with black. Worn on the left side of the shirt, centered on the pocket flap half inch from top of pocket flap, under the badge. The name plate may be mounted on the "serving since" holder. The serving since date with Morehead State University in their respective sworn or non-sworn capacity. Non-sworn employment is not transferable for this purpose when the individual changes to a sworn position. (Name plate mandatory wear, serving since is optional)
- (14) COLLAR BRASS--Provided by the unit. Gold Morehead State University style number 10 collar brass for the officer level position and gold insignia for the rank positions. Worn centered between the top and bottom with the “M” one half inch from the leading edge on each side of collar. The insignia shall be parallel to the bottom edge of the collar. (wear mandatory)
- (15) WHISTLE AND CHAIN--Provided by the unit. Gold police style whistle chain and gold official police whistle. The whistle will be kept in the right shirt pocket with chain going from right side of pocket and connecting to should strap on right side of pocket and connecting to shoulder strap on right side of shirt. (wear mandatory)
- (16) DEPARTMENT OF TRAINING PIN/SERVICE AND RECOGNITION PINS-- Provided by the individual. Worn on the right side of the shirt, centered above the pocket (service/recognition pins may be authorized for wear above the training pin. Wear optional) same applies to Accreditation Pin.

- (17) FIREARMS--Provided by the unit. A Glock model 22 (.40 caliber) will be the standard issue duty weapon. The exception will be that an individual who is allowed to dress in civilian clothing may carry a Glock model 27 (.40 caliber). The Glock model 27 may also be carried as the secondary duty weapon or the off duty weapon. Before the individual may carry the Glock model 27, he/she must show proficiency with the weapon by successfully passing the qualifications for this weapon.
- (18) AMMUNITION-- Only ammunition issued by the unit is to be used. Issued ammunition for the duty and backup firearm will be Federal HST .40 caliber 180 grain. Ammunition for the shotgun will be Federal Tactical LE132 00. This is a 00 12 gauge round. Ammunition for the patrol rifle will be Federal Tactical Bonded LE223T3. This is a 65 grain bonded soft point round. Issued ammunition will be used for qualification. A cheaper grade of ammunition may be used during training.
- (19) FLASHLIGHT--Provided by the unit. (wear/carry optional)
- (20) MICRO TAPE RECORDER--Optional and provided by the unit.
- (21) BODY ARMOR/PROTECTIVE VESTS -- Provided by the unit for each officer, as soon as possible after employment. It is strongly recommended that officers wear the protective vest upon issue for uniformed officers working shift duties and special events. Effective October 1, 2006, protective vest wear will be mandatory, with exceptions. (See Body Armor/Protective Vest).
- (22) BATON OR ASP -- Carry optional after appropriate training provided by the unit.
- (23) PEPPER SPRAY -- Carry mandatory after appropriate training, provided by the unit.
- (24) PORTABLE 2 WAY RADIO --Provided by the unit. (Mandatory carry)
- (25) TASER – provided by the department. The holster will be mandated to secure to duty belt opposite the weapon side.
- (25) HIGH VISIBILITY VEST/CLOTHING – Officers shall wear a reflective vest for traffic direction, during inclement weather, and certain conditions where low light would limit the officers presence. Provided by the unit.

## **II. NON-SWORN EMPLOYEE UNIFORMS**

- (A) **TELECOMMUNICATIONS/DISPATCHERS UNIFORMS.** Dispatcher's uniforms shall be, black/navy blue trousers, black belt, low quarter black shoes, unit provided polo shirt, and winter jacket, which are furnished by the unit. Other approved items are at individual expense.
- (B) **STUDENT CADET UNIFORMS.** As directed by the Chief of Police.
- (C) **TRAFFIC CONTROL / PARKING ATTENDANT UNIFORM.** Traffic Control Parking Attendant uniforms should include the light blue shirt with patches, navy blue trousers, black belt, black shoes, Traffic or Parking badge (if available), rain gear, baseball style cap, name tag, and jacket with patches. Other approved items are at



individual expense. Uniforms may vary depending on availability.

### **BODY ARMOR/PROTECTIVE VESTS**

- A. All sworn personnel below the level of Chief of Police and Assistant Chief of Police are strongly encouraged to wear body armor while on duty, or when working an off- duty extension of a law enforcement detail.
- B. All sworn personnel shall wear body armor when actively involved in field operations (i.e. warrant service, high-risk calls)
- C. Personnel will wear body armor with both front and back ballistic panels inserted.
- D. Officers shall wear body armor when executing an arrest warrant or search warrant, during stakeouts that may require enforcement action, and when otherwise directed by a supervisor.
- E. All officers not actively wearing body armor must have it readily at hand while on duty.



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<b>Title:</b>  Vehicle Operations	<b>Chapter:</b> 31  <b>Page(s):</b> 1 – 4	<b>KACP</b> 17.11, 17.12, 21.1, 21.2, 21.3, 29.2, 29.4
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**SCOPE:** This operation procedure applies to all personnel who operate Morehead State University Police Department vehicles. This operational procedure is IAW the Kentucky Revised Statutes and the Morehead State University Police Department Policy Manual, dated April 17, 1992 and applies to all personnel utilizing vehicles assigned to the Morehead State University Police Department.

**PROCEDURES:** All assigned vehicles will be operated in a safe manner. Posted speed limits and traffic control devices will be obeyed, unless in pursuit or responding to a call requiring the use of emergency lights and siren. Even in pursuit and response type situations, vehicle operators will use caution concerning speed and right-of-way situations.

**GENERAL.** Officers and employees are responsible for the care of the unit property and equipment issued to them. Officers shall notify their supervisors in the event they need new equipment or replacement equipment.

**UNIVERSITY VEHICLES.** Officers and employees, when driving vehicles of any description, private or of the unit, shall not violate the traffic laws except only in cases of absolute emergency and then only in conformity with the law regarding the same. The operator and passenger of any Morehead State University shall wear properly adjusted safety belts.

**POLICE VEHICLES.** All Police Officers operating vehicles of the Morehead State University Police Department shall adhere to KRS 189.940(5), including any operation that requires emergency lights, siren, and hazardous warning lights. These response modes include responding to emergency calls, pursuit situations, or response to traffic collisions.

Morehead State University Police Department vehicles shall be operated under KRS 189.940 (5) when responding to emergency calls such as:

- (a) Death or injury,
- (b) Hit & run,
- (c) Alcohol or drugs,

- (d) Damage to public vehicles or property,
- (e) Physical altercation,
- (f) Traffic congestion,
- (g) Damage to vehicles that require towing
- (h) Civil disturbances,
- (i) Fire situations involving any Morehead State University property,
- (j) Calls of assistance from other police agencies that need immediate response where the aforementioned circumstances occur.

## **VEHICLE OPERATIONS.**

1. Refueling: Fuel will normally be obtained from the Physical Plant. On those rare occasions when fuel must be purchased commercially, self-service pumps will be used and gas should be charged on the credit card issued to that vehicle. Receipts will be turned into the supervisor at the end of each shift. The supervisor will place gas receipts in an envelope and be given to the Chief of Police.
2. Cleaning: Each operator should clean the vehicle out at shift change. At least once per week, the vehicle should be taken to the approved cleaning facilities. All shifts should accomplish this necessary, Administrative vehicles are the responsibility of the primary operator or program manager.
3. Rotation: Patrol vehicles will be properly rotated to ensure equal use and economical operation. Marked vehicles will be rotated in accordance with the duty schedule. Specific assignment will be by officer seniority or at the discretion of the shift supervisor if not all vehicles are in service. Every effort should be made to ensure that no vehicle exceeds 1000 miles per month (mileage is reported on the 22<sup>nd</sup> of each month).
4. Maintenance: The fleet manager will supervise scheduled maintenance. Operators will report mechanical problems/deficiencies to the dispatcher and supervisor. An appropriate log entry will be made. Vehicles with safety problems or serious mechanical problems will not be driven until the problem is cleared by certified mechanics. Operators will ensure the Chief of Police or their designated representative is notified in person or by note of serious mechanical/safety problems.
5. Operation: Morehead State University Police Department vehicles will not be used to jump-start, push or tow away any other vehicle. Traffic laws will be obeyed unless officers are discharging official duties, which necessitate otherwise (e.g. pursuit, clocking, responding to emergencies, etc).

## **VEHICLE ASSIGNMENT.** Vehicles will be assigned as follows, depending on availability:

1. Patrol – Marked cruisers will normally be assigned to patrol duties. Each officer will be assigned a primary cruiser for their use and will share that vehicle with one officer from each other shift. The supervisor or senior officer will

assign vehicles appropriately when one is out of service for maintenance or repairs. Officers shall inspect their vehicle for damage prior to accepting it for duty. Any damage (not previously reported) shall be reported both by note to the Chief of Police and in the Communications Log. Maintenance needs will be reported in the same manner. Vehicles will be operated in a manner consistent with Kentucky Law and the Morehead State University Police Department Policy Manual.

**Operators and occupants shall wear seat belts.**

2. Chief of Police/Assistant Chief of Police - The Chief of Police/Assistant Chief of Police of Morehead State University Police Department shall be provided a properly equipped “drive home” emergency vehicle (marked or unmarked) IAW the Morehead State University Police Department Policy Manual. This vehicle shall be equipped with appropriate lights, siren, and communications equipment. The individuals filling these positions both on and off duty may utilize it, provided they are prepared to respond to campus in an official capacity if called upon. The transport of passengers (University affiliated and those with no University affiliation) is at the discretion of the Chief. However, if an emergency response or pursuit is required, passengers shall be dropped at a safe location prior to the response (University officials are not considered passengers when in the performance of their duties or in transit during the duty day). This vehicle may be utilized in the performance of official travel outside the service region and for University travel. Necessary maintenance shall be reported to Physical Plant and the Chief shall make arrangements for cleaning. **The operator and occupants will wear seat belts.**
3. Investigations/Special Programs – The procedures applicable to the Chief also apply to this vehicle; however the “drive home” provision is based on availability of sufficient vehicles and approval of the Chief of Police.
4. Shuttle Services – This may either be an assigned vehicle or a “loaner” DOT vehicle from Physical Plant. Operators will inspect for damage and condition prior to use. Deficiencies will be identified in the communications log and by note to the Chief of Police. If any doubt exists about safety issues, the supervisor or senior officer – on-duty will make the decision as to use. Operators will obey traffic laws and University regulations. **Operators and passengers will wear seat belts.** Operators must be licensed drivers. The shuttle shall operate Sunday thru Thursday, from 7:00 PM until 1:00 AM EST when classes are in session. Students will be transported between the US 60 Lot and all residence halls.
5. Utility Vehicle – Parking attendants and security personnel will primarily use these vehicles. It shall be inspected prior to use each shift by the operator. Deficiencies shall be noted in the communications log and by memo to the Chief of Police. **Operators and passengers will wear seat belts.**

**EQUIPMENT.** The following is a list of equipment that has been issued to each vehicle. The equipment shall be kept in a secure case or cases in the rear of the vehicles. The list is not all- inclusive and can be added to appropriately, with the approval of the Chief of Police:

- Digital Camera (issued to officer)
- Hazmat suits
- Bio-hazard bags
- Shotgun
- Binoculars
- Blanket
- Crime Scene Tape
- Evidence Collection Supplies
- Fingerprint Kit
- Fire Extinguisher
- First Aid Kit
- Flares or Glow Sticks
- Hand Sanitizer
- Haz-Mat Book
- Sharps Container
- Spare Tire with Jack & Wrench
- Water Bottle for OC Spray decontamination

**INSPECTIONS.** The officer's immediate supervisor shall perform yearly review on emergency vehicle operations procedures. Whereas that review/training shall be documented and provided to the Chief of Police, or designee, for review and retention

- (1) Officers are responsible to daily check the cleanliness, general operability of equipment and fluid levels (oil, brake fluid, gas) of their assigned vehicles. Any deficiencies shall be documented on a vehicle maintenance form. An officer who discovers a police vehicle in need of repairs shall immediately inform the supervisor.
- (2) Officers shall examine their vehicle at the beginning and the end of their shifts to search for evidence, contraband or property discarded by prisoners or others.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> 911 Communications Center	<b>Chapter:</b> 32  <b>Page(s):</b> 1-3	<b>KACP</b> 28.1-4, 6-8
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**POLICE COMMUNICATIONS**

Communications are maintained 24 hours a day. Police dispatchers receive calls by a 911 emergency telephone system and a non-emergency published number. The police dispatcher will promptly and effectively direct any emergency calls that should go to another agency. A map of the MSU response area and surrounding jurisdictions are visually available to the Communications personnel.

- A. MSUPD Communications Personnel: Telecommunicators/Operators (a/k/a police dispatchers) shall be on duty 24 hours each day and are responsible for monitoring calls for law enforcement action on/near university property.
- B. If the operator needs to leave the Communications Center, they must wait until an on-duty relief person arrives at the Communications Center.
- C. The on-duty operator will maintain radio communications with patrol personnel at least every 15 minutes. These transmissions will be documented in the computerized dispatch activity log. The operator is also responsible for all communication activities (radio, telephone). In a fire or fire alarm situations, this includes providing on-going condition updates to the fire department having jurisdiction, and coordinating all responding units (both University and non-University).
- D. The Morehead State University Police Department: This agency is responsible for communicating proper reports to the State Fire Marshal's Office on all fire and for alarms on campus.

**OFFICER STATUS**

Communications personnel assist in unit safety by providing as much detailed information as possible. Communications personnel shall know what each unit is doing and about where each unit is at any given time.

**BUILDING CHECKS**

To ensure that communications logs and building check logs are uniformly completed and appropriately distributed. Dispatchers and will complete and disseminate the logs.

Logs will be prepared and distributed as follows:

- a. Each log shall have each page identified with the following information.  
  
Page \_\_\_\_ of \_\_\_\_ pages  
Date:  
  
Log Number:  
Shift Number:
- b. Work copies of the building check sheet need not be retained however they will not be disposed of until after the officer(s) responsible for the checks have had the opportunity to review them and compare them with the printed information.
- c. The building check sheets shall be appropriately numbered on their own and **will not be considered as additional pages of the communications log, although they shall be attached to the appropriate log.**
- d. Upon completion of the shift, and review by the appropriate officers, the completed communications log. The dispatcher and senior officer working that shift will initial the completed building log.
- e. Copies of the communications log will not be released to persons outside of the departmental chain of command without approval from the Chief of Police of the Morehead State University Police Department or their designated representative.

## **RECORDS**

All unit records are reviewed by the Assistant Chief of Police. All reports are reviewed and copies forwarded as necessary for Uniform Crime reporting. All unit records are filed in the secretary's office and copies filed in the dispatch office as needed or required for LINK/NCIC purposes. The unit maintains full participation in LINK and NCIC including wanted, missing and runaway persons as well as entries of stolen articles. A LINK procedure manual developed and approved by the Assistant Chief of Police and the Terminal Agency Coordinator, serves as a guide for terminal operators on LINK entries.

## **RECORDING OF TELEPHONE AND RADIO TRAFFIC**

The dispatch center is equipped with a recorder to record all radio transmissions with police officers and to record all incoming telephone calls. Recorded messages may be immediately played back.

## **RELEASE OF RECORDED MESSAGES**

Any request for recorded messages shall be directed to the Chief of Police. Any release shall be in accordance the Kentucky Open Records Act, and final review by a member of the Morehead State University General Counsel.

## **TRACKING**

Communications personnel track each unit by documenting each time the officer exits his vehicle, makes radio transmissions, or establishes contact with the communications.

Tracking is difficult without cooperation of the officer or field unit; therefore, officers must be aware of their own safety and assist the communications officer in tracking them. When an officer makes a traffic stop, they shall radio the tag number and description of the vehicle and the location of the stop prior to exiting his vehicle.

If an officer does not establish contact with the communications center in some manner within 3 minutes, the communications officer shall broadcast the units radio number followed by "status". The officer shall respond with his radio number and 10-4 or what he is doing (10-12 with violator, etc.) When an officer responds to a call in a building, the officer(s) needs to establish contact within a reasonable amount of time.

## **SECURITY:**

The communication center is an integral part of the public safety services. It is the receiving and dispatching point of alarms and 911. It is the imperative that the center is secure from outside interference, damage, or take over.

1. The back hallway door shall be locked at all time.
2. Due to poor circulation in the communications center, the center access door, which is a spilt door, the top half may be left open, but the bottom secured.
3. Visitors to the center are permitted if:
  - a. They are known to the Communication Officer or Police Personnel
  - b. They are a member of the Department
  - c. They are a member of a satellite agency
  - d. They are identified as a member of another police, fire, or ambulance agency
  - e. They are with an authorized guided tour with University Police personnel.
4. Visitors must remain quiet when communication personnel are busy with dispatching or call taking.
5. Visitors should be limited to two persons at a time.
6. Access to the center may be denied if the Communications officer does not wish for them to be present, due to the amount of traffic, or while obtaining criminal history information.
7. Babies, and very young children should not be in the center at any time.
8. An officer or telecommunicator may request the Communication Office be cleared of visitors in the event they have confidential information to relay or has prisoner(s) present.
9. At no time may a visitor, without proper NCIC clearance, view the telecommunicator's terminal while data is present on the monitor.





**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Police Radio Operating Procedures	<b>Chapter:</b> 33  <b>Page(s):</b> 1-7	<b>KACP</b> 17.8
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**RADIO OPERATING GUIDELINES**

The radio communication network is the only means of communications between police and field units and headquarters. The radio is used as a means of giving assignments and is also relied upon for officer or field unit protection. Its operation must be strictly governed to ensure that it is available when it is most needed.

**MICROPHONE TECHNIQUE**

All users of the network radio frequencies should practice proper radio technique and procedures.

- Press the transmit button and pause for two seconds before speaking to allow the transmitter time to key.
- Place your mouth approximately three inches from the microphone.
- Speak clearly, using an evenly modulated tone.
- Avoid displaying emotion in your voice while transmitting.
- Do not shout into the microphone or raise your voice to transmit. This tends to cause the radio signal to sound distorted or over modulated.
- Keep radio transmissions brief and concise. Transmissions should be no more than 7 to 10 seconds.
- If a message is going to take more than 10 seconds, call “break” and release for 2 to 3 seconds then continue the message for another 10 seconds. This allows any other unit to declare an emergency or relay more important information, if necessary.

**NETWORK RULES OF BROADCASTING**

- Never use proper names while transmitting on a network frequency. Each agency member has an assigned radio unit number that shall be used when transmitting to or about an agency member.
- Superfluous comments are not to be transmitted over network frequencies.

- Do not argue with dispatch or any other field unit over the radio. A supervisor shall mediate disagreements (in person) after the assignment has been completed. If the incident is over an assignment, the supervisor should handle the assignment or reassign.
- Do not transmit foul or abusive language.
- Do not willfully interfere with another radio transmission. If you have important information to relay transmit "break" as soon as soon as possible and wait to be acknowledged.
- Always identify who you are and whom you are calling.
- Wait to be acknowledged. Do not key up and make an unidentified broadcast to open air.

Identify yourself and the unit you are calling. Open broadcasts are a liability. The person you intend to receive your transmission may be busy and may not be paying direct attention to what was just transmitted.

## **BASIC NETWORK OPERATING PROCEDURES**

- The Communication Center shall be referred to as "**MSU/CAMPUS**".
- When calling the dispatch center, field units shall rate, "MSU, and their radio number", and then release the microphone.
- The Communications Center will respond with the calling units radio number and release.
- When acknowledge by the Communications Center, proceed with the information that is to be relayed.
- When the information has been relayed, the Communications Center will acknowledge the transmission with Code 10-4 or other required response.
- Unit-to-Unit Traffic: Broadcast your assigned radio unit number, then the radio number of the unit you are calling.
- When the Communications Center is calling a field unit, the dispatcher will transmit the radio number of the unit they are calling and await that unit's response.
- When acknowledging a base transmission or base is acknowledging a unit transmission, do not respond by clicking the microphone key. Acknowledge with a voice transmission.
- Units handling an incident may communicate or acknowledge transmission by clicking the radio microphone if a voice transmission will endanger the unit, or the handling of the incident.

## **CALL PRIORITY**

All calls shall receive attention according to priority; life threatening incidents first, routine incidents last.

- Police Officer Safety
- The safety of duty crews or on duty member of area emergency response agencies.
- Life threatening/emergency/distress incidents, first
- Large scale disasters
- In progress calls
- General or routine complaints
- Attempt to locate and area broadcast

Call priority categories are further described as follows:

- (a) Police officers safety is the top priority for this communication network. Any officer down or needs assistance calls take priority over any and all other dispatches.
- (b) The safety of on duty crews or on duty members of area emergency response agencies is also of a top priority, second only to the safety of a police officer (Require Alert Tone).
- (i) Life threatening, emergency or distress calls take priority over any other type of civilian complaint. They shall receive full attention over any routine call or radio traffic (Alert Tone).
- (j) Large-scale disasters, calls or warning signs concerning large-scale disasters, such as flash flood, tornadoes or imminent military attack shall take precedence over all categories of calls except the three listed above. (Require Alert Tone 1, cable override and public warning siren, when applicable).
- (k) In progress calls include incidents where a crime is presently being committed or about to be committed. These call include such as Burglary, Robbery, Murders and Assaults.

The Communications Center will at all times be responsible for control of all frequencies usage and shall restrict use of frequencies to conduct effective communications.

- Code 10-3 Emergency Traffic only may be used at times when the volume of traffic, both radio and telephone, reaches the point where it overloads the dispatcher and the radio system. Under 10-3 Emergency Traffic Only, routine radio traffic shall cease leaving the frequency open to only emergency traffic.
- It is not intended that all radio traffic cease when operating under Emergency Traffic Only. Dispatchers and information updates to units will still be relayed to field units. Field units may relay any request that they need that directly affect the complaint they are handling. This should be limited to any complaint of a non-routine nature.
- When radio and telephone traffic has become manageable, dispatch shall advise units that 10-3 is lifted.
- At times when radio and telephone traffic becomes heavy enough to dispatch cannot respond to transmitted questions or traffic, they shall advise the requesting unit to “standby”. The field unit should then wait until dispatch advises them to proceed with their traffic.
- If a field unit has been placed on standby but has an emergency, he shall call his unit number and state, “emergency” and advise of his situation.

## **SIGNAL AND TEN CODES LIST**

Signal and ten codes were developed and are used for abbreviating radio transmissions but still allow for clear understanding for the radio transmission. The following are the signal and ten codes used by this communications network:

### **SIGNAL CODES**

Signal 1	Officers Home
Signal 2	Meet or will meet
Signal 3	Traffic or Information
Signal 4	Police Department
Signal 5	Eat or going to eat
Signal 6	Call by telephone

Signal 7	Emergency Situation
Signal 8	Disregard
Signal 9	Emergency Response
Signal 10	Confidential Information

## TEN CODES

10-01	Receiving Poorly
10-02	Receiving Well
10-03	Stop Transmitting
10-04	Affirmative or Okay
10-05	Relay
10-06	Busy
10-07	Out of Service
10-08	In Service
10-09	Repeat
10-10	Out of Service/Subject to Call
10-11	Transmitting too rapidly
10-12	Visitor Present
10-13	Weather and Road Conditions
10-14	Escort
10-15	Prisoner in Custody
10-18	Complete present call quickly
10-19	Return to your station
10-20	Location
10-21	Call this station by phone
10-22	Disregard
10-24	Trouble at the Station
10-29	Check Wanted
10-30	Does not confirm to rules and regulations
10-33	Emergency Traffic
10-35	Confidential Information
10-36	Correct Time
10-37	Dispatcher on duty
10-45	Non-injury collision/Property Damage
10-46	Injury collision
10-47	Vehicle registration check
10-49	Payroll Checks
10-50	Traffic Stop
10-51	Enroute to specific locations
10-71	Send wrecker to
10-81	Station or base
10-88	Where can you be reached by phone
10-97	Arrived at the scene
10-98	Finished with last assignment

The following are words that should be used while transmitting to assist in making broadcast more standardized and concise:

**UNDESIRABLE**

Yes  
 No  
 Want  
 Can't  
 Buy  
 Get  
 Send  
 Wait  
 Do You Want  
 Find out  
 Call and see  
 Let me know

**PREFERRED**

Affirmative  
 Negative  
 Request  
 Unable  
 Purchase  
 Obtain  
 Forward  
 Stand by  
 Advise if  
 Ascertain  
 Check  
 Advise

All radio communications and communication documents will use 24-hour clock.

**PHONETIC ALPHABET**

Phonetic alphabet should be used whenever a difficult name or word is being broadcast. It is not necessary to use phonetic alphabet for common names or spelling. Phonetic alphabet should be used when transmitting vehicle registration tags. When using phonetic alphabet, do not say "A as in Adam". Proper use is: A-Adam; B-Boy; C-Charles, etc.

A	Adam	N	Nora
B	Boy	O	Ocean
C	Charles	P	Paul
D	David	Q	Queen
E	Edward	R	Robert
F	Frank	S	Sam
G	George	T	Tom
H	Henry	U	Union
I	Ida	V	Victor
J	John	W	William
K	King	X	X-Ray
L	Lincoln	Y	Young
M	Mary	Z	Zebra

**SPECIALIZED PROCEDURES FOR SPECIFIC TEN CODES**

- 10-3** Stop transmitting: To be used to clear a frequency of all radio traffic. This code allows the frequency to remain clear for only emergency traffic. The 10-3 will be lifted by dispatch when routine radio traffic may resume. It is in place for the first 3 minutes on all 10-50's and first 10 minutes on Building Evacuation Emergency.

- 10-30** Does not confirm to rules and regulations: To be broadcast by dispatch to any field unit violating FCC rules or communication policy and/or procedures. The violating unit shall have a 10-3 placed against them to stop any further violation along the offending subject line. This incident shall be logged in detail by dispatch and the shift supervisor or agency Chief shall be notified of the incident.
- 10-47** Vehicle Registration Check: To be released only to those units or agencies authorized by **LINK/NCIC** or Satellite Agreement. Unauthorized agencies may relay tag information to dispatch to be recorded in case further investigation will be necessary.
- 10-24** Trouble at Station: May be broadcast by dispatch in the case of an emergency situation occurring in the dispatch office or building. Details of the incident should be given as soon as possible.

## **FEDERAL COMMUNICATIONS COMMISSION RULES AND REGULATIONS**

The Federal Communications Commission (F.C.C.) provides rules and regulations that must be followed by all users of radio frequencies. The violation of these rules and regulations could result in the frequency holder being fined and/or the frequency or frequencies being taken away and reassigned.

It is unlawful:

To transmit superfluous signals, messages or communications of any kind on a radio transmitter.

To use profane, indecent or obscene language over a radio transmitter. To willfully damage or permit a radio apparatus to be damaged.

To cause unlawful or malicious interference with any other radio communications.

To intercept and use or publish the contents of any radio message.

To make unnecessary or unidentified transmission.

To transmit without first making sure that the transmission will not cause harmful interference.

To make any adjustments, repairs, or alterations whatsoever to a radio transmitter. It is required by law that only a professional radio technician holding a second-class license or higher may make adjustments or repairs.

To deny access to your radio equipment, if a properly identified representative of the F.C.C. asks to inspect it. The equipment must be made available for inspection at any reasonable hour.

To transmit a call signal, letter or numeral which has not been assigned to your station.

## **POLICE SAFETY PROCEDURES**

This section includes police alert tone, statue and tracking methods to assist in officer safety.

### **ALERT TONES**

Alert tones are to be used when dispatching "All Units" or officer in danger calls. This subsection will describe the tones and their intended use. Alert Tone One (Steady Tone), to be used on important or priority dispatches such as:

- Domestic Disputes
- Prowler Calls
- Hold Up or Intrusion Alarms
- Injury Collisions
- Officer in Pursuit (vehicle or foot)
- Fight in Progress
- Shots fired (not to be used for police officer involved in shots fired)
- Escape Prisoner (local)
- Weapons Complaint (person with a gun)
- Priority attempt to locate
- Attempt to Contact Officer

The alert tones will precede the dispatch. Example: Tone One, "All Units, Fight in Progress", followed by dispatch details of the incidents.

Alert Tone Two (intermittent tone), to be used for police officer in danger calls such as:

- Officer Down
- Officer Needs Assistance (shots fired, extreme emergency)
- Robbery in Progress
- Burglary in Progress (occupied residence or business)
- Alert Office of Imminent Danger

If dispatch becomes aware that an officer may be in life threatening situation, Alert Tone Two shall be used followed by the officer's radio number. (Example: Dispatch receives a "hit" on a vehicle or person that an officer has stopped. The Tone Two will immediately make the officer aware that he may be in danger. The officer's radio number confirms that the tone was intended for him in the event of more than one officer has someone stopped. The Alert Tone Two ensures that the officer understands he's in an emergency situation.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Parking Enforcement	<b>Chapter:</b> 34  <b>Page(s):</b> 1-2	<b>KACP</b>
<b>Approved Date:</b>  June 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Policy**

Any motor vehicle parked on University controlled property, if found to be in violation of any University parking regulation, will be subject to ticketing by the Morehead State University Police Department.

**Parking Violations**

- Double parking
- Parking in reserved spaces
- Parking in loading zones, service entrances, or construction areas.
- Parking on the grass, sidewalks, crosswalks, in parking lot driveways, adjacent to or over yellow lines or curbs, or straddling lanes.
- Parking in driving lanes
- Areas or spaces closed by use of barricades, traffic cones, or other traffic control devices.
- Parking against the flow of traffic.
- Improper zone parking.
- Improper use of Disabled persons spaces.
- Expired meter
- Parking in an area with no marked space.

**Procedure**

Once an Officer or Parking Attendant has determined that a parking violation has been made, the following procedure should take place.

- A MSU parking ticket should be filled out completely, leaving no spaces blank. These should be turned into the Traffic Office upon every trip the Officer or Parking Attendant makes back to the station.



- The Traffic Office will then enter the tickets into the AIMS system immediately upon arrival in the office.
- If the vehicle in violation has a valid MSU decal displayed and was registered with the Traffic Office the student's name and ID number should come up on the system. The name should be written on the ticket at that time and placed in the files.
- If the vehicle does not display a MSU decal and a name does not come up on the system, it should be taken to dispatch to have a 10-47 run.
- After tickets come back from dispatch with the 10-47 they should be attached to the back of the ticket, and then they should be looked up on the student roster.

### **Student Roster**

- The tickets should be placed in alphabetical order according to the last name of the owner of the vehicle on the 10-47.
- Go through the roster looking at all students with the same last name, as the owner of the vehicle.
- If the owner of the vehicle appears on the roster with the correct social security number, that name should be written on the ticket and given to the Traffic Control Specialist to have the appropriate decal number assigned. That ticket may then be filed in the unpaid tickets drawer.
- If the owner of the vehicle does not appear on the roster, you should then look for any student with the same last name and the same address as that of the owner's which appears on the 10-47. Write that student's name on the Ticket and transfer it to the Traffic Control Specialist for the appropriate Decal number. The ticket may then be filed under that student's name.
- If a matching name or address does not appear on the roster, the student ID numbers of all students with the same last name and permanent address within a reasonable radius of that of the owner's address should be written on the 10-47's and then given to the Traffic Control Specialist. The Traffic Control Specialist will then look all these students up on the AIMS system in People Inquiry and check these students to see if any of them have the owner of the vehicle listed as a parent or Guardian. If they do, then the student's name is written on the ticket and the appropriate No Decal number is assigned. The ticket will then be filled.
- If the owner or family member cannot be found on the Student roster, the ticket will be filed in the unregistered unpaid ticket file. At the end of every semester all tickets in this file that have not been paid or voided will be voided since there is no person to charge for ticket.

### **Tow List**

- People who have accumulated 6 or more paid or unpaid tickets in one semester are subject to having their privileges of parking on MSU property revoked, and will be placed on the tow- on-sight list.
- When an Unregistered vehicle has accumulated 3 or more unpaid tickets it will be placed on the tow list to be towed on next violation.
- When a vehicle that has been registered with the Traffic Office has accumulated 4 or more unpaid tickets it will also be placed on the tow list.



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Standard Operating Procedure Manual**



<b>Title:</b>  Towing / Impound	<b>Chapter:</b> 35  <b>Page(s):</b> 1-2	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**VEHICLE TOWING AND IMPOUND**

**I. PURPOSE** To establish standard operating procedures for the towing and impounding of vehicles on University property.

**II. POLICY** The Morehead State University Police Department is authorized to tow and impound motor vehicles on University property. Motor vehicles will be subject to towing if the vehicle is determined to be in violation of parking regulations, a safety hazard, and an obstruction to traffic or abandoned.

**ABANDONED OR OBSTRUCTING VEHICLES:** Vehicles that are abandoned, a traffic obstruction or a safety hazard may be towed and impounded at the owner’s expense. The department may impound any vehicle that has been deemed abandoned upon a roadway.

**Abandoned Vehicles:** a vehicle may be considered abandoned if:

1. Vehicles that are in violations of KRS.189.990 or 189.751 for abandoned vehicles.
2. Vehicles that appear to be abandoned, as the keys were left in the ignition while parked on the roadway or has had the license plates removed.
3. An unserviceable vehicle is left on campus for an extended period.
4. A vehicle is left on campus when the University is not in session, unless prior approval is obtained through the Morehead State University Police Department.

**Obstructing Vehicles:** a vehicle will be determined to be an obstruction if:

1. The vehicle is unattended and is obstructing traffic.
2. The vehicle causes an unsafe condition due to fire, flood, snow or other emergency.

## **PARKING VIOLATIONS**

The Morehead State University Police Department has the authority to tow vehicles that are in violation of University parking regulations. Any vehicle meeting the following criteria may be towed:

1. Vehicles parked in designated fire lanes
2. Unauthorized vehicles parked in reserved parking
3. Vehicles parked in a barricaded lot or parking area
4. Vehicles not displaying a handicap sign parked in a handicapped slot.
5. Student vehicles parked in staff parking
6. Vehicles parked on campus that do not have a University parking permit.
7. A vehicle that has accumulated three or more unpaid parking tickets.
8. Vehicles displaying a stolen or missing parking permit.
9. A vehicle parked in violation of any University parking violation.

## **III. PROCEDURE**

**TOWING AND IMPOUNDING** When a vehicle is towed for any of the aforementioned reasons the following procedure should be followed:

1. The officer or parking attendant will fill out a Tow/Impound sheet and parking ticket if applicable. These will be turned into the traffic office as soon as possible.
2. Dispatch will be contacted and a wrecker requested from the contract towing company. Only the contract towing company will be used for towing vehicles on campus.
3. The vehicle will be towed to the university impoundment lot and held until released.
4. In the event the impoundment lot is full the vehicle will be stored at the contract towing company.
5. If the owner of the vehicle shows up prior to the vehicle being towed, they may be given the opportunity to pay the tower a service fee and avoid having the vehicle towed. The vehicle will still be towed if there are any outstanding fines against the vehicle.
6. Locked vehicles will remain locked; if a vehicle is unlocked it should be locked if possible.

**RELEASE OF IMPOUNDED VEHICLES:** Vehicles will be released to the owner according to the following guidelines:

1. The person requesting release must go to the Office of Public Safety to gain a release.
2. Proper identification must be produced to verify that the person is the owner of the vehicle.
3. All fines and fees must be paid prior to release. This includes any outstanding fines or fees. Vehicles with outstanding fines may be held until they have been paid.
4. The owner will be given a release to produce to the person at the impoundment lot at time of release.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  University Emergency Phones	<b>Chapter:</b> 36  <b>Page(s):</b> 1	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose:** To provide guidance on the schedules operational checks of all campus emergency phones.

**Scope:** This operational instruction applies to all Morehead State University Police Department personnel that routinely check emergency phones or have some supervisory responsibility over those tasked with conducting the phone checks.

**Procedure:** The following procedures shall apply to ensure that the necessary phone checks are accomplished:

Non-sworn staff and/or student cadets should be used to conduct checks of all phones twice per month (normally the second and fourth week). If there is a non-sworn security person working weekends, the checks should be performed on Saturday night. If the checks are not performed on Saturday, they must be accomplished the next night that a building security person works.

1. The on-duty dispatcher will log the checks on a copy (make more as needed) of the attached form (Emergency Phones Checklist) and submit the form with the communications log from that date. Problems of deficiencies will be properly noted and called in as work orders by either the Chief of Police or designee on the next working day.
2. Phones that have identified problems will be rechecked, as directed, once Information Technology Telecommunications has had 24 hours to make repairs. A separate list of problem phones will be forwarded directing the follow-up conducted by either building security or a parking attendant. Simply make note on the list as to the new status of the phone(s) listed and have the dispatcher make a long entry. The annotated list shall be attached to the communications log and turned in for review and appropriate action.
3. In the event that building security personnel are not available, cadets or parking attendants shall be directed to make the checks before any sworn staff are asked to do so.



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<b>Title:</b>  Arrests / Handcuffing/ Transport	<b>Chapter:</b> 37  <b>Page(s):</b> 1-3	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose.** In making arrests, officers shall observe the law of arrest and the following provisions:

**ARREST**

An officer may arrest an individual if the officer has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person whom committed that crime. Once probable cause is established, an officer may take custody of the subject and transport them.

- a. Under Kentucky law officers may make an arrest: with or without a warrant:
  - 1) In obedience to a warrant; or
  - 2) When a felony has been committed in his or her presence; or
  - 3) When he or she has probable cause to believe the person to be arrested has committed a felony; or
  - 4) When a misdemeanor as defined by K.R.S. § 431.060 has been committed in his or her presence; or
  - 5) An officer may also arrest without a warrant for the commission of offenses enumerated in K.R.S. § 431.005 (1) (e); or
  - 6) When the officer has probable cause to believe that the person has intentionally or wantonly caused physical injury to a family member or member of an unmarried couple.
- b. Under K.R.S. § 431.15 an officer may issue a citation in lieu of an arrest for enumerated offenses under this statute.

**CUSTODY OF PRISONERS**

Officers charged with custody of prisoners shall apply all points covered in the arrest section while prisoners are in custody. Prisoners will remain in officer custody only the time necessary to turn them over to the county jailer, court, or other authority for which they are detained.

## **RESTRAINING DEVICES**

Officers may, when properly trained, use other agency approved restraining devices to supplement steel handcuffs. When necessary, equipment such as flex-cuffs, leather restraint belts, and leg irons, are devices that are permitted to restrain movement of a prisoner.

- (1) Prisoners or detainees whose hands are too small or too large for steel handcuffs may be restrained with plastic cuffs.
- (2) When necessary to prevent escape, ensure safety, or minimize self-inflicted injuries, an officer may utilize other agency approved restraining devices.
- (3) Handcuffs are to be double-locked.
- (4) Removal of handcuffs may be required for medical treatment, evidence collection, and other legitimate reasons.

## **TRANSPORTATION OF PRISONERS**

At the beginning and end of each shift, officers shall inspect any vehicle regularly used for prisoner transport. The officer shall determine that all safety devices are in working order and that the interior is free of weapons and contraband.

- (1) Prior to transport, officer shall notify dispatch the identity of the prisoner, arrest location, destination of the transport, and if the prisoner becomes security risk prior to arrival.
- (2) When transporting officer and prisoner are of the opposite sex, the officer shall, at the time the transportation of the prisoner is started, call the dispatch and advise mileage and destination, and when the destination is reached, the officer shall advise the dispatcher of the mileage. The mileage and time will be logged.
- (3) Any prisoner transported shall be searched before being placed in a Morehead State University Police Department vehicle. Prisoners shall be transported in the back seat of the vehicle. Handcuffing will be at the discretion of the arresting officer although it is highly recommended.
- (4) Prisoners requiring medical attention shall be delivered to the appropriate emergency hospital, and the arresting officer shall be responsible for the security of the seats unless otherwise directed by a superior officer.
- (5) Prisoners and their property shall be surrendered at the jail to custodial officers or as otherwise directed by competent authority.
- (6) An officer shall accompany any prisoner transported to a hospital by ambulance unless safety and security is otherwise thought to be of no concern.
- (7) If the prisoner being transported escapes from custody, the officer should immediately report to the communications personnel the physical and clothing description of the prisoner, the location and circumstances of the escape, any weapon information, and the

last known method and direction of travel. Communications shall promptly dispatch information concerning the escape to other appropriate law enforcement agencies. The affected officer shall file a criminal arrest report describing the escape and initiate an investigation in accordance with Kentucky Revised Statutes.

## **REPORTS AND BOOKINGS**

No Morehead State University Police Department employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the unit.

## **ARREST REPORTS**

Officers making an arrest shall complete and turn into the Morehead State University Police Department a citation, post arrest complaint, arrest card, or a written report explaining the circumstances of an arrest without a warrant.



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<b>Title:</b>  Asset Forfeiture	<b>Chapter:</b> 38  <b>Page(s):</b> 1-5	<b>KACP</b> 30.3
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**I. POLICY STATEMENT**

The Kentucky Controlled Substance Act, KRS 218A.410 et seq., authorizes law enforcement agencies to seize and forfeit any property or contraband article, which has been used, is being used or was intended to be used in violation of any provision of the Act. It is the policy of the law enforcement agencies in this state to utilize the forfeiture provisions to the fullest extent possible in order to impact upon crime, yet protect innocent owners, while providing law enforcement agencies with the maximum amount of economic benefit for the continued enforcement of the Kentucky Controlled Substances Act.

**II. PURPOSE**

The purpose of this policy is to standardize the law enforcement policies and procedures used in seizing, maintaining and forfeiting assets pursuant to the provisions of the law, and to ensure that seized property is seized and maintained in an efficient and lawful manner. The provisions contained in this policy are intended to serve as guidelines for law enforcement agencies involved in the seizure and forfeiture of property. Substantial compliance will further the goal of uniform practice throughout the state.

**III. PROCEDURES**

- A. Seizure of vessels, vehicles, aircraft, currency or other personal property or contraband vehicles.
  - 1. This agency may seize property for forfeiture under the Act without process if it determines that:
    - a. The seizure is incident to an arrest or a search under a search warrant; or,
    - b. The property subject to seizure has been the subject of a prior final order of forfeiture; or,
    - c. This agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or,



- d. This agency has probable cause to believe the property is subject to forfeiture pursuant to KRS 218A.410, (et seq.).
2. Probable cause seizures taking place at the time of violations may be made without prior judicial approval.
3. Property not seized at the time of violations presently located on private premises should be seized pursuant to a court order authorizing entry onto the private premises, unless otherwise authorized by law.
4. As soon as practicable following seizure, this agency shall make a diligent effort to determine ownership of the seized property, including the identification of the registered owner(s), title holder(s) and bona fide lien holder(s), if any.
5. This agency shall give notice of the seizure to the owner(s) and/or bona fide lien holder(s), if any, once identified, within twenty-one (21) days after the identification is made. Such notice may be made by certified mail, return receipt requested.
6. Following this agency's determination not to proceed with a forfeiture based upon innocent-owner considerations, this agency shall release the seized property to the lawful owner or their legally authorized designee if the seized property is not evidence in an investigation or criminal case.
7. As soon as practicable after the seizure, the seizing officer should complete an offense or seizure report, particularly describing the circumstances attendant to the seizure and forward it to the Commonwealth Attorney who will be handling the forfeiture.

B. Seized Vessels, Vehicle and Aircraft Storage and Maintenance.

1. At the time of seizure, this agency should have vessels, vehicles, aircrafts, etc., transported or towed to a secure storage facility or other appropriate storage location as may be authorized by this agency.
2. A complete inventory of the seized property and all containers, open or closed, found therein shall be completed at the time of the seizure. As soon as practicable after seizure, this agency shall make a good faith attempt to release to the lawful owner all personal property (e.g., clothing) seized or with items impounded and not being retained as evidence or for forfeiture. If the owner is unknown, has been arrested or is otherwise unavailable to take possession of the property, the property shall be placed in a secure location to be released to the owner at a later date.
3. **ANY PERSONAL PROPERTY SEIZED AS EVIDENCE SHALL BE PACKAGED AND STORED SEPARATELY AND HANDLED IN ACCORDANCE WITH ESTABLISHED PROCEDURES FOR THE PROCESSING OF EVIDENCE.**
4. Reasonable attempts shall be made to maintain the property in time-of-seizure-condition. Although all rights, interest in and title to seized assets vest immediately in this agency upon seizure, seized items shall not be used for any purpose until the rights, interest in and title to the seized property are perfected by final order of forfeiture. This section does not prohibit use or operation necessary for reasonable maintenance of seized property.
5. If special maintenance is required to maintain seized property in time-of-seizure-condition as may be necessary with aircraft and vessels, this agency shall ensure that such maintenance is provided within a reasonable time after seizure, with such care continuing through the pendency of the forfeiture action. Appropriate agency forms should be maintained with seized property to document special or

required maintenance.

6. Agency personnel shall make periodic inspections of all property that has been seized subject to forfeiture to ensure continued the time of seizure conditions of the property is being maintained. Such inspections shall be documented appropriately.

#### C. Seizure and Forfeiture of Real Property

1. This agency may seize real property only with process:
  - a. Real property subject to forfeiture may be seized pursuant to final judgment and order of forfeiture by the court with jurisdiction over the forfeiture action; or,
  - b. Real property may be seized prior to final judgment by the agency if it obtains a seizure order from the court following a hearing. Seizure prior to judgment is only permissible on a showing by the Commonwealth that seizure is necessary to preserve the property pending final judgment.
2. Real property which is seized prior to final judgment must be maintained at time-of-seizure-condition. On-going businesses, including agricultural enterprises, must be continued. For this reason, seizure of real property prior to final judgment of forfeiture is not recommended.
3. If this agency has probable cause to believe that real property is subject to forfeiture, it will as soon as practicable consult with the appropriate Commonwealth Attorney to perfect the lien created in KRS 218A.(450).  
A lien is preferred over pre-judgment seizure of real property.

#### D. Release of Seized Property.

1. If at the conclusion of the judicial process the claimant prevails, the seized property shall be released to the lawful owner immediately. Under these circumstances, this agency shall not assess any towing charges, storage fees, administrative costs, maintenance costs, etc., against the claimant unless so authorized by the appropriate court.
2. In all other instances, if a seized vessel, vehicle, aircraft, etc., is to be released to the lawful owner, this agency may assess against the owner the actual costs of towing, storage and maintenance of the seized property. Absent settlement, administrative costs, which do not reflect actual expenses, shall not be assessed.
3. Property which has been seized as having evidentiary value shall be treated accordingly and shall NOT be released pursuant to this policy.

### **IV. RETENTION FOR OFFICIAL USE, SALE AND DISTRIBUTION**

#### A. RETENTION OF VEHICLES

1. Any vehicle seized and subsequently forfeited to a law enforcement agency may be retained by that agency for official use.
2. Any vehicle retained may be sold by the agency. Funds from such sale shall not be considered as funds to be distributed.
3. Proceeds from sale of retained vehicles must be spent on a specific law enforcement purpose. "Specific law enforcement purpose" means any agency activity which materially facilitates enforcement of the law of the

Commonwealth of Kentucky.

4. If the vehicle seized and subsequently is retained by a law enforcement agency for official use, the agency will pay any bona fide perfected security interest on said vehicle.
5. If the vehicle seized and subsequently forfeited is sold by a law enforcement agency, the proceeds from the sale shall be applied first toward any bona fide perfected security interest. Thereafter, any balance shall be retained by the law enforcement agency in accordance with this policy. Should the proceeds from the sale be insufficient to pay any bona fide perfected security holder in full, the security holder shall recover the balance from the creditor, not the law enforcement agency.

#### B. SALE OF FORFEITED PROPERTY.

1. All sales of property forfeited pursuant to the Controlled Substances Act must be advertised, public sales.
2. The Commonwealth may transfer any forfeited real property sold by deed of general warranty.
3. All bona fide, perfected security interests on forfeited property must be paid from proceeds of sale of such property.
4. Controlled Substances which have been forfeited but which have a lawful purpose may be sold to a proper buyer as determined by the regulations of the Cabinet for Human Resources.

#### C. DISTRIBUTION OF SALE PROCEEDS.

1. Following deduction of any direct expenses related to the sale of forfeited assets, this agency retains the first \$50,000 from sale of assets itemized in any final order of forfeiture. Of that, 10% is paid to the office of the Commonwealth Attorney, which handled the forfeiture action.
2. The seizing agency retains 45% of all sale proceeds in excess of direct sale expenses and \$50,000. No portion of these proceeds is required to be shared with a prosecutorial office.
3. All proceeds from sale of forfeited property must be expended for specific law enforcement purposes.
4. All sale proceeds in excess of the above prescribed amounts shall be paid into the Asset Forfeiture Trust Fund as managed by the Office for Investment and Debt Management of the Commonwealth of Kentucky.
5. When money or property is seized in a joint operation involving more than one law enforcement agency, the apportionment of funds shall be made among the agencies in such a manner as to reflect the degree of participation of each agency in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based. The trial court shall determine the proper division and include the determination in the final order of forfeiture.

### V. REPORTING REQUIREMENTS

#### A. SEIZURE REPORTS

1. Any agency which seizes property subject to forfeiture without court order shall immediately prepare a report completely describing and inventorying the property so seized. The original of the report shall be included in the criminal case file. Duplicates

of the report shall be forwarded to the appropriate prosecutorial office and the Kentucky Justice Cabinet.

2. Any agency which wishes to obtain a court order to seize property shall submit a "Request for Forfeiture" form to the appropriate prosecutorial office. Property seized pursuant to such order should be reported in the same manner as property seized without order. A copy of the Court Order shall be attached to the seizure report.
3. Any agency which wishes to place a lien against forfeitable real property shall submit a "Request for Forfeiture Lien" to the appropriate Commonwealth Attorney. A copy of the forfeiture lien notice shall be maintained in the criminal case file and a copy shall be forwarded to the Kentucky Justice Cabinet.
4. A copy of all final orders of forfeiture shall be forwarded to the Kentucky Justice Cabinet by the appropriate Commonwealth Attorney.
5. Fiscal reports itemizing costs of sale, proceeds retained by a law enforcement agency, proceeds paid to a local prosecutor and proceeds paid into the Asset Forfeiture Trust Fund, shall be sent to the Kentucky Justice Cabinet and City Clerk within thirty (30) days after each sale of forfeited property.
6. Agencies shall notify the Kentucky Justice Cabinet and City Clerk of each Forfeited vehicle retained for official use or sold for the benefit of the agency.
7. Any agency seizing money or property pursuant to KRS 218A.415 shall, at the close of each fiscal year, file a statement with the Auditor or Public Accounts and with the secretary of justice containing a detailed listing of all money and property seized in that fiscal year and the disposition thereof. The listing shall identify all property so seized.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Bike/Segway Patrol	<b>Chapter:</b> 39  <b>Page(s):</b> 1-5	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

### PURPOSE

The purpose of this order is to establish guidelines for the daily operation of the Morehead State University Police Department Bike/Segway Patrol.

### POLICY

Morehead State University Police Department shall implement the use of the Bicycles/Segways as an additional means of patrolling Morehead State University. This equipment shall be utilized in areas where it will be most effective while assisting law enforcement efforts at crime prevention, crime detection, and enforcement of state law. Areas include, but are not limited to, special events, sporting events, and parades. The primary function of the Bike/Segway is to complement the Department's vehicle, foot and motorcycle patrols. The Bike/Segway patrols shall also contribute to community relations and education program efforts.

### BIKE PATROL

#### PROCEDURES

##### A. Selection Process

1. Officers who volunteer for the Bike Patrol Unit will attend a 40-hour Police Cyclist Course designed to evaluate and develop the skills of the officer.
2. If approved by the Chief of Police, Police Officers who volunteer for the Bike Patrol Unit may optionally undergo in-house training by a certified Police Cyclist. Whereas, if approved, the in-house training will substitute only until the volunteer undergoes certified instruction in a Police Cyclist Course. This option requires a properly documented review of all criteria listed under this section. The Chief of Police must do a final review, and approve a written request by the volunteer prior to solo bicycle operations. This written authorization must be placed in the officer's training record within 7 days of approval.

## **TRAINING**

- A. Each officer should complete a certified Police Cyclist Course approved by the Department. The course will consist of a road skills test and a written test. The current approved course is the Basic Police Cyclist Course, which is regulated by the International Police Mountain Bike Association.
  
- B. The Police Cyclist Course will consist of the following:
  - 1. Road Hazard Recognition.
  - 2. Collision Avoidance Techniques.
  - 3. On and Off Road Riding Skills.
  - 4. Bike Pursuit Techniques.
  - 5. Firearms Training.
  - 6. State and Local Laws

## **DAILY OPERATIONS**

- 1. The police mountain bikes shall be used exclusively by officers trained in their use and operation, either by regulated IPMBA courses or on-the-job training.
  
- 2. The bike patrol officers shall provide pro-active and reactive patrols within the University. Officers will be assigned radio calls when they are within a reasonable distance of the call. Officers should emphasize patrolling areas isolated from motorized patrols; such as, narrow alleyways, bike paths and areas where foot traffic is common.
  
- 3. The bike patrol unit shall be maintained year round. The supervisor shall determine when conditions are unsafe/hazardous/temperate for riding.
  
- 4. The bike patrol officers must be careful to identify themselves as police officers when wearing the bike patrol uniform and/or on bike patrol. Officers will not attempt to stop or contact motor vehicles unless the officer can do so safely.
  
- 5. The bike patrol officers are not to actively participate in vehicle pursuits. Officers should only provide direction of travel information to mobile units and ground assistance if a foot pursuit occurs.
  
- 6. The bike patrol officers may engage in pursuits of pedestrians and bicycles as long as it is done with due regard to public safety and insofar as the risk of the pursuit does not outweigh the benefit to be derived from the suspects' apprehension.
  
- 7. Patrol units will transport all bike patrol arrests, but the bike patrol officers will be responsible for processing the prisoner.
  
- 8. The department's mountain bikes will be operated with due regard to public safety and within the state and local laws that govern traffic regulations.

9. While conducting night bike patrols, officers are to use their headlights and rear safety lights while operating the bicycles in motor vehicle traffic.
10. The bike patrol officers will not expose their bicycles to unreasonable hazards or abuse, except in situations of personal safety.
11. Police bicycles will not be left unattended except after being secured with a department approved locking device.

## **UNIFORMS**

- A. All bike patrol officers will be assigned the following uniforms upon acceptance into the bike patrol unit:
  - Two navy blue short sleeve uniform shirts.
  - Two navy blue uniform shorts.
  - One pair black uniform pants (rain suit or wind suit)
  - One black uniform jacket with liner.
  - One pair of bike gloves – one summer/one winter.
  - One pair of shoes.
  - One set of department approved nylon web gear including security holster, OC spray case, handcuff case, magazine case and radio case.
  - One approved bicycle helmet.
  - Two pair of eye protection – one sunglasses and/or one clear lenses.
  - One baseball cap.
- B. The bike patrol officer shall only wear the approved headgear. The bicycle helmet will be an ASTM, ANSI or Snell approved bicycle helmet. The helmet will be white in color with the word "POLICE" written in black letters on both sides of the helmet. The helmet is to be worn at all times while operating the bicycle. Also, the baseball cap can be used with the bicycle uniform when the helmet is not being utilized.
- C. Eye protection must be worn at all times while operating the bicycle.
- D. The summer bike uniforms shall consist of the approved blue polo style shirt with a collar, blue bicycle shorts, nylon web gear, black ankle socks and black bicycle shoes.
- E. The winter bike uniforms shall consist of the approved black polo style shirt with a collar worn over a blue turtleneck long sleeve shirt, blue bicycle pants, blue jacket with liner, nylon web gear, black socks and black bicycle shoe.
- F. Bicycle gloves shall be worn while operating the bicycle. The fingerless bicycle glove will be worn during the summer months. The insulated bicycle gloves will be worn during the winter months.
- G. Additional bicycle attire may only be worn with the approval of the supervisor.
- H. The bike patrol officers will be responsible for the upkeep of their assigned uniforms.

## EQUIPMENT

- A. All bike patrol officers will be assigned the following equipment upon volunteering into the bike patrol unit:
  - An approved mountain bike with decals stating "Police" affixed to both sides of the frame tube.
  - Approved headlight system.
  - Rear cargo pack with cargo rack.
  - Cable lock.
  - Tool kit will be provided for officers.
  - Water bottle with holder.
  - Front blue strobe light and rear LED light.
- B. No other accessories other than those listed above shall be installed on the bicycles except for a speedometer or odometer.
- C. The bike patrol officers will be responsible for the upkeep of their assigned equipment.

## MAINTENANCE

- A. Each bike patrol officer will perform daily safety checks on their bicycles prior to their tour of duty. The daily safety checks shall consist of the following:
  1. Air (tires are properly inflated and for signs of wear on the tires).
  2. Brakes (brake pad adjustment and for signs of wear; brake cable adjustment and for signs of wear).
  3. Crank (drive train is working properly).
  4. Quick Releases (all releases are secure).
  5. Check to see if derailleurs and shifters are working properly.

## SEGWAY PATROL

### PROCEDURES

- A. Special Training-** All Police Officers and Security Officers must first complete a basic familiarization program through the Department before operating any Morehead State University Police Segway.
- B. Supervision-** All Officers assigned to the Segway will follow the designated chain of command on their shift.
- C. Operation-** No Morehead State University Police Department personnel shall tamper with, modify, or change any of the Segway settings or programs, except for basic rider settings. All programming will be performed by an authorized Segway representative.



#### **D. Equipment**

1. Each Officer assigned shall be equipped with the following equipment:
  - Uniform and Gear: In accordance with Department's Uniform/Appearance General Order.
  - Proper Eye Protection.

**E. Maintenance-** Each Officer assigned to a Segway shall note any deficiencies prior to riding. All repairs and/or maintenance shall have the approval of the Assistant Chief of Police or designee prior to being performed.

#### **F. Segway Deployment/Functions-**

1. Segway operators shall be equipped with all necessary forms to handle any usually dispatched call. Patrol areas shall be scheduled by the shift supervisor prior to deployment of any Segway.
2. The Segway shall not be operated during periods of inclement weather. When precipitation appears imminent, the operator shall move the Segway out of the elements. As weather permits, Officers will return to their assigned Segway patrol. Segway should not be operated at temperatures below 30 degrees or on wet, icy, roads or sidewalks.
3. Operation of a Segway PT is allowed on sidewalks and pedestrian areas after yielding to pedestrian traffic.
4. When periods of heavy call for service are occurring, Segway operators should assist with the calls until the situation is returned to normal. This may require the operator returning to their vehicle until the calls for service are completed.
5. Segway PT Officers shall maintain radio contact and advise dispatch when entering or leaving prescribed patrol areas.

### **ARREST PROCEDURES**

Segway systems require an operator to make arrangements for prisoner transport. Operators should make appropriate arrangements with available vehicle units to have prisoners picked up and transported. Prisoners should be transported to the most appropriate locations for further investigation or booking. If a prisoner needs medical care, is resisting arrest, or any situations exists that requires immediate transport, the first patrol car on the scene will transport the arrestee to the appropriate location.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Building Security	<b>Chapter:</b> 40  <b>Page(s):</b> 1-2	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b> 8 May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose:** To establish procedures for the security of campus facilities, including administrative, academic, and athletic.

**Scope:** This operating procedure applies to all Morehead State University Police Department staff and should be considered general guidelines on which to base decisions concerning security of campus facilities.

**Procedure:** Morehead State University Police Department will provide necessary security for campus facilities in conjunction with all other University staff. Morehead State University has established the following policies and procedures to enhance the security of the campus community:

Academic and administrative buildings have normal operating hours posted on entrances. Persons remaining after the posted hours must have appropriate identification and authorization. Faculty and staff members are permitted within facilities 24-hours per day.

Faculty and staff will be required to show their Medeco key and a University ID card, when so requested by a member of the Morehead State University Police Department. Students must obtain the approval of the department Chairperson and possess an approved "After Hour Facility Utilization Authorization Slip". Students must have their copy of the slip and a valid University ID card in their possession and present same upon request. Residence halls normally permit entry through the main entrance and require key access after midnight Sunday-Thursday and 2 a.m. on weekends.

The Morehead State University Police Department employs student workers as Student Cadets to enhance residence hall security by randomly patrolling during the hours of midnight until 4 a.m.

Uniformed Security Personnel check security related issued including the security of doors and public areas. Anyone present in a residence hall may be asked to show a Morehead State University ID card to prove residency and their right to use the facilities. Failure to produce proper identification upon request of residence hall staff, Morehead State University Police Department, or any Morehead State University staff member may result in disciplinary action.

- A.** Administrative buildings should be secured as follows:

1. All interior doors are the responsibility of the occupants (user) and custodial staff working in the particular department or office in questions.
  2. The building supervisor in conjunction with the appropriate administrator should establish closing hours, in writing. A copy of the established closing hours should be provided by the Morehead State University Police Department and a list maintained in the dispatch office. Personnel should not enter facilities after hours unless they notify Morehead State University Police Department in advance of entering. It is the responsibility of those using the facilities after hours to re-secure the facility and notify Morehead State University Police Department of their departure.
  3. Officers will make random checks of exterior doors and windows. Dispatchers will log the results on the building security log. A walk-thru check should be made of any facility found unsecured after all authorized personnel (AP's) are known to have departed.
  4. Persons found inside buildings without authorization should be properly identified and an incident report should be prepared. If, in the opinion of the officer, an arrest is warranted, "criminal trespass" may be charged in addition to any other appropriate charges.
- B.** Athletic facilities shall be governed by similar procedures, however varsity athletic teams may practice when a member of the coaching staff is present:
- Jayne Stadium operating hours are established as sunrise to sunset during the normal periods that the University is open.
  - Athletic fields are open to the public only if properly scheduled through the Office of Conference Services. Written guidelines should be provided via memo or the computerized University calendar.
  - Persons observed using the facilities inappropriately or without permission shall be handled as outlined in paragraph a. 4., above.
- C.** Academic facilities should be posted with normal operating hours. The Morehead State University Police Department should maintain a list of these hours and should schedule their building checks based on it:
1. Students will not remain in academic facilities after hours unless they possess a properly approved permission slip, a properly issued key, or they are accompanied by an authorized person with a properly issued key.
  2. Faculty and staff members should notify the Morehead State University Police Department when entering or remaining in a facility after hours. They also assume the responsibility to ensure the facility is properly secured upon their departure. If they are unable to lock the facility, due to the type of locking mechanism, they shall contact custodial staff or Morehead State University Police Department for assistance.
  3. Persons observed using facilities inappropriately or without proper permission will be handled as outlined in paragraph A. 4., above.
- D.** Morehead State University Police Department staff shall not open facilities for groups unless they have properly been scheduled for the event through the Office of Conference Services.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b> Department Response to Domestic Violence	<b>Chapter:</b> 41  <b>Page(s):</b> 1-16	<b>KACP</b> 30.1
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

### I. INTRODUCTION

Domestic violence is a serious crime against the individual and the community. The failure of any law enforcement officer to properly respond and handle a domestic call, no matter how frequent, will expose individuals and the community to danger up to and including death. Because domestic violence can and does result in the death of individuals, every response to a domestic call, no matter how often, shall be treated the same as any other crime against a person.

Every response to a domestic call shall include a substantive investigation of the incident, which shall involve the gathering of background information, the gathering of physical evidence including pictures, clothing, and statements from direct and indirect witnesses including children and neighbors.

Every response to a domestic call, no matter how frequent, requires that every step possible be taken to ensure the safety of the victim including providing a safety plan to the victim and, if necessary, transporting the victim and children, if appropriate, to another site for safekeeping.

### II. PURPOSE

This domestic violence policy is designed to provide officers and support personnel with clear definitions, direction, and guidelines for providing and promoting a consistent, effective response to domestic violence crime in order to accomplish the following goals:

- make an arrest for any violation of an Emergency Protective Order ("EPO"), any violation of a Domestic Violence Order ("DVO"), any violation of a Foreign Protective Order ("FPO"), any violation of a Temporary Interpersonal Protective Order ("TIPO"), any violation of a Interpersonal Protective Order ("IPO") or any violation of a condition of release or bond when authorized by state law;
- reduce the incidence and severity of domestic violence crime;
- afford maximum protection and support to adult and child victims of domestic violence through coordinated services of law enforcement and victim assistance; and
- reduce the risk of civil liability for officers, supervisors and administrators, and the employing unit of government.

### III. DEFINITIONS

#### A. General Definitions

1. "Domestic Disturbance or Dispute Call" means a call involving an argument or disagreement between family members, unmarried couples, household members *or members of a dating relationship*.
2. "Domestic Violence Call" means a call where an adult, child, or a family member or member of an unmarried couple *or members of a dating relationship*. is alleged to be the victim of:
  - Physical injury or fear of imminent physical injury (explicit or implied threats);
  - Sexual abuse or in fear of imminent sexual abuse;
  - Unlawful imprisonment/kidnapping;
  - Property crime;
  - Stalking; or,
  - Violation of terms or conditions of a protective order by the other party.

NOTE: These calls are the types of cases which, by statute, must be reported to the Department for Social Services on the JC-3 form.

3. "Victim or Complainant" means any person who has been subjected to threats of or actual domestic violence and abuse. This includes persons who, at that time, may be reluctant to see the perpetrator arrested, file charges, or see the perpetrator prosecuted.
4. "Exigent Circumstances" means those circumstances or emergencies, which authorize officers to enter a dwelling without consent or a warrant. Examples of such emergencies are:
  - Hot pursuit of a fleeing felon;
  - The imminent destruction of evidence;
  - The need to prevent a suspect's escape;
  - The risk of danger to the police or others;
  - Reasonable belief that a person inside is in need of immediate protection or assistance.

NOTE: If the officer is not in hot pursuit, the officer must have probable cause that one or more of the other three circumstances are present. In assessing the risk of danger, the officer should consider the seriousness of the crime and the likelihood that the suspect is armed. Minnesota v. Olson, 110 S.Ct. 1684 (1990)

5. "Probable Cause" to justify an arrest means facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing in the circumstances shown, that the suspect has committed, is committing, or is about to commit an offense. Probable cause means more than a simple suspicion or a hunch. The officer must have concrete facts or reliable information giving the officer a reasonable belief that the suspect probably committed the crime. Probable cause is frequently referred to in cases and statutes as "reasonable grounds".

NOTE: (1) The victim's statement is a factor that should be considered in determining whether probable cause exists. (2) The officer shall use the JC-3 form (Child Abuse, Adult Abuse and Domestic Abuse Standard Report) to document the evidence giving the officer probable cause to make the arrest, and/or report suspected abuse.

## B. Domestic Violence and Abuse Definitions

1. "Domestic Violence and Abuse" means not only causing physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple, but also causing fear of such imminent physical injury, serious physical injury, sexual abuse, or assault. KRS 403.720(1).
2. *"Dating Violence and Abuse" - means physical injury, serious physical injury, stalking, sexual assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault occurring between persons who are or have been in a dating relationship.*
3. *"Dating relationship" means a relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The following factors may be considered in addition to any other relevant factors in determining whether the relationship is or was of a romantic or intimate nature:*
  - (a) Declarations of romantic interest;*
  - (b) The relationship was characterized by the expectation of affection;*
  - (c) Attendance at social outings together as a couple;*
  - (d) The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;*
  - (e) The length and recency of the relationship; and*
  - (f) Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship existed;*
3. "Physical Injury" means substantial physical pain or any impairment of physical condition. KRS 500.080(13).
4. "Family member" means a spouse, including a former spouse, a grandparent, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim. See KRS 403.720(2). KRS 431.005(2)(b) also lists grandparents.

NOTE: The AOC Clerk's Manual lists the following as being included: spouse, ex-spouse, child, stepchild, grandparent, grandchild, brother, sister, son- or daughter-in-law, spouse's parent, spouse's grandparent, spouse's brother or sister.

5. "Member of an Unmarried Couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together. KRS 403.720(3); KRS 431.005(2)(c).

NOTE: (1) The AOC Clerk's Manual lists the following as being included: the parent of the victim's child even if the parties are not married, any children of that couple or member of an unmarried couple who are living together or formerly lived together; (2) The statutes do not define "couple" or "living together". Officers should make a determination of whether or not parties are a "couple" or "living together" without being influenced by gender or sexual orientation or whether or not sexual activity is involved.

## C. Protective Orders

1. "Emergency Protective Order" ("EPO") means an ex parte court order (an order issued at the request of one party without a hearing) issued under the provisions of KRS 403.740

against a family member or a member of an unmarried couple who has been determined to present an immediate and present danger and which is valid for up to 14 days (the date of expiration should appear on the order).

NOTE: (1) The officer seeking to enforce the order shall determine that certain conduct has been prohibited on the order form or in the LINK system--he cannot assume that any particular provision is in force; (2) He must also determine whether service or notice of the order has been completed.

2. "Mutual Protection Order" is an order of protection against both the Petitioner and Respondent only if each has filed a separate petition seeking protection against the other. The order must be specific so as to make clear to any peace officer which party has violated the order. KRS 403.735 (2).
3. *"Temporary Interpersonal Protective Order" ("TIPO") - means an ex parte court order (an order issued at the request of one party without a hearing) issued for a victim of dating violence and abuse; a victim of stalking; a victim of sexual assault; or an adult on the behalf of a victim who is a minor otherwise qualifying for relief; against a person who has been determined to present an immediate and present danger and which is normally valid for up to 14 days (the date of expiration should appear on the order).*

NOTE: Out of state mutual protection orders are enforceable only if the issuing court has made specific findings that each party in a separate order was entitled to an order of protection.

4. "Domestic Violence Order" ("DVO") means a court order issued under the provisions of KRS 403.750 following a hearing against a family member or a member of an unmarried couple where the court has found violence has occurred and is likely to occur again. In Kentucky a "DVO" is valid for up to three years (the date of expiration should appear on the order).
5. *"Interpersonal Protective Order" ("IPO") - means a court order issued following a hearing for a victim of dating violence and abuse; a victim of stalking; a victim of sexual assault; or an adult on the behalf of a victim who is a minor otherwise qualifying for relief; against a person to whom the court has found violence has occurred and is likely to occur again. In Kentucky an "IPO" is valid for up to three years (the date of expiration should appear on the order).*
6. "Foreign Protective Order" ("FPO") means any judgment, decree, or order of protection issued by a court of any state of the United States or tribal court which is entitled to full faith and credit in this state pursuant to 18 U.S.C. sec. 2265. KRS 403.7521(1). Foreign Protective Orders shall be enforced as written.

NOTE: These out-of-state orders may not have an expiration date and may even contain provisions which could not otherwise be issued by a Kentucky court.

#### **D. Adult Abuse or Neglect/Exploitation Definitions**

1. "Abuse or Neglect" means the infliction of physical pain, injury or mental injury, or the deprivation of services by a caretaker which are necessary to maintain the health and welfare of an adult, or a situation in which an adult, living alone, is unable to provide or obtain for himself the services which are necessary to maintain his health or welfare, or a situation in which a person inflicts physical pain or injury upon a spouse or deprives a spouse of reasonable services necessary to maintain the health and welfare of his spouse. KRS 209.020(7).

2. "Adult" means a person eighteen (18) years of age or older or a married person without regard to age, who because of mental or physical dysfunction, or who is the victim of abuse or neglect inflicted by a spouse, is unable to manage his own resources, carry out the activities of daily living, or protect himself from neglect, hazardous or abusive situations without assistance from others and may be in need of protective services. KRS 209.020(4).
3. "Exploitation" means the improper use of an adult or an adult's resources by a caretaker or other person for the profit or advantage of the caretaker or other person. KRS 209.020(8).

#### **E. Abused or Neglected/Dependent Child Definitions**

1. "Abused or Neglected Child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or other person exercising custodial control or supervision of the child, inflicts or allows to be inflicted upon the child physical or emotional injury by other than accidental means; commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child; creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child; abandons or exploits such child; does not provide the child with adequate care, supervision, food, clothing, shelter and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing his religious beliefs shall not be considered a negligent parent solely because he fails to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child. KRS 600.020(1).
2. "Dependent Child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child. KRS 600.020(15).
3. "Person Exercising Custodial Control or Supervision" means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child. KRS 600.020(34).

#### **F. Stalking Definitions**

1. "Stalking" means an intentional course of conduct directed at a specific person which seriously alarms, annoys, intimidates or harasses; which serves no legitimate purpose; and which would cause a reasonable person to suffer substantial mental distress. KRS 508.130(1).
2. "Course of Conduct" means a pattern of conduct composed of two or more acts, evidencing a continuity of purpose; it does not include constitutionally protected activity. KRS 508.130(2).

#### **G. Other Definitions**

1. "Self Protection" or "Protection of Another" means a person's justifiable use of physical force upon another person when the person believes such force is necessary to defend himself or a third person from the use, or imminent use, of unlawful physical force by such other person. KRS 503.050; KRS 503.070.



2. "Imminent" means impending danger, and, in the context of domestic violence and abuse as defined by KRS 403.720, belief that danger is imminent can be inferred from a past pattern of repeated serious abuse. KRS 503.010(3).
3. "Peace Officer" for purposes of this policy means an officer certified pursuant to KRS 15.380.

#### **H. The Violence Against Women's Act Federal Crimes**

1. "Interstate Domestic Violence" means: crossing a state line in order to commit domestic violence and subsequently committing the act. This crime occurs when:
  - a. a person who travels across a state line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person's spouse or intimate partner; and,
  - b. who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner. 18 .S.C sec.2261 (a) (1).
2. "Interstate Domestic Violence" means: causing another to cross a state line due to domestic violence. This crime occurs when:
  - a. a person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian country by force, coercion duress, or fraud; and,
  - b. In the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person's spouse or intimate partner. 18 U.S.C. sec. 2261 (a)(2).
3. "Interstate Violation of a Protection Order" means: crossing a state line in order to commit domestic violence in violation of a protection order and subsequently violating the protection order. This crime occurs when:
  - a. a person who travels across a state line or enters or leaves Indian country with the intent to engage in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment or bodily injury to the person or persons for whom the protection order was issued; or
  - b. Would violate the protection order if the conduct occurred in the jurisdiction in which the order was issued; and,
  - c. Subsequently engages in conduct, which violates the protection order. 18 U.S.C. sec.2262(a)(1).
4. "Interstate Violation of a Protection Order" means: causing another to cross state lines fleeing because of domestic violence committed in violation of a protection order. This crime occurs when:
  - a. A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian country by force, coercion, duress, or fraud; and,
  - b. In the course or as a result of that conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a state. 18 U.S.C. sec. 2262 (a)(2).

## **IV. POLICY**

### **A. To Accomplish These Goals, Every Officer Shall:**

- Make an arrest when authorized by state law as the preferred response, instead of using dispute mediation, separation or other police intervention techniques;
- Treat all acts of domestic violence as criminal conduct;
- Respond with the same protection and sanctions for every domestic violence incident, regardless of race, religion, creed, national origin, gender, sexual orientation, disability, and socio-economic status, including cases where any of the alleged parties may be a law enforcement officer, public official or prominent citizen; and
- Immediately report all known or suspected cases of domestic violence and abuse, adult abuse, or child abuse as required by state law;
- Receive training on domestic violence as required by state law.

NOTE: Every officer shall document action taken (arrest or non-arrest) on the JC-3 form.

### **B. The following facts shall not be considered as an independent compelling reason not to arrest the perpetrator. These facts may be used as background information to complete a domestic violence investigation for prosecution:**

- The marital status of the suspect and the victim;
- Whether or not the suspect lives on the premises with the victim (except as may be necessary to qualify the parties as "members of an unmarried couple");
- Whether the victim has not obtained a protective order against the perpetrator;
- The potential financial consequences of arrest;
- Whether there have been previous law enforcement responses to domestic calls at this address;
- Verbal assurances that the violence will cease;
- The victim's emotional status;
- Whether or not physical injuries suffered by the victim can be personally observed at the time of the law enforcement response;
- The location of the incident (i.e., public or private);
- Speculation that the victim may not follow through with the prosecution, or that the arrest may not lead to a conviction;
- The victim's initial reluctance regarding an officer-initiated arrest;
- The fact that the victim and suspect are of the same gender; or,
- The use of alcohol or drugs by either or both parties.

## **V. PROCEDURES**

### **A. Communications: General Responsibilities**

1. In progress domestic violence calls shall receive a high priority response. Communications will:
  - Use professional communications skills, obtain all pertinent critical information [see attached checklist];
  - Promptly relay all important information to the law enforcement officer including any information available through the LINK-Domestic Violence File;
  - Update the responding officer with additional information obtained from the caller by keeping them on the line unless they perceive themselves to be in danger;
2. Communications personnel should request the following information.
  - location of incident, victim and perpetrator;
  - type of incident (verbal/physical);

- need for emergency medical assistance including injuries and severity;
- weapons involved and descriptions;
- name and telephone number;
- dispatch two officers when available;
- other people involved including children/witnesses;
- perpetrator's dob/soc, previous history of domestic violence including previous law enforcement responses outstanding warrants;
- alcohol and or drug use;
- has perpetrator left scene, vehicle description, direction of travel;
- apparent hazards to responders including animals.

### 3. Safety of Complainant

- Communications personnel should attempt to maintain telephone contact with the complaining party in order to monitor the situation and provide the most recent information until the officer arrives;
- If the complainant must leave the telephone to seek safety, advise the caller to lay the phone down and not disconnect so the communications personnel can monitor the situation;
- If the complainant is calling away from the scene advise them to remain there until the law enforcement officer arrives. Advise the responding officer of their location;
- For officer safety update the responding officer with all new information so he may approach the scene with as much information as possible;
- Advise the responding officer of additional calls from the residence including those requesting to cancel the call but do not advise the officer to cancel the call;
- Any interrupted or disconnected calls should be responded to if the location is known.

## B. On-Scene Investigation, Arrest and Post Arrest Procedures

### 1. General Responsibilities at the Scene [see attached

checklist] when responding to domestic violence calls,

officers should:

- respond promptly to the call - utilize two officers when available;
- establish control;
- assess the situation for risks to all parties including children;
- attend to the emergency medical needs of those involved;
- interview parties/witnesses separately and away from the line of sight and hearing of the perpetrator; (use direct quotes of witnesses about their fears and concern);
- effect an arrest of the perpetrator as the preferred response, if legally possible;
- seize any weapons used in the incident;
- inform the victim of rights;
- provide victim information on legal remedies and community services available for protection and safety planning;
- assist the victim in securing medical attention which shall include arranging for the transporting of the victim to obtain medical attention;
- assist the victim in securing legal protection (warrant, protective order) which may include transporting the victim to obtain the legal protection, if appropriate;
- report all actual and suspected incidents of abuse to the Cabinet for Families and Children, Department for Social Services, using the "Child Abuse, Adult Abuse, and Domestic Abuse Standard Report" form (JC-3);
- if the exigent circumstances have ceased, obtain a consent to search or obtain a search warrant when appropriate;

- collect and photograph all relevant evidence required for successful prosecution [use body map with checklist to document injuries];
- arrange for follow up photographs of the victim in order to demonstrate the extent of the injuries that may later become more obvious;
- attend to any children or dependent adults;
- check LINK and NCIC for outstanding warrants, history file on protective orders and whether there are any active "EPO's", "DVO's", "TIPO", "IPO" or Foreign Protective Orders ["FPO's"]. [For various reasons not all valid domestic violence orders may be in the LINK system].

. Arrests

a. Arrest is the preferred response to domestic violence. All arrests shall be made in conformity with Kentucky state law, agency policy and procedures.

b. Warrantless arrest for domestic violence related felonies is the preferred response. c. Misdemeanor arrests without a warrant:

(1) As long as there exists probable cause to believe an offender has intentionally or wantonly caused injury to a family member or a member of an unmarried couple

the officer may arrest for Assault in the Fourth Degree. KRS 431.005(2)(a).

NOTE: (1) Effective July 1996 the officer does not have to determine whether the offender will present a danger or threat of danger to others if not immediately restrained in order to effect an arrest for an Assault in the Fourth Degree. KRS 431.005(2)(a). (2) A "Peace Officer" for purposes of this provision now include full-time sworn officers of the Kentucky Horse Park, a commissioned full-time State park Ranger, a full-time State Water Patrol Officer, or a part-time paid law enforcement officer, who has completed a Kentucky Law Enforcement Council approved education training program prescribed by statute. KRS 431.005(3). (3) If the misdemeanor assault charge is a third or subsequent offense, the penalty for the arresting offense can be enhanced by one degree. In order for the enhancement of the penalty it is not necessary that the victim be the same person. KRS 508.032. The officer should make a reasonable effort to determine if there is a prior history.

3. If there is probable cause to believe that any condition of a bond or pre-trial release has been violated and the officer has verified that the offender has had notice of the conditions, he shall arrest the offender without a warrant. KRS 431.005(4) *and 431.064 Pretrial release of person arrested for assault, sexual offense, or violation of protective order.*

NOTE: Because release conditions are not contained in any computerized information system it is important to collect a criminal history background of the perpetrator at the scene as well as documentation of the release conditions, if available at the scene. Release checks can be made the following day and any arrests can be effected at that time.

**4. Emergency Protective Orders "EPO" and Temporary Interpersonal Protective Orders "TIPO"**

- a. EOP's and TIPO's are immediately enforceable only if the respondent has been served or given notice of the contents;
- b. the law enforcement officer should check through the LINK-Domestic Violence File to verify service of EOP's and TIPO's;
- c. If personal service has not occurred the officer shall immediately give the respondent notice of the contents of EOP's and TIPO's;
- d. After notice has been given to the respondent its terms are binding and enforceable for subsequent acts;

e. The law enforcement officer shall then make arrangements for personal service of *EOP's and TIPO's* if possible and make notification to the communications center of this department and notification to the responsible agency for LINK entry of the orders.

***KRS 456.090 Law enforcement to assist protective order petitioner and victim of dating violence and abuse, sexual assault, or stalking – Statewide enforcement – Civil and criminal immunity***

(1) *A court issuing an interpersonal protective order shall direct the appropriate law enforcement agency to assist the petitioner in having the provisions of the order complied with.*

(2) *When a law enforcement officer has reason to suspect that a person has been the victim of dating violence and abuse, sexual assault, or stalking, the officer shall use all reasonable means to provide assistance to the victim, including but not limited to:*

(a) *Remaining at the location of the call for assistance so long as the officer reasonably suspects there is danger to the physical safety of individuals there without the presence of a law enforcement officer;*

(b) *Assisting the victim in obtaining medical treatment, including transporting the victim to the nearest medical facility capable of providing the necessary treatment; and*

(c) *Advising the victim immediately of the rights available to them, including the provisions of this chapter.*

(3) *Orders of protection shall be enforced in any county of the Commonwealth.*

(4) *Officers acting in good faith under this chapter shall be immune from criminal and civil liability.*

***KRS 456.100 Amendment of interpersonal protective order to require participation in global positioning monitoring system***

\* \* \* \* \*

*A respondent who fails to wear, removes, tampers with, or destroys a global positioning monitoring system device in contravention of an order entered under this section shall be guilty of a Class D felony*

NOTE: Information regarding notice and arrangements for service shall be marked on the JC-3 form.

**5. Domestic Violence Orders "DVO" and Interpersonal Protective Orders "IPO"**

- a. *DVO's and IPO's* shall be enforced immediately upon issuance.
- b. The officer shall make sure that the conditions for which an arrest is made are prohibited in the *DVO's and IPO's*.

NOTE: (1) All law enforcement officers should be aware that pursuant to the Carrying Concealed Deadly Weapon statute, "...when a domestic violence order or emergency protective order is issued pursuant to the provision of KRS Chapter 403 against a person holding a license issued under [the law], the holder of the permit shall surrender the license to the court or to the officer serving the order." KRS 237.110(13)(k); (2) The meaning of this statutory provision is not completely clear and law enforcement officers should be aware of any court decisions which interpret the authority of a law enforcement officer in this situation.

**6. Foreign Protective Orders ["FPO"]**

- a. General
  - (1) All out of state protective orders shall be enforced as written including provisions which grant relief not available in Kentucky;
  - (2) All foreign protective orders are presumed valid upon presentation to the law

- enforcement officer. Foreign protective orders do not have to have been entered into the LINK system to be valid and enforceable;
- (3) Some foreign protective orders may have been filed of record and may be verified through LINK.

### **C. Arrest procedures**

1. When a foreign protective order is presented to the law enforcement officer by the complainant the officer shall:
  - a. determine whether the order is current.
  - b. determine whether the conduct complained of is prohibited by the order.

NOTE: For different reasons some foreign protective orders do not have expiration dates on them. Even though no expiration date is contained on the order the officer shall accept the statement (written or oral) of the complainant that the order is current.

2. The officer shall inquire of the complainant whether the protective order has been filed with the circuit clerk's office.
  - a. If the order has been filed with the clerk's office it can be further verified through the LINK system.

NOTE: Even if the order has not been filed with the court clerk and is not available on LINK it is still a valid order of protection as long as step 1 is completed.

3. The officer shall assume that the respondent was given notice of domestic violence order and its contents;
4. If the officer has probable cause to believe the respondent has violated the terms of the protective order he shall arrest the respondent as having violated a protective order; KRS 403.763.
5. All peace officers shall make arrests for a violation of a foreign protective order in the same manner as a violation of an emergency protective order or domestic violence order as if it had been entered by a Kentucky Court. The charge shall be a violation of a protective order.

NOTE: (1) This shall not preclude officers from arresting the perpetrator for other violations of the Kentucky Penal Code; (2) Law enforcement officers are not expected to be aware of any changes of a foreign protective order that are not clearly on the order itself, or, if the order is on LINK, if the changes are not indicated on LINK; (3) It is the obligation of the victim to notify the court of changes in the order.

### **D. Mutual Violence**

1. Where the officer has probable cause to believe that two or more persons committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer shall try to determine who the primary aggressor was and whether one party acted in self-defense;
2. The officer should arrest the primary aggressor;
3. Where there is probable cause to believe that all parties are equally responsible the officer should contact his immediate supervisor for assistance in a resolution;

4. Officers should not use mutual arrests as a substitute for a thorough investigation. NOTE: Arresting both parties is not the preferred response.
5. Factors to consider in mutual violence situations to determine the primary aggressor:
  - (a) The history of domestic disputes/violence between the persons;
  - (b) The degree of injury inflicted upon each person keeping in mind that many injuries to the head and body may not be visible at the time;
  - (c) Objective and testimonial evidence from the parties and other persons at the scene including children;
  - (d) Whether one person acted in self-defense;
  - (e) The presence of fear of the parties involved and the level of fear (who is afraid of whom); and,
  - (f.) The likelihood of future injury.

NOTE: An injury inflicted in self-defense is not a basis for an arrest for a violation of a mutual protection order.

#### **E. Obtaining Warrants/Protective Orders**

1. When a domestic violence crime has allegedly been committed, and the officer is unable to arrest the alleged perpetrator under the provisions discussed above, the officer shall assist the victim in obtaining an arrest warrant and/or protective order;
2. The officer may apply for an arrest warrant himself when he has sufficient information to establish probable cause;
3. The officer may consult with his supervisor;
4. Prosecution is the preferred response even if the officer has to take the initiative;
5. The victim's non-cooperation shall not be considered when seeking warrants;
6. If the offense occurs after normal working hours this department will follow the 24-hour access policy established by the court;

NOTE: Each law enforcement agency should insert their local court's 24-hour policy for obtaining emergency protective orders and warrants and its own policy for transporting victims.

#### **F. Duty to victim whether or not an arrest has been made**

1. Whether or not an arrest has been made, if the officer has reason to suspect that a family member, member of an unmarried couple, or household member has been the victim of domestic violence, the officer is required by KRS 403.785(2) to use all reasonable means necessary to prevent further domestic violence, including but not limited to:
  - a. remaining at the scene as long as the officer reasonably suspects there is danger to the physical safety of the individuals present without the presence of a law enforcement officer;

- b. assisting the victim to obtain medical treatment, including offering to transport, or arranging for the transportation of the victim to the nearest medical treatment facility capable of providing the necessary treatment; and
- c. advising the victim of rights and services available.

NOTE: (1) These "rights and services" include information about criminal complaint procedures, availability and enforcement of civil protective orders, availability of emergency shelter services, protective services of DSS, and other community resources. Many of these rights and services are printed on the "Victim Rights Information" tear-off portion of the JC3 form; (2) Tearing off the victim rights information portion of the JC3 form and giving it to a victim may not fully satisfy this duty. The responding officer should also ensure that the victim can read and understand the printed form.

- 2. In order to protect the victim and provide access to a safe environment the officer should:
  - a. Provide a copy of a safety plan, if available;
  - b. Inform the person of local procedures for victim notification.
- 3. Whether or not an arrest has been made, the officer shall report any known or suspected adult or child abuse, neglect or exploitation immediately, or any known or suspected domestic violence or abuse within 48 hours, to the Cabinet for Families and Children, Department for Social Services using the JC-3 form.
  - a. Death of an adult or a child does not relieve the officer of the responsibility to report the circumstances surrounding the death related to abuse or neglect.

## G. Special Circumstances

### 1. Agency Assigned Service of an ***Emergency Protective Orders "EPO" and Temporary Interpersonal Protective Orders "TIPO"***

- a. *Emergency Protective Orders "EPO" and Temporary Interpersonal Protective Orders "TIPO"* assigned by the District or Circuit Court for service by this agency shall receive high priority response. These orders shall be segregated from other orders or warrants to be served.
- b. Upon service of the order on the respondent, the officer shall immediately notify the communications center of this agency and in turn the law enforcement agency in the issuing jurisdiction responsible for entry of domestic violence protective orders *and Interpersonal Protective Orders* on the LINK-Domestic Violence File.
- c. The officer should promptly arrange for a copy of the order with the verified service to be delivered to the entering agency for modification to the LINK-Domestic Violence File record.

### 2. Offender or Victim has Left the Scene

- a. If probable cause exists that an alleged perpetrator has committed an assault on a family member, member of an unmarried couple *or party involved in a Dating Relationship*, or has violated a protective order, a domestic violence order, *interpersonal protective order* or a foreign protective order, but the perpetrator has left the scene, the responding officer shall interview all available witnesses, record or document these interviews, and collect all available physical evidence.

NOTE: In order to arrest the perpetrator the officer does not have to make a determination that the perpetrator will present a danger or threat of danger to others if not immediately restrained. KRS 431.005(2)(a).



- b. If the officer is unable to arrest the alleged perpetrator within a reasonable time, the officer should assist the victim in seeking an arrest warrant and/or emergency protective order / *Temporary Interpersonal Protective Order* to deter future domestic violence;
- c. If probable cause exists that there has been an assault on a family member, member of an unmarried couple *or a party involved in a Dating Relationship* or that a protective order has been violated, but the victim has left the scene, the responding officer shall, in addition to investigating the offense at the scene, attempt to locate the victim, determine whether the victim needs medical assistance and continue the investigation where the victim is located;
- d. Effecting an arrest consistent with state law is the preferred response even when one party or the other has left the scene. This may include an arrest based on probable cause or the officer applying for an arrest warrant himself.

NOTE: Every law enforcement officer should check his local policies to determine whether he should apply for the arrest warrant.

### 3. Domestic Violence Perpetrator is a Juvenile

- a. Officers shall handle juvenile perpetrators of domestic violence in the same manner as when the alleged perpetrator is an adult perpetrator;
- b. If a juvenile is taken into custody, officers shall process the juvenile under the provisions of the Juvenile Code (KRS Chapters 600-645);
- c. Officers should not release juvenile perpetrators at the scene
- d. Officers should contact the Court Designated Worker (CDW) for an alternative placement for the juvenile perpetrator.

### 4. Special Needs Victims

- a. Some domestic violence victims have special needs because of their relationship to the perpetrator, limited physical or mental abilities, or some other factor. These factors make it extremely difficult for them to report their victimization, call for assistance, or participate fully in the investigation and prosecution of their case.
- b. Such special needs victims may include:
  - pregnant women,
  - physically or mentally disabled persons,
  - alcoholic or chemically dependent persons,
  - males,
  - adolescents, and,
  - culturally diverse populations.
- c. Officers should treat all victims respectfully and as seriously as any other criminal case;
- d. Officers should refer these victims to specialized support services to ensure the victim receives protection, physical assistance, medical treatment or other services as needed.

### 5. Marital Rape/Sexual Assault

Responding officers shall follow all procedures relating to investigation and evidence collection (including comprehensive sexual assault examinations) where a sex offense is reported, regardless of the relationship including the marriage of the victim to the alleged perpetrator.

NOTE: There is no exemption for marital rape. KRS 508 and KRS 510.

6. Children, Dependent Adults and Elderly Adults  
Even where a spouse or partner is the primary victim, officers shall take appropriate action on behalf of children, dependent adults, and elderly adults at the scene who may be the direct or indirect victims of violence.
7. Domestic Violence Stalking
  - a. Officers should complete a full report and investigation where a domestic violence victim alleges that he or she has been stalked;
  - b. Officers should advise stalking victims to notify this agency of subsequent incidents.
8. Special Relationship/Prominent Citizen
  - a. A responding officer shall notify his supervisor when he responds to a domestic violence call involving a public official, or a prominent citizen.
    - (1) A responding officer and supervisor shall apply this policy equally to all members of the community;
    - (2) This applies whether the person is the victim or the perpetrator.
  - b. A responding officer shall notify his supervisor when he responds to a domestic violence call involving law enforcement personnel.
    - (1) When possible the investigation should be handled by an officer at least one rank higher than the party involved;
    - (2) The investigating officer shall notify the highest ranking officer on duty of the investigation.
  - c. When a law enforcement officer is investigating a member of another law enforcement agency that investigating officer should notify the highest ranking officer on duty of the agency with whom the officer under investigation is employed.
    - (1) This applies whether the person is the victim or the perpetrator.
9. Duty to Warn
  - a. Officers who receive warnings from mental health professionals under the provisions of KRS 202A.400 of threatened violence against an identifiable victim or victims should attempt to contact the intended victim or victims;
  - b. Officers should inform the victim of the threatened violence, advise him or her of all available legal remedies and assist the victim in accessing those legal remedies;
  - c. Officers should discuss alternative safety plans with the intended victim, provide transportation to a safe location if necessary, and give other indicated assistance;
  - d. Officers and supervisors should decide what further investigation or action (e.g., increased patrol, alert to all shift officers, etc.) is indicated;
  - e. Officers and supervisors should fully document the report of threatened violence, all attempts by officers to contact the intended victim or victims, actions taken on behalf of the intended victim or victims, and all further recommended investigations or actions.
10. Involuntary Hospitalization
  - a. If the officer believes the domestic violence perpetrator has a mental health condition which indicates that the person is an imminent danger to self or others, the officer needs to follow the provisions set forth in KRS 202A;
  - b. This statute should not be used as a substitute for an arrest.

NOTE: Check local procedures for the placement of this individual in an appropriate facility.

## H. Other Related Matters

### 1. Confidentiality

The actual location of any spouse abuse center, or other emergency shelters, shall not be communicated by any electronic means. Such information shall be communicated only on a face-to-face, need-to-know basis to other law enforcement personnel.

### 2. Training

KRS 403.784 requires that each officer receive initial training, followed at least every two years by continuing education courses, developed by the Justice Cabinet concerning the dynamics of domestic violence, effects of domestic violence on adult and child victims, legal remedies for protection, lethality and risk issues, model protocols for addressing domestic violence, available community resources, victims services, and reporting requirements.

### 3. Good Faith Immunity from Liability

a. Officers who reasonably perform their duties in good faith have immunity from civil and criminal liability under the following situations:

- Enforcing Emergency Protective Orders or Domestic Violence Orders. KRS 403.755(2).
- Enforcing foreign protective orders. KRS 403.7529(3).
- Making a report or investigation for adult abuse or neglect. KRS 209.050; KRS 403.715(5).
- Making a report or investigation for child dependency, abuse or neglect. KRS 620.050(1); KRS 403.715(5).



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Escorts, Motorcades, Funeral Procession	<b>Chapter:</b> 42  <b>Page(s):</b> 1-3	<b>KACP:</b> 24.2
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**I. Purpose:** To establish directives relative to utilizing agency vehicles and agency personnel for purposes of escorting other motor vehicles.

**II. Policy:** It is the policy of this agency to provide service to the community in a safe and balanced manner. This service may include limited law enforcement escorts for the purpose of providing safe passage to the escorted party while also providing for the safety of all other motorists and in compliance with applicable law.

**III. Definitions:**

**A. Funeral Procession:** Two or more vehicles accompanying the body of a deceased person when each vehicle has its headlights on or is displaying a pennant attached in such a manner as to be clearly visible to approaching traffic.

**B. Oversized Vehicle Escorts:** A request of law enforcement to assist in the movement of an oversized vehicle or oversized item being transported through a confined area for the protection of other motorists.

**C. Civic Event Escorts:** A request by a group to escort two or more vehicles that will be expressing spirit or gathering the public's attention during a specified route of travel. This includes but is not limited to: parades, athletic celebrations, and celebrity/dignitary escorts.

**D. Motorcade:** A procession of cars or other vehicles, which includes funeral processions and civic event escorts.

**IV. Procedure:**

**A. All escorts shall be approved by the Chief of Police.**

**B. Escorts may only be conducted with vehicles equipped with emergency lighting equipment and siren.**

**C. Officer Responsibility During Escorts:**

**a.** Officers have authority to refuse to start any escort where the officer determines that the motorcade will pose a hazard to the officer, the participants in the motorcade, or the public.

- b. In such cases the officer shall immediately notify a supervisor of the decision and inform the sponsor that the motorcade cannot go forward until the supervisor reviews the circumstances of the motorcade.
- c. An officer may withdraw from an escort in cases where they are needed for an emergency call involving a threat to human life, or when authorized by a supervisor. In such cases:
  - i. The officer shall notify the person responsible for the motorcade of the need to withdraw.
  - ii. The officer shall make it clear to the lead vehicle of his intent to withdraw and inform the operator not to attempt to follow.
  - iii. The officer shall consider the safety of the motorcade participants as a factor in determining whether to withdraw, a safe location to withdraw, and shall withdraw using due regard to the safety of others.
- D. Civic Events:** Kentucky Revised Statutes do not provide exemptions for escorts of a civic nature (parades, athletic celebrations, celebrity/dignitary escorts). The agency will only escort in these situations when the requesting party has provided advance notice.
  - a. Date and approximate times of the anticipated escort; and
  - b. Staging area where the escort is to begin; and
  - c. Designated route of the escort; and ending location.
- E. Escorting Emergency Vehicles:** Agency vehicles shall not escort an emergency vehicle which has its own emergency operating equipment unless the escort is necessary for protection of life and authorized by the supervisor under the following circumstances:
  - a. An operator of an ambulance or other necessary emergency vehicle is unfamiliar with the route to the destination; or
  - b. The emergency equipment of the ambulance or other necessary emergency vehicle is inoperative.

**NOTE:** Officers may take a stationary position at intersections and control traffic to expedite the movement of an emergency vehicle.
- F. Escorting private vehicles in an emergency:** Private vehicles shall not be escorted in an emergency circumstance such as a private individual attempting to get another to the hospital.
  - a. The officer shall notify emergency medical services to respond to the scene and render aid until the arrival of EMS.
  - b. If the subject can be safely moved to a police vehicle, and it would be dangerous to the life of the person to wait for EMS, the individual may be transported in the agency vehicle.
- G. Funeral Procession:** Kentucky Revised Statutes 189.(378) creates a specific exemption for funeral processions with respect to obedience to traffic control devices but requires all participants to act with due caution with regard to all crossing traffic. The exemptions granted for funeral processions do not apply to any other escort conducted by law enforcement.
  - a. The Chief must authorize the escort of a funeral procession.

- b. The funeral director shall be informed of applicable law regarding funeral processions.
    - i. Funeral processions utilizing interstates/parkways/limited access highways do not enjoy a right of way and traffic shall not be stopped on these roadways. Notification to procession participants shall be the responsibility of the funeral director.
    - ii. Officers will not escort funeral processions beyond their jurisdictional authority. If there are jurisdictional issues, they become the responsibility of the funeral director.
  - c. Prior to the start of the procession, the officer shall:
    - i. Meet with the funeral director to determine: the approximate number of vehicles in the procession; the most appropriate route taking into account the law enforcement resources available; the weather; traffic conditions; time of day; and existing road hazards.
    - ii. Request the funeral director to direct all participants of the procession to illuminate their headlights or display a pennant pursuant to KRS 189.378 (1).
    - iii. Escort officers should request other officer assistance in handling critical intersections when a large number of vehicles are involved.
    - iv. An officer may refuse the escort where the route or some other condition posed by the procession will pose a danger to the public. In such a case the officer shall immediately notify a supervisor.
  - d. During the procession:
    - i. An officer escorting a funeral procession shall activate emergency lighting and turn on headlights.
    - ii. An officer may utilize siren intermittently where necessary to warn motorists of the procession.
    - iii. An officer escorting a funeral shall come to a complete stop at all red lights or stop signs and ensure that the intersection is clear before proceeding.
    - iv. The officer shall not assume the right of way granted to funeral processions without exercising due caution with regard to crossing traffic.
- H. Oversized Vehicle Escorts:** the Chief of Police shall approve Escort of an oversized vehicle.
- a. Officers assigned to conduct an escort of an oversized vehicle shall adhere to all traffic regulations during the movement of the oversized vehicle.
  - b. Prior to the escort, officers shall determine if the escort will meet with any special conditions impacting traffic. I.e. movement of overhead wires.
  - c. If necessary, the department may provide additional officers to control traffic at intersections etc. in order to keep the oversized vehicle moving during the escort.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Escorts: Funds Protection	<b>Chapter:</b> 43  <b>Page(s):</b> 1–2	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b> 8 May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose:** To establish procedures for the protection of funds when in storage, transit or being accepted in large amounts at special events.

**Procedures:** Morehead State University Police Department will provide necessary security for protection of University funds under the following circumstances:

Storage: Funds in storage will be located in the central storage facility. Departments/Offices that generate funds will make daily deposits in accordance with University policy. There should be no requests for overnight guarding of funds. The following will also apply:

1. Facilities designated for funds storage will be identified to Morehead State University Police Department.
2. Alarms will be monitored and deficiencies noted in the communications log.
3. All alarms will be treated as unauthorized entry and will be physically checked by armed Morehead State University Police Department Officers. Each will be treated as an actual situation and appropriate caution and regard for human life will be observed. The use of weapons will be in accordance with state and University policy.
4. Any request for temporary storage with guards will be forwarded to the Chief of Police for consideration. Generally, such requests will be denied, unless accompanied by the Interaccount Transfer to offset department expenses and written approval from the Vice President for Administration and Fiscal Affairs.

Transfer: Requests for funds escort will be handled as follows:

1. The University Business Office has the authority to request funds escort. They will notify the dispatcher that an escort is required. The dispatcher will log the request and dispatch an officer (if no officer is available within 5 minutes, notify the Chief of Police or the Assistant Chief of Police). The dispatcher should keep the Business Office advised of approximate arrival time and any delay encountered. Similarly, officers will not dispatch themselves to the Business Office in anticipation of an escort and once on the scene they will not wait more than 5 minutes to begin the

escort. If the cashiers are not ready to transport, the officer will go back in-service until again dispatched. An appropriate log entry will be made. Only sworn officers will be used for funds escort duty.

2. Officers will meet the person carrying the funds at a predetermined "safe" location within the building and escort them to the vehicle. **UNDER NO CIRCUMSTANCES WILL ANY OFFICER ASSIST IN CARRYING FUNDS WHILE PROVIDING ESCORT SERVICES.** Agencies transferring funds must provide sufficient personnel to carry the same. At the bank the officer will accompany the person transporting funds to and from the facility. Officers will remain in the bank while the transaction is being conducted.
3. When enroute to pickup funds from the bank the cashier should meet the Officer at the vehicle, which will pull up in front of Howell McDowell Purchasing Office entrance.
4. Officers will keep the dispatcher advised of their status throughout the escort process. In case of emergency, the dispatcher will immediately notify the Morehead City Police and dispatch any available backup. Depending on the Situation the dispatcher may also need to notify the State Police for assistance.
5. Officers will not smoke, eat, or drink beverages while conducting funds escorts. There will be no unauthorized stops or unofficial business conducted in conjunction with funds escorts.

Special Events: Occasionally, special events generate sufficient funds to warrant concern about box office receipts and funds transfer/escort. The following guidelines are intended to assist the senior officer in making a decision concerning unexpected requests:

1. Event planners should make prior arrangements for the transfer of funds. It is doubtful that sufficient officers will be available for crowd control and funds escort. On campus escort may be accomplished by the officer (s) not associated with the event, if available.
2. If sufficient personnel are on-duty, one officer may be directed to remain in the vicinity of the box office while funds are present.

**NOTE: IN CASE OF A LIFE THREATENING EMERGENCY, FUNDS ESCORTS WILL BE TERMINATED AS RAPIDLY AS POSSIBLE IF THE PERSON CONDUCTING THE ESCORT IS THE ONLY OFFICER ON-DUTY OR ONLY AVAILABLE BACKUP UNIT. THE PERSON WITH THE FUNDS WILL BE DROPPED AT THE FIRST SAFE LOCATION POSSIBLE (I.E. BUSINESS OFFICE, BANK, MOREHEAD STATE UNIVERSITY POLICE DEPARTMENT, MOREHEAD CITY POLICE STATION, ETC.) AND THE DISPATCHER WILL BE NOTIFIED TO LOG THE SAME ADVICE, THE OFFICE OF ORIGIN.**





**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Evidence and Property Handling and Control		<b>Chapter:</b> 44  <b>Page(s):</b> 1-10	<b>KACP</b> 27.1-5, 29.1, 29.4
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police	

**PURPOSE**

The purpose of this Order is to establish policies and procedures for the security and maintenance of all evidence and found property.

**POLICY**

It shall be the policy of the Morehead University Police Department to establish and maintain procedures for collection, identification, preservation and transmittal of evidence and found property. Any evidence that should require laboratory analysis shall be packaged and handled under guidelines provided by the Kentucky State Police Evidence Collection Handbook.

**PROCEDURE**

A. Incoming Property and Evidence

1. Packaging of Property and Evidence

- a. Packaging materials are located at the evidence workstation and supply cabinet.
- b. All property and evidence must be placed in a regular evidence envelope, paper sack or box. Each package will be marked to indicate what item numbers are contained therein. Any property and evidence that cannot be packaged shall be properly marked or tagged with evidence and item number to avoid loss or misplacement.

2. Completion of Evidence and Property Form

- a. An Evidence and Property Form, KSP-41, shall be completed for all property and evidence received by the Department to assure that all items are accounted for. A copy is attached to the container in which the property or evidence is placed. If dealing with property, the owner's name, if known, should be recorded on the form and the two copies are submitted with the proper copy submitted with the case.

- b. All evidence and property shall be booked into Property and Evidence by an officer before the officer goes off duty. All property and evidence is placed in a temporary locker inside of the Evidence Closet, Room 109D. The officer is assigned the Evidence Closet key and places the property or evidence in a locker in the closet and then secures the locker with a lock. The Evidence Technician has the only key to the lockers in this closet. If an owner of found property arrives before the property has been placed in a locker, the officer can release it to the owner. They should be sure the owner signs the Evidence and Property Form.
- c. The Evidence Technician will check for newly booked property and evidence when they arrive for duty. The Evidence Technician will log in and transfer all evidence to the Evidence Room.
- d. If for any reason officers confiscate more evidence or property than can be secured in the Evidence Closet, the Evidence Technician should be notified to take the property directly to the Evidence Room.

### 3. Booking Coins and Currency

- a. **Coin and currency** must be counted and verified by two people and packaged separately from other evidence, using separate property tags.
- b. The denominations should be described and the amount totaled on the face of the currency envelope.
- c. Funds taken from multiple suspects involved in one case are booked into evidence using separate property tags and separate currency envelopes.
- d. Place money in a secured locker in the Evidence Closet. The Evidence Technician will place money in a cabinet with an additional lock in the Evidence Room.

### 4. Booking Weapons

- a. **Unloaded firearms** may be secured in a paper bag or gun box or with a tag attached.
- b. In cases involving the impounding of firearms, no other property, i.e., holster or ammunition, is listed on the same tag.
- c. **NO LOADED WEAPONS SHALL BE BOOKED INTO PROPERTY.**
- d. For all weapons other than firearms, the type, brand name, color and serial number should be listed.
- e. Knives, ice picks and other sharp objects should be encased in cardboard for safe handling or placed in appropriate knife box and marked "Sharp Object" on cardboard.
- f. Place weapons in a secured Temporary Evidence Locker. The Evidence Technician will place weapons in a cabinet with an additional lock in the Evidence Room.

## 5. Booking Jewelry

- a. Jewelry is packaged individually (each with its own tag), with only one piece per bag and packaged and stored separately from other property. Jewelry should never be identified as "one jewelry box containing misc. jewelry".
- b. Place jewelry in a secured locker in the Evidence Closet. The Evidence Technician will place jewelry in a cabinet with an additional lock in the Evidence Room.

## 6. Booking Narcotics and Dangerous drugs

- a. Narcotics and dangerous drugs are packaged separately and sealed with evidence tape; the tape is initialed by the booking officer. Officers shall wear latex gloves while handling any type of drugs or narcotics.
- b. ALL DANGEROUS DRUGS AND NARCOTICS SHALL BE WEIGHED.
  - 1) Capsules/pills are to be counted and weighed.
  - 2) Doses of LSD are to be counted.
  - 3) Marijuana plants are to be uprooted and the dirt removed, the plants are to be counted and weighed.
  - 4) Processed marijuana and powdered drugs should be weighed in their container and so noted on the property form.
- c. All found narcotics and dangerous drugs are booked in the same manner as evidence *and noted as found property*.
- d. All syringes are to be placed in a small box and labeled as "SYRINGE".
- e. Place drugs in a secured in Temporary Evidence Locker. The Evidence Technician will place drugs in a cabinet with an additional lock in the Evidence Room.

## 7. Booking Alcoholic Beverage Containers

- a. Officers should avoid booking opened alcoholic beverage containers into evidence if this evidence is not crucial to their case.
- b. When it is necessary, open containers will be accepted as evidence when empty, capped, or with other covering in place.
- c. Place alcoholic beverage containers in a secured in Temporary Evidence Locker. The Evidence Technician will place these containers in the Evidence Room.

## 8. Booking Evidence that Requires Refrigeration

- a. Perishable items of evidence, such as blood samples, urine specimens and perpetrator kits will be placed in the locked evidence refrigerator.
- b. The Evidence Technician will need to be notified to unlock the refrigerator. The Evidence Technician possesses the only key to this lock.

9. Explosives, fireworks, flammable liquids or materials must be stored in compliance with fire safety regulations. This evidence may be stored at a location designated by the Environmental Health and Safety Officer or at the facility provided by the Morehead Fire Chief.
10. Wet evidence (i.e., blood, or semen-stained clothing) should be tagged and taken to the evidence room to be hung to dry in the secured facility.
11. Vehicles that are evidence may be stored in the Morehead University Police impound lot between Lee Avenue and Lee Cemetery Road.
12. Dry clothing, bedding, shoes, etc. having value as evidence should be placed with only one article to a paper bag to avoid cross-contamination.
13. Documents should be duplicated and a copy included with the original report. This type of evidence may be packaged in a zip lock bag or envelope.
14. Checks should also be copied, and a copy included with the original report. Checks can be placed in a zip lock bag and tagged.
15. Found student ID's and Drivers' Licenses may be held in the locked evidence closet for up to 72 hours. Contact with owner should be made as soon as possible to make arrangements for property to be returned.
16. Keys to impounded vehicles should be turned in with paperwork to Traffic Office, unless vehicle is to be held as evidence.

#### B. Releasing Evidence

1. Property and evidence shall not be released by anyone except the Evidence Technician or their designee.
2. Officers should inform anyone inquiring about property or evidence to contact the Evidence Technician weekdays between 8:00 a.m. and 2:00 p.m. to make an appointment for the release of property. Officers should never tell the public to just come in between those hours as the Evidence Technician may not be available to release property at that time.
3. Evidence Examination
  - a. Officers requesting evidence to be sent to the KSP Lab, must fill out a KSP Lab request form and place it in the Evidence workstation box.
  - b. Evidence requiring testing at KSP Lab will be hand-carried or sent certified mail by an Evidence Officer.

- c. All evidence transfers should be carefully noted on the Chain of Custody portion of the Evidence and Property Form.
4. Photographing Released Property
- a. Officers should arrange for photographs of recovered property that is likely to spoil or ruin if booked into evidence, and arrange for its immediate return to the rightful owner.
  - b. Officers who recover stolen items that are unusually bulky, large, or are a necessity to the victim, should photograph the item and contact the Evidence Technician for release it to the owner as soon as possible.
- 1) Photos taken of recovered property should be filed in the affected case file.
  - 2) Crime scene video should be booked into the affected case file.
  - 3) Photographed items should be properly described and owners identified in all reports. A copy of KSP-41 Form will be kept on file by the Evidence Technician.
  - 4) If there is any doubt about the necessity of having the actual evidence rather than a photograph, the County Attorney's Office should be contacted for guidance.
- 5). Checking out Evidence for Court or Investigations
- a. Evidence may be requested to be checked out of the Evidence Room **only by the case officer**, Officers who have a subpoena to court that requires them to present the evidence, and/or investigative personnel assigned to the case.
  - b. Evidence Checked Out for Court
- 1) Officers needing evidence for court should send an email or a memo along with a copy of their subpoena for court to the Evidence Technician at least 10 days prior to the court date. If an officer is not given notice of court prior to 10 days, they should notify the Evidence Technician in the same manner as stated above as soon as is served.
  - 2) The officer signing evidence out for court will return it to the Evidence Technician as soon as the court is through with it. If the Evidence Technician is not available to accept it, the evidence should be placed in a secured Temporary Evidence Locker. The officer should complete a KSP-41 Disposition of Evidence / Property Form.
  - 3) If the court retains, confiscates, or orders its release, then the officer will complete a KSP-41 Form that will be signed by the prosecutor and returned to the Evidence Technician.
  - 4) When property is returned to the Evidence Technician, they will check to see that all contents listed on the evidence form are present if the package has been opened.

- 5) Any time an item of evidence is released, it will be noted on the original evidence form in order to maintain the chain of custody.
- C. Disposition of Evidence
1. Evidence may be disposed of in one of the following ways:
    - a. Authorization from the case officer.
    - b. Authorization from the detective assigned to the case.
    - c. Authorization from the case officer's commander.
    - d. A court order directing the disposal, forfeiture or release of evidence.
    - e. Dangerous drugs and narcotics:
      - 1) Destruction will be done a minimum of twice annually.
      - 2) The Evidence Technician will contact State Drug Control to have a representative from that agency to accompany them to the designated facility incinerator.
        - f. After 90 days, all found and/or unclaimed property will be destroyed or disposed of at University Surplus Auction. The money from these items will be disbursed in accordance with the policies of the University's Comptroller's Office. Money unclaimed after 90 days will also be turned over to the University's Comptroller's Office.
        - g. Firearms in evidence will be disposed of in accordance with Kentucky Revised Statutes.
        - h. When there is evidence in a case generated by a former employee, who adopts the case will be responsible for the release or disposal of remaining items in evidence.
  2. Review of Officer's Evidence File
    - a. To eliminate the hazards of overcrowded conditions caused as a result of an excessive amount of stored property, it is the responsibility of each officer to make proper disposition of all property they entered within six months after legal requirements have been satisfied.
    - b. It is the officer's responsibility to give final disposition on cases or items that have no evidentiary value.
    - c. A copy of all evidence in each officer's file will be sent to the officer quarterly by the Evidence Officer. It is the responsibility of each officer to inform the Evidence Officer of any property/evidence that they have booked in that can be released.

- d. In cases involving forfeiture, it is the officer's responsibility to ensure that a court order is issued and delivered to the Department. The court order should be obtained as soon as possible after final disposition of the case.

D. Evidence Room Management Controls

1. The Chief of Police is responsible for the custody of all property taken in by any member of the Police Department, or designated outside agency, that is suspected of being the proceeds of a crime, contraband, found property, or certain types of personal property.
  - a. The Chief of Police will appoint a Evidence Technician who is accountable for control of all property accepted by, or stored in, the Department's Property and Evidence storage areas.
  - b. In the event the Evidence Technician is on vacation, holiday, extended sick leave, or in training, they, upon approval of the Chief of Police, will designate a sworn officer, to be responsible for all the duties of the Evidence Technician. If possible, advance notice should be given to all officers so they can address property/evidence memos to the proper authority.
2. Records
  - a. The Evidence Technician shall maintain the Property and Evidence Forms that reflect the status of all property and evidence currently being held by the Department. These records shall include, but are not limited to; date and time received or released, description of items, and chain of custody.
  - b. The Evidence Technician will maintain these records in a separate file for safekeeping.
  - c. The Evidence Technician shall maintain records concerning inspections and inventories of property and audits of records indefinitely.
3. Access to Property Storage Areas
  - a. All personnel entering the agency's property storage area will be escorted by the Evidence Technician or their designee, with the exception of the Evidence Closet.
  - b. After hours, officers will deposit property and evidence in Temporary Evidence Locker, Room 109 of Headquarters. Proper booking procedure shall be used as outline previously in this General Order (see A. Incoming Property and Evidence).
  - c. Any person entering the Evidence Room must be accompanied by the Evidence Technician or their designee and must be entered on the Evidence Room log.

#### 4. Inventories and Audits

- a. The Chief or his designee will perform Inventories and Audits at random intervals, minimum of two (2) per year. This designee should exclude the Evidence Officer although they are required to be present to ensure the integrity of the Evidence Room.
- b. Whenever a new Evidence Officer is designated by the Chief of Police, the new Technician, along with the outgoing Technician, will jointly inventory property, evidence and records. This joint inventory will be conducted prior to the newly designated Evidence Officer assuming the duties and responsibilities of the primary Evidence Officer.

#### **PROCEDURE FOR PROCESSING OF HAZARDOUS/BIOHAZARD EVIDENCE AND/OR PROPERTY:**

A. The department will designate separate, restricted areas for:

1. Storage of biohazard evidence
2. Equipment decontamination and disinfecting
3. Storage of clean equipment and infection control (PPE) – personal protective equipment

B. Decontamination areas will be marked with biohazard signs and will equipped with:

- One apron
- One pair shoe covers
- Head cover
- Two antiseptic wipes
- One plastic bag (for disposal of items)
- One pr. Disposable gloves
- One pr. Safety glasses
- One face mask

Additional items will consist of five pairs of gloves, one bottle of hand cleaner, one sharps container, one additional biohazard bag and biohazard tubes will be made available.

C. Personal Protective Equipment (PPE)

1. The department is responsible for the supply, repair, replacement and safely disposing of infection control PPE.
2. The amount, type and location of PPE will be standardized on all patrol vehicles.
3. Available PPE will include one (1) aids/Hepatitis protection kit, consisting of:
  - a. 1 pr. Disposable gloves
  - b. 1 pr. Safety glasses
  - c. 1 face mask



4. Appropriate sharps containers will be placed in the evidence room and in the decontamination area with easy readily access.
5. Infectious waste storage areas will be marked with biohazard signs.
6. All employees must use protective gloves when handling biohazard evidence, i.e., urine and blood samples, sexual assault examination kits and all other biohazards. Items such as needles, held as evidence, must be placed in a leak and puncture proof container.
7. All biohazard evidence held by the department must be labeled with proper biohazard markings. Biohazard evidence that must be refrigerated shall be stored in the evidence room refrigerator and marked with biohazard signs as well.
8. Contaminated sharps will be stored in closed puncture-resistant containers (sharp boxes) with appropriate biohazard markings and color-coding.
9. The department is responsible for the supply, repair, replacement and safely disposing of infection control PPE.
10. The amount, type and location of PPE will be standardized on all patrol vehicles.
11. Available PPE will include one (1) aids/Hepatitis protection kit, consisting of:
  - 1 pr. Disposable gloves
  - 1 pr. Safety glasses
  - 1 face mask
12. Appropriate sharps containers will be placed in the evidence room and in the decontamination area with easy readily access.
13. Infectious waste storage areas will be marked with biohazard signs.
14. All employees must use protective gloves when handling biohazard evidence, i.e., urine and blood samples, sexual assault examination kits and all other biohazards. Items such as needles, held as evidence, must be placed in a leak and puncture proof container.
15. All biohazard evidence held by the department must be labeled with proper biohazard markings. Biohazard evidence that must be refrigerated shall be stored in the evidence room refrigerator and marked with biohazard signs as well. Contaminated sharps will be stored in closed puncture-resistant containers (sharp boxes) with appropriate biohazard markings and color-coding.

**PROCEDURE AND REMOVAL AND/OR DISPOSAL OF CONTAMINATED CLOTHING AND EQUIPMENT:**

1. Upon return to quarters, contaminated equipment will be removed and replaced with clean equipment. Supplies of PPE on all patrol vehicles will be replenished.
2. Contaminated equipment will be stored only in the decontamination area. Cleaning and decontamination will be performed as soon as practical.
3. Disposable equipment and other biohazards waste generated during on- scene operations will be stored in the biohazard disposal area in appropriate leak proof containers. Sharps containers, when full, will be closed and placed in the biohazard disposal area until exchange can be made at the hospital.
4. Gloves will be worn for all contact with contaminated equipment or materials. Other PPE will be used depending on splash or spill potential. Heavy-duty utility gloves may be used for cleaning, disinfecting or decontamination of equipment.

5. Eating, drinking, smoking, handling contact lenses or applying cosmetics or lip balm is prohibited during cleaning or decontamination procedures.
  6. Decontamination will be performed with a department-approved disinfectant or with a 1:10 solution of bleach water. All disinfectants will be tuberculocidal and EPA approved and registered.
  7. Any damaged equipment will be cleaned and disinfected before being sent out for repair.
  8. The manufacturer's guidelines will be used for the cleaning and decontamination of all equipment, unless otherwise specified.
- b. Delicate equipment (radios, weapons, etc.) will be wiped clean of any debris using hot soapy water, wiped with clean water, then wiped with disinfectant or 1:10 bleach solution. Equipment will be allowed to air dry.
  - c. Work surfaces will be decontaminated with an appropriate disinfectant after completion of procedures and after spillage or contamination with blood or potentially infectious materials. Seats on police vehicles contaminated with body fluids from spoiled PPE also will be disinfected upon return to station.
  - d. Contaminated uniforms and boots will be placed in biohazard bags and disposed of properly.
  - e. Contaminated work clothes shall be placed in a sealed, biohazard bag and disposed of properly. Under no circumstances will an employee launder contaminated work clothes at home. Infectious wastes generated during cleaning and decontamination operations will be properly bagged and transported to St. Claire Medical Center to be disposed of in a designated area located in the E.R.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Firearms	<b>Chapter:</b> 45  Page(s): 1-3	<b>KACP</b> 1.9, 1.10, 1.11, 29.8
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**GENERAL.** Unit regulations concerning the care and use of firearms are designed to protect the lives of Morehead State University Police Department officers and the lives and property of the public. No officer shall be permitted to carry a duty firearm until qualified.

- A. HANDLING OF FIREARMS.** Morehead State University Police Department officers shall exercise caution and the utmost care in handling firearms on and off duty.
- B. DUTY FIREARM.** An officer's duty/off duty firearm will be provided by the unit. A Glock Model 22 (.40 caliber) will be the standard issue duty weapon for uniform wear. The Glock 27 (.40 caliber) will be issued for the use as a secondary weapon on duty, off duty carry, and the preferred firearm when an officer is in civilian clothes on duty. Before either weapon may be carried, the officer must show proficiency with the weapon by successfully passing department approved qualification.
- C. CARRYING FIREARMS.** Shall be in accordance with Standard Operating Procedures and the Kentucky Revised Statutes.
- D. NONREGULATION FIREARM PROHIBITED.** Morehead State University Police Department officers who carry firearms other than those approved and other than in the approved method shall be subject to disciplinary action.
- E. REMOVING FIREARM FROM HOLSTER.** In the performance of Police duties, the firearm shall not be removed from the holster unless:
  - (a) The officer has reason to believe that he may be justified in the imminent use thereof as justified by Kentucky Revised Statutes Chapter 503.
  - (b) As may be necessary to service the weapon, or
  - (c) As may be necessary to use the weapon in any firearms proactive or training sessions.

- (d) Firearms drawn in the performance of duty shall require a written report to the Chief of Police no later than the following University work day if after hours, or the same day if during normal University working hours.
- F. DISCHARGE OF FIREARM REPORT.** Whenever a firearm is discharged by University Police Officer either in the performance of peace officer duties or accidentally, the Morehead State University Police Department Officer shall:
- (1) Promptly notify the superior officer duty.
  - (2) Be guided by the instruction of the superior officer.
  - (3) Submit a written report to the Chief of Police. The Chief of Police will notify their superiors, including the President of Morehead State University.
- G. AUTHORIZED DISCHARGE OF FIREARMS.** Morehead State University Police Department Officer may discharge his firearm in the performance of Police duties duty only as may be justified under the provisions of Kentucky Revised Statutes Chapter 503, or when in attendance at an approved firing range.
- H. AMMUNITION ISSUE.** The unit shall make the initial issue and replacement of ammunition for duty firearms without expense to the Morehead State University Police Department Officer. The unit shall replace rounds of ammunition that have been expended in the line of duty. The unit shall replace ammunition each time the officer qualifies with their weapon. Only unit-issued ammunition shall be carried on and off duty.
- I. FIREARMS QUALIFICATION.** Each member must attend 3 firearms qualifications/training sessions annually. Two of the sessions will count as qualifications while the other one will be a training session. One session shall require low-light conditions. One session is a qualification the other is training. The Chief of Police and the firearms instructor shall determine which is training. The qualifications date will be predetermined and count for the whole department. Each member shall receive, demonstrate, and understand the use of deadly force by written exam before or after each qualification.
- J. CARRYING FIREARMS OFF DUTY.** While off duty, each member shall carry, and have in their immediate possession, their Police Identification, badge and duty/off-duty firearm. The department issued Glock Model 22 and Glock Model 27 are the only authorized off duty firearms. The Glock Model 27 may only be carried off duty after qualifying with the firearm. The firearm must be concealed at all times in accordance with KRS: 527.020.
- K. FIRING RANGE SAFETY.** At any firing range training/qualification course all participants shall wear appropriate hearing and eye protection provided by the unit.
- L. LESS-LETHAL FORCE DEVICES.** Any officer carrying a firearm on or off duty should also carry on their person an authorized less-lethal force device of their own choosing (handcuffs, baton, OC) as approved by the Chief of Police.

## Unauthorized Use of a Firearm

- (A) Officers are prohibited from firing warning shots.
- (B) Officers shall not fire at any person purpose of effecting a misdemeanor arrest unless circumstances of protection against imminent serious physical injury or death develop.
- (C) Officers shall not fire a deadly weapon at individuals merely for the purpose of preventing the destruction or theft of property.
- (D) Officers shall not fire at any person who simply runs away in an attempt to avoid an arrest.
- (E) Officers shall not fire at moving vehicles expect in self-defense or the defense of another person.
- (F) Officers shall not fire from any moving vehicle.
- (G) No department issued firearms shall be used for any purpose not described in policy (e.g., shotguns shall not be used for hunting).



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Informants	<b>Chapter:</b> 46  <b>Page(s):</b> 1	<b>KACP</b> 17.7
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose:** To establish procedures for the use of Informants and the security of records.

**Scope:** Informants are a very important source of information.

**Procedure:** The MSU Police Department is authorized to utilize informants with the following procedure.

**USE OF INFORMANTS.**

Personnel with the Morehead State University Police Department may utilize informants in the gathering of confidential information. The Chief of Police shall be immediately be notified of all information provided by the Informant.

- (a) All informants shall be documented by using the Morehead State University Police Department Informant Information Form.
- (b) The primary investigative officer and the Chief of Police, or his designee, will maintain confidential informant information.
- (c) A confidential file shall be developed using the last four numbers of the informants social security number as a reference. A file envelope shall be prepared on each informant used. The file envelope shall have the officer's name, social security number and the informant reference number on the envelope. This file envelope shall contain biographical and background information as well as the informant's involvement in the case.
- (d) Payments to informants are not authorized or involved in the budget. Any special requests for payment shall be directed to the President via the appropriate Administrative offices. If payment is authorized, the information shall be included in the file.
- (e) The confidential informant file shall not be opened unless an emergency arises, which makes it essential to identify people. In this case, the Chief of Police will authorize disclosure.



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Standard Operating Procedure Manual**



<b>Title:</b>  Investigations	<b>Chapter:</b> 47  <b>Page(s):</b> 1-2	<b>KACP</b> 17.5, 17.6
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**COMMAND OF SCENE.** At the scene of any crime, collision or other incident, the ranking officer present shall assume command and direction of Morehead State University Police Department personnel to assure the most orderly and efficient accomplishment of the University Police task. This provision coordinates the efforts of the several subordinate officers who may be assigned to the incident; therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and ensure that appropriate action is being taken or is initiated.

**RESPONSIBILITIES OF OFFICERS ARRIVING AT CRIME SCENES.** The first officer to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:

- (1) Summoning medical assistance as required to prevent further injury or loss of life.
- (2) Arrest of violator(s).
- (3) Security of the scene.
- (4) Conducting a preliminary investigation.

**RESPONSIBILITIES OF ASSIGNED OFFICERS AT CRIME SCENES.** The officers officially assigned to perform the preliminary or other investigation of an alleged crime or other incidents are responsible for the completion of the preliminary or other investigation as directed. This shall include securing statements and other information, which will aid in the successful completion of the investigation, locating, collecting, and preserving physical evidence, and identifying, locating and apprehending the offender. This shall include contacting a supervisory officer as necessary. Appropriate checklists and operating procedures shall be followed.

**RELEASE OF INFORMATION AT CRIME SCENES.** Unauthorized persons, which include members of the press, shall be excluded from crime scenes. Information, which will not hinder or nullify an investigation shall be given to the press only by a supervisor, the Chief of

Police, Assistant Chief of Police or other University personnel as designated by the President of Morehead State University.

**CONFIDENTIAL INFORMATION.**

- (2) Officers and employees shall not reveal any confidential business of the unit. They shall not give confidential information to anyone except those for whom it is intended or as directed by their commanding officer, the Director of Risk Management, the Vice President for Student Life, the President of Morehead State University, or personnel authorized by the President.
- (3) Officers and employees shall not make known to any person any unit order, which they may receive, unless so required by the nature of the order.
- (4) Contents of any unit record or report filed in the unit shall not be exhibited or divulged to any person other than a duly authorized Morehead State University Police Department Officer, the Vice President for Student Life, the President of Morehead State University or his representative, except on approval of the Chief of Police, or under due process or law, or as permitted under unit procedures or orders.

**COMPROMISING CRIMINAL CASES.** Officers and employees shall not interfere with the proper administration of criminal justice.

- (1) Officers and employees shall neither attempt to interrupt the legal process except where a manifest injustice might otherwise occur nor participate in or be concerned with any activity, which might interfere with the process of law.
- (2) Any officer or employee having knowledge of such action and failing to inform his superior officer thereof shall be subject to disciplinary action.
- (3) Officers and employees shall not communicate any information which might assist persons accused of criminal acts to escape arrest or punishment or which may enable them to dispose of evidence of unlawful activity, money, merchandise or other property unlawfully obtained.

**ACTING AS A BAILOR PROHIBITED.** Officers and employees cannot act as bailors for any person in custody, except relatives and in no case where any fee, gratuity, or reward is solicited or accepted.

**FIELD INTERVIEWS.** Field interviews are a productive tool and source of information for the police department. They should be used only in the pursuit of legitimate goals of the department and not to harass citizens. When used properly, they can discourage criminal activity, identify suspects and add intelligence information to the files of known criminals.





**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b>  Juvenile Procedures	<b>Chapter:</b> 48  <b>Page(s):</b> 1-3	<b>KACP</b> 18.1, 18.2, 18.3, 18.4, 18.5, 18.6, , , 18.8, 18.9, 18.10
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**POLICY:** This department’s interest concerning juveniles is to provide protection and ensure children the right to treatment reasonably calculated to bring about improvement within the laws of the Commonwealth. The department’s policy includes the identification, apprehension and conviction of juveniles charged with crimes. All officers of this department shall be “assigned” to enforce juvenile offenses and to handle juvenile calls as a normal patrol function. This assignment shall be a part of each officer’s tour of duty when appropriate or as duty calls.

**INVESTIGATIONS:** Physical evidence shall be obtained and utilized in the investigation of public offenses involving children in the same manner as it is obtained and utilized in the investigation of public offenses involving adults.

**TAKING JUVENILE INTO CUSTODY**

Juveniles are taken under physical control and searched in the same manner as an adult. Immediately inform the juvenile of the agency and juvenile justice system and of their constitutional rights by reading their Miranda rights as soon as possible. Notify the juvenile’s caretaker of the custody.

**HOLDING JUVENILE IN CUSTODY FOR PRELIMINARY PROCESSING**

A juvenile may be held at the Morehead State University Police Department or the office of the court designated worker. A juvenile may be held in custody for processing for up to two hours, if longer is needed the Court Designated Worker or judge must be contacted for permission. If the juvenile is held longer than two hours, the CDW must notify the juvenile’s caretaker.

**RELEASE OR DETENTION OF JUVENILE**

A juvenile taken into custody for processing may be released or detained. If the officer or CDW feels detention is necessary, the CDW will contact the judge to authorize detention. If the juvenile is to be in custody more than two hours, the CDW will require the officer to complete a complaint form and decide based upon detention criteria whether to release the juvenile or contact the judge about detention.

## **JUVENILE RELEASE**

If the juvenile is to be released, a custodial person must be contacted and arrange for a written promise to bring the juvenile to court or to the CDW upon written notification. The custodial person signing the written promise shall get a copy of specific charges against the child. A written report and the written promise should be submitted before the end of the shift to be taken to the CDW as soon as possible.

**MOVING MOTOR VEHICLE OFFENSE:** An officer should treat such moving vehicle offenses with 16 or 17 year olds the same as an adult; this is to cite or arrest in accordance with KRS 431.005 and .015.

## **JUVENILE DETAINED**

If the juvenile is to be detained, the CDW will contact the judge to decide if the juvenile is to be detained in a juvenile holding facility. A juvenile may be taken into custody for status offenses if pursuant to court order for failure to appear in court for a previous status offense or if there is reason to believe the juvenile has been a habitual runaway. A runaway may be taken into custody if reported missing for the purpose of taking the juvenile home. A juvenile may be taken into protective custody if determined to be in danger of imminent death or serious physical injury. The CDW and Cabinet for Human Resources shall be contacted to assist with placement.

**JUVENILE RECORDS:** Juvenile records shall be filed separate from adult records and shall be placed in a sealed envelope and marked confidential juvenile. A date of arrest, a date of birth for the juvenile and a destroy date (when juvenile reaches age 18) shall be placed on the envelope along with a case or incident number for reference. These records shall remain sealed and only opened on a need to know basis. Photographs and fingerprints of juveniles will also be sealed in this envelope. These records may be destroyed if ordered expunged by the court or are destroyed when the juvenile reaches 18 years of age. The custodian of records shall be responsible for reviewing juvenile files every 60 days.

## **ACCESS AND SECURITY:**

Access to the records system, except juvenile records, is limited to persons who have to use information it contains and who are members of the following groups:

1. This department;
2. Other criminal justice agencies, including but not limited to, court, prosecutor, corrections and other law enforcement agencies;
3. Classes or facilities concerned with criminal justice at an institution of higher learning whose purpose is research.
  - A. A member of another criminal justice agency will be allowed access to the records system if they have adequate reason for access and identification, which establishes their relationship with the agency.
  - B. When personnel from other agencies use parts of the records system, a record of that use shall be made.

- C. No original document may be removed from the records section without permission from the Chief of Police, Assistant Chief or the Custodian of Records: To ensure that all juvenile incidents, records, cases, and reports are properly handled, the custodian of records shall maintain all juvenile files. Juvenile files shall be separate and secured.

**These records shall be locked in a file cabinet in the Records Section.** These reports shall remain separated from adult records. Any need for access to these records must be made through the Records Clerk/Secretary. Each request to examine a juvenile record shall be on a need to know basis only, as they are not public records. This procedure applies to members of the police department. Requests for juvenile records from the public, news media, etc., must be made according to the open records statute or by court order.



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<b>Title:</b> Missing Persons	<b>Chapter:</b> 49  <b>Page(s):</b> 1-2	<b>KACP:</b> 26.4
<b>Approved Date:</b> July 2015	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Missing Person Policy & Procedures**

The following procedures will be implemented prior to and when a student living on campus is determined to be missing in accordance with the Higher Education Opportunity Act of 2008:

**Student Notification**

On an annual basis, all students living in campus housing facilities will be informed of their right to identify a person as a confidential contact in the event the student is reported as a missing person. In addition, off-campus students may use established methods to identify a person as a confidential contact in the event the student is reported as a missing person. The Assistant Vice President/Dean of Students or designee will notify the confidential contact no later than 24 hours after the time a student has been classified as missing by the Morehead State University Police Department.

If a student does not identify a confidential contact, designated University personnel may contact parents/guardians as deemed necessary and/or appropriate if the students is classified as missing by the Morehead State University Police Department.

**Registration**

Students who wish to submit information related to a confidential contact may do so by following the directions outlined via the student portal and distributed by housing staff members.

**Definition of a Missing Person**

A student will be defined as “missing” when a report has been made with the Morehead State University Police Department, they have investigated the circumstances and validity of the allegation, and they determine a student should be classified as a missing person.

**Contact Notification**

If a student has been classified as a missing person by the Morehead State University Police Department, the Assistant Vice President/Dean of Students or designee will communicate with the confidential contact within a 24 hour period.

For non-emancipated students under the age of 18, the Assistant Vice President/Dean of Students or designee will notify a custodial parent or guardian (as listed in official University records) no later than 24 hours after the time a student has been classified as missing by the Morehead State University Police Department.

The classification of a student as missing may activate the Emergency Operations Plan and result

in the notification of other personnel as designated by established University protocol.

### **Information Accuracy**

Once a student submits the name of a contact, he/she is responsible for providing information

updates as appropriate or necessary via e-mail at [missingperson@moreheadstate.edu](mailto:missingperson@moreheadstate.edu)

### **Procedures**

Any allegations that a student is missing must be immediately report to the Morehead State University Police Department (606-783-2035).

The Morehead State University Police Department will conduct an investigation to determine the credibility of the allegations and if the student should be classified as a missing person.

1. A Kentucky State Police Missing Person form (KSP-261) shall be completed in full as required by Kentucky Revised Statutes, with a current photograph attached. The information contained within the KSP-261 shall be entered into LINK/NCIC computer system as expeditiously as possible.
2. The officer will confirm that the Rowan County Emergency Management has been notified and the CCEM official has notified the state. The Chief of Police or designee will be prepare a press release and be available for any further inquiries from the press if needed.

If a student is classified as a missing person, the Morehead State University Police Department will contact the Assistant Vice President/Dean of Students.

Within a 24 hour time period, the Assistant Vice President/Dean of Students or designee will attempt to communicate with the confidential contact or parent/guardian via telephone. If the Assistant Vice President/Dean of Students or designee is unsuccessful in communicating via telephone, an e-mail message will be sent to the confidential contact or parent/guardian. If an e-mail is sent, the Assistant Vice President/Dean of Students or designee will continue to call the confidential contact or parent/guardian until successful.



**Morehead State University Police Department  
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<b>Title:</b>  Public Relations	<b>Chapter:</b> 50  <b>Page(s):</b> 1 – 2	<b>KACP 20.1, 20.2, 20.3, 20.4</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PRESS/PUBLIC INFORMATION.**

- (a) The Chief of Police and the Assistant Chief of Police are the official representatives of the Morehead State University Police Department in all information releases. All other members of the unit are prohibited from releasing information unless authorized by the Chief of Police or the Assistant Chief of Police.
- (b) Any inquiries concerning on-going criminal investigations will be directed to the Assistant Chief of Police.
- (c) Emergencies and all Special Events: Officers in command of a detail, assigned to the scene of an emergency or any special event, should make a reasonable effort to provide the news media with the appropriate information and a location from which they may take photographs or recordings to the extent that it does not hinder police operation or investigations and does not endanger the media person.
- (d) Institutional Relations is the responsible office for university releases to the media and they shall be notified of media inquiries.

**PUBLIC STATEMENTS.**

Officers and employees of the office shall not make public statements concerning the work, plans, policies, or affairs of the office, which may impair or disrupt the operation of the office or which are obscene, unlawful, or defamatory.

**CONDUCT TOWARD THE PUBLIC**

Officers and employees shall be courteous and orderly in dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, or profane language and shall always remain calm regardless of provocation. Upon request, officers are required to supply their names and badge numbers in a courteous manner.

**IMPARTIAL ATTITUDE**

All officers, even though charged with vigorous and unrelenting enforcement of the law, must

remain completely impartial toward all persons coming to the attention of the office. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, or influence is conduct unbecoming of an officer. Similarly, unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming an officer.

### **PUBLIC APPEARANCE REQUESTS**

All requests for public speeches, demonstrations, and the like, will be directed to the Chief of Police or the Assistant Chief of Police. Scheduling shall not interfere with normal work routines.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> Pursuit / Emergency Driving	<b>Chapter:</b> 51  <b>Page(s):</b> 1 - 12	<b>KACP</b> 21.3, 21.1, 17.10
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**I. PURPOSE**

The purpose of this Order is to establish Department Policy and procedure for emergency and pursuit driving.

**II. DEFINITIONS**

- A. For the purposes of this order, emergency operation of police vehicles shall refer to the operation of a police vehicle by an officer in response to a situation or occurrence that threatens public safety or property, and has developed suddenly and/or unexpectedly and demands immediate action and response.
- B. Pursuit driving is the emergency operation of police vehicle as required in the pursuit and apprehension of a violator or other suspect who is an occupant of a moving vehicle and is attempting to avoid apprehension.

**C. ROADBLOCKS**

Roadblocks may be necessary to stop a fleeing violent felon, but should be a last resort. A moving roadblock should be initiated if possible after a decision has been made to initiate a roadblock. The ranking officer on duty at the time shall make the decision about a roadblock. A moving roadblock will attempt to box in the suspect and carefully force the suspect's vehicle to stop. The road surface, traffic volume, speed of other traffic and geographic locale should be considered before initiating a roadblock. If the decision is made by the ranking officer to completely block the roadway, any pursuing officers shall be notified ahead of time. The roadblock must be highly visible and other traffic must be routed away from the roadblock and all personnel at the roadblock will move to a place of safety. **(See Chapter 23 on Pursuit Driving)**

**III. POLICY**

It shall be the policy of the Morehead State University Police Department that the emergency or pursuit operation of a police vehicle is justified only when the necessity of immediate apprehension or emergency outweighs the dangers created by the manner of operation of the pursuing or responding police vehicle. All officers shall abide by **KRS 189.910, KRS 189.930 and KRS 189.940.**



#### IV. PROCEDURE

##### **KRS.189.940** Exemptions from Traffic Regulations

A. The speed limitations set forth in the Kentucky Revised Statutes do not apply to emergency vehicles:

1. When responding to emergency calls:

- a. To police vehicles when in pursuit of an actual or suspected violator of the law
- b. To ambulances when transporting a patient to medical care facilities
- c. The driver thereof is giving the warning required by subsection 5 of this section.

No portion of this subsection shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.

1. The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving the warning required by subsection (5) of this section, upon approaching any red light or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.
2. The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving warning required by subsection (5) of this section, may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he does so with due regard for the safety of all persons using the street or highway.
3. The driver of an emergency or public safety vehicle may stop or park their vehicle upon any street or highway without regard to the provision **KRS 189.930** and **189.450**, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is in operation at all times.
4. The drivers of an emergency vehicle desiring the use of any option granted by subsections (1) through (3) of this section shall give warning in the following manner:
  - a. By illuminating the vehicle's warning lights continuously during the period of the emergency; and by continuous sounding of the vehicle's siren, bell, or exhaust whistle; unless the vehicle is an ambulance and the driver is of the opinion that sounding of the siren, bell, or exhaust whistle would be detrimental to the victim's health. In the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle they shall not proceed past red lights or drive in the opposite direction on a one-way street or in oncoming lanes of traffic unless no other

vehicles are within five hundred (500) feet of the front of the ambulance. The driver shall not extinguish the warning lights during the period of the emergency.

5. No driver or operator of any emergency or public safety or other vehicle shall use the warning lights or siren, bell, or exhaust whistle their vehicle of any purpose or under any circumstances other than those permitted by **KRS 189.910 to 189.950**
6. **KRS 189.910 to 189.950** does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

#### **A. GUIDELINES FOR EMERGENCY DRIVING**

Officers who are dispatched or otherwise authorized to respond to a priority call which permits the use of emergency equipment, shall:

1. Operate their unit with due regard for the safety of all persons and property upon the highway. Officer shall comply with the provisions of **KRS.189.940**, when engaged in emergency response or in pursuit. When an officer approaches an intersection and intends to enter or cross the intersection against the traffic signal (i.e. red light, stop sign, yield sign), they shall slow or stop the police vehicle to allow motorists the opportunity to hear and observe the officer's vehicle and permit them the opportunity to yield right of way to the police vehicle.
  2. Take into consideration the prevailing traffic, roadway, vehicle limitations, and environmental conditions when determining the speed with which the vehicle shall be operated.
  3. Take into consideration their proximity to the destination, and determine if emergency equipment (lights or sirens) should be turned off prior to arrival, for purposes of officer safety and/or suspect apprehension. Once the emergency lights and/or siren has been disengaged, the officer shall obey all existing traffic laws.
  4. Illuminate emergency lights when parked on the traveled portion of a roadway.
1. An emergency response shall be terminated:
    - a. When the responding officer is made aware that the emergency no longer exists.
    - b. When the officer is advised by a dispatcher or supervisor to disregard further response or action.
    - c. When in the officer's opinion, a serious hazard is present to the public and/or the responding officer, due to adverse conditions.

#### **B. TRAFFIC STOPS**

1. General Guidelines

- a. Officers shall take into consideration the prevailing traffic, roadway, vehicle limitations, and environmental conditions when making the determination to stop a vehicle, and when selecting the location for the stop.
- b. Officers shall adhere to prescribed training methods when performing traffic stops.
- c. Officers are discouraged from making traffic stops in Department vehicles not equipped for emergency operation or privately owned vehicles, unless the offense is one that poses immediate threat or death or serious physical injury to a person, or the violation is a felony. The officer making the stop shall make every effort to identify their self as a sworn officer, prior to taking any enforcement actions.
- d. When performing a traffic stop, officers shall inform the violator of the purpose for the stop, when requesting a driver's license or any other information.
- e. Officers are encouraged to utilize the spot light and all other emergency lights when performing nighttime traffic stops.
- f. Officers shall utilize emergency lights and siren (when applicable) when notifying a motorist of the intention to stop them. Officers shall keep emergency lights on during the entire course of the traffic stop.
- g. Officers shall utilize the vehicle's public address system to address the occupants/driver of the stopped vehicle when the situation (i.e., felony stop) suggests that this would be the safest course of action.
- h. Officer assigned routine patrol or traffic enforcement complaints are permitted to use covert and/or overt observation locations, in the enforcement of traffic violations in their assigned areas or beats.
- i. Plainclothes officers performing traffic stops in Departmental vehicles may wear a Departmental approved ball cap. Officers in plain clothes shall bear in mind that merely stating the fact that they are a police officer may not establish that fact in the mind of the violator.

**C. FELONY STOPS/HIGH-RISK STOPS**

- 1. High-Risk/Felony stops require the use of additional precautions and procedures that are normally unnecessary when performing an unknown risk stop. The following categories more accurately distinguish the types of traffic stops:

- a. Felony Stop-a traffic stop in which an occupant(s) of a vehicle are sought for the commission of a felony offense, or the stopped vehicle accurately matches the description of a suspect for any serious offense, and stolen vehicles.
- b. High-Risk-Stop- a traffic stop in which an occupant(s) of a vehicle are suspect in the commission of any offense involving violence (assault), subjects are thought to be armed, or the behavior of the driver and/or passengers prior to the stop alerts the officer to the possibility of increased danger when performing the stop.
- c. Unknown-Risk-Stop – all other traffic stops. The level of threat and risk involved in performing an otherwise normal traffic stop may prove greater than anticipated.

#### **D. DURING FELONY/HIGH RISK STOPS**

##### THE OFFICER SHALL:

- a. Alert the Radio Dispatcher and:
  - 1). Request back-up unit
  - 2). Advise present location and direction of travel
  - 3). Advise vehicle registration and description
  - 4). Specify the reason for stop (i.e., wanted subject, stolen charges pending, etc.)
  - 5). Specify weapons involved, if known
  - 6). Advise the number of occupants of the vehicle
  - 7). Advise any other pertinent information
- a. Coordinate your direction of travel with unit's enroute to back you as well as with the dispatcher.
- b. When back up arrives to assist on the stop, coordinate the general termination point of the stop with the assisting units. It is imperative that the stop be conducted away from large concentrations of civilians as much as possible. This may be accomplished in some instances by simply delaying the stop until the vehicle passes a main thoroughfare. Boxing in an unaware suspect in order to avoid a pursuit is permissible in extreme circumstances.
- c. Advise the dispatcher of the location of the stop.
- d. Utilize emergency lights and siren to notify the driver of the suspect's vehicle and of the intent to stop them. Utilize the P.A. systems, if necessary. Offset the cruiser behind the suspect's vehicle at a safe distance.
- e. The officer initiating the stop should use verbal commands (P.A. system, if necessary) to give direction to the driver/passengers on turning off the car, dropping keys out of the window, displaying hands, exiting the vehicle individually, etc.

## E. PROCEDURE FOR PURSUIT DRIVING

1. When a traffic pursuit develops from contact with a suspected criminal or traffic violator, the officer shall immediately notify the radio dispatcher and advise them of the following:
  - a. The known law violation(s) or the reason for the pursuit
  - b. Location and direction of travel
  - c. Description of the pursued vehicle and any registration information
  - d. Approximate speed being maintained at reasonable intervals
  - e. Number of known occupants of the wanted vehicle. If the identification of the operator is known, the information shall be relayed to the dispatcher.
  - f. Location of termination point when reached.

### 2. Responsibilities of Officers involved in a Pursuit

The initiating officer shall be held accountable for the follow:

1. Operate their unit with due regard for the safety of all persons and property upon the highway. Officers shall comply with the provisions of **KRS. 189.940** engaged in emergency response or in pursuit. When an officer approaches an intersection and intends to enter or cross the intersection against the traffic signal (i.e., red light, stop sign, yield sign), they shall slow or stop the police vehicle to allow motorists the opportunity to hear and observe the officers vehicle and allow other motorist the opportunity to yield the right of way to the police vehicle.
2. Shall utilize emergency lights and sirens during the course of the pursuit. In the event the police vehicle's lights or sirens should fail to work during the pursuit, the officer operating the vehicle shall permit another vehicle to pursuer, if available, otherwise the pursuit shall be terminated.
  - a. The primary decision as to whether the pursuit should be terminated, based in whole, or in part, on the circumstances outlined in subsection E.1.
  - b. Officers shall obey any direct order to terminate a pursuit issued by a supervisor or commanding officer.
  - c. Maintain composure while transmitting on the radio.
  - d. Notify the dispatcher when the pursuit is likely to go off campus.
  - e. If an officer in an unmarked police vehicle, requests assistance from an officer in a marked cruiser, the officer in the marked unit shall become the primary pursuit vehicle and the unmarked unit shall discontinue their pursuit and follow to the scene for backup or other purposes.
  - f. The initiating officer shall maintain a position as the primary pursuit vehicle, unless they are unable to continue due to vehicle damage mechanical failure, emergency equipment failure or a marked unit assumes control at their request

- g. Assume command at the terminal point of the pursuit until the arrival of a supervisor.

**NOTE:** The termination of a pursuit does not prohibit the following of a vehicle at a safe speed, or remaining in an area to reinitiate pursuit if the opportunity and conditions permit.

Responsibilities of the backup officer shall be the same as those of the primary officer, as outlined in section E. The backup officer who takes control of a pursuit, due to the inability of the initiating officer to complete it, assumes the responsibilities of the initiating officer, including the authority to terminate the pursuit. An incident report is required from each officer that becomes the primary unit in the pursuit.

- a. If a pursuit results in any injury or property damage, the Shift Commander shall submit a written request that any video recording of the pursuit be collected and saved.
- b. Prohibited procedures during a pursuit are as follows:
  - 1. Ramming a pursued vehicle with a Departmental vehicle.
  - 2. Running a pursued vehicle off the road.
  - 3. The discharging of a weapon from Departmental vehicles, unless in response to KRS 503.050 (justifications for deadly force).
  - 4. Use of civilian vehicles to form any type of moving or stationary roadblock.
  - 5. Officers shall not immediately follow a pursued vehicle traveling in the wrong direction on a limited highway; rather they shall follow from the correct side.
  - 6. Road blocks or blocking the road with police vehicles is prohibited.

**3. A PURSUIT SHALL BE TERMINATED OR IS PROHIBITED:**

- a. **When in the officer's opinion, a serious hazard is present to the public and/or the pursuing/responding officers due to prevailing traffic, roadway conditions, environmental conditions, or extremely high speeds.**
- b. **When an officer has non-sworn passengers in the cruiser.**
- c. **WHEN THE PURSUIT CREATES A GREATER RISK TO THE PUBLIC SAFETY THAN THE ORIGINAL OFFENSE FOR WHICH THE SUSPECT IS BEING PURSUED.**
- d. **The pursued vehicle's location is no longer known.**
- e. **The wanted party(s) can be identified to the point where later apprehension can be accomplished and the violator is not a threat to the public.**

NOTE: The pursuing officer(s) must use their best judgment in evaluating the pursuit and make a continuous appraisal of it in deciding whether to continue the pursuit. The element of personal challenge should never enter into the officer's decision. The proficient police officer is aware that the decision to abandon pursuit is, under certain circumstances, the most intelligent and professional course of action.

1. Pursuits shall be limited to two and all other officers shall monitor the progress of the pursuit, remaining alert to its location.
2. No officer shall join a pursuit, in addition to the two pursuing officers, without supervisory approval.
3. Upon being notified of the pursuit, the supervisor shall assume responsibility for the following:
  - a. Ensure that only the required or necessary units are involved in the pursuit.
  - b. Proper radio procedure is being utilized and no unnecessary transmissions are being made.
  - c. Continually evaluate the need for the pursuit utilizing the guidelines in section E 1 while taking into consideration the information, or lack of information, being relayed by the pursuing officer (i.e., speed, direction of travel, charges, etc.) while also considering the prevailing roadway and environmental conditions. Furthermore, the supervisor may take into consideration the officer's experience/length of service with the Department.
  - d. Proceed to the location of the pursuit and provide guidance and necessary supervision. The assigned supervisor may participate directly in the pursuit as needed, but at a minimum, should follow the pursuit and provide supervision at its termination point.
4. Obtain a Use of Force Report from the officer who initiated the pursuit, and a separate report from any officer who may have taken over the pursuit, in the event the initiating officer was unable to complete the pursuit. The supervisor shall ensure that the Use of Force Report and all other necessary reports are completed and submitted prior to the end of the shift.

The Shift Supervisor shall forward a copy of the Use of Force Report to the Assistant Chief of Police/Captain and Chief of Police for review.

1. Ensure that personnel have been assigned to complete any necessary reports related to vehicle collisions and property damage resulting from the pursuit, or reports related to any incident that gave rise to the pursuit (i.e., burglary, robbery).
2. When a radio dispatcher is advised that an officer is involved in a traffic pursuit, they shall:

- a. Simulcast the information received from the officer, and request that radio traffic be restricted during the pursuit for units involved in the pursuit and other emergency radio traffic.
- b. If the pursuing officer has no other unit currently assisting them, the dispatcher shall dispatch a backup patrol unit.
- c. Notify the on-duty supervisor to monitor the pursuit.
- d. Coordinate the pursuit between the pursuing vehicle and dispatched back-up unit.
- e. Get on-duty supervisor approval for an additional unit(s) to join the pursuit if needed.
- f. If the license number of the pursued vehicle is known, an immediate registration check will be run. When possible, a warrant check/NCIC check shall be done on the registered owner and/or license driver. The dispatcher will advise the pursuing officer when the vehicle owner/driver information is available.
- g. Coordinate contact with Morehead Police Department, Rowan County Sheriff's Department, Kentucky State Police, or out-of-county units, should the pursuit approach these other jurisdictions.
- h. Lift the radio channel restriction when:
  1. The officer of supervisor advises that the pursuit has been terminated, or
  2. The pursuit has ended and the driver has been apprehended, or
  3. The location of the pursued vehicle is no longer known.

## **F. UNITS PURSUING FROM OTHER JURISDICTIONS**

1. Officers shall assist other jurisdictions involved in a pursuit, which enters Morehead State University jurisdiction only when authorized to do so by a supervisor. The Department's purpose of participating in the pursuit shall be to track the course of the pursuit through campus in order to alert units to the pursuits location, so that officers and citizens can be protected. Officers assigned to assist pursuing officer from another jurisdiction shall:
  - a. Comply with the requirements of section E 1, a, b, e, and f, of this order.
  - b. Assume a position at the rear of the pursuit
  - c. Relay information concerning direction of travel, vehicle description, speed, etc.
  - d. Provide logistical assistance to the foreign jurisdiction in obtaining any needed collision reports, wreckers, etc.
  - e. Assume primary control of the pursuit only when:
  - f. All foreign jurisdiction units are disabled and unable to continue the pursuit, AND
  - g. Authorization has been received from a supervisor to become the primary officer in the pursuit.
  - h. Submit an Incident Report to the supervisor concerning the pursuit, charges placed by the foreign jurisdiction, and any other pertinent information.
  - i. Departmental personnel are not permitted to assist another jurisdiction in establishing a roadblock, boxing-in, or ramming a vehicle.



- j. Communications shall abide by the same guidelines outlines in section G, except that only one marked patrol unit shall be dispatched to assist the foreign jurisdiction. A supervisor will be assigned to monitor the pursuit.

## **G. PURSUIT DEBRIEFING**

If a death or serious physical injury is sustained by any violator, officer, or others during the course of a pursuit, or after a pursuit is terminated, then the following procedure shall be followed:

1. The highest-ranking officer on-duty shall coordinate the following:
  - a. Communications shall be contacted by telephone and advised of available information concerning the incident, and shall be instructed to notify the Chief of Police.
  - b. Call-out the below listed persons for the purposes of participation in the debriefing:
  - c. The Assistant Chief of Police/Captain or their designees-for the purposes of conducting the debriefing
  - d. A training representative-to gather information to assist the training process
  - e. All personnel involved in the pursuit shall be instructed to report to the Departmental Headquarters for debriefing, once their services are no longer needed at the incident scene.
  - f. The Communications Dispatcher that worked the pursuit shall be requested to participate.
  - g. Ensure that personnel involved in the pursuit complete all necessary reports and/or written statements. Reports should be reviewed for content and clarity.
  - h. Evaluate the need for drug/alcohol testing for Departmental personnel directly involved in the pursuit.
2. The Assistant Chief of Police/Captain or their designee shall:
  - a. Conduct the debriefing of all personnel involved in the pursuit.
  - b. Collect copies of all completed reports and statements related to the pursuit.
  - c. Compile a chronological order of events associated with the pursuit, and if necessary, events following the termination of the pursuit.

- d. Contact the Morehead State University Vice President for Student Life and Morehead State University General Counsel/Attorney concerning a briefing on the pursuit on the next business day following the pursuit.
- e. Contact the Morehead State University Police Chaplain in the event of any serious injury as a result of the pursuit.

### *COMMANDER'S AUTHORITY*

Nothing in this order shall preclude a Shift Supervisor or Command Staff from terminating the pursuit, or direct to perform a specific course of action to end the pursuit in a timely manner. It is the duty of any uniformed officer driving an emergency vehicle to pursue and attempt to apprehend any operator of a motor vehicle who, after having received from the officer a visual or audible direction to stop their vehicle, knowingly flees or attempts to elude the officer by increasing their speed or by violating any other traffic law. Non-uniformed officers in unmarked cars, while under no duty to stop all traffic violators, are required by policy to stop suspected drunk drivers or felons, and thus may have occasion to engage in vehicular pursuits. At least the following procedures shall apply to all vehicular pursuits.

### **I. PROCEDURE**

1. The officer shall engage and maintain in operation his siren and blue lights.
2. The seat belt and shoulder strap shall be fastened.
3. The officer shall inform the dispatcher of the fact that the officer is in pursuit and provide a description of the vehicle, the location and direction of travel, the number of known occupants, a description of the driver and any occupants, and the approximate speed.
4. The officer in pursuit shall maintain reasonable control of their vehicle at all times and shall not proceed through any stop sign, intersection, or restricted speed zone without first slowing and observing for the presence of other vehicles or persons.
5. Active pursuit involving excessive speed shall be terminated whenever any of the following situations occur:
  - (a) Either the siren or the blue lights become inoperable or are malfunctioning;
  - (b) The offender's general location with respect to the traffic way or direction of travel becomes unknown;
  - (c) The officer's vehicle develops any significant problem with the lights, tires, suspension, steering, or brakes.
  - (d) The officer reasonably believes that to continue the pursuit involves more danger to themselves or others than to discontinue the pursuit and that continuance of the pursuit will not result in an imminent apprehension.
6. Officers engaged in a pursuit shall not shoot at or ram the vehicle being pursued unless:

- (a) The action is necessary to protect the officer or another against death or serious physical injury; or
  - (b) The arrest the officer is attempting to make is for a felony involving the use or threatened use of physical force and the officer reasonably believes that the person to be arrested is likely to endanger human life unless apprehended without delay; or
  - (c) The officer reasonably believes that the action is immediately necessary to prevent the person being pursued from committing a crime, which is likely to endanger human life.
- 7. Felony charges should be instituted against the violator whenever possible, in addition to the appropriate traffic charges.
  - 8. No officer shall call in a pursuit when they are merely trying to catch up to a suspected violator. Pursuit does not occur until the violator disregards a visual or audible signal to stop and attempts to flee by increasing speed or by maintaining an unsafe speed or engaging in evasive maneuvers that constitute violations of the traffic laws.
  - 9. No officer shall join in a vehicular pursuit initiated by or being engaged in by another agency or another officer except by following at a safe distance and speed for purposes of rendering assistance upon apprehension unless from the circumstances, it is reasonably apparent that the pursuing officer requires immediate assistance.

**J. Review Process AUDIT/INSPECTION:**

- A. Supervisory reviews of video camera recordings shall be done quarterly regarding emergency response driving of officers.
  - B. The ultimate purpose for these inspections is to ensure that emergency operation driving is being conducted consistent with agency policy/procedure and the provisions of Kentucky state law.
  - C. Specific examples of positive and negative issues, if observed, shall be identified and addressed.
  - D. Identified deficiencies or areas of concern shall result in a follow-up audit/inspection within one month of the discovery of the deficiency.
- K. Pursuit Policy Review:** Officers shall review policy on emergency response driving on an annual basis.



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Pursuit - Foot	<b>Chapter:</b> 52  <b>Page(s):</b> 1-2	<b>KACP:</b> 30.9
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

- I. **Purpose:** To provide for the safety of law enforcement personnel while at the same time facilitating the safe apprehension of suspects.
- II. **Policy:** Whenever an officer decides to engage in, or continue a foot pursuit, the officer must make a quick and continuous risk assessment of the situation to maintain safety for all parties involved. The officer must weigh the risk involved to themselves, the suspect and the community versus the benefit of continuing the foot pursuit.
- III. **Definitions:**
  - A. **Foot Pursuit:** A situation in which an officer, on foot chases a suspect in an effort to detain or arrest that individual who the officer has a reasonable suspicion to believe is about to commit, is committing, or has committed a crime and who is resisting apprehension by fleeing from the officer.
  - B. **Suspect:** Includes any individual who an officer has a reasonable suspicion to believe is about to commit, is committing or has committed an offense or poses an imminent threat to the safety of the public, other officers or themselves.
- IV. **Procedure:**
  - A. **Pursuing Officer Responsibilities:**
    - a. The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the suspect against the degree of risk to which the officer and others are exposed to as a result of the pursuit.
    - b. Once in foot pursuit, the officer must immediately relay the following information.
      - 1) Officer announcing foot pursuit in progress
      - 2) Location and direction of travel
      - 3) Description of suspect
      - 4) Whether suspect is armed
      - 5) Reason for foot pursuit

- c. A sufficient tactical gap between the officer and the suspect shall occur until a reasonable use of force control technique can be initiated and the suspect subdued.
- B. Supervisor's responsibility:** If a supervisor is on duty, the supervisor shall:
- a. Monitor the pursuit and direct available resources to provide for the swift and safe apprehension of the suspect.
  - b. Terminate any foot pursuit where the risk to the officer, the public, or suspects outweighs the need for the foot pursuit.
- C. Communications Responsibility:**
- a. Maintain open communications with involved officer
  - b. Notify a supervisor and provide relevant information without compromising ability of involved officer in communicating ongoing information.
- D. Termination of Foot Pursuits:** Officers shall terminate a foot pursuit:
- a. If ordered by a supervisor
  - b. If the officer believes the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the suspect.
  - c. After termination of a foot pursuit, the involved officer will notify communications of the last known location of the suspect or in cases of apprehension, the location of apprehension.
- E. Alternatives to Foot Pursuit:** To the extent that resources are available, officers should consider the following alternatives to a foot pursuit:
- a. Likelihood of suspect to remain in an area of containment
  - b. Additional officers
  - c. Surveillance until additional resources/officers become available
- F. Factors to Consider in Conducting the Risk Assessment:**
- a. Risk of injury from offender and seriousness of the offense.
  - b. Backup is not available in a timely manner
  - c. Officer pursuing more than one suspect
  - d. Officer not in physical condition to pursue a subject on foot
  - e. Nature of the area, conditions of surrounding structures, and environmental factors which directly impact the safety of all those whom may be affected by the foot pursuit. This includes weather conditions and limited visibility.
  - f. Ability to apprehend the subject at a later time. (i.e. identity is known)



## Morehead State University Police Department Standard Operating Procedure Manual



<b>Title:</b>  Fire Alarms	<b>Chapter:</b> 53  <b>Page(s):</b> 1-7	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PURPOSE:** To clearly delineate procedures governing response by members of the Morehead State University Police Department (MSUPD), MSU Environmental Health and Safety, and MSU Physical Plant personnel to fire situations on property owned or operated by Morehead State University. This procedure's objective is to ensure an orderly response to minimize personal injury, loss of life, and property damage caused by fires. Fire alarms, or evacuation incidents.

**SCOPE:** This procedure provides direction for all MSUPD officers, telecommunicators, and other University Police personnel involved in a fire response situation. This policy also provides guidance for Physical Plant and Environmental Health and Safety personnel responding to fire situations and fire alarm systems incidents.

**AUTHORITY:** This policy has been reviewed and approved by the University President and key department heads of Morehead State University and the Fire Chief, City of Morehead.

**RESPONSIBILITIES:** The duties and responsibilities of the University affiliated personnel when responding to, or dealing with, a fire or fire alarm related incident include the following:

- A. MSUPD Communications Personnel: Telecommunicators/Operators (a/k/a police dispatchers) shall be on duty 24 hours each day and are responsible for monitoring and controlling the University's Central Fire Monitoring System. The operators will not be assigned additional duties that take precedence over primary duties. If the operator needs to leave the Communications Center, they must wait until an on-duty relief person arrives at the Communications Center. The on-duty operator will maintain radio communications with patrol personnel at least every 15 minutes. These transmissions will be documented in the computerized dispatch activity log. The operator is also responsible for all communication activities (radio, telephone). In a fire or fire alarm situations, this includes providing on-going condition updates to the fire department having jurisdiction, and coordinating all responding units (both University and non-University).
  
- B. University Police Officer: Once notified of an alarm, the University Police Officer will proceed to the location in emergency response mode. After assessing the situation, the officer will notify the system operator/telecommunicator of the nature of the alarm and any other additional information. The ranking University Police Officer on the scene

shall serve as Scene Commander until the arrival of the fire department. All personnel responding to the incident will be responsible for carrying out the orders of the Scene Commander.

- E. Scene Commander: This individual is responsible for scene command and the direction of all scene activities. Prior to the arrival of the fire department, the Scene Commander shall be the ranking University Police Officer. Upon arrival of the fire department, scene command shall be turned over the ranking fire department official.
- F. Environmental Health and Safety Officer: This University employee will assist in determining the cause for an alarm condition and will reset the alarm if directed to do so by the Fire Chief. They also coordinate all matters related to fire response planning and management, and delegate's responsibility as required. In addition, they are responsible for the maintenance of the Fire Incident Reporting System and the development and ongoing maintenance of policies relating to fire incident management.
- G. Physical Plant Representative: When available, this University employee will be responsible for assisting in the determination of specific causes of a fire alarm condition, and resetting the system as directed by the Fire Chief. This person is also responsible for providing any assistance as may be directed by the Scene Commander.
- H. The Morehead State University Police Department: This agency is responsible for communicating proper reports to the State Fire Marshal's Officer on all fire and for alarms on campus.
  - 1. Every active fire will be reported by MSUPD telecommunicators to the Kentucky Division of Emergency Management's 24-hours staffed communications center at 1-800-255-2587. This will be done immediately after the scene is stabilized. KDEM is responsible for relaying this information to the State Fire Marshal's Officer. MSUPD telecommunicators will log the time of the call and the person contacted at KDEM in the computerized MSUPDF communications log.
  - 2. The following incidents also require a telephone report to KDEM's 24-hour staffed communications center at 1-800-255-2587. This call will be made as soon as the incident is stabilized.
    - a. When response is made to an alarm and the fire has been extinguished prior to emergency responder's arrival.
    - b. Any incident where MSUPD makes an immediate response to notification of damage caused by fire, smoke, or other damage that is fire-related.
    - c. Any incident where MSUPD is notified of damage caused by fire, smoke, or other damage that is fire-related, where emergency responders were not notified at the time of the incident.

KDEM is responsible for relaying this information to the State Fire Marshal's Officer. MSUPD telecommunicators will log the time of the call and the person contacted at KDEM in the computerized MSUPD communications log.

3. All fire alarm activations determined to be false alarms (malfunctions or intentional) will be documented with an MSUPD fire alarm incident report. The responding officer will e-mail this report the same day the incident occurs to the State Fire Marshal's Office ([richard.peddicord@ky.gov](mailto:richard.peddicord@ky.gov))

**NOTIFICATIONS OF UNIVERSITY OFFICIALS:** In the event of a fire related incident involving injury, death, or significant property loss, University personnel will be notified and advised of the situation as outlined in the Fire Checklist and Notifications List maintained in the MSUPD 911 Communications Center.

**ACTIONS UPON RECEIPT OF A FIRE ALARM:** Upon receipt of a fire alarm signal, the MSUPD Telecommunicator shall initiate the following:

- A. Immediately notify the Morehead Fire Department Telecommunicator of the following information:
  1. Type of Alarm
  2. Location of the Alarm
  3. Any additional information
- B. Dispatch a University Police Officer, the Environmental Health and Safety Officer (if on duty) and a Physical Plant Representative (if on duty) to the scene of the alarm.
- C. The University Police Officer, upon arriving at the scene, will notify the MSUPD Telecommunicator of the nature of the alarm, emergency response assets required, and any other additional pertinent information
- D. Keeping the Fire Department Advised: During incidents involving fire department response, the MSUPD Telecommunicator shall keep the Fire Department continually advised of changes in conditions or activities at the scene. Such information shall include, but not be limited to:
  1. A determination that the alarm is false.
  2. A determination that the alarm is true and that a fire condition does in-fact exist.
  3. Any descriptions of scene conditions that may impact the fire department response.
- E. False fire alarm incidents occurring at satellite MSU campuses will also be documented with an MSUPD fire alarm incident report and emailed to the State Fire Marshal's Office as above. This report will be completed by an on duty MSUPD telecommunicator or patrol officer, based on information received from the MSU fire alarm system, and by telephone from agencies with primary fire response jurisdiction for that satellite campus.

**SPRINKLER SYSTEM SIGNAL:** Upon receipt of a fire suppression system discharge (i.e. sprinkler) alarm the MSUPD Telecommunicator will notify the Morehead Fire Department and dispatch appropriate personnel to the scene.



**TROUBLE SIGNAL REPORT:** Upon receipt of trouble signals or other signals pertaining solely to matter of equipment maintenance of the signals system, the MSUPD Telecommunicator will initiate action to:

- A. Communicate with the facility immediately to attempt to ascertain the reason for the trouble signal.
- B. Dispatch repair personnel (i.e. Environmental Safety and Health Officer) to investigate. These trouble signals may be reset by the qualified maintenance personnel after the system malfunctioning is identified.
- C. Document the incident in the MSUPD computerized dispatch activity log.

**PRINTER LOGS:** MSUPD Telecommunications Center will maintain and preserve the fire alarm system printer logs for regular review and inspection by representatives of the State Fire Marshal's Office during regular office hours.

**SYSTEM RESTORATION:** MSUPD Telecommunicators will restore the fire alarm system to its normal operation condition as soon as possible after disposition of the cause of the alarm signal.

**GENERAL ACTIONS AT THE SCENE:** The following actions will be observed at fire alarm or fire scenes:

- B. University Police Officers will respond to any report of a fire or fire alarm and assume immediate initial command and control of the situation until the fire department arrives. Upon arrival of the fire department, scene command and control will be assumed by the ranking fire department official.
- C. If the University Police, Environmental Health and Safety, or Physical Plant personnel arrive on the scene of a working fire, and the fire alarm has not activated, they will begin immediate evacuation of the facility by sounding the fire alarm.
- D. University Police, Environmental Health and Safety, or Physical Plant personnel arriving on the scene of a working fire where the building is not equipped with a working building fire alarm, will immediately make certain that the fire department has been notified and begin evacuation of the building.
- E. University Police personnel arriving on the scene of a working fire alarm will immediately begin evacuation of occupants as described in **EVACUATION PROCEDURES**.
- F. University Police, Environmental Health and Safety, and Physical Plant personnel responding to fires may take immediate steps to contain a fire only if it is safe to do so and proper means are available. Evacuation will be the priority task.
- G. When hazardous materials are involved, the fire response unit shall advise the MSUPD Telecommunicator of the situation whereupon the Telecommunicator will immediately advise the fire department. After notifying the fire department, the Telecommunicator will make the notifications required by the Chemical/Biological/Radiological Incident Checklist.

**EVACUATION PROCEDURES:** The following procedures in no way limit the Officers discretion in the safest, most effective way to handle the evacuation of a fire scene:

- A. Whenever a fire alarm is sounding in a building, the facility shall be evacuated unless the University Police Department has prior notice of a test, inspection, scheduled or unscheduled maintenance.
- B. Evacuated buildings shall be searched as possible and all occupants encountered shall be ordered to leave the building. Those refusing to exit shall be reported for subsequent disciplinary action by the appropriate supervisor or department. When required, the University Police may elect to issue a Uniform Citation or, in extreme cases, conduct a physical custody arrest. The selection of the appropriate action shall be within the discretionary purview of the University Police Officer given the circumstances involved.
- C. In specific circumstances, University non-emergency personnel may be assigned by their department to provide emergency evacuation assistance. This assistance will be allowed so long as it can be determine that no danger exists. Residence hall staff members may assist in evacuation of residence halls
- D. Handicapped evacuees are to be assisted out of the building as conditions permit.  
If, for safety reasons, non-ambulatory persons cannot be fully evacuated, they shall be assisted by whatever means necessary to the nearest available enclosed stairwell (do not block a stairwell or hamper used by non-handicapped persons) or room near a stairwell. The fire department shall then be immediately notified by the most expedient means as to the location of the handicapped individual and the circumstances of their predicament.
- E. Once evacuated, steps will be taken to ensure that occupants will not attempt to re-enter the building prior to the issuance of an "all clear" order by the Scene Commander. Evacuated person will be kept clear of the building and shall not hamper the response activities of the fire department. Minimum safe distances and scene perimeter boundaries will be established by the Scene Commander.

**ALL CLEAR AUTHORITY TO RE-ENTER BUILDING:** When a University building has been evacuated for fire reasons, only the Scene Commander will determine if and when conditions are safe for re-entry to the building.

**RESETTING OF THE ALARM:** Alarms shall be silenced and reset as follows:

- B. Functional alarms shall be RESET only by the Fire Department Chief/Assistant Chief/Captains or, at their directions, a University Police Officer, Environmental Health and Safety Staff or Physical Plant Representative. This will normally not occur until after a determination has been made as to the cause of the alarm.
- C. Systems previously identified as malfunctioning may be silenced and reset by responding University personnel at the direction of the Scene Commander.

- D. University Police Officers shall provide the name, time, and affiliation of the individual who actually accomplished the fire alarm silence and reset functions. MSUPD Telecommunicators will note the appropriate information, including the time of re-entry by occupants, in the MSUPD communications log.

**NEWS MEDIA:** Media inquiries shall be handled as follows:

- A. News media inquiries shall be referred to the Office of University Communications, the University Chief of Police, or the Director of Physical Plant. Under no circumstances shall any other member of the University Police, Environmental Health and Safety, or Physical Plant Representatives give statements to the news media without the expressed permission of the Office of University Communications and the head of their respective agency.
- B. At the first opportunity, and if deemed necessary by the ranking University Police Officer on-duty, the Office of University Communications shall be briefed on all aspects of the fire or fire alarm situation. Requests for information from the Office of University Communications will be honored by all MSUPD personnel.

**ARSON AND MALICIOUS FALSE ALARMS:** Any intentionally set fires, questionable attempts to set fires, or malicious false fire alarm conditions, will be reported to the fire department and documented with MSUPD case reports. If the responsible subject can be identified, arrests will be made. Nothing in this operating procedure shall be construed to prevent the investigation and arrest of suspects in arson-related and false fire alarm incidents. The University has a reward of \$1000 for information that leads to the arrest and conviction of persons falsely reporting fires or bomb threats.

**ALARM TESTING, INSPECTION AND MAINTENANCE:** The following notification procedures apply whenever a test, inspection, or maintenance occurs involving any University fire alarm system during which an audible alarm is anticipated or likely to occur:

- A. At least once per semester, there will be an unannounced alarm/fire drill for the residence halls. This will be a joint effort involving Environmental Health and Safety, the University Police, the Morehead Fire Department and Student Housing.
- B. Notices will be posted at all main entrances to the affected building 48 hours prior to an announced testing or inspection period. They will indicate the intention to conduct a "fire alarm test" and include the time and date of the test.
- C. Notices will be checked and replaced, if required, 24 hours prior to the test period, and again just prior to the start of any alarm activation of the audible fire alarm.
- D. Technicians will make contact with a building representative just prior to beginning maintenance. In addition, the University Police will be notified and the MSUPD Telecommunicator will notify the Morehead City Fire Telecommunicator.
- E. The University Police Telecommunicator will be notified just prior to the beginning and at the conclusion of the test and will keep the City Telecommunicator advised.

- F. Notices will be removed and the building contact person will be advised when the test/inspection period has been completed.
- G. The following procedures apply whenever unscheduled maintenance occurs involving any University fire alarm system:
  - 1. The fire alarm technician will contact the University Police Telecommunicator and advise the on-duty Telecommunicator of the name of the building, the location within the building where the work will be conducted, and the expected time that the fire alarm system will be down. The technicians will again notify the on-duty Telecommunicator when the system is returned to normal operation. This information will be passed to the Morehead City Telecommunicator.
  - 2. Upon notification of a fire alarm shutdown, the MSUPD Telecommunicator will immediately notify the fire department giving the building name and the period that the alarm system will be out of service. Upon restoration of normal service, the Telecommunicator will again notify the fire department.
  - 3. Technicians will make contact with a building representative just prior to beginning maintenance.
  - 4. The MSUPD Telecommunicator will be notified just prior to beginning and upon conclusion of any test. They will keep the City Telecommunicator advised.
  - 5. If persons other than Environmental Health and Safety technicians perform testing or maintenance, the University Police Department will be provided notification of the authorization for such testing or maintenance and given the name of the contractor(s) authorized to accomplish the work.



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Standard Operating Procedure Manual**



<b>Title:</b>  Free Speech Area	<b>Chapter:</b> 54  <b>Page(s):</b> 1	
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Free Speech Area**

The area of the Eagle Veterans Monument near the Little Bell Tower is designated as the University's free speech area. Like many of those in place on other public campuses, MSU's free speech area resulted from U.S. Supreme Court decisions in the late 1960's that said public schools could not deny any person's First Amendment guarantee of freedom of expression. However, the Court also ruled that institutions could dictate the time, place and manner of free speech in such areas. MSU's site was selected on the basis that it is centrally located and can be avoided by pedestrians who do not wish to hear what is being said.

- No PA systems are permitted
- The area may be used only during daylight hours.
- Any individual or organization utilizing the free speech zone must request to use the space through the Office of Conference Services located on the first floor of the Adron Doran University Center.

The Office of Conference Services is responsible for issuing a permit to utilize the free speech area. Upon issuing the permit to the person/group, that department shall provide in detail the designated area to which is permissible as the Free Speech Area.

At times, persons/organizations may provoke others to disruptive actions against them during permitted free speech functions. It is important to distinguish that Chapter 525 of Kentucky Revised Statutes penalizes only the specific behavior of the actors involved.

For purposes of University Police response, purposeful incitation to disorderly conduct, or other criminal activity, is prohibited in Chapter 525 of Kentucky Revised Statute. At such time, requirements to activate the Emergency Operations Plan, under Civil Disturbances, may be necessary to which an Order to Disperse could be given by authorized university supervisory personnel. Lawful allowances for permissible free speech from persons/groups are:

- Free speech towards persons that act or shout utterance that "tends" to disturb the public or cause disorder.
- Or by the speaker's unpopular views which are likely to arouse strong animosities in the audience.



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<b>Title:</b> Medical Emergencies	<b>Chapter:</b> 55  <b>Page(s):</b> 1-2	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose**

The primary goal of these guidelines is to establish and set forth procedures for a medical first responder by Morehead State University Police Department. The intent is to have a basic life support response to all medical emergencies on Morehead State University Campus.

**CONFIDENTIALITY** – All information pertaining to patient care, treatment, or transportation is confidential and considered as legal/medical documentation.

**ACTIONS UPON REQUEST FOR MEDICAL ASSISTANCE:** Upon receipt of a medical emergency, the MSUPD Telecommunicator shall initiate the following:

- A. Immediately notify the Rowan County 911 Telecommunicator of the following information:
  - 1. Type of emergency
  - 2. Location of the emergency
  - 3. Any additional information
  
- B. Dispatch a University Police Officer to the scene of medical emergency. If the scene is at the campus health clinic, no response is needed, unless we are specifically requested to respond by health clinic employees.
  
- C. The University Police Officer, upon arriving at the scene, will notify the MSUPD Telecommunicator of:
  - 1. The severity of injury/illness and additional pertinent information
  - 2. The emergency response assets required
  - 3. Protect the person(s) from further injury and give emergency first aid
  - 4. Escort medical personnel to exact location if required

**NOTIFICATIONS OF UNIVERSITY OFFICIALS:** In the event of the incident involving injury, death, or significant property loss, University personnel will be notified and advised of the situation as outlined in Emergency Operations Plan maintained in the MSUPD 911 Communications Center.

**RESPONSIBILITIES:** The duties and responsibilities of the University affiliated personnel when responding to, or dealing with, a medical related incident include the following:

- A. MSUPD Communications Personnel: Telecommunicators/Operators (a/k/a police dispatchers) are responsible for monitoring calls for medical assistance on university property. When required, these personnel are responsible for contacting the appropriate medical response units. These transmissions will be documented in the computerized dispatch activity log. This includes providing on-going condition updates to responding personnel. A final report will be provided this office to predetermined university personnel.
- B. University Police Officer: Once notified the University Police Officer will proceed to the location in emergency response mode. After assessing the situation, the officer will notify the telecommunicator/responding units of the nature and severity of the medical emergency and any other additional information, including the identification of the patient. The officers may be required to provide basic medical assistance.

University Police Officers shall provide the name, time, and affiliation of the individual who actually accomplished the treatment of patient. MSUPD Telecommunicators will note the appropriate information, including the time of re-entry by occupants, in the MSUPD communications log.

- C. Environmental Health and Safety Officer: This University employee will assist, if necessary, in determining any environmental causes of the incident. In addition, they are responsible for the maintenance of the Risk Management Reporting.
- D. Dean of Students: This University employee will assist, if necessary, in identifying university students/employees and providing information to appropriate personnel.

**NEWS MEDIA:** Media inquiries shall be handled as follows:

- A. News media inquiries shall be referred to the Office of University Communications, the University Chief of Police, or the Office of the President. Under no circumstances shall any other member of the University Police, give statements to the news media without the expressed permission of the Office of University Communications and the Chief of Police.
- B. At the first opportunity, and if deemed necessary by the ranking University Police Officer on-duty, the Office of University Communications shall be briefed on all aspects severe medical emergencies. All MSUPD personnel will honor requests for information from the Office of University Communications.



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<b>Title:</b> Responding to the Rowan County Detention Center	<b>Chapter:</b> 56  <b>Page(s):</b> 1	<b>KACP 19.7</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**POLICY:** When responding to a call for assistance at the Rowan County Detention Center, the following information should be obtained before entering the building:

1. Inmates location within the detention center that requires our response.
  2. Whether or not they are armed and if so, with what type of weapon.
  3. If they have anyone with them (hostage or other inmates).
  4. If they are confined to a particular area (cell, hallway, booking room).
  5. If other inmates have access to common areas (preferably all inmates will be locked down).
- I. When all information has been determined (the list above is minimum), the Supervisor on duty should determine if resources are available to make a safe entry and take positive measures to contain or quell the disturbance. This would also be the appropriate time to notify the Chief or Assistant Chief as additional police resources may need to be allocated to maintain patrol coverage. In all such incidents, the Officer in Command shall provide that all personnel make full use of protective wear. Some situations may require officers to enter armed with firearms or remain staged just outside the facility or outside the area controlled by the inmate. The Supervisor should consider:
- a. Disturbance location within the facility.
  - b. The presence or possibility of injuries.

Consideration should be given to providing options of use of force that may be employed to contain or quell the disturbance.

- II. The formulation of a tactical plan and assurance that all involved, both Morehead State University Police Officers, Morehead Police Department Officers and jail staff, are informed on the plan and a backup plan is known. A Morehead Police Department radio has been provided to the jail to be maintained in the control room so that direct communication can be established to coordinate the police response.





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<b>Title:</b>  Search and Seizure	<b>Chapter:</b> 57  <b>Page(s):</b> 1-6	<b>KACP:</b> 1.4
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**POLICY:** Members of the Morehead State University Police Department shall comply with the provisions of the U.S. Constitution, Kentucky Statutes, and Department policy in every aspect-governing search and seizure.

**DEFINITIONS:**

**Body cavity search:** Any search involving not only visual inspection of certain skin surfaces but the internal physical examination of the body cavities (excluding the mouth) and, in some instances, organs such as the stomach cavity.

**Consensual encounter:** A mere contact with a citizen that is voluntary in nature, involves no coercion, no detention, no use of force or directive/controlling language or conduct, and no seizure of that individual.

**Exigent circumstances:** A call for immediate action or attention; urgent, pressing needs, demands, or requirements.

**Frisk:** A “pat-down” or external feeling of the outer garments of an individual for weapons only.

**Probable cause to search:** Facts and circumstances which lead a reasonably prudent officer, based on their training and experience, to believe that the items sought to be seized are connected with criminal activity and that those items will be found in the place to be searched.

**Reasonable suspicion:** Facts and circumstances that would lead a reasonably prudent officer, based upon their training and experience, to believe that a crime has been, is being, or is about to be committed.

**Stop:** A “field interview” or temporary detention of an individual based upon reasonable suspicion.

**Strip search:** Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual or manual inspection of the genitals; buttocks; anus; female breasts; or undergarments of such person.

## **PROCEDURES**

### **I. CONSENT SEARCHES**

For the purposes of this policy, consent to search a person shall not extend to visual inspection of the genital area or other skin surfaces that would constitute a strip search. The general prohibition against warrantless entry into a person's home, business, or other constitutionally protected area, does not apply to situations in which consent has been obtained.

Valid consent acts as a substitute for a search warrant or probable cause. Consent must be voluntary and is limited, in scope, to the area or thing, which the person allows to be searched.

1. The voluntariness of a person's consent is generally determined by the totality of the circumstances. The conduct of the officer(s), the ability of the individual to understand and rationally respond to the request for consent, as well as the age, education, intelligence, and knowledge of the individual are all relevant in this determination.
2. The person giving consent must also have actual or common authority over the area or thing to be searched.
3. Officers searching in a residence where a resident of a particular room should ideally sign Consent to Search Form. If all residents are not present, the search must be restricted to the personal area of any who sign, and the common areas used by all the residents.
4. The consent to search a vehicle may be given by the operator of the vehicle and can include the trunk of the vehicle. The person may withdraw consent before or during the search.
5. If consent is withdrawn, officers shall immediately cease any search in progress unless another exception to the search warrant requirement is applicable.

### **II. PLAIN VIEW**

An officer may make a valid, warrantless seizure of an item under the "plain view doctrine" when an item is encountered in plain view and its incriminating character is immediately apparent.

1. The officer must have had a lawful justification for being in the location/position from which the item was visible.
2. The "plain view doctrine" does not allow an officer to make a warrantless entry into a private dwelling to make a misdemeanor arrest or seize evidence of a misdemeanor offense.

### III. STOP AND FRISK

- A. If there are articulable facts supporting a reasonable suspicion that an individual has committed, is committing, or is about to commit a criminal offense, that person may be stopped in order to conduct a field interview to ascertain the person's identity and the circumstances which led the officer to believe the person was involved in criminal activity.
- B. When a stop has been conducted based upon reasonable suspicion, and there exists a separate and articulable reason to believe that the person stopped is armed and poses a threat to the officer's safety, a frisk of the subject's outer clothing may be conducted for weapons.
- C. An object that an officer detects during the course of a valid protective frisk may also be seized without a warrant if the officer's sense of touch, or "plain feel", makes it immediately apparent to the officer as a result of their training and experience that the object is contraband and/or evidence of a crime.
- D. An investigative detention must be temporary and last no longer than is necessary to carry out the purpose of the stop.

### IV. INCIDENT TO ARREST

The United States Supreme Court *now* holds the opinion that the police are authorized to search a vehicle incident to a recent occupant's arrest *only when* the arrested person is unsecured and within reaching distance of the passenger compartment at the time of the search.

However, the Court also concluded that the police are authorized to conduct such a search when it is reasonable to believe that evidence relevant to the crime for which the occupant has been arrested might be found in the vehicle. For example, if a recent occupant of a car is arrested for possessing cocaine found in one of his pants' pockets, it would probably be reasonable for the police to believe that additional narcotics or narcotics-related equipment might also be found in his car. In that case, the police would probably be justified in searching the passenger compartment and any containers located inside of that compartment.

### V. EXIGENT CIRCUMSTANCES

An officer may enter and search a location without a search warrant when there is a reasonable belief that an emergency exists and there is an immediate need for law enforcement action. Any time an officer intends to enter a dwelling, an officer must identify themselves as Morehead State University Police Officers.

The law allows for entrance into properties for exigent or emergency purposes. Any evidence noticed during these warrantless entries is admissible. Once the exigent circumstances terminates, the officer's right to search also terminates. Such urgent circumstances include but are not limited to:

1. Protecting individuals in distress, assisting victims of crimes, or investigating suspicious signs of impending danger.

2. Preventing the imminent use of a dangerous weapon or the potential destruction of fruits of a felony.
3. Conducting a security sweep surrounding a particular arrest with the intent to ensure that there are no other persons present who may pose a danger to the officer.

## **VI. CRIME SCENES**

- A. The existence of exigent circumstances at the scene of a crime shall justify a valid, warrantless search when members reasonably believe that an emergency exists.
- B. Such searches are limited in scope and shall not extend beyond that which is necessary to address the emergency. A broader search shall require a search warrant or valid consent.

## **VII. VEHICLE**

- A. A warrantless, valid search (Consent to Search waiver signed) may be made of a motor vehicle when there is probable cause to believe that it contains contraband or evidence of a crime and that the vehicle is capable of being moved before a search warrant can be obtained.
- B. Under these circumstances, a search may be made of the entire vehicle and any containers within, whether locked or unlocked, which are capable of holding the object(s) of the search. Such containers may include the trunk, the glove compartment and other fixtures, and loose items.

## **VIII. VEHICLE INVENTORY**

Courts hold that police should not seize a vehicle, without probable cause to search for evidence, unless it is necessary under the circumstances. In other words, officers should not impound a vehicle for purposes of doing an inventory in hope of discovering evidence through that inventory. If the officer has enough probable cause to obtain a search warrant, then the vehicle could be seized and searched with a Search Warrant.

- A. Vehicle inventory procedures serve to protect an owner's property while it is in the custody of the police to ensure against claims or disputes over lost, stolen, or vandalized property and to protect the police from potential liability.
- B. An inventory is not considered a search. The scope of the inventory is not discretionary with the officer. All areas of the vehicle should be inventoried; however, no force shall be used to open any portion of a vehicle or any item inside for inventory purposes.
  - B. Officers are not permitted to conduct a vehicle inventory for any vehicle that has been impounded due to a parking violation under conditions of the Morehead State University Police Traffic Office.

## **IX. STRIP / BODY CAVITY SEARCH**

Strip and/or body cavity searches of arrestees to be performed based on probable cause, under specific circumstances, to protect the safety of the officer and others as well as to detect and secure evidence of criminal activity.

- A.** Only qualified medical personnel, under sanitary conditions, shall perform any body cavity search. An on-duty supervisor approval is required.
- B.** No officer shall conduct or participate in a strip search unless:
  - 1. A custodial arrest has occurred; and
  - 2. The offense for which the arrest was made is a felony or serious misdemeanor; and
  - 3. There is a clear indication that the person is concealing weapons, evidence or contraband; and
  - 4. A supervisor's approval has been granted.
- C.** If physical force is necessary to search the individual, a search warrant is required.
- D.** A person(s) of the same gender as the arrestee shall conduct strip searches in a private setting.

## **X. SEARCH WARRANTS**

- A.** Any member seeking a search warrant shall require the approval of their immediate supervisor prior to obtaining and executing any search warrant.
- B.** A search warrant may be issued only upon probable cause, supported by oath or affirmation particularly, describing the place or person to be searched and the person or thing to be seized. A sworn application must be executed prior to issuance of any search warrant. The application, accompanied by affidavits, depositions in writing, or testimony by sworn witnesses must set forth the facts establishing probable cause.
- C.** A search warrant shall be served by any officer(s) named in the warrant. Notification as to time and location of any search warrant shall also be provided to the Shift Commander prior to execution.
  - 1. Under the direction of the member in charge, members shall knock and announce themselves as "police officers", display their badges or other appropriate identification, and advise they have a search warrant for the premises. As in all pre-planned high-risk instances, all members executing a search warrant shall wear protective ballistic vests.
  - 2. If after due notice of their authority and purpose, admittance to said premises or access to anything therein is denied, officers may require entry tools to break open an outer door, inner door or window of a house, or any part of a house or anything therein, to execute the warrant.
  - 3. Members shall not be required to "knock and announce" if any of the following circumstances exist:

- a. The person(s) within knows of the officer's authority and purpose.
  - b. The person(s) within will attempt to escape or destroy evidence.
  - c. Officers believe that person(s) within is in imminent danger of bodily harm.
  - d. The officers' safety would be jeopardized by any such announcement.
- D. A search warrant shall be issued in duplicate and when served, a copy shall be delivered to the person named in the warrant. In the absence of the person named in the warrant, the warrant shall be delivered to some person who is present or living on the premises. If no person is present on the premises, a copy of the warrant (including the property inventory sheet) shall be left in a prominent place.
- E. Under the authority of a search warrant, members have the authority to make a complete and thorough search of the entire premises described in the warrant. The only restriction is that the areas searched must be able to contain or conceal the evidence sought by the warrant. When searching said areas, any property that is readily identifiable as contraband, or evidence of a crime, may be seized even if not described or listed in the search warrant.
- F. On the property inventory sheet, each item of property seized shall be described thoroughly along with the location where it was discovered. If no property was seized, it shall be so indicated.
- G. Within ten (10) days, one of the original signed search warrants, along with a copy of the property inventory sheet, shall be returned to the court.

## **XI. DOCUMENTATION**

Members who conduct any search shall abide by all reporting requirements. In those instances when no offense or incident report is so generated, CAD sheet shall be completed to document the incident, including the nature of the encounter and a brief description of the search conducted.



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<b>Title:</b>  Traffic Safety Checkpoints	<b>Chapter:</b> 58  <b>Page(s):</b> 1-2	<b>KACP</b> 24.3
<b>Approved Date:</b>  July 2015	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

### POLICY

It is the policy of the Morehead State University Police Department to promote safety for motorists using the public roadways and to provide a deterrent for those who violate laws contained in the Kentucky Revised Statutes. The intent of a traffic safety checkpoint is to improve highway safety through high visibility public safety activity, focusing on vehicular equipment deficiencies, confirming appropriate registration of vehicles and the licensing of drivers. Violations of law or other public safety issues that arise shall be addressed. Traffic safety checkpoints will allow the MSUPD the opportunity to periodically concentrate its efforts in checking for violations of Kentucky traffic and regulatory laws that will ultimately increase the safety of the citizens within the area of the campus community.

### TRAFFIC SAFETY CHECKPOINT GUIDELINES

A. The following guidelines shall be followed when **establishing** traffic safety checkpoint locations:

- Traffic safety checkpoints shall not be held at locations other than those on the list, except under extenuating circumstances.
- Locations of traffic safety checkpoints shall be selected based on considerations of safety and visibility to the public. Traffic safety checkpoints shall only be established on roadways with clear visibility in all directions of travel.
- Officers shall consider the weather condition and its adverse effects on officers and public safety when establishing a traffic safety checkpoint.
- The determination of where and when a traffic safety checkpoint will be held shall bear a reasonable and articulable relationship to a public safety or traffic violation problem that has been experienced or is anticipated in a particular location.
- Non-supervisory officers may request to establish traffic safety checkpoints at approved locations and times consistent with the above guidelines.
- Department supervisors shall note the locations, approximate times and officer-in-charge of the traffic safety checkpoints on the work schedule.
- Checkpoints shall be advertised on local (WMKY) radio station and/or on the MSU Web Page. Media alerts regarding traffic safety checkpoint areas shall be issued at least quarterly. The specific locations and times need not be provided.
- The documented media alerts for each checkpoint shall be retained electronically for a minimum of two (2) years from the date of the checkpoint.

B. The following procedures shall be followed when **conducting** a traffic safety checkpoint:

- Traffic safety checkpoints shall be utilized to enforce the laws relating to:



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- Motor vehicle equipment safety;
- Licensing of drivers;
- Registration/proper insurance of motor vehicles; and
- Operation of motor vehicle while under the influence of intoxicants.
- The decision to conduct a traffic safety checkpoint must be approved by a supervisor.
- Assigned personnel shall conduct traffic safety checkpoints at the scheduled time and location unless:
  - Other law enforcement activities obligate the officer(s);
  - There are extenuating circumstances that make the detail unreasonable; or
  - A supervisor cancels the detail
- Traffic safety checkpoints may be conducted by two or more uniformed officer(s) and shall include a supervisor OR an officer designated by a supervisor as the officer-in-charge to monitor the traffic safety checkpoint.
- Traffic safety checkpoints with traffic volume too great for effective monitoring by a two officers shall be conducted by a sufficient number of officers to ensure a safe and efficient operation of the traffic safety checkpoint and minimal disruption to the public.
- Traffic safety checkpoints shall include uniformed officers. Marked vehicles, with blue lights operating, shall be used at all scheduled traffic safety checkpoints.
- All officers conducting a traffic safety checkpoint **shall** wear their agency-issued reflective safety vest.
- All vehicles that pass the checkpoint shall be checked unless the officer is involved in investigating or enforcing an observed or suspected violation of the law, or unless the volume of traffic creates congestion.
- Should the officer(s) be unable to check each vehicle due to enforcement obligations or traffic congestion, all vehicles shall be passed through the checkpoint until one or more officer(s) becomes available for an orderly check of traffic. In these circumstances, a traffic stop shall not be made unless there is an observed violation of traffic or criminal law or a reasonable and articulable suspicion of some violation prior to the stop.
- Each motorist stopped should be requested to present his/her operator's license, registration, and proof of insurance.
- The vehicle may be inspected for obvious safety defects and registration violations. Any apparent or suspected violation of a traffic or criminal law may also be investigated and enforced.
- If the officer detects any violation, the motorist may be directed to a nearby location out of the traffic flow where the appropriate enforcement action shall be taken.
- All motorists are to be treated respectfully and courteously, and are to be promptly allowed to proceed unless a violation is observed.
- Officers participating in traffic safety checkpoints shall ensure their arrival and departure times are logged as a CAD incident for Traffic Checkpoints and on the CAD Unit Log.
- The officer in charge will prepare a report giving the reasons why a particular place and time was chosen and the results of the sobriety checkpoint. The report should show the number of vehicles stopped and the number of arrests. This report will be forwarded to the Chief of Police for their review.

Checkpoints may be coordinated and conducted with other law enforcement agencies. The following locations have been pre-approved:

1. US 60 & Playforth Place
2. University Boulevard & Main Street
3. University Boulevard & Elizabeth Avenue
4. Battson Oats & Second Street





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<b>Title:</b>  Special Events	<b>Chapter:</b> 59  <b>Page(s):</b> 1-2	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b> 8 May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**Purpose:** To established procedures for the receipts of requests for special event security and appropriate guidelines for providing such services.

**Scope:** This section applies to all Morehead State University Police Department staff and should be considered general guidelines, which are subject to change based on the dictates of the situation as directed by the Chief of Police.

**Procedures:** Morehead State University Police Department will provide necessary security for special campus functions under the following circumstances:

1. Request for services:

- A. Appropriate written notice of the function and requirements should be provided at least 45 days in advance.
- B. Sufficient personnel must be available to perform normal campus duties and support the special events.
- C. The sponsoring agency/group must be prepared to provide Interaccounts Funds Transfer to cover the cost of any special security/crowd control/parking.
- D. The event will be scheduled as a normal part of the monthly schedule if possible without changing days off, scheduling overtime, or depriving the remainder of the campus community of normal police services. Otherwise, the requesting group will be charged for services at the actual pay rate for services provided. This fee will be estimated in writing to the requesting group within 10 working days after receipt of the request.
- E. The Chief of Police of Morehead State University Police Department or his designee will coordinate with local law enforcement agencies, in advance, on events expected to draw large crowds or where problems are anticipated. Similarly, if university functions are likely to cause traffic problems off campus, the appropriate agency shall be notified.



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### 2. Event Security:

- A. Normally a special duty schedule will be published prior to the event. Change will be at the discretion of a department supervisor.
- B. All personnel scheduled to work will be in the appropriate uniform.
- C. Primary consideration will be the safety of those attending the event. All actions during the event will be geared toward the safety of the crowd.
- D. Parking Attendants and Student Cadets may be used in conjunction with sworn officers; however, they will not be scheduled to work alone without officer support and backup in crowd control situations.
- E. Every effort will be made to cooperate with event organizers and other university officials; however, command of Morehead State University Police Department personnel will rest with the sergeant or senior officer on-duty unless assumed or otherwise directed by a senior university official with the Morehead State University Police Department "Chain of Command" (i.e., Vice President or Associate for Student Life, or the President).
- F. All personnel shall submit a written report of any problems encountered. This will serve to assist in the planning for future events.
- G. Officers on normal duty and dispatcher will check on the status of those assigned to special event duty at least hourly unless engaged in higher priority operations.



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<b>Title:</b>  Motorcycle Patrol Unit	<b>Chapter:</b> 60  <b>Page(s):</b> 1-3	<b>KACP</b>
<b>Approved Date:</b>  July 2015	<b>Review Month:</b> 8 May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PURPOSE**

The purpose of this order is to establish guidelines for the daily operation of the Morehead State University Police Department Motorcycle Patrol Unit.

**POLICY**

It is the policy of the Morehead State University Police Department to utilize the Motorcycle Patrol Unit to more effectively patrol all areas of MSU Campus by combining mobility with close citizen contact. The Motorcycle Patrol Officer will provide first-line police services in the areas they are assigned. The Motorcycle Patrol Unit is to serve as an effective proactive force in crime prevention, detection and enforcement, as well as personal interactions with MSU students and staff.

**PROCEDURES**

**1. Selection Process**

Training and licensing requirements for authorization to use a motorcycle on patrol are at minimum:

- A. Completion of the Motorcycle Safety Foundation Basic Rider Course or equivalent
- B. Kentucky Class DM – Operator/Motorcycle Driver’s License.
- C. When a driver completes an approved motorcycle safety course, a motorcycle license can be issued without the applicant having to complete a skills test. In all cases, however, the applicant must have the motorcycle permit for at least one calendar month before a motorcycle license can be issued. In the time between successful completion of the motorcycle safety course, after the issuance of a motorcycle instruction permit, and prior to the issuance of an operator/motorcycle driver’s license, the officer may practice their operator skills with a Department motorcycle under the supervision of a licensed motorcycle patrol officer, who has



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- D. already met the requirements of A and B, and at the discretion of the on-duty supervisor. Such practice should take place at a time and in an area where the safety of the officer, other motorists, and pedestrians can be reasonably guarded. An example of this might be to practice on a weekend in a section of the campus that has little vehicular and pedestrian traffic. For more information on training and licensing requirements see the Kentucky Motorcycle Manual and the Kentucky Motorcycle Rider Education Program.

### 2. Daily Operations

- A. The police motorcycles shall be used exclusively by officers trained in their use and operation.
- B. Motorcycle patrol is restricted from routinely patrolling US60 and KY32 unless responding to an emergency situation. They should not be used to patrol off campus locations such as the University Farm and University Golf Course.
- C. Officers will not drive on sidewalks unless circumstances require, such as enforcement/emergency situations.
- D. Officers on routine patrol will operate their motorcycle under the same standards as any other patrol vehicle.
- E. The motorcycles may be operated for patrol anytime the weather and road conditions permit. Icy/rainy conditions would be an example of when not to ride. This determination is to be made by the officer and/or supervisor.

### 3. Traffic Stops

- A. Motorcycles may be used for traffic enforcement in the same manner as any other patrol vehicle.

Ideally officers in four wheeled patrol vehicles would make high risk traffic stops and motorcycle officers would provide backup. The cruiser offers some level of cover that a motorcycle cannot. If it cannot be avoided due to the circumstances, officers may initiate a high risk stop from a motorcycle but should dismount the cycle and seek available cover to continue.



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### 4. Pursuit Driving

- A. Pursuit driving using a motorcycle offers more risk than in a police cruiser because the motorcycle is smaller, harder to see and hear, and offers no collision protection.
- B. Motorcycles will only be used for pursuits where:  
The officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists, has committed a known serious felony, or when the necessity of immediate apprehension outweighs the level of danger created by the pursuit, or the pursuing officer has no backup except the motorcycle officer.
- C. The motorcycle officer will disengage from a pursuit when a four wheeled vehicle is available to replace the motorcycle in the pursuit.
- D. All other restrictions and responsibilities, as stated in the Emergency Driving Policy, applicable to a motorcycle are in effect with the operator of a motorcycle.

### 5. Equipment

Officers on motorcycle patrol will wear at minimum:

- A. Department approved helmet
- B. Department approved eye protection
- C. Department approved uniform
- D. Two way radio with issued speaker/microphone or earpiece/microphone



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<b>Title:</b> Naloxone Administration ( Narcan ) K.R.S. 217.186	<b>Chapter:</b> 61  <b>Page(s):</b> 1-3	<b>KACP</b> <b>1.4</b>
<b>Approved Date:</b>  September 2016	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**I.  
INTRODUCTION**

In response to opiate drug related overdose incidents, the Morehead/Rowan County community, led by St. Claire Medical Center, has introduced a protocol to equip first responders with Naloxone (Narcan).

**II.  
PURPOSE**

This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

**III. DEFINITION**

Naloxone (Narcan) is a medication that acts to combat the effects of opiate drugs, primarily the depression of the respiratory system. First Responder administration is intended to restore adequate respiratory effort.

**IV. REFERENCE**

**KRS 217.186 Provider prescribing or dispensing naloxone -- Administration by third party -- Use of naloxone by person or agency authorized to administer medication -- Immunity from liability -- Administrative regulations -- Use of naloxone by schools.**



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### V. ADMINISTRATORS

Naloxone may be administered in the field by any Morehead State University Police Officer that has received the appropriate in-house training in accordance with KRS 217.186. Naloxone shall be administered nasally in strict accordance with naloxone training guidelines and protocol. A record of training shall be maintained by the agency.

#### A.) Indications for Naloxone Administration

- Ensure the scene is safe
- The patient is unconscious and not responding to any verbal stimuli.
- The patient has no detectable breathing, OR has poor respiratory effort such as: agonal (gaspings) breaths, loud snoring respirations, occasional gasping breaths or cyanosis.
- There is evidence that the patient is suffering from an opiate overdose including but not limited to:
  - Bystanders have given information that the patient has taken or may have taken an opiate of some kind.
  - There is physical evidence of opiate use, such as drug paraphernalia or prescription bottles.
  - The patient has a known history of opiate abuse.
  - The patient has pinpoint pupils along with the respiratory depression or arrest.

#### B.) Contraindications for Naloxone Administration

- Patients who are conscious or semi-conscious and responding to verbal stimuli.
- Patients who are breathing normally and adequately.
- Scene is unsafe

#### C.) Administration

A record of training is maintained by the agency.

An ambulance **shall** be requested for any person who has received naloxone, if not already en route.

### VI.) STEPS FOR ADMINISTRATION OF PRE-FILLED NASAL NALOXONE

- 1) Don protective gloves
- 2) Obtain intranasal naloxone kit
- 3) Connect needle and 3mL syringe
- 4) Remove cap from needle and draw up the entire contents of the Naloxone vial (1 mL)
- 5) Place cap back on needle and remove from syringe
- 6) Open atomizer package and connect atomizer to syringe



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- 7) Administer contents of entire vial in to one of the patient's nares (nasal passage)
- 8) Repeat steps 2-7 to give an additional dose in the patient's other nostril if applicable

Monitor patient until EMS arrives for improvement of respiratory effort. Unconscious patients should be placed on their side to assist in preventing aspiration should they vomit or have other secretions.

### VII.) Considerations

Naloxone is a short acting drug and opiates are longer acting drugs. The naloxone will leave body systems faster than the opiate, so respiratory depression may return in a short period of time. Continue to assess respiratory status until advanced life support arrives. Rescue breathing may be indicated if breathing is absent. CPR may be indicated if there is no pulse or breathing.

Naloxone can be administered to a patient of any age.

Naloxone may work rapidly and send the patient into immediate withdrawal. They may feel very sick and may become combative. Other side effects include flushing, sweating, agitation, dizziness and acute pain that may have been masked by the effects of opiates.

### VIII.) Documentation

If naloxone is administered it shall be documented in a police Incident report – Informant Complaint (CAD). The following information shall be included in the documentation:

- Who administered the dose
- Time or estimated time that drug was administered.
- Condition of patient prior to administration including signs that indicated the need for naloxone.
- Condition of the patient after administration including signs that naloxone may have been effective or ineffective.
- Time or estimated time of arrival of EMS.
- Any complications that may have occurred

### IX.) Storage and Maintenance

Inspection of the Naloxone shall be the responsibility of the personnel assigned the kit and should be conducted at the start of each shift. Kits missing or damaged will be reported directly to the shift supervisor for replacement. Manufacturers' recommendations should be followed for the storage of Naloxone.





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<b>Title:</b> Body Worn Cameras	<b>Chapter: 62</b> <b>Page(s): 1-5</b>	<b>KACP 17.13</b>
<b>Approved Date:</b> October 2016	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PURPOSE**

The purpose of this order is to establish guidelines for the daily operation of the Morehead State University Police Department body-worn camera policy.

**DEFINITIONS**

Body-worn cameras: camera systems designed to be worn by police officers to capture digital multimedia evidence.

Digital Multimedia Evidence (DME): consists of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

**BACKGROUND, SCOPE AND PURPOSE**

- A. Body-worn cameras are an effective law enforcement tool that can reduce violent confrontations and complaints against officers. Body-worn cameras provide additional documentation of police-public encounters and may be an important tool for collecting evidence and maintaining public trust.
- B. The Department has adopted the use of body-worn cameras to accomplish several objectives, including:
  - 1. Body-worn cameras allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony.
  - 2. Audio and video recordings enhance the Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
  - 3. Body-worn cameras may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.



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- C. The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

### PROCEDURE

#### OVERVIEW

The body-worn cameras should be utilized to:

1. Collect evidence that can be used in the prosecution of criminal offenses,
2. Record contacts with the public in order to secure unbiased evidence in connection with investigations,
3. Allow for supervisory review to ensure that department policies and procedures are followed, and
4. Capture footage that would be helpful for training.

#### LEGAL ISSUES

- A. Body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the Department. The personal use of all information recording by body-worn cameras shall only be pursuant to the prior written approval of the Chief of Police.
- B. Body-worn cameras and equipment should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning, and shall notify their supervisor of any problems.
- C. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the body-worn camera system.
- D. In the even that a body-worn camera is lost, upon discovery the officer shall immediately notify his/her supervisor.
- E. Officers should wear body-worn cameras at the midline of their torso and in position designed to produce an effective recording.



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- F. Officers shall not use personally-owned body-worn cameras while on duty.
- G. Misuse or improper usage of the body-worn camera is prohibited and subject to disciplinary action.

### **OPERATION OF BODY-WORN CAMERAS**

- A. There are many situations where the use of the body-worn camera is appropriate. This policy is not intended to describe every possible circumstance. Possible recording situations include, but are not limited to:
  - 1. Traffic stops, DUI investigations (including field sobriety tests)
  - 2. Response to Resistance (Use of Force) situations
  - 3. Pursuits
  - 4. Domestic Violence investigations
  - 5. Confrontational citizen contacts
  - 6. Suspicious persons/vehicle contacts
  - 7. Critical incidents
  - 8. Statements by suspects
  - 9. Arrests
  - 10. Advising an individual of their Miranda rights
  - 11. Vehicle searches
  - 12. Building searches
  - 13. Knock & Talks
  - 14. Collection of evidence
  - 15. Any call for service involving a crime where the recorder would clearly aid in the apprehension and/or prosecution of a suspect

In addition to the required conditions, officers may activate the system any time they feel its use would be appropriate and/or valuable to document the situation.

- B. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, officers should make every attempt to activate their body-worn cameras prior to making contact in any of the following incidents:
  - 1. Enforcement encounters where there is a reasonable suspicion the person is involved in criminal activity. This includes, but not limited to, dispatch calls as well as self-initiated activities.
  - 2. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping.



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3. Officers may activate the body-worn camera before or during any other incident at their discretion.
- C. An officer shall have the latitude to terminate the recording when there is no likelihood for force being used or anything else of evidentiary value occurring. Deactivation of the body-worn camera should occur when:
1. The event has concluded;
  2. Victim and/or witness contact has concluded;
  3. All persons stopped have been released;
  4. Once an arrestee has been transported to a detention facility or custody has been transferred to another officer for transportation to the detention facility. The officer transporting the arrestee to the detention facility shall keep the officer's body-worn camera activated until custody of the individual is transferred to the detention facility.
- D. Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. However, officers should evaluate the situation and when appropriate, honor the citizen's request. The request to turn the camera off should be recorded, as well as the officer's response.
- E. With the exception of instances noted in this policy, it shall be deemed a violation of this policy for an officer not to activate the device or intentionally terminate a recording.
1. If an officer fails to activate a body-worn camera, or fails to record the entire contact, the officer shall document the reasons for doing so.
- F. Officers shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the officer is in a privileged relationship (spouse, attorney, minister, etc.)
- G. Body-worn cameras should not be used to record:
1. Communications with other police personnel
  2. Encounters with undercover officers or informants
  3. When an officer is on break or is otherwise engaged in personal activities



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4. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room
  5. A patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect
  6. Communications made in a psychiatric facilities, unless responding to a call involving a suspect who is thought to be present in the facility.
- H. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information. Any of these aforementioned processes shall be made by the Chief of Police or designee.

Body-worn cameras shall be fully charged prior to a tour of duty and docked (to upload video) depending on the recommendations of the manufacturer of the camera chosen by the department.



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<b>Title:</b> Sexual Assault Investigations	<b>Chapter:</b> 63  <b>Page(s):</b> 1-7	<b>KACP</b>
<b>Approved Date:</b> 11/29/2016	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PURPOSE**

The purpose of this general order is to provide sexual assault investigators with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and victim service agencies, submitting evidence for laboratory testing, and keeping victims notified.

**POLICY**

It is the policy of the **Morehead State University Police Department** that all reported incidents of sexual assault are properly and ethically investigated in an unbiased and truth seeking manner that will support a fair and accurate decision in the criminal justice system. A victim-centered approach includes investigation practices that focus on the actions and choices of the offender, not the actions or inactions of the victim. Methods shall be employed throughout the investigation to reduce the physical and psychological trauma to the victim of sexual violence by responding in a compassionate, sensitive and non-judgmental manner.

**DEFINITIONS**

- A. **Investigating officer:** An officer assigned to investigate the report of a sexual assault. The investigating officer might be the responding officer or a detective as determined by the supervisor.
- B. **SAFE Kit – Sexual Assault Forensic Evidence Kit:** A forensic evidence collection kit consisting of instructions and labeled packages for properly collecting and storing potential DNA evidence. A victim’s kit includes the victim’s medical history and assault information form. A suspect’s kit includes the request for examination form. SAFE kits are usually collected by trained medical personnel.
- C. **SANE – Sexual Assault Nurse Examiner:** A registered nurse who has completed required education and clinical experience and maintains a current credential from the Kentucky Board of Nursing to conduct forensic examinations of victims of sexual offenses who are 14 years of age or older.
- D. **SANE-ready Hospital:** An acute care hospital certified by the Cabinet for Health and Family Services that a sexual assault nurse examiner is available on call twenty-four hours a day for the examination of persons seeking treatment as victims of sexual offenses. A list of SANE-ready hospitals is available on the CHFS Inspector General’s webpage.
- E. **Sexual assault examination facility:** A licensed health facility, emergency medical facility, primary care center, or a child advocacy center or rape crisis center that is regulated by the Cabinet for Health and Family Services, and that provides sexual assault examinations



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- F. under **KRS 216B.400**. Every hospital of this state which offers emergency services shall provide SAFE Exams. KRS 216B.400.
- G. **Victim advocate**: A rape crisis center advocate's priority is addressing the victim's full range of needs. Advocates assist with the victim's emotional, physical, psychological, economic, and spiritual needs. The advocate can work collaboratively with the investigator on behalf of the victim and acts as a liaison among sexual assault response agencies to identify and facilitate access to services.

### **STATUTORY PROVISIONS (SUMMARY OF PERTINENT KRS & KAR)**

**KRS 15.440**, sexual assault investigation policy shall include the following requirements:

1. Evidence collected as a result of an examination performed under KRS 216B.400 is required to be taken into custody within five (5) days of notice from the collecting facility, with the consent of the victim. A victim may consent to having a kit collected, but **not** consent to report the assault to law enforcement. These are called non-reporting kits and are not required to be collected by law enforcement and sent to the lab.
2. Evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the department shall be transmitted to a department with jurisdiction within ten (10) days of receipt by the department.
3. Evidence retrieved from a collecting facility shall be transmitted to the Kentucky State Police Forensic Laboratory within thirty (30) days of its receipt by the department.
4. A suspect standard, if available, shall be transmitted to the Kentucky State Police Forensic Laboratory with the evidence received from the collecting facility.
5. A process for notifying victims from whom evidence was collected of the progress of testing, whether testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The notice may be delayed until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification. Disclosure of the suspect's identity is not required.

#### **KRS 17.175 (3)(a)**

The department shall analyze and classify all sexual assault evidence collection kits it receives.

#### **KRS 216B.400**

(7) A minor may consent to an examination. Consent of the parents or guardians of the minor is not required for an examination. Hospital personnel will not perform a SAFE Exam on a minor without the consent of the minor.

(9) No charge shall be made to the victim for sexual assault examinations by the hospital, the sexual assault examination facility, the physician, the pharmacist, the health department, the sexual assault nurse examiner, other qualified medical professional, the victim's insurance carrier, or the Commonwealth.

(10)(a) Each victim shall have the right to determine whether a report or other notification shall be made to law enforcement. No victim shall be denied an examination because the victim chooses not to file a police report, cooperate with law enforcement, or otherwise participate in the criminal justice system.

#### **502 KAR 12:010**

**Section 2(2)(b)(1)** The examination facility shall not contact law enforcement or release any information to law enforcement without the victim's authorization.

#### **502 KAR 20:020 Detection of Deception Examiners**

**Section 4 (2)** An examination shall not be requested, required, or conducted of a sex crime victim as a condition for proceeding with the investigation of the crime.



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**920 KAR 2:010 & 502 KAR 12:010 Mandatory Notification to Regional Rape Crisis Center**

Hospital personnel will notify the Regional Rape Crisis Center that a victim has requested a SAFE exam and request that an advocate be dispatched.

**Title VI of the Civil Rights Act of 1964**

Victims with limited English proficiency, or who have difficulty reading, writing, speaking, or understanding English, have the right to a competent interpreter at no cost. In no circumstance should a friend or family member be used to interpret, similarly, victims with a disability should be provided an interpreter or appropriate accommodation to ensure that they have no barriers to reporting a sexual assault.

**KRS 431.600**

Coordinate child sexual abuse investigations according to KRS 431.600. A referral to a regional Children's Advocacy Center may be appropriate if the victim is under 18 years of age.

**SEXUAL ASSAULT INVESTIGATION**

- A. Sexual assault investigations shall be conducted in accordance with all agency policies including, but not limited to, preliminary investigation, follow-up investigation, and assignment of detective personnel.
  - 1. The investigating officer shall approach the victim in a respectful, non-judgmental manner while maintaining objectivity.
    - a. Individuals respond to trauma in a variety of ways. Victims may display a range of demeanor and emotions from crying and distress, to extremely calm and/or seemingly cheerful.
    - b. Trauma can affect a victim's ability to give a detailed or chronological statement. A person experiencing trauma often will recall and/or disclose information over a period of time as memories are triggered and as trust is established with responders.
    - c. A victim's demeanor or inability to articulate a chronological narrative should not be a determining factor in judging their credibility. Responses to trauma can appear to be contradictory.
    - d. Allowing the victim 2-3 sleep cycles prior to interviewing is recommended.
  - 2. A sexual assault investigation shall be conducted even when the report by the victim to law enforcement is delayed.
  - 3. The investigating officer shall advise the victim that a medical examination is recommended for their well-being and may yield evidence of the assault even if the victim has already showered or cleaned themselves.
    - a. Victims have the right to receive a medical forensic examination and have evidence collected even if they do not want to participate in the criminal justice process.
    - b. Submission to a medical examination or sexual assault forensic examination shall not be a condition of continuing the sexual assault investigation.
  - 4. When the investigating officer suspects that the assault may have been facilitated with drugs or alcohol, the necessity for collection of urine and/or blood samples should be determined as soon as possible. Consent from the victim must be obtained to collect any samples.
    - a. Submission of urine and/or blood samples by the victim shall not be a condition of continuing the sexual assault investigation.
    - b. A victim's voluntary use of alcohol, drugs, or illegal substances shall not be a determining factor in whether or not a sexual assault was perpetrated.
  - 5. The investigating officer and polygraph examiner shall not request or require any victim to submit to a polygraph examination as a condition of proceeding with the investigation.
- B. The investigating officer shall offer victim assistance and support. If requested by the victim, the officer shall facilitate or provide the following:
  - 1. Contacting a support person of the victim's choice.





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2. Contacting a victim advocate on the victim's behalf as soon as possible.
3. Arranging transportation to a safe place, if necessary.
4. Advise the victim what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates the victim.
5. Inform the victim of subsequent steps in the processing of the case.
6. Provide a telephone number so that the victim may call to report additional information about the case, additional injuries that have appeared, or to receive information about the status of the case.
7. Ensure the confidentiality of the victim and their role in case development.
8. Provide a copy or inform the victim how to obtain a copy of the Kentucky Crime Victims' Bill of Rights handbook, or an equivalent resource.
9. Agency personnel shall provide appropriate assistance to victims who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization. Assistance may include, but is not limited to, the following:
  - a. Advising the victim of available legal remedies and assist the victim in accessing those legal remedies (i.e. protective orders or warrants).
  - b. Discussing alternative safety plans with the potential victim.
- c. Contacting the Office of the Attorney General, **KRS 15.247**, who is responsible for developing and administering a program for the protection of crime victims, witnesses and their families.

### **PRELIMINARY INVESTIGATION**

- A. When responding to a reported sexual assault, officers shall begin a preliminary investigation to include the following:
  1. Responding to immediate needs – rendering aid to the injured, by noting such facts as the position of victims or injured subjects, listening for spontaneous statements, and observing any unusual actions or activities;
  2. Determining that a crime has been committed;
  3. Initiating enforcement action – arresting or pursuing the offender (if applicable) and/or communicating apprehension information;
  4. Conducting a thorough search of the crime scene. This may require securing and limiting access to the crime scene and protecting all evidence, especially short-lived evidence (impressions in sand or mud, etc.);
  5. Assessing and advising supervisor(s) of the situation and determining the need for investigative personnel;
  6. Initiating an investigation – collecting and preserving evidence, photographing the scene and evidence, checking for fingerprints, sketching the crime scene, and describing in detail all stolen property;
  7. Interviewing victim(s), witness(es), and suspect(s), and identifying and describing the suspect(s);
    - a. The victim should be interviewed in a location that is convenient, accessible, and comfortable when possible.
  8. Canvassing the area;
  9. Compiling a thorough and accurate report of on-the-scene activities and completing all documents.
- B. A supervisor shall determine if a detective shall be sent to the scene. If that supervisor is a uniformed supervisor, that supervisor shall contact the appropriate detective supervisor who shall make the decision on the assignment of detective personnel to the investigation.
- C. If a detective is dispatched to the scene and does not adopt the case but does provide assistance, then that detective shall supplement the case. If the detective adopts the case, the assisting officer shall supplement the case.



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### FOLLOW-UP INVESTIGATION

- A. The officer who adopts the case shall be responsible for the follow-up investigation and ensure all appropriate documents are included in the case report.
- B. A mandatory follow-up contact with the victim is required within 30 days of opening the case.
- C. The following activities are intended as a guide to ensure the investigation is complete and ready for prosecution:
  1. Review and analyze all previous reports prepared in the preliminary phase, including agency records, and results from laboratory examinations;
  2. Conduct additional interviews;
    - b. When conducting follow-up interviews with the victim, contact the rape crisis center's victim advocate and allow the advocate to be present during the interview.
    - c. When possible, conduct victim interviews in a location that is convenient, accessible and comfortable for the victim.
    - d. Confirm or update the victim's current contact information.
  3. Seek additional information (from officers, witnesses, victims, informants);
  4. Plan, organize, conduct searches, and collect physical evidence;
    - a. Re-photograph injuries to document changes since the preliminary interview.
  5. Identify and apprehend suspects;
  6. Determine involvement of suspects in other crimes;
  7. Check suspect's criminal history;
  8. Prepare case for court prosecution.

### SEXUAL ASSAULT FORENSIC EVIDENCE

- A. If a sexual assault forensic examination of the victim is warranted, the investigating officer shall explain the examination and its importance to the investigation.
  1. Inform the victim that the sexual assault examination and evidence collection cannot be billed to them.
  2. Inquire whether the victim will consent to a forensic examination.
    - a. Inform the victim of their right to refuse any or all parts of the examination and explain how refusal to consent to the examination will affect the investigation.
    - b. Encourage a victim who refuses a forensic examination to seek medical attention including testing for pregnancy and sexually transmitted disease.
    - c. When the victim initially chooses not to submit to a forensic examination but subsequently does seek the examination, the investigating agency shall retrieve any collected evidence within five (5) days of notification by the collecting facility. **KRS 15.440**
  3. Inform a victim advocate that a sexual assault forensic examination is to be conducted.
  4. A victim advocate or support person of the victim's choice may be allowed to be present during the examination.
  5. *Transport the victim to **Counseling and Health Services at Morehead State University** (24/7 SANE-ready). Should Counseling and Health Services be unavailable, transport the victim to the closest sexual assault examination facility or Hospital Emergency Department (St. Claire Medical Center).*
  6. Coordinate with the medical examiner to photograph injuries to genitalia or sensitive body parts with the consent of the victim, if needed.
  7. The investigating officer shall interview the medical examiner and document the interview in a case supplement report.
  8. The investigating officer shall receive the completed SAFE kit, and any other physical evidence collected during the examination. Coordinate with the medical examiner if photographic evidence is required. All evidence shall be identified, submitted for testing, stored, and retained according to the Kentucky State Police Forensic Laboratory *Physical Evidence Collection Guide* and agency evidence collection and storage policies.



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- B. When the investigation identifies a suspect, the investigating officer shall attempt to collect a suspect DNA reference standard. A sexual assault forensic examination may be included.
1. If the suspect consents to submission of DNA evidence, the suspect's consent shall be documented in the case report.
  2. If the suspect refuses consent to submit DNA evidence, a search warrant may be required to collect the DNA reference standard.
  3. When a sexual assault forensic examination is performed on a suspect who is in custody, the investigating officer shall advise the suspect of his/her rights as required by the Miranda decision prior to his/her being asked any questions by the medical examiner.
  4. The investigating officer shall interview the medical examiner and document the interview in a case supplement report.
  5. The methods used to obtain the suspect DNA evidence shall be documented in the case report.
  6. The suspect's DNA evidence shall be collected, submitted for testing, stored, and retained according to the Kentucky State Police Forensic Laboratory *Physical Evidence Collection Guide* and agency evidence collection and storage policies.
- C. When notified by a medical facility that a sexual assault forensic evidence kit has been completed and the victim chooses to report the crime to law enforcement, an investigating officer shall retrieve the kit within five (5) days. An investigation shall proceed according to this policy. **KRS 15.440**
- D. All sexual assault forensic evidence (SAFE) kits shall be submitted to the forensic laboratory for testing within thirty (30) days of receipt. **KRS 15.440**
1. Other associated evidence with potential DNA evidence should not be submitted to the lab initially. If testing the kit does not generate a DNA profile of the suspect, other items may be submitted for analysis.
- E. In sexual assault cases where suspect DNA evidence has been collected, the suspect DNA evidence shall be transmitted to the forensic laboratory at the same time as the victim's sexual assault forensic evidence or within thirty (30) days of collection, whichever is sooner. **KRS 15.440**
- F. All SAFE kits shall be submitted to the Kentucky State Police Central Laboratory Branch, Forensic Biology Section within 30 days of their receipt and in accordance with **KRS 17.175** and agency evidence collection and submission policies.
- G. In accordance with **KRS 15.440**, SAFE kits received from a collecting facility relating to an incident which occurred outside the jurisdiction of the agency shall be transmitted to a department with jurisdiction within ten (10) days of its receipt by the agency. A unique case number shall be obtained and a KSP-41 shall be completed for these SAFE kits per agency evidence collection policy.
- H. Retention of biological evidence shall be in accordance with **KRS 524.140**.
1. After laboratory testing has been completed, remaining biological evidence including sexual assault forensic evidence kits and associated evidence shall be transferred back to the originating evidence room.
- a. Biological evidence, including sexual assault evidence, in any Class A, B, C, felony or Class D felony under KRS Chapter 510 shall not be destroyed prior to a trial unless:
    - i. It has been in custody for fifty (50) years; or
    - ii. It has been in custody for at least ten (10) years; and
      - (a) the prosecution has determined the defendant will not be tried; and
      - (b) the prosecution has made a motion before the court to destroy the evidence.
  - b. Biological evidence, including sexual assault evidence, in any Class A, B, C, felony or Class D felony under KRS Chapter 510 shall not be destroyed following a trial unless:



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- i. The evidence was DNA tested and presented at trial; and the suspect was found guilty, pled guilty, or entered an Alford plea; or
  - ii. The evidence was presented at trial but DNA testing was not completed and the suspect was found guilty, pled guilty, or entered an Alford plea and the court has ordered the destruction of the evidence; or
  - iii. The court has ordered the destruction of the evidence, regardless of whether it was tested or presented at trial; or
  - iv. The trial resulted in the defendant being found not guilty or the charges were dismissed with jeopardy attached and the trial court ordered the destruction of the evidence; or
- c. When the trial results in a dismissal of charges against the defendant, subject to retrial, the evidence shall be retained until after the retrial, subject to the provisions of (1)(a), above.
  - d. In the absence of a destruction order by the court, the evidence shall be retained for the period of time that any person remains incarcerated in connection with that criminal case. **KRS 524.140(3),(7)**

### **DNA EVIDENCE STATUS REPORTING**

- A. The investigating officer shall notify the victim of the progress of DNA evidence testing including whether the testing resulted in a match to other DNA samples. **KRS 15.440**
- B. It is recommended that a victim advocate be present during the notification.
  1. Upon receipt of the results of DNA evidence testing, the investigating officer shall confer with a victim advocate prior to notifying the victim of the results.
  2. When a suspect is identified, notification may be delayed until the suspect is apprehended if the safety of the victim is of concern or if the office of the Commonwealth's Attorney consents to the delay.
  3. If a DNA match is made to a known person, the person's identity need not be disclosed to the victim.
  4. These provisions shall apply regardless of the time elapsed between evidence collection, test results, and DNA matching.
- C. DNA evidence shall be retained pursuant to **KRS 17.175** and agency policy for evidence storage and retention.



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<b>Title:</b>  Suspect Identification	<b>Chapter:</b> 64  <b>Page(s):</b> 1-4	<b>KACP</b> 17.11
<b>Approved Date:</b>  June 2017	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**GENERAL**

This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this rule or regulation, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

**SUMMARY**

The purpose of this policy is to outline the manner in which criminal suspects will be subjected to identification proceedings.

**POLICY**

The policy of the Morehead State University Police Department is to respect the rights of all persons who officers come into contact with during any law enforcement operation in which witness identification will be conducted.

**DEFINITIONS**

- A. Show-Up/Drive-by: The process by which a complainant or witness is driven to a suspect who has been stopped in the area of the crime for purposes of excluding or verifying the suspect as the person responsible for the crime through recognition by the complainant or the witness.
- B. Photo-Array: The process by which a complainant or witness is shown a series of photographs which may contain a suspect in the crime for purposes of excluding or verifying the suspect as the person responsible for the crime through recognition by the complainant or the witness.
- C. Single Photo Verification: The process by which a complainant or witness is shown a single photograph due to the fact that they have thorough familiarity with the person who is suspected in the criminal activity and law enforcement is simply verifying that the suspect identified by the law enforcement is the same subject known to the witness.
- D. Line-up: The process by which a complainant or witness is allowed to view a group of individuals, in person, for purposes of excluding or verifying the suspect as the person responsible for the crime through recognition by the complainant or the witness.
- E. Field View: The exposure of an eyewitness to a group of people in a public place on the theory that the subject may be among the group. A field view differs from a



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show-up in that it may be conducted well after the commission of the crime, and may be conducted with or without a suspect in the group.

### PROCEDURE

Where feasible the identification procedures will be recorded through the use of video and audio recording devices.

In all identification procedures, officers should take steps to ensure that the procedure is not suggestive by the manner in which it is carried out. If there are multiple witnesses they should be separated; and all identification procedures should be done separately with each individual witness. Officers should use caution as to the manner in which suspects are presented such that a suspect may later claim that the officer influenced the witness' identification of the suspect. Each eyewitness who views a lineup or photo spread shall sign a form containing the following information:

- The suspect might not be in the lineup or photo spread and the eyewitness is not obligated to make an identification.
  - The eyewitness should be told that the officer who is conducting the identification process does not know the identity of the suspect.
  - Whether an identification is made or not the investigation into the crime under investigation will continue.
- A.** The Validity of identification procedures rests on the following considerations:
- a.** Witness' opportunity to view suspect at the time of the crime.
  - b.** Witness' focus of attention at time of crime.
  - c.** Accuracy of witness' description of suspect prior to identification procedure.
  - d.** Level of certainty exhibited by the witness in making the identification.
  - e.** The length of time that has passed between the crime and the identification.
  - f.** Note-Officers should document the existence/lack of existence of these points when compiling reports on identification procedures.
- B.** Show-Up/Drive-by identification- Although the United States Supreme Court has not affixed a duration of time within which these procedures are to be conducted, generally this type of identification occurs within a short period of the crime and within a reasonable proximity (geographically) from the crime.
- a.** Officers shall complete the eye witness show-up identification form prior to the identification procedure.
  - b.** Unless an extreme emergency exists, the complainant or witness shall be taken to the location where the suspect has been stopped. The movement of the suspect to the witness' location may constitute an arrest for which probable cause is required. To the extent that probable cause is lacking without identification, movement may be determined to have been an unlawful arrest.
  - c.** Suspects should not be brought into a crime scene as contamination may result. For the same reason, clothing articles found at the crime scene should not be placed on or in contact with a suspect. A suspect should not be brought back to the home of a victim or witness unless that was the scene of the crime.
  - d.** Police officers must not do or say anything that might convey to the witnesses that they have evidence of the suspect's guilt. Officers should turn down their radios so that the witness they are transporting does not pick up information about the stop of the suspect.
  - e.** To the extent that an officer may safely do so, the officer should take steps to minimize the suggestiveness of the identification. The following should be considered:
    - i.** Have suspect standing outside of any law enforcement vehicle rather than in the vehicle.
    - ii.** Have the suspect standing without handcuffs or with handcuffs not visible to the witness.



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- iii. Any steps taken which give the appearance that the suspect is free to leave will undercut suggestiveness.
- iv. If items taken or used in the crime have been recovered, do not allow the witness to view or become aware of the recovery until after the identification proceeding is complete.
- v. The witness' failure to recognize the subject stopped must be documented and included in any materials forwarded to the prosecutor who is ultimately assigned the case. Such evidence may be exculpatory to the suspect who is charged with the crime. As such, it must be forwarded to the prosecutor. Additionally, if the witness identifies a suspect in the future, this failure to identify the first subject presented to them may add credibility to their identification.
- vi. Officers shall complete the eye witness show-up identification form prior to the identification procedure.

### C. Photo-Array

- a. Officers shall complete the eyewitness identification form prior to the identification procedure.
- b. The array must contain six or more photographs including some persons who are similar in appearance i.e. facial hair, glasses, age etc. The array should be based on descriptions provided by any eyewitness(es).
- c. All photos must include persons of the same race and sex as the suspect.
- d. Photos should be presented in a way that does not suggest that the subjects in the photos are criminals i.e. mug-shot with numbers (Mug shots may be used, but portions of photo that would indicate that photo is mug-shot should be cropped or hidden from the witness.)
- e. Avoid fillers who so closely match the suspect that a person familiar with the suspect would have difficulty distinguishing the filler.
- f. Change the order of photos from one witness to the next and document the location of the suspect for every viewing. Change the order of the photos and document the location of the suspect when a witness asks to see the array a second time.
- g. When showing a witness an array containing a new suspect, avoid using fillers from a previous array.
- h. During the process officers shall not, in any way, prompt the witness toward a particular photo.
- i. Double-blind presentation: The officer who conducts the photo-array shall be someone who is not aware of which photo in the array is that of the suspect in the case. The witness should be told the officer conducting the photo-array does not know who the suspect is. The investigating officer should leave the room while the array is being shown by the administrator.
- j. Witness instruction. The person viewing the photo-array should be told that the perpetrator may or may not be in the photo-array and that the investigation will continue regardless of whether an identification is made or not.
- k. If there are multiple witnesses, the suspect should be placed in a different position in the photo-array for each witness. Witnesses should be segregated before, during and after the procedure and instructed not to discuss the identification process with each other.
- l. Photos will not be shown at the same time as in a six-pack, instead the officer shall show the photographs to a witness one at a time as if dealing a deck of cards and ask the witness whether or not he/she recognizes the person.



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- m. When the witness signals for the next photograph, the officer should move the first photograph so that it is out of sight and ask the witness whether he/she recognizes the next photograph.
- n. The procedure should be repeated until the witness has viewed each photograph. If the witness identifies a subject before all the photographs have been viewed, the officer should remind the witness that he/she is required to show the rest of the photographs.
- o. If the witness fails to make an identification, but asks to view the array a second time, the officer administering the identification should ask the witness if he/she was able to make an identification from the original viewing. If the witness is unable to make an identification, but feels that it would be helpful to repeat the procedure, then it is permissible to show the entire array a second time. The order of the photographs should be shuffled before the array is shown for the second time. An array should not be shown more than twice.
- p. If more than one witness is to view an array and a witness has already marked one of the photos, a separate unmarked array shall be used for each subsequent witness.
- q. If an independent administrator is not available, the investigative officer shall follow the following procedures:
  - I. Place the suspect photo and filler photos in separate folders. Include four (4) blank folders that contain no photograph for a total of ten (10).
  - II. Shuffle the folders before giving them to the witness.
  - III. The officer administering the array should position himself or herself so that he or she cannot see inside the folders.
  - IV. Allow the eyewitness to open the folders one at a time to view the single photograph.
- r. At the time of the identification, the eyewitness should provide a statement in his/her own words indicating their level of confidence in the identification.
- s. The presentation/order of presentation must be documented. The witness who selects a photo as the suspect should sign and date the photo they have selected with a full signature and initial and date the other photos presented to them.
- t. The time and date shall be recorded from the moment the witness begins to view the photographs until an identification is made. If no identification is made the beginning and end times of the entire procedure shall be documented.
- u. The witness' selection of a photo that is not the suspect must be documented and included in any materials forwarded to the prosecutor who ultimately handles the case. Such evidence may be exculpatory to the suspect who is charged with the crime. As such, it must be forwarded to the prosecutor.
- v. All photographs, video and audio recordings, written warnings/instructions and statements made by witnesses whether an identification is made or not are evidence. As such, all materials related to the identification procedures and investigation will be properly documented and stored with appropriate chain of custody documentation in accordance with department policy and procedures related to storage of crime scene evidence.

### **D. Single-Photo Verification:**

This process shall only be used where the witness is thoroughly familiar with the suspect and the officer is merely attempting to ensure that the witness and the officer are both referring to the same person.

### **E. Line-Ups:**

The Morehead State Police University Department shall not use the process of physical line-ups of persons and suspects for identification purposes.





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<b>Title:</b> Video Recording/Photography of Police Officers	<b>Chapter:</b> 65  <b>Page(s):</b> 1-2	<b>KACP</b> 17.12
<b>Approved Date:</b> June 2017	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**POLICY**

It shall be the policy of the Morehead State University Police Department to recognize individuals have a First Amendment right to record police officers in the public discharge of their duties. The right to record is not limited to streets and sidewalks -- it includes areas where individuals have a legal right to be present, including an individual's home or business, or other private property where the person has a right to be present.

**PROCEDURE**

- A. Members of the press and members of the general public enjoy the same rights in any area accessible to the general public. No individual is required to have or to display 'press credentials' in order to exercise his/her right to observe, photograph, or record police activity taking place in an area accessible to, or within view of, the general public.
- B. In situations where members of the public are photographing or recording a police action, officers must not search or seize a camera or recording device (including cell phones) without a warrant, except under very limited circumstances as described herein.
- C. Morehead State Police University Department Officers are prohibited from threatening, intimidating or otherwise discouraging any individual from photographing or recording police activities.
- D. Department Officers must not intentionally block or obstruct cameras or recording devices in any manner.
- E. Department Officers are prohibited from deleting recordings or photographs, and from damaging or destroying recording devices/cameras under any circumstances.
- F. A person may record/photograph public police activity unless the person engages in actions that jeopardize the safety of the officer, the suspect, or others in the vicinity, violate the law, or incite others to violate the law. Examples of such actions include but are not limited to:
  - a. Physically interfering with the police officer's official duties. (Interviews with suspects and witnesses/gathering evidence).
  - b. Hindering a lawful arrest;
  - c. Inciting bystanders to hinder or obstruct an officer in the performance of their duties. Conduct taken alone which would be insufficient to meet hindering or obstructing would include, but not be limited to:
    - i. An individual's recording/photographing of police activity from a safe distance without any attendant action intended to obstruct the activity or threaten the safety of others does not amount to interference.



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ii. A person's expression of criticism of the police (or the police activity being observed) does not amount to interference.

NOTE: The U.S. Supreme Court has held that 'a properly trained officer may reasonably be expected to exercise a higher degree of restraint' than the average citizen when it comes to reacting to insults or 'fighting words.'

Courts have given First Amendment protection to persons who made obscene gestures and yelled profanities at police officers, and they have prohibited the police from interfering with such speech.

G. The warrantless seizure of material protected by the First Amendment (photos, videos, etc.) will be strictly scrutinized by a court. In ordinary circumstances, the seizure of cameras or recording devices without a warrant will not be reasonable. Cameras or recording devices will not be seized without a warrant unless:

a. Officers have probable cause to believe that critical evidence of a felony crime is contained on/in the camera or recording device; and

b. Officers first have explained the circumstances to the person in the possession of the recording device;

c. The seizure of the camera/recording device is for no longer than reasonably necessary for the officer, acting with diligence, to obtain a search warrant to seize the evidence; and

d. The officer's supervisor has been immediately notified of the seizure of the recording device.

e. Seizing or viewing the evidence contained in the device without a warrant is prohibited unless an exigent circumstance exists; or, until a warrant is obtained for the seizing or viewing.



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<b>Title:</b> Use of K-9	<b>Chapter:</b> 66  <b>Page(s):</b> 1-2	<b>KACP</b> 17.9
<b>Approved Date:</b>  June 2017	<b>Review Month:</b>  May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PURPOSE**

The use of properly trained police service dogs represents a reliable asset to law enforcement personnel because of the canine's acute olfactory and hearing senses. The Morehead State University Police Department does not currently have a K-9 team, but the agency does have the ability to request the use of K-9 Teams from other law enforcement agencies within the Eastern Kentucky area.

**POLICY**

Areas of potential deployment for K-9 team may include, but are not limited to:

- Tracking of individuals sought by police
- The search of buildings or areas for suspected criminals
- Locating evidence which has been abandoned or hidden
- Reasonable and necessary physical apprehensions
- Search and rescue of lost or missing persons
- Detection of illegal drugs

**REQUESTS FOR K-9 TEAM**

The initial responding unit involved or the on-duty supervisor should determine if the crime is significant enough to warrant a K-9 team call-out or response. Requests for assistance from a law enforcement agency with a K-9 Team shall be directed to that agency's supervisor on-duty. Officers requesting a K-9 team assistance must ensure that the request is canceled once it becomes apparent that the need no longer exists.



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### **OFFICER GUIDELINES**

Whenever an officer requests the assistance of a K-9 team, the officer shall indicate on the incident report the facts surrounding the request.

Officers involved with a K-9 team deployment shall be governed by the following:

- Officers at the scene shall contain the area to the extent possible to prevent escape of the suspect(s) and maintain, their perimeter security until notified that the search is concluded. Patrol units assigned to perimeter locations will be moved accordingly with the K-9 team's track.
- Officers shall refrain from unnecessary conversation, stay clear of doors and windows, and shall not enter the search area unless instructed by the K-9 handler or supervisor.
- When the K-9 team enters a building or search area, at the discretion of the handler, another officer may be assigned to accompany the K-9 team. This officer's responsibilities would be to provide cover for the K-9 team.
- Officers should avoid lighting up the K-9 team with spotlights or flashlights.
- If an officer is requested to accompany the K-9 team during a field or building search, he/she shall take a position to the rear of the K-9 handler and carefully follow all instructions given by the handler.
- Once the dog has been sent to make an apprehension, other officers shall not attempt to take the person into custody until the animal has been called off, unless it is safe to do so.
- Officer interference with a dog in pursuit may result in injury to the officer(s). If an officer comes between a suspect and the dog, he/she should stand as still as possible and make no overt movements.
- Officers checking an enclosed area with the K-9 team shall issue verbal warnings before searching a building, structure or premise unless it is tactically undesirable in a given situation. This announcement will be made periodically during the search of the area, depending on the area size.
- The perimeter unit should keep the area clear of civilian personnel.
- Officers should avoid contaminating the search area prior to the completion of the K-9 team's search. Officers should be careful to refrain from touching any discarded evidence.
- If officers have entered the search area or building prior to the K-9 team's arrival, they should make sure that all officers are out of the area prior to the canine's search. The K-9 handler should be made aware of the area that has been contaminated.

### **INJURIES RELATED TO K-9 TEAM**

In every situation where a police dog injures another person, the following procedure will be followed:

1. The shift supervisor will be immediately notified.
2. All necessary Response to Resistance reports required by the department will be filed.
3. The injured party shall be interviewed regarding the crime and the K-9 team's activities.
4. Ask the injured party for a release of medical records.



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5. Record all details of medical care.
6. When the location of a bite is in a sensitive area, an officer of the same gender as the victim if possible to act as witness and photographer.
7. Turn in required reports by the end of the shift.

### MEDICAL TREATMENT

If an injured party is uncooperative, the officer should request another officer to be present to verify the injured party's response. This would include refusals to allow the affected bite area to be observed. If an injured juvenile refuses to allow you to see the alleged bite area, that person should be escorted to a hospital, as soon as possible, for a doctor's examination. If a parent intercedes and refuses such examination, a second officer should be available to witness the refusal. In all cases of visible injury in an alleged bite area, have the juvenile taken to a medical facility when practical and possible. This information shall be included in a complete report.



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<b>Title:</b> Social Networking/Internet Postings	<b>Chapter:</b> 67  <b>Page(s):</b> 1-2	<b>KACP</b> 20.5
<b>Approved Date:</b> June 2017	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PURPOSE**

The purpose of this policy is to direct the employees of this agency with respect to the use of the internet, the world-wide web, and social networking as a medium of communication impacting this department.

**POLICY**

The internet, blogs, twitter, the world-wide web, social networking sites and any other medium of electronic communication shall not be used in a manner which is detrimental to the mission and function of this agency. It is essential for every employee of this agency to recognize that the proper functioning of any law enforcement/public safety agency relies upon the public's confidence and trust in the individual employees and this agency to carry out the law enforcement and public safety functions. Therefore, any matter which brings individual employees or the agency into disrepute has the corresponding effect of reducing public confidence and trust in our agency, thus, impeding our ability to work with and serve the public. Professionalism is the most significant factor in high level performance which in turn builds the public confidence and trust. While employees have the right to use personal/social networking pages or sites, as employees of this agency, they are public servants who are held to a higher standard than the general public with regard to standards of conduct and ethics. As such, the policy of this agency is to maintain a level of professionalism in both on-duty and off-duty conduct that fulfills the mission of our agency. Any publication, through any medium which is potentially adverse to the operation, morale, or efficiency of this agency will be deemed a violation of this policy.

**ON-DUTY PROCEDURES:**

- A. Without prior agency approval, employees of this agency are prohibited from using agency computers or agency internet access for any unauthorized purpose including participating in social networking sites.
- B. Employees of this agency are prohibited from posting, or in any other way broadcasting, without prior agency approval, information on the internet, or other medium of communication, the business of this agency to include but not limited to:
  - 1. Photographs/images relating to an investigation by this or any law enforcement agency.
  - 2. Video or audio files related to an investigation of this/other agency.
  - 3. Video, audio, photographs, or any other images which memorialize a law enforcement related action of this/other agency.
  - 4. Logos/uniforms/badges or any other items which are symbols associated with this agency.
  - 5. Any other item or material which is identifiable to this agency.



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### OFF-DUTY PROCEDURES

- A. Employees of this agency who utilize social networking sites, blogs, Twitter, or other mediums of electronic communication in their off-duty time shall maintain an appropriate level of professionalism and appropriate conduct so as not to broadcast in a manner which is detrimental to the mission and function of this agency.
1. Employees shall not use references in these social networking sites or other mediums of communication that in any way represent themselves as an employee of this agency without prior agency approval. This shall include but not be limited to:
    - a. Text which identifies this agency.
    - b. Photos that depict the logos, patches, badges, or other identifying symbols of this agency.
    - c. Accounts of events that occur within this agency.
    - d. Any other material, text, audio, video, photograph, or image which would be identifiable to this agency.
  2. Employees shall not use a social networking site or other medium of internet communication to post any materials of a sexually graphic nature.
  3. Employees shall not use a social networking site or other medium of internet communication to post any materials which promote violence or weaponry.
  4. Employees shall not use a social networking site or other medium of communication to post or broadcast any materials which would be detrimental to the mission and function of this agency.
- B. Employees of this agency are prohibited from using their title as well as any reference to this agency in any correspondence to include emails, postings, blogs, Twitter, and social network sites such as Facebook unless the communication is of an official nature and is serving the mission of this agency. This prohibition also includes signature lines in personal email accounts. An employee may seek agency approval for such use.

### APPLICANTS

- A. All candidates seeking employment within this agency shall be required to indicate their participation in any social networking sites. The candidate shall provide the agency with access to their site as part of the background examination. Failure to disclose this information could be grounds for discontinuation of the background/employment process.

### ADMINISTRATIVE INVESTIGATIONS

- A. Employees who are subject to administrative investigations may be ordered to provide the agency with access to the social networking site when the subject of the investigation is directly, narrowly, and specifically related to the employee's performance or ability to perform his or her function within the agency or when the subject of the investigation is potentially adverse to the operation, morale, or efficiency of the agency.



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<b>Title:</b> Field Training Program	<b>Chapter:</b> 68  <b>Page(s):</b> 1-3	<b>KACP</b> 14.5
<b>Approved Date:</b> June 2017	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PURPOSE**

The purpose of the Field Training Program is to guide and direct agency policy regarding recruit training as it applies to the position of sworn officer. The directives that follow are intended to preclude assigning persons to positions requiring the carrying of firearms, enforcing the law, or making arrest until they begin the structured Field Training Officer Program.

**POLICY**

The department shall provide the resources necessary for recruit officers to learn tasks required to professionally provide police services and to build a foundation of training for career development. The department's field training program shall provide recruit officers with practical field training while working with a variety of experienced officers. Department assigned Field Training Officers shall be responsible for the training of recruit officers and completing weekly evaluations of those recruit officers. The Morehead State University Police Department's field training program shall be twelve weeks in length. Upon completion of the program the training director shall forward a final evaluation to the Chief of Police. The Chief of Police has final approval for the retention or dismissal of a recruit officer.

**OBJECTIVES**

Training serves three broad purposes:

1. Well trained law enforcement professionals are better prepared to act decisively and correctly in a variety of situations.
2. Training results in greater productivity and effectiveness.
3. Training fosters cooperation and unity.

The goal of the program is to provide recruit officers with "on street" experience following the completion of classroom and academy training.

**INSTRUCTORS**

Recruits participating in the Field Training Program shall work closely and under the supervision of a Field Training Officer. FTO's shall be selected based on their experience, job performance, attitude, and staff recommendation. The following are requirements for a Field Training Officer.

1. Field Training Officer
  - a. Minimum of two years of experience as a sworn officer within the department.
  - b. Satisfactory or above performance evaluations.
  - c. Organizational loyalty/attitude.
  - d. Technical and communications skills.
- c. Successfully complete the Department of Criminal Justice Training Police Training Officer program or possess adequate career experience and policy familiarization as determined by the Chief of Police.





## Morehead State University Police Department Standard Operating Procedure Manual



2. The Chief of Police shall approve officers selected for Field Training Officer's (FTO's).

### FIELD TRAINING COMMITTEE

The field training committee shall consist of the Assistant Chief of Police (Captain), Operations Lieutenant, Shift Sergeant and Field Training Officers. The committee shall review all recruit evaluations and FTO recommendations. The committee shall make a recommendation to the Chief of Police who makes the final decision for retention or dismissal of recruits. Termination can be recommended at any time during the recruit officer's probationary period, if the recruit is performing at an insufficient level. Recruits are probationary employees for six months and have no right of appeal in the case of dismissal.

### DURATION/ROTATION

The department's field training program shall be twelve weeks in duration. Once recruits successfully complete The Department of Criminal Justice Basic Academy and return to duty they must successfully complete the twelve-week Field Training Program. Curriculum for this program is explained in section eight of this policy. The duration of field training may be reduced based on prior police experience and competency of the recruit, upon approval from the Chief of Police.

### CURRICULUM

The Morehead State University Police Department Field Training Program curriculum shall consist of, but not limited to, the following topics:

- a. Criminal Law
- b. Department Evidence Procedures
- c. Search and Seizure
- d. Department Required Forms
- e. Computer and Internet Usage (Report Writing, E-Mail)
- f. Telecommunications
- g. Department Policies and Procedures
- h. City Ordinances
- i. Active Shooter Response
- j. Firearms (Use and Proficiency)
- k. Use of Force
- l. CPR, AED, First Aid
- m. Vehicle operation, inspection and camera operation
- n. Accident Investigation
- o. Communication Skills
- p. Vehicle Stops
- q. Handling Juveniles
- r. Involuntary Commitment
- s. Court System
- t. University Policies and Procedures
- u. Dealing with the Public

### EVALUATION

The evaluation techniques utilized in the Field Training Program are designed to measure the competency on the required skills, knowledge and abilities of successful police officers. The program provides twelve weeks of on the job related experiences. Weekly progress reports shall be completed by the assigned FTO and forwarded to the Training Director.

### TESTING

1. The basis for all testing conducted by the department will be the training objectives established for the course and various lesson components.



## Morehead State University Police Department Standard Operating Procedure Manual



2. All testing will be standardized. Testing may be either in written form, oral questions, or performance situations.
3. A score of 70% or greater must be achieved to pass any test.
4. All written tests administered and the test results will be given to the Training Director for review and inclusion in the training records.

### **REMEDIAL TRAINING**

1. Each FTO shall be responsible for monitoring the training needs of their assigned recruit and performing or recommending remedial training to improve performance.
2. The criteria for determining the need for remedial training will be a comparison of the employee's performance to the job standards established for the position.
3. The supervisor may provide remedial training to supply the missing knowledge or to develop the necessary skills, or may assign another member of the department with the ability to assist the needing employee.
4. When it can be determined that an employee's performance inadequacy is one, which, if not corrected, would expose the public to unnecessary danger or the Department to substantial liability, immediate action to correct the inadequacy shall be taken.
5. Although remedial training is a viable means of correcting some work-related deficiencies, it will not be considered the only means for coping with poor performance.

### **RECORDS**

1. Field Training Officers (FTO) are responsible for the reporting of information about the performance of recruits under their supervision. This includes observing performances of routine tasks, as well as during more difficult situations.
2. Weekly observation reports shall be completed and submitted by the FTO at the end of each week to the Training Director.
3. Satisfactory completion of training shall be documented and placed in each recruit's training file, which will be updated from time to time to maintain current records.
4. At the end of a recruit's Field Training Program the training committee will meet to assess strengths and weaknesses of the recruit. All weekly evaluation reports for a particular recruit shall be reviewed.



**Morehead State University Police Department  
Standard Operating Procedure Manual**



<b>Title:</b> BACKUPPS	<b>Chapter: 69</b> <b>Page(s): 1-3</b>	<b>KACP</b>
<b>Approved Date:</b> September 2018	<b>Review Month:</b> May	<b>Issued by:</b> Colonel Merrell J. Harrison Chief of Police

**PURPOSE**

The purpose of this SOP is to provide policies and procedures for law enforcement officers employed by Morehead State University Police Department of the Inter-local Agreement (“the Agreement”) creating the Bluegrass and Central Kentucky Unified Police Protection System (BACKUPPS) as required in paragraph 3.5 of the Agreement.

**DEFINITIONS**

- a) The definitions contained the Agreement are incorporated as though set forth herein.
- b) “Incidental enforcement action” means action of a law enforcement officer that is unrelated to the officer's reason for entry into a host jurisdiction. Generally, only felonies or misdemeanors witnessed by a police officer while visiting a host jurisdiction require incidental enforcement action. This includes action taken by an officer who resides in the host jurisdiction.
- c) “Intended enforcement action” means action of a law enforcement officer that is directly related to the officer's reason for entry into a host jurisdiction. Investigations, undercover operations, and criminal interdictions are examples of direct enforcement actions.
- d) “Host jurisdiction” means the jurisdiction, other than an officer's home jurisdiction, in which an officer is performing law enforcement activities. If an officer is performing law enforcement activities in a county, but not within the corporate limits of a city, the county shall be the host jurisdiction. If an officer is performing law enforcement activities in the corporate limits of a city, the city shall be the host jurisdiction.

**BACKGROUND, SCOPE AND PURPOSE**

- a) The policies and procedures contained herein are mandatory for all law enforcement officers employed by a jurisdiction participating in the Agreement, unless that jurisdiction obtains the approval of the BACKUPPS administrative Board to use a different SOP.



## Morehead State University Police Department Standard Operating Procedure Manual



Failure to follow these policies may result in disciplinary action. However, in no event shall failure to follow these policies affect the authority of an officer to exercise the rights, responsibilities, powers and immunities granted to him or her under the terms of the Agreement, including but not limited to the right to enter the jurisdiction of another member entity and to exercise the powers of arrest therein.

- b) Upon agreement of the chief law enforcement officers of the host and visiting Member Entities, any of the policies and procedures may be waived on a case by case basis.

### POLICY

- a) An officer shall not take incidental enforcement action unless he or she directly witnesses a risk to public safety or a risk of substantial injury to a person, or unless requested by the host jurisdiction to provide such action or assistance.
- b) Officers shall not perform routine traffic details (for example, radar checks and seatbelt and DUI checkpoints) in a host jurisdiction unless the chief law enforcement officer of the host jurisdiction requests such action.
- c) Officers shall coordinate intended enforcement action with the appropriate law enforcement agency(ies) of the host jurisdiction.
- d) Complaints of misconduct of an officer who performs law enforcement action in a host jurisdiction shall be directed to the officer's home jurisdiction for investigation. Officers in the host jurisdiction where the complaint occurred shall fully cooperate with the investigation.

### NOTICE

#### When Notice Shall be Provided

- Whenever an officer, acting under the authority of the Agreement, enters a host jurisdiction for the purpose of performing an intended enforcement action, such officer shall, to the extent feasible, provide the host jurisdiction with notice within a reasonable time prior to entry. The officer shall provide the host jurisdiction with information sufficient to enable the host jurisdiction to provide assistance to the officer.
- In the event it is not feasible for an officer performing an intended enforcement action to provide notice to the host jurisdiction prior to entry, the officer shall provide such notice as soon as practical after entry.
- Officers performing undercover operations shall, in all circumstances, contact the host jurisdictions on duty supervisor immediately prior to entry.
- Whenever an officer, acting under the authority of the Agreement, has need to take incidental enforcement action within a host jurisdiction, such officer shall, to the extent feasible, provide the host jurisdiction with notice prior to initiating the action.



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The officer shall provide the host jurisdiction with information sufficient to enable the host jurisdiction to provide assistance to the officer.

- In the event it is not feasible for an officer performing an incidental enforcement action to provide notice to the host jurisdiction prior to initiating the action, the officer shall provide such notice as soon as practical after taking action.

### **How Notice is Accomplished**

- Notice to a host jurisdiction shall be accomplished through dispatch or by direct communication with the host jurisdiction. Under emergency circumstances, an officer may request his or her own dispatch to provide notice to the host jurisdiction.

### **JURISDICTION AND CUSTODY**

In all enforcement actions performed within a host jurisdiction, the circumstances of the case and the discretion of the officers and prosecutors involved shall determine which Member Entity has jurisdiction over a case and/or custody of persons under arrest, evidence and seized property.

### **COMMAND AND RANK STRUCTURE**

An officer performing law enforcement action in a host jurisdiction shall remain under the rank structure and operating policies of his or her own agency. However, the on-scene supervising officer of the host jurisdiction shall be in command. Officers performing law enforcement actions in a host jurisdiction shall be respectful of the officers of the host jurisdiction, regardless of rank.

**APPROVE CLOSED PROGRAMS**

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**Recommendation:**

That the Board of Regents approve the following program closures:

- Minor in Economics
- Minor in Literature

**Background:**

Academic Affairs routinely engages in a review of the University’s academic programs through self-studies and Academic Program Review (APR). Major programs at the graduate and undergraduate level undergo a process of comprehensive review every six years. The findings and recommendations for this review process are shared with program coordinators and faculty, the department head and college dean, the Provost, and the Council for Postsecondary Education (CPE). This process is aligned with CPE’s “Review of Existing Academic Programs: Policies and Procedures” implemented in 2011 and authorized by KRS 164.020(16).

Two academic minor programs have been identified for closure due to low enrollment. The two academic program closures did not constitute substantive change notification to SACSCOC as they are not degree-granting programs.

It is recommended that the following academic programs be closed:

<b>Program</b>	<b>Reason for Closure</b>	<b>Status</b>
Minor in Economics	Low enrollment	Approved by MSU UG Curriculum Committee
Minor in Literature	Low enrollment	Approved by MSU UG Curriculum Committee

**APPROVE OVC GOVERNING BOARD  
CERTIFICATION**

**BOR (VI-A-9)  
August 8, 2019**

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**Recommendation:**

That the Board certify the attached Governing Board statement for the Ohio Valley Conference.

**Background:**

Morehead State University is a founding member of the Ohio Valley Conference (OVC), and its athletic teams (with the exception of football) compete in the OVC throughout the year. The Conference asks that the governing board of each institution certify that:

- 1) Responsibility for the administration of the athletics program has been delegated to the Chief Executive Officer of the institution.
- 2) The Chief Executive Officer has the mandate and support of the board to operate a program of integrity in full compliance with NCAA, OVC, and all other relevant rules and regulations.
- 3) The Chief Executive Officer, in conjunction with the Director of Athletics and Faculty Athletic Representative, determines how the institutional vote shall be cast on issues of athletics policy presented to the NCAA and the Ohio Valley Conference.

Approval by the Board of this certification would authorize the Board Chair to sign the attached document.



## OHIO VALLEY CONFERENCE

### *Governing Board Certification Form Academic Year 2019-20*

As Chairman of the Governing Board at \_\_\_\_\_, I attest that:

- 1) Responsibility for the administration of the athletics program has been delegated to the Chief Executive Officer of the institution.
- 2) The Chief Executive Officer has the mandate and support of the board to operate a program of integrity in full compliance with NCAA, OVC, and all other relevant rules and regulations.
- 3) The Chief Executive Officer, in conjunction with the Director of Athletics and Faculty Athletic Representative, determines how the institutional vote shall be cast on issues of athletics policy presented to the NCAA and the Ohio Valley Conference.

Date Presented to the Governing Board: \_\_\_\_\_

Signed: \_\_\_\_\_  
(Chair of the Governing Board)

*Please return completed form to:*

*Beth DeBauche  
Commissioner  
Ohio Valley Conference  
215 Centerview Drive, Suite 115  
Brentwood, TN 37027  
bdebauche@ovc.org*



**APPROVE DISPOSITION OF SURPLUS PROPERTY**

**Recommendation:**

That the Board of Regents approve the disposal of the property known as the Procurement Service Center located at 200 American Legion Way (formerly Old Cranston Road), Morehead, Kentucky, 40351.

**Background:**

The Procurement Services Center is located approximately 5.5 miles away from the main campus on American Legion Way. Since 2010, this facility has housed a number of campus units, including, Procurement Services (PS); Environmental Health and Safety (ESH); and Office of Information Technology Computer Receiving and Setup Station (OITCRSS), in addition to being a document and commodity storage facility for multiple campus units.

Recent changes related to efficiency on campus prompted MSU officials to study the feasibility of relocating all the staff and operations out of the Procurement Service Center and into available spaces on the main campus in order maximize utilization of space and to become more efficient with campus operations. It was determined that having the Procurement Services functions (purchasing, central receiving, surplus property, central storage), EHS and OITCRSS located remotely from campus created significant inefficiencies as facilities staff, procurement staff, OIT staff, as well as many other staff from departments on main campus, are required to make sometimes frequent trips (11 miles round trip) to and from this remote facility. It is estimated that MSU will experience savings in excess of \$50,000 annually from reduced fuel and vehicle maintenance costs with relocating the noted functions to the main campus.

In the spring of 2019, MSU officials began the process of relocating MSU staff out of the Procurement Service Center onto the main campus. Below are the campus units that have already been relocated and the ones that are planned for in the near future:

<u>Campus Unit</u>	<u>Relocate To</u>	<u>Date</u>
Procurement Services	W.H. Rice Building (Fac. Mgmt)	Spring 2019
Environmental Health & Safety	Combs Building – 1 <sup>st</sup> Floor	Spring 2019
OIT – Computer Receiving & Set-up	Ginger Hall – 6 <sup>th</sup> Floor	Summer 2019
Central Receiving & Storage	Detention Center	Summer 2019
	Third Street Eats (temporary)	Summer 2019

The aforementioned recent and future changes have rendered the Procurement Services Center obsolete to university operations and, as such, it is in the best interest of the university to dispose of the subject property and building.

The facility is mostly unfinished warehouse space with a total of 67,745 square feet, including approximately 6,000 square feet of finished office space on 10.80 acres of land.

After all the aforementioned relocations are complete, MSU officials agree that the Procurement Service Center will be of no benefit to the University. The subject property is not identified in the Campus Master Plan for future use so the disposal would not adversely affect the University. MSU officials are therefore recommending approval of the disposal of the property and building with all proceeds being utilized to reduce university debt.

**Statutory Authority:**

KRS 164A.575(7) provides that the governing board shall sell or otherwise dispose of all real or personal property of the institution that is not needed for the institution's use, or would be more suitable consistent with the public interest for some other use, as determined by the board. The determination of the board shall be set forth in an order and shall be reached only after review of a written request by the institution desiring to dispose of the property. Such request shall describe the property and state the reasons why the institution believes disposal shall be effected.

**Written Request to Dispose of Property:**

A written request to dispose of property known as the Procurement Service Center located at 200 American Legion Way, Morehead, Kentucky is hereby submitted for approval. With Board approval, the University would like to pursue a sale of this property and building in accordance with current state statutes for fair market value.

**ORDER TO DISPOSE OF PROPERTY**

**WHEREAS**, upon the recommendation of the President on August 8, 2019, the Board of Regents has reviewed the Written Request to Dispose of Property formerly known as the Procurement Service Center located at 200 American Legion Way, Morehead, Rowan County, Kentucky, and

**WHEREAS**, the President of Morehead State University declares that disposal of the referenced property will not adversely affect the University, and

**WHEREAS**, the disposal of said property is in the best interest of the University and the Commonwealth of Kentucky, and

**WHEREAS**, the proceeds from the sale of the property shall be used for additional principal payments related to University debt reduction.

**BE IT RESOLVED**, that the President is authorized to proceed with the disposal of the property formerly known as the Procurement Service Center located at 200 American Legion Way, Morehead, Rowan County, Kentucky.

**RECOMMENDED:**

\_\_\_\_\_  
Joseph A. Morgan, President

\_\_\_\_\_  
Date

**APPROVED:**

\_\_\_\_\_  
Kathy Walker, Chair  
MSU Board of Regents

\_\_\_\_\_  
Date

**APPROVE POLICY REVISIONS**

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**Recommendation:**

That the Board of Regents approve the attached policy revisions.

**Background:**

From 1977 through February 1984, numerous academic and administrative policies were recommended to, and adopted by, the MSU Board of Regents. These "policy statements," as they were labeled, were initially published in a Policy Manual in 1977 and published again in February 1984 with some revisions as approved by the Board.

In 1985, the Board of Regents approved personnel policies published in a comprehensive Personnel Policy Manual, which superseded personnel-related policies in the 1984 policy manual and other documents. The Personnel Policy Manual is now the "official" document where all Board approved policies related to personnel issues are published.

The Personnel Policy Manual is divided into five sections. The first section is on general personnel policies that apply to a variety of classifications of faculty and staff members. Unless specified otherwise, each policy in this section applies to all employees. The policy symbol for general policies is PG.

Four additional sections contain policies specific to a particular classification category as follows:

<i>Classification Category</i>	<i>Policy Symbol</i>
Academic	PAc
Administrative	PAd
Staff Exempt	PSE
Staff Nonexempt	PSNE

Definitions of these classification categories are presented in PG-2.

**Attached Revised Policies:**

<b>Number</b>	<b>Title</b>	<b>Revisions</b>
PG-2	Payroll Classification Categories	Minor title revisions
PG-3	Types of Appointments	Minor grammatical revisions
PG-4	Contracts for Services	Minor title revisions
PG-9	Personal Leave of Absence Without Pay (Other than Military or Family Medical Leave)	Minor title revisions
PG-10	Leave of Absence with Pay for Short-Term Military or National Guard Services or Training Duty	Minor substantive revisions
PG-12	Conflict of Interest	Minor title revisions
PG-14	Court and Jury Duty	Minor substantive revisions
PG-16	Official Travel	Minor title revisions
PG-17	Personnel Files	Minor substantive and title revisions
PG-18	Intellectual Property Policy	Minor substantive and title revisions
PG-20	Public Service by Members of the Faculty and Staff	Minor substantive and title revisions
PG-21	Payment of Personal Compensation by an External Governmental Source	Minor title revisions
PG-22	Employment of Relatives	Minor substantive revisions
PG-25	Faculty and Staff Identification Card	Minor substantive and title revisions
PG-28	University's Program of Personnel Benefits	Minor substantive and title revisions
PG-29	Exit Interviews	Minor title revisions
PG-34	Answering Personnel Inquiries	Minor substantive and title revisions
PG-35	Effective Date of Employment or Termination of Employment	Extensive substantive revisions
PG-36	Help Wanted	Minor substantive and title revisions
PG-39	Things to Know When Leaving University Employment	Minor title revisions
PG-41	Salary Increase Upon Being Awarded an Advanced Degree	Minor title and citation revisions
PG-42	Employee Responsibility for University Keys and Property	Minor substantive and title revisions
PG-45	Staff Basic Educational Opportunities	Minor substantive and title revisions
PG-46	Collection, Control and Deposit of Cash Receipts and Operating Cash Funds	Minor title revisions
PG-47	Drug and Alcohol-Free Workplace	Minor substantive and title revisions
PG-48	Vacation Leave	Minor title revisions
PG-49	Sick Leave	Minor substantive revisions
PG-51	Severe Weather Conditions or Disaster	Minor substantive revisions
PG-52	Family and Medical Leave	Minor substantive and title revisions
PG-53	Driver's Alcohol and Controlled Substance Testing	Minor substantive revisions
PG-55	Technology Resource Acceptable Use	Minor title revisions

PG-56	Emergency Operations and Communications Plan	Minor substantive revision
PG-57	Retired Faculty and Staff Re-Employment Program	Minor substantive revisions
PG-61	Ethical Principles and Code of Conduct	No revisions
PG-62	Weapons Policy	Minor substantive revisions
PG-64	University Tobacco Use Policy	Minor substantive revisions
PAc-1	Definition of Academic Titles	Extensive substantive revisions
PAc-3	Emeritus Status for Faculty	Minor title revision
PAc-5	Consulting	Minor title revisions
PAc-6	Membership on Graduate Faculty	Minor title revisions
PAc-10	Extraordinary Faculty Compensation	Extensive substantive revisions
PAc-12	Professional Ethics	Minor grammatical revisions
PAc-15	Time and Effort Reporting	Minor title revisions
PAc-16	Support for Editorships of Journals and Offices Held in Professional Organizations	Minor title revisions
PAc-18	Faculty Rights and Responsibilities	Minor title revisions
PAc-22	Faculty Discipline and Removal for Cause	Minor title revisions
PAc-23	Compensation Determination for Reassigned Administrators	Text revisions
PAc-24	Compensation and Faculty Assignment of Administrators Holding Rank	Minor title revisions
PAc-26	Elimination of Tenured Faculty Appointments, and Tenure-Track Faculty Appointments Within the Contract Period, Due to Low Academic Program Productivity, Significant Financial Emergency, or Financial Exigency	Minor title revisions
PAc-30	Performance-Based Compensation Plan for Faculty	Minor title revisions
PAc-34	Alternative Career-Track Faculty	Extensive substantive revisions
PAc-35	Faculty Evaluation Plans	Minor title revisions
PAd-1	Position Responsibility	Minor substantive revisions
PAd-5	Search and Screening Procedures for Senior-Level Non-Academic Administrative Personnel	Minor substantive and title revisions
PAd-6	Extra Compensation	Minor grammatical and title revisions
PAd-7	Suspension With or Without Pay or Reassignments	No revisions
PAd-8	Search and Screening Procedures for Senior-Level Academic Personnel	Minor title revisions

PSE-1	Position Responsibility	Minor substantive revisions
PSE-2	Probationary Period for Employees Classified as Staff Exempt	Minor substantive revisions
PSE-7	Discipline, Reassignment or Dismissal	Minor substantive revisions
PSE-8	Staff Appeal Procedure	Minor substantive and title revisions
PSE-9	Orientation of New Staff	Minor title revisions
PSE-10	Training & Development for Staff Members	Minor substantive and title revisions
PSE-11	Extra Compensation	Minor substantive and title revisions
PSNE-1	Work Schedules	Minor substantive revisions
PSNE-2	Probationary Period for Employees Classified as Staff Nonexempt	Minor title revisions
PSNE-5	Overtime Pay for Employees Classified as Staff Nonexempt	Minor substantive revisions
PSNE-8	Discipline, Reassignment or Dismissal	Minor substantive revisions
PSNE-9	Staff Appeal Procedure	Minor substantive and title revisions
PSNE-10	Orientation of New Staff	Minor title revisions
PSNE-11	Training and Development	Minor substantive and title revisions

**Policy:** PG-2

**Subject:** Payroll Classification Categories

**Approval Date:** 07/01/85

**Revision Date:**

## **PURPOSE**

To define the general payroll classification categories used for faculty and staff members.

## **DEFINITIONS OF CLASSIFICATION CATEGORIES**

Each regular faculty and staff member of the University is classified in one of the following categories.

1. Academic--Those individuals whose primary responsibility is teaching and who are qualified for the titles of Professor, Associate Professor, Assistant Professor, **Visiting Assistant Professor, Instructor, or Lecturer (See PAc 1)**. Designation in this category is the responsibility of the **Provost and** Vice President for Academic Affairs.
2. Administrative--Those individuals whose primary responsibility is the administration of the institution or an academic or institution wide nonacademic unit or function of major scope. It includes the President; those with the titles of Vice President, Dean, and **Associate Dean**/Department Chair; and others designated by the President including, but not limited to, Directors and assistants to the President.
3. Staff Exempt--Those individuals whose primary responsibilities are the performance of professional, administrative, and supervisory work as defined by the Fair Labor Standards Act. Designation in this category is the responsibility of the Director of **Human Resources Personnel Services**.
4. Staff Nonexempt--Those individuals who perform technical, paraprofessional, secretarial, clerical, service, maintenance, and/or skilled trades work and who are designated as nonexempt under the Fair Labor Standards Act. Designation in this category is the responsibility of the Director of **Human Resources Personnel Services**.





**Policy:** PG-3

**Subject:** Types of Appointments

**Approval Date:** 07/01/85

**Revision Date:** 06/22/94; 06/06/03

## **PURPOSE**

The purpose of this policy is to list and define the types of employment appointments that may be made at the University.

Full-time employment appointments will be designated as either Full-Time Standing or Full-Time Fixed. Non-full-time appointments will be designated as either Temporary or Part-Time Appointments. Each employment appointment is defined below.

## **FULL-TIME STANDING APPOINTMENT**

A Full-Time Standing Appointment designates an appointment that is full-time and for which no ending date is specified. Such appointments are terminable in accordance with the appropriate University policy. Full-time Standing Appointments must be backed with budgeted funds. The position for each Full-Time Standing Appointment appears as a line item on a departmental budget salary schedule and is assigned a budget position number. Full-Time Standing Appointments may be used for all four payroll classification categories namely: 1) Academic; 2) Administrative; 3) Staff Exempt; and 4) Staff Nonexempt (see [PG-2](#)). Full-Time Standing appointments may be specified for nine, ten, eleven, or twelve months per fiscal year. This type of appointment is provided all regular University benefits.

## **STANDING II APPOINTMENT**

Effective June 6, 2003, no new continuing part-time appointments will be made; however, employees currently categorized as continuing part-time will continue to accrue the same benefits as before 06/06/2003.

## **FULL-TIME FIXED APPOINTMENT**

A Full-Time Fixed Appointment designates an appointment that is full-time for a fixed period of time and for which an ending date is specified. Such appointments may be specified for nine, ten, eleven, or twelve months. These appointments do not have to be backed by permanent funds. Full-Time Fixed appointments may be used for all four payroll classification categories noted above. This includes instructors and any other individuals in a classification not covered by the tenure regulations. Such appointments are discontinued automatically at the specified

ending date. Appointments may be terminated before the ending date for cause or business necessity. Full-Time Fixed Appointments may be renewed. Persons appointed to Fixed Term Appointments are not converted to Full-Time Standing Appointments without an appropriate search or search waiver.

This type of appointment is provided all regular University benefits.

## **RETIREMENT SYSTEM MANDATES**

This policy is based upon current retirement system requirements as mandated by the Kentucky Revised Statutes. Retirement contribution requirements for positions that require a minimum of a Bachelor's degree are mandated by the Kentucky Teachers' Retirement System (KTRS). Retirement contribution requirements for positions that do not require a minimum of a Bachelor's degree are mandated by the Kentucky Employees' Retirement System (KERS). Retirement contributions are required for all positions listed as full-time.

## **NON FULL-TIME APPOINTMENTS**

Non full-time appointments can be either Temporary or Part-Time as defined below. All legally mandated benefits, including FICA, Unemployment, Workers' Compensation, and liability insurance must be provided.

Whether retirement benefits must be provided is determined by the percentage of time or number of hours to be worked and whether the position requires a minimum of a Bachelor's degree. Retirement eligibility parameters are explained in each non full-time appointment category defined below.

Calculations for determining percentage of time worked during the period of employment assume a 40-hour workweek or actual workdays in the month.

### **TEMPORARY APPOINTMENT (BACHELOR'S DEGREE REQUIRED)**

Temporary Appointment - For positions that require a minimum of a Bachelor's degree: This appointment category is designated for any assignment that is at least 70% but less than 80%, based upon normal, full-time employment. Retirement contributions and other mandated benefits are provided.

Academic instructors who teach 10.5 credit hours or more during one semester will be placed in this employment category. Retirement contributions are provided.

### **TEMPORARY APPOINTMENT (BACHELOR'S DEGREE NOT REQUIRED)**

Temporary Appointment - For positions that do not require a minimum of a Bachelor's degree: This appointment category is designated for any assignment that averages 100 hours or more per month during the period of employment for a maximum of nine months. This appointment will not be eligible for retirement benefits.

### **PART-TIME APPOINTMENT (BACHELOR'S DEGREE REQUIRED)**

Part-Time Appointment -For positions that require a minimum of a Bachelor's degree: This appointment category is designated for assignments that are less than 70%, based upon normal, full-time employment. Academic lecturers who teach less than 10.5 credit hours in any semester will be placed in this employment category. Retirement contributions will not be provided.

### **PART-TIME APPOINTMENT (BACHELOR'S DEGREE NOT REQUIRED)**

Part-Time Appointment - For positions that do not require a minimum of a Bachelor's degree: This appointment category is designated for assignments that are less than an average of 100 hours per month for the period of employment. Retirement contributions will not be provided. Any months during that period of employment in which the employee does not work any time will not be included in the calculation for average number of hours worked.

### **EXCEPTION**

Any employee working more than an average of 100 hours per month but less than an average of 139 hours per month for more than 9 months for the period of employment are considered part-time. Retirement contributions are provided.

### **EXCESSIVE HOURS WORKED BY A NON-FULL-TIME EMPLOYEE**

If an individual employed on a less than full-time basis works a schedule that meets full-time employment conditions, the supervisor shall: (a) reduce the individual's work schedule to a less than full-time load, or (b) request that the position be established as a full-time position, or (c) terminate the employment of the incumbent. If a position is established, that position shall be filled in accordance with normal search and/or promotion procedures. The incumbent employee shall not be given preference for the position.

### **SUPPLEMENTAL APPOINTMENT**

A Supplemental Appointment designates an appointment which is supplementary to a Full-Time Standing or Full-Time Fixed Appointment and has the effect of providing an additional contractual provision beyond the terms of the Standing or Fixed Appointment. For example, a Supplemental Appointment may be used if an individual whose regular appointment is for nine

months but whose appointment is extended for one to three additional months. Supplemental Appointments will also be used to designate those appointments which are supplementary to Full-Time Standing or Full-Time Fixed Appointments to compensate for approved additional services normally outside the scope of regular duties. For example, a Supplemental Appointment can be used when an eligible employee is employed to teach a course for additional compensation. Regular University benefits, except sick leave and vacation accrual, continue with a Supplemental Appointment.

### **INTERIM SUPPLEMENTAL APPOINTMENT**

An Interim Supplemental Appointment designates an appointment in which an employee serves in a temporary capacity while maintaining his/her original full-time position.

### **INTERIM FULL-TIME APPOINTMENT**

An Interim Full-Time Appointment designates an appointment in which an employee serves in a temporary capacity and vacates his/her previous full-time position to do so.

### **APPOINTMENT WITHOUT REMUNERATION**

An Appointment Without Remuneration designates an appointment of an individual who does not receive remuneration for the appointment. Such individuals include those designated as Clinical Faculty Appointments outlined in PAc1 or those visiting faculty who are not being paid by the University. The position does not appear as a line item on the departmental budget salary schedule and is not assigned a budget position number on the payroll record.



**Policy:** PG-4

**Subject:** Contracts for Services

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

## **PURPOSE**

To define the uses of contracts.

## **CLASSIFICATIONS FOR WHICH CONTRACTS ARE APPLICABLE**

The University uses contract forms for appointments in the academic and administrative classification categories. Contracts are not used for other appointments. Letters of offer (or other means) are used for appointments for other categories of employees.

## **CONTRACT ISSUED UPON FIRST APPOINTMENT**

A contract is provided upon first employment in a **Full-time Standing** Appointment in either the academic and/or administrative category. With the exception of Fixed-Term appointments and **Full-time Standing** appointments for administrative personnel as defined by PG-2 3, only one contract form is executed for an individual.

## **SUBSEQUENT CHANGES IN CONDITIONS**

Subsequent changes in conditions of employment for individuals such as a promotion in rank, the granting of tenure, an increase in salary, and so forth are accomplished by letter. A schedule of dates for issuing letters of continuing employment shall be published by December 1.

## **FIXED-TERM APPOINTMENTS**

Contracts are written for the first appointment and for each subsequent appointment of an individual appointed on a fixed-term basis.

## **CONTRACT FORMS**

Contracts for Services forms are used in accordance with this policy:

**A. Full-time Standing** Appointment - This form is used for: (1) individuals in the Administrative category who have direct responsibility for academic units such as Deans and ~~Academic~~ Associate Deans/Department Chairs (see PG-2 and 3), (2) individuals in the Administrative category who are not directly responsible for an academic unit and who are not granted regular academic rank (see PG-2 and 3), and (3) those classified as academic who meet the requirements of Standing I

Appointments (see PG-2 and 3).

~~B. Standing II Appointment (Continuing Part Time) - This form is used for those who meet the requirements of continuing part time (see PG-1, 2, and 3).~~

C. ~~Full-time Fixed-Term-I~~ Appointment - This form is used for all classifications of faculty and staff members who meet the requirements of ~~Full-time Fixed-Term-I~~ appointments (see PG-2 and 3). ~~Full-time Visiting Assistant Professors with university benefits shall be categorized under this appointment.~~

D. ~~Fixed-Term-II or~~ Visiting Appointment (not eligible for benefits) - This form is used for those classified as academic who do not meet the definition of regular employment (see PG-~~1~~, 2, and 3).

E. Supplementary Appointment - This form is used to extend the time or the duties of a ~~Full-time Fixed-Term-I~~ or a Standing Appointment for faculty ~~or staff members~~ beyond the terms of the current contract. ~~For staff members this form is used to extend the time or duties beyond the job description (see PG-~~2~~ and 3).~~





**Policy:** PG-9

**Subject:** Personal Leave of Absence Without Pay (Other than Military or Family Medical Leave)

**Approval Date:** 07/01/85

**Revision Date:** 06/22/94; 11/14/97; 12/06/02

**Technical Change Date:** 04/30/91

**PURPOSE:**

To provide for granting a regular, full-time faculty or staff member a personal leave of absence without pay upon recommendation and approval of the employee's supervisor(s).

**PURPOSE OF LEAVE:**

A personal leave of absence without pay may be granted for extended vacation, personal business, medical reasons (beyond the limits of PG-52, Family and Medical Leave), professional travel, approved formal study or educational leave, or job-related employment. Such leave of absence request must be submitted to the individual's supervisor at least sixty (60) calendar days in advance and approved by the immediate supervisor in writing on an Exception Approval Form (forms available in Office of Human Resources).

A non-faculty employee of the University has as his/her primary responsibility, the obligation to fulfill the work requirements of the position for which he/she was employed. At times, however, a non-faculty employee of the University may choose to take part in an assignment, task, or activity external to the individual's employment. Such activities may include, but are not limited to, consulting, teaching outside the University, directing, or participating in special activity projects (e.g., camps or workshops). Absence from official work assignments will be accountable by either official leave or vacation leave as outlined in the University's Personnel Policy Manual. Participation in all such activities must have proper approvals.

**NOTE:**

Such a personal leave may not be granted if it would cause an undue hardship on the operation of the department or create a conflict of interest.

A personal leave of absence may be granted based on the individual's continuous, full-time service, as follows:

An employee on such leave may have additional retirement system rights as approved by law.

Length of Continuous Service at Start of the Leave

Maximum Length of Leave Granted

During employee's probationary period	Up to one month
Upon completion of employee's probationary period	Up to 12 months

**NOTE:**

For the purpose of this policy, a faculty member with a minimum of six months of continuous full-time service may request a personal leave of up to 12 months.

Short-term approved absences of less than one full pay period shall be handled as payroll deductions.

**LEAVE LIMITS:**

The maximum of any continuous leave of absence, normally, cannot exceed twenty-four (24) months, unless otherwise provided in the law. Any employee who exceeds this period, regardless of the reason for the leave, will be released from the University. However, if extenuating circumstances exist, or if the leave may be in the best interest of the institution, the President may, upon request of the faculty or staff member, and the faculty or staff member's supervisor(s), recommend to the Board of Regents additional leave.

**FACULTY SERVICE AND SALARY DURING LEAVE:**

An approved leave of not more than one year, may be counted towards continuous service for promotion, tenure, and sabbatical leave when the leave is in the mutual interest of the faculty and the University; however, being on leave does not assure a pay increase or other fiscal benefits. A faculty member must make written application to his/her **Associate Dean/Department Chair-department head** for such leave to be counted towards continuous service. The request for leave must be approved by the respective **Associate Dean/Department Chair-head, Dean and the Provost and Executive-Vice President for Academic Affairs** prior to the leave being granted (see PAc-2 and PAc-27).

**INSURANCE COVERAGE:**

A faculty or staff member on a personal approved leave without pay for any reason other than a medical leave of absence as provided in this policy or an approved educational leave may elect to continue in the insurance plans in which he/she is participating at his/her expense. The University will continue to pay the insurance expense for faculty or staff on approved medical or educational leave; however, if he/she does not return to University employment for a minimum of six months at the termination of leave, he/she will be responsible for reimbursement for the insurance premiums paid by the University during the leave.

**VACATION AND SICK LEAVE ACCUMULATION:**

A faculty or staff member on a personal leave of absence without pay does not accumulate vacation or sick leave unless he/she is paid for 11 or more workdays in that calendar month.

The faculty or staff member may retain sick or vacation leave accumulated as of the beginning of an approved personal leave of absence.

**UNIVERSITY HOLIDAYS:**

A faculty or staff member does not receive pay or compensatory time for any University holiday(s) that occurs while he/she is on leave of absence without pay.

**JOB REINSTATEMENT:**

An employee granted a personal leave of absence without pay will be reinstated to the same or to a similar position at the expiration of the leave. If the employee does not return, at the agreed upon date, his/her employment will be terminated.

**EARLY RETURN TO ACTIVE SERVICE:**

If a faculty or staff member desires to return before his/her approved leave ends, he/she is to contact the appropriate ~~supervisor~~ ~~Administrative Officer~~ to determine whether an acceptable date for early return can be arranged.



**Policy:** PG-10

**Subject:** Leave of Absence with Pay for Short-Term Military or National Guard Services or Training Duty

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87; 12/06/02

**PURPOSE:**

To outline provisions of leaves of absence with pay for short-term, active military service or annual military field training.

**U.S. MILITARY RESERVE DUTY OR KENTUCKY NATIONAL GUARD DUTY:**

All regular faculty or staff members, either enlisted or commissioned in any reserve component of the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or who are members of the National Guard of the Commonwealth of Kentucky, are entitled to leaves of absence from their respective duties without loss of pay on all days not exceeding fifteen (15) calendar days or ten (10) working days if the employee's position is based upon a five (5) day workweek; twelve (12) days if the employee's position is based upon a six (6) day workweek; fifteen (15) days if the employee's position is based upon a seven (7) day workweek, in any one calendar year. Leave of absence under the policy will be granted only when the employee is engaged in active service or authorized training or activated for duty because of civil disturbance or emergency conditions. Accumulated vacation shall not be charged for absences from work to the limit described above. University approved absences beyond that limit are chargeable ~~either~~ to accumulated vacation. **If no accumulated vacation time is available, a payroll reduction will occur. or as payroll deductions as applicable.** Such leave of absence request must be submitted to the immediate supervisor in writing on an Exception Approval Form (forms available in Office of Human Resources).

**REQUIRED DOCUMENTATION FOR PAYMENT:**

In order to qualify for continued University pay in accordance with the above provisions, the faculty or staff member must present to the University a copy of the signed orders or authorization mandating the absence and a copy of the military or national guard pay voucher for the period involved.

NOTE: This policy is intended in application to be consistent with applicable laws and not to exceed in interpretation or application the provisions of such applicable laws.



**Policy:** PG-12

**Subject:** Conflict of Interest

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To avoid the possibility of any misunderstandings concerning the appropriate conduct of faculty and staff members in regard to all transactions touching upon their University duties and the property of the University.

**POLICY:**

Faculty and staff members of the University shall exercise the utmost good faith in all transactions touching upon their duties to the University and its property. In their dealings with and on behalf of the University, they shall be held to a strict rule of honest and fair dealings between themselves and the University. They shall not use their positions, or knowledge gained therefrom, in such a way that a conflict of interest might arise between the interest of the University and that of the individual. Faculty and staff members shall disclose to the administrative head of the college or other unit in which they are employed, or other appropriate ~~supervisor~~ ~~Administrative officer~~, any potential conflict of interest of which they are aware before a contract or transaction is consummated.





**Policy:** PG-14

**Subject:** Court and Jury Duty

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To provide that a regular, full-time or continuing, part-time faculty, or staff member be granted time off from work or class schedule to serve on a jury; or be screened for jury duty **when summoned**, or serve as a court witness when subpoenaed (other than lawsuits of which they are a party), without loss of pay for the time missed.

**JURY PAY:**

An individual continues to receive his/her regular pay while serving **summoned**/subpoenaed jury or witness time and is permitted to retain any compensation received for jury or court witness duty. Accumulated vacation pay is not charged for court or jury duty absences. If the time on jury or witness duty occurs on a University holiday, the employee does not receive equivalent time off for the time served.

**PROOF OF **SUMMONS**/SUBPOENA:**

A supervisor will require that a copy of the **summons**/subpoena be submitted before granting time off for jury duty or witness time. **A copy will be forwarded to Payroll.**

**PARTIAL DAYS:**

If the jury duty or witness time does not require a full workday, the individual is expected to report to work when free from such service.

**DUTY DURING NORMAL TIME OFF:**

A supervisor may make discretionary schedule changes in order to accommodate an employee working a shift other than normal daytime hours.



**Policy:** PG-16

**Subject:** Official Travel

**Approval Date:** 07/01/85

**Revision Date:** 05/13/88, 09/15/05

**PURPOSE:**

To outline the conditions for obtaining approval and reimbursement for official travel.

**ADVANCE APPROVAL:**

An official travel request should be processed even when there is no expense to the University. Approval for all travel and expenses must have, at a minimum, a two-tier supervisory approval. The following are recommending and approving levels for:

A. In-State Travel. For in-state travel, the employee must obtain the recommendation of his/her immediate supervisor(s) and the approval of the recommending supervisor's supervisor. Travel requests should be submitted at least two weeks in advance.

B. Out-of-State Travel. For out-of-state travel, the employee must obtain the recommendation of his/her immediate supervisor(s) through the level of **Associate Dean**/Department Chair/Director. The approving official should be a Director reporting to the President, a Dean, Vice President, or the President. Travel requests should be submitted at least three weeks in advance.

C. International Travel. For travel outside the United States, the employee must obtain the recommendation of his/her supervisors through the level of Vice President or Director reporting directly to the President.

The approving official will be the President.

**RECEIPTS REQUIRED:**

Receipts, where required, must accompany travel vouchers. For information about travel regulations, check with the Office of Accounting and **Financial Services Budgetary Control**.



**Policy:** PG-17

**Subject:** Personnel Files

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87, 09/15/05

**PURPOSE:**

To identify the contents of personnel files and to establish procedures for review and release of the contents.

**GENERAL:**

The University maintains a personnel file on each employee for the purpose of personnel management and for personal review as appropriate. The University shall take appropriate steps to protect the privacy of personal information contained in personnel files. The Director of Human Resources is responsible for maintaining the personnel files.

Copies of documents may also be retained on file within the administrative unit in which the employee works. If other files are maintained, privacy and safekeeping shall conform, in all respects, to the provisions of this policy. However, the official file, or record copy, is maintained in the Office of Human Resources.

**PERSONNEL FILE CONTENTS:**

The following is a description of documents which may be retained in the personnel files:

A. Application for Employment;

B. Resumes or Curriculum Vitae;

C. Personnel Action Requests (PAR);

~~D. Official transcripts (if applicable) Vacation Requests;~~

~~E. Accident Reports;~~

F. Performance Appraisal Reports;

G. Disciplinary Records, ~~Counseling Records~~ and other related documentation (NOTE: For inclusion of this type of documentation in personnel files, the originator of the document must clearly state in the document, "A copy of this correspondence will be placed in your official personnel file.");

H. Appropriate insurance, retirement, and other benefits information;

I. Employee Separation Clearance Form; and

J. Diplomas, certificates, training records, and related personal accomplishment documentation which may be submitted.

**INTERNAL ACCESS:**

A request for access to review the file shall be made in writing in advance by the individual to the Director of Human Resources. Internal access to the official personnel file maintained in the Office of Human Resources is subject to the following guidelines:

A. An employee may review his/her official personnel file subject to the following:

1. The following types of documents, or copies thereof, shall be accessible for review upon request:

a. Personnel action forms (such as original appointment, transfer, promotion, leave of absence, layoff, change in salary, change of title)

b. On-the-job accident reports

c. Internal correspondence to the employee

d. Attendance records

e. Letters of commendation

f. Letters of reprimand

g. Insurance forms

h. Retirement forms

i. Biographical data form

j. Employment application

k. Grievance forms and answers

l. Official management performance evaluations

m. Workers' Compensation documents

2. The following types of documents, or copies thereof, shall not be accessible for review:
  - a. Letters or memoranda of reference
  - b. Information relating to the investigation of a possible criminal offense
  - c. Information being developed or prepared for use in civil, criminal, or grievance procedures
  - d. Medical records (with the exception of Worker's Compensation documents)
  - e. Materials used by the University to plan for future operations

3. The review of the file shall be made during the regular business hours of the Office of Human Resources. A representative of that office shall be present with the employee during his or her review of the file.

4. An employee shall be permitted to make handwritten notes from the file but shall not be permitted to remove the file or portions thereof.

5. Copies of any accessible material shall be forwarded on request to the employee upon payment of a fee for each copy.

B. **Associate Deans**/Department Chairs/Office Directors, Deans/Supervisors of Office Directors, Vice Presidents and the President may request and review an individual personnel file provided there is an official University need for such access and provided the individual, whose file is to be reviewed, is under the requestor's supervision. Requests to review records must be made in writing in advance by the requestor to the Director of Human Resources.

#### **EXTERNAL ACCESS:**

External access to official personnel files without specific written authorization is subject to the following guidelines:

A. "Directory information" about an employee will be released by the Office of Human Resources without authorization from the individual employee. Directory information includes the fact of past or present employment, verification of dates of employment, and position or title.

B. An employee's employing unit, campus address, and campus and home telephone numbers may be made available through campus telephone directory information.



C. Information which is a matter of public record elsewhere, e.g., statistics as reflected in the official minutes of meetings of the Board of Regents, will be considered as public information. The University will not, however, relinquish its right to limit access to its files on a "need-to-know" basis, even though such information may be public information, i.e., administrative files are not a library source for the curious. At the discretion of the Director of Human Resources, however, public information contained in the personnel files may be released on the request of other agencies or at the discretion of University officials.

#### **OTHER EXTERNAL ACCESS:**

Other external access to official personnel files will be authorized by the Office of Human Resources under the following circumstances:

A. To protect the legal interests of the University when the Director of Human Resources believes actions of an employee, or former employee, violate(d) the conditions of employment or otherwise threaten injury to University interest(s), University property, or to others.

B. To a law enforcement authority when the Director of Human Resources believes that an applicant, employee, or former employee may have engaged in illegal activities.

C. In response to a request by a properly identified law enforcement authority to provide an individual's dates of attendance at work and home address.

D. Pursuant to a federal, state, or local government statute or regulation that specifically requires disclosure of certain information to certain parties.

E. In response to a lawfully issued administrative summons or judicial order, including a search warrant or subpoena. A subpoena or other legal process for the production of the personnel file shall be reviewed by the University Legal Counsel prior to release of the information.

F. In compelling circumstances affecting the immediate health or safety of the individual.

#### **DISPUTED MATERIAL IN PERSONNEL FILES:**

The following procedures will be used in case of a dispute over material or information in the file.

A. The employee who objects to material or information in the file should submit, in writing, a request for its removal to the Director of Human Resources.

B. The Director of Human Resources will review the request and, in cooperation with the employee's supervisor(s), decide if the disputed material or information should be removed. The Director of Human Resources shall inform the employee of the decision.

C. If the decision is favorable to the employee, the material or information will be returned to the employee for his/her disposition.

D. If the decision is not favorable, the employee may submit, in writing, an appeal through supervisory channels to the President. The decision of the President is the final step in the appeal process.

**APPLICABLE LAW:**

The University shall act within the directives of appropriate Federal and Kentucky State Law regarding such files.



## **PG-18 – Intellectual Property Policy**

**Subject: Ownership of Inventions, Discoveries and Copyright Materials**

**Approval Date: 07/01/1985**

**Revision Date: 06/03/2019**

### **Morehead State University PG-18 - Intellectual Property Policy**

#### **I. Introduction**

The Intellectual Property (**IP**) Policy of Morehead State University (University) is based upon the following University values, principles, and commitments:

- The essential mission of the University is the creation and dissemination of knowledge;
- The University supports this mission by encouraging, fostering, and protecting research, scholarship, and creativity in all forms;
- IP will be created within the University and there exists an obligation to disseminate it as widely as possible for the public good;
- **IP** is created by individuals, or by groups of individuals, who are entitled to be involved in the commercialization process;
- The University is committed to academic freedom of individuals, a rich and vibrant public environment, and a healthy local and regional economy.

#### **II. Objectives**

The objectives of the **IP** Policy are:

- to maintain a University environment that encourages the generation of new knowledge by faculty, staff, and students;
- to facilitate the University process in bringing new discoveries and developments into public and/or private use;
- to evaluate, where appropriate, the commercial significance of new discoveries and developments owned by the University;
- to provide for the equitable disposition of interests in shared **IP** among the creator(s), the University, and, where applicable, any external collaborator(s) or sponsor(s);
- to provide incentives to creators in various forms, including professional development, recognition, and financial compensation;
- to safeguard **IP** so that it may receive adequate and appropriate legal protection against unauthorized use and protect the interests of all concerned parties.

### III. General Policy

#### A. Applicability

This policy shall apply to all **IP** conceived, first reduced to practice, written, or otherwise produced by faculty, staff, or students of the University using University resources (fiscal, human, or physical).

#### B. Definition of Intellectual Property

**IP**, for the purpose of this policy, is defined as the tangible or intangible results of scholarship, research, development, teaching, or other intellectual activity. **IP** may include but is not limited to the following categories:

1. Inventions, discoveries, processes, or other new developments which are appropriate subjects of patent applications;
2. Written materials; exhibits; sound, video, and other media productions; computer programs; computer-based instructional materials; works of art including paintings, sculptures, and musical compositions; and all other materials which may be copyrightable.
3. Tangible research materials including biological, chemical, physical, and technological products; as well as analytical procedures and laboratory methods. These may or may not be patentable or copyrightable.

#### C. Ownership of Intellectual Property

**IP** developed by persons to whom this policy applies shall be the sole and exclusive property of the creator of said **IP** unless the subject **IP** is:

1. developed within the person's scope of employment within the University;
2. developed in the course of a project specifically sponsored or commissioned by the University;
3. developed with the *substantial use* of University resources (fiscal, human, or physical); or
4. developed in the course of a project arranged, administered, or controlled by the University and sponsored by persons, agencies, or organizations external to the University.

In cases in which any of conditions 1 through 4 apply, *except as exempted hereafter* (III. D.) **IP** shall be the sole and exclusive property of the University.

#### D. Exemptions & Exceptions

##### 1. Traditional Academic Scholarly Work

In keeping with academic traditions of the University, the creator retains all rights to the following types of **IP**, without limitation: books (including textbooks), monographs, articles, reviews, and works of art (including, but not limited to, paintings, sculptures, plays, choreography, musical compositions); and individual course materials such as syllabi, exams, lectures, transparencies, study guides, workbooks, and manuals. Also included are instructional software, web pages, and internet-based instructional materials developed by faculty members in the course of their usual scholarly, pedagogical, and service activities. The latter include projects undertaken during sabbatical leaves, faculty fellowships, and other special assignment periods intended for such activities.

The University will not claim ownership rights to such traditional works, and it specifically disclaims any potential rights to do so under the “work for hire” provisions of the U. S. Copyright Act, unless there is a predetermined written agreement.

For the purposes of this policy, works by non-faculty employees shall not be considered traditional academic scholarly works.

The University may have the need to have **IP** developed for its use, ownership, and benefit that would normally be considered traditional academic scholarly work. Should the University engage the services of a faculty member to develop such **IP**, the terms and conditions of the development, ownership, and compensation of the faculty member shall be set forth in a predetermined written document.

## **2. Students**

Students who independently create **IP** arising out of their participation in programs of study at the University, and that do not result from their employment by the University, will retain legal rights thereto. **IP** created by students through the substantial use of University resources or in connection with their employment by the University is owned by the University.

## **3. Externally Sponsored Work**

**IP** created as a result of work conducted under an agreement between an external sponsor and the University that specifies ownership of such **IP** shall be owned as specified in said agreement in accordance with state and federal law.

## **4. Individual Agreements**

Except where limited by external sponsorship agreements, creators and the University may negotiate individual agreements to govern ownership of **IP** regardless of the applicability of any other provision hereof.

## **5. Consulting and Other Activity**

IP developed outside an employee's scope of employment, on the employee's own time and without substantial use of University resources shall be the sole and exclusive property of the creator. In accordance with PAc-5, consulting activities that involve substantial use of University resources (fiscal, human, or physical) must be performed on a contractual basis with the University. In such cases, the contract should specify ownership of IP. If ownership is not specified, then ownership shall be determined in accordance with this policy (III.C.)

## **6. Public Domain Preference**

The University and the creator(s) may place an invention in the public domain for non-commercial, academic dissemination purposes if that would be in the best interest of technology transfer, and if doing so is not in violation of the terms of any agreements that supported or governed the work.

## **7. Prior Patentable Work**

Prior patentable IP or any other rights to prior IP held by faculty, staff, or students are excluded from this policy. Prior patentable IP should be identified in writing at the time of appointment or enrollment.

## **8. Waiver of Ownership**

University rights of IP ownership may be assigned to the creating employee. An assignment under this section shall only occur through a written document signed by the [Associate Provost for Research](#).

In consideration of University support in evaluating IP, seeking patent protection, and/or pursuing commercialization activities, creators may request that the University accept such IP for evaluation, management, and commercialization. If the University accepts such IP, that IP becomes subject to, and shall be treated in accord with, all provisions of this policy.

# **IV. Administrative Responsibilities and Procedures**

## **A. Creator(s)**

Persons to whom this policy applies are responsible for disclosing to the University any IP that could reasonably be expected to have commercial value and, in accordance with this policy, be owned by the University. Disclosure shall be made to the [Associate Provost for Research](#) using the Confidential Disclosure and Record of Invention Form. The [Associate Provost for Research](#) will coordinate the review of the Disclosure by the Intellectual Property Committee (IPC). The IP creator(s) will cooperate in the execution of legal documents and in the review of literature and prior art (e.g., patent searches); be given the opportunity to assist in the further commercial development of the IP; and

receive consideration regarding any income derived from the commercialization of such property as described herein.

In the event that two or more persons are entitled to claim ownership of the [IP](#), the creators shall reach agreement between and among themselves regarding relative contributions for the purposes of distribution of net income from the commercialization of said [IP](#). That agreement should be in writing and notarized. The agreement will be required prior to review by the University IPC.

Creators should particularly note that certain acts (e.g., publication of the [IP](#) in an academic journal or possibly presentation at a conference) can constitute a statutory bar to patent protection. Creators contemplating public disclosure activities prior to filing a Disclosure should contact the [Associate Provost for Research](#) prior to engaging in those disclosure activities.

## **B. Intellectual Property Committee**

The IPC is a standing University committee with ten (10) voting members. The IPC serves as the administrative committee for all matters concerning [IP](#). The IPC shall have three members by virtue of position: [Associate Provost for Research](#) (voting), Chief Financial Officer (voting), and University General Council (non-voting). Six (6) members of the faculty (including professional librarians) and two (2) staff members with experience in [IP](#) matters will be appointed annually by the President. The [Associate Provost for Research](#) will serve as chair of the IPC. Additional ad hoc members (non-voting) may be added as needed for their professional expertise in specific [IP](#) matters. All members (voting and non-voting) shall execute confidentiality agreements to ensure that all information concerning [IP](#) disclosed to the IPC is held confidential.

Administrative support for the IPC will be provided by the Office of Research and Sponsored Programs, which will serve as the official custodian of the [IP](#) Disclosure Form and all confidential materials.

## **C. Disclosure and Review Procedures**

Upon receipt of an [IP](#) Disclosure Form, the [Associate Provost for Research](#) shall notify the creator(s), in writing, of the official receipt date, and convene the IPC for evaluation of said disclosure.

The committee shall conduct an investigation as it deems necessary in performing its evaluation. The creator(s) shall make available, upon request, originals or copies of all documents and designs, including logs, research workbooks, etc., that are necessary to support an understanding of the [IP](#) and its scope and value. Moreover, as necessary, the creator(s) shall assist the IPC in obtaining and maintaining legal protection for the [IP](#) by disclosing essential information, signing applications and other necessary documents, and assigning technology rights. The University will reimburse the creator(s) for any and all reasonable expenses incurred complying with IPC requests for additional information.



Upon completion of the evaluation, the IPC shall provide its recommendation as to ownership of the [IP](#), appropriate patent protection, and commercialization opportunities. The [Associate Provost for Research](#) shall transmit these recommendations to the Provost and Vice President for Academic Affairs of the University, who shall render the decision to pursue protection of the [IP](#). The [Associate Provost for Research](#) shall communicate the decision, in writing, to the creator(s) and the IPC. This decision shall be communicated to the creator(s) within one-hundred and twenty (120) calendar days of receipt of the initial disclosure and requested supportive documentation. The IPC may extend this deadline if further examination is needed or additional information is required. The creator(s) must be informed of the reasons for the deadline extension, in writing, at least fifteen (15) days prior to the end of the original deadline. The extended deadline may not exceed forty-five (45) calendar days, unless mutually agreed upon by all parties.

If the deadline is not formally extended and a decision has not been rendered within the one-hundred and twenty (120) day period, then the time shall have lapsed and primary ownership rights to the disclosed [IP](#) shall be returned to the creator, except a perpetual, non-exclusive, non-transferable, royalty free license/right shall be retained by the University for non-commercial use of the disclosed [IP](#).

If the decision of the Provost is not to seek patent or copyright protection of the disclosed [IP](#), and the University has an ownership interest in the [IP](#), the University's ownership interest shall be assigned to the creator(s). The [Associate Provost for Research](#) will administer this action.

For disclosed [IP](#) in which the University is deemed to have an ownership interest, following a decision by the Provost to seek patent protection, copyright registration, and/or commercialization of the [IP](#), the [Associate Provost for Research](#) shall arrange to have these activities undertaken and oversee execution. All direct costs associated with those activities shall be borne by the University.

For inventions made in the course of a project funded in whole or in part by a federal agency, the Bayh-Dole Act (37 CFR 401) imposes certain reporting requirements associated with the technology transfer process. The [Associate Provost for Research](#) is responsible for ensuring that those requirements are satisfied.

#### **D. Appeals**

1. If any creator does not agree with the decision of the Provost, an appeal may be made to the President.
2. The appeal shall be made in writing, delivered to the President and copied to the Provost and IPC chair within fifteen (15) working days of the issuance of the decision.
3. Any appeal shall set forth the specific reasons supporting the position of the creator(s) and include any supporting documentation.

4. Upon receipt of an appeal of the Provost's decision, the President shall review the information provided and, within twenty (20) working days, shall issue a written decision on the appeal. The decision on this review will be the final decision of the University.

## **V. Development and Commercialization**

### **A. Development of Intellectual Property**

Upon electing ownership to **IP**, the University will make every reasonable effort to develop the IP. Development options include, but are not limited to:

1. evaluating and processing the **IP** through patent applications (provisional or U.S. patent), or copyright registration;
2. assigning **IP** to a patent management agency for evaluation and processing;
3. assigning or licensing to a commercial firm; and
4. negotiating and recommending equity positions with company(ies) willing to commercialize the **IP**.

### **B. Commercialization**

In commercializing **IP**, the University shall be guided by the following principles:

1. active creator(s)' participation in all commercialization will be vigorously sought;
2. the primary objective and responsibility of the University shall be to assure that the products of its intellectual activity are brought into the widest possible use for the general benefit of society; and
3. **IP** is treated as an asset and an appropriate return should be sought.

In an effort to commercialize **IP**, the University will seek a variety of arrangements such as licenses, outright assignments or sale of rights, partnerships, and joint ventures. The selection of particular arrangements will depend upon the individual circumstances.

In some instances, it may be in the best interests of the creator, University, and the general public to enter into a commercialization arrangement with entities wholly or partially owned or controlled by the faculty, staff, or students who originated the property. Because these arrangements have the potential of contributing to economic development, such arrangements may be considered and accepted, provided they are not specifically prohibited by law and that adequate provisions, including full disclosure of interests, are made to avoid or otherwise protect against conflict of interest on the part of those involved.

Commercialization of **IP** can be risky. Based on national data, the process fails more often than it succeeds. If no commercialization has occurred within two (2) years after the **IP** is disclosed, the creator(s) may request that all rights be transferred to the creator. The request should be addressed to the IPC. It should explain what efforts have been

made to date and why the creator(s) should receive ownership. The IPC will make a determination as to whether reasonable efforts to commercialize have been taken and will forward a recommendation to the Provost.

## **VI. Royalty Income Sharing Policy**

Net revenues derived from the commercialization of IP shall be shared as follows:

- 50% to the Principal Inventor(s);
- 25% to the Intellectual Property (IP) Fund (to fund future development of IP as described above);
- 10% to the Office of Research and Sponsored Programs (RSP);
- 10% to the Academic Department/Unit of the PI(s);
- 5% to the College of the PI(s).

The IP, RSP, Department, and College Funds shall be allowed to build across fiscal years, and shall be used to support the development of research and IP programs and infrastructure. Costs associated with securing IP will be borne by MSU with such costs offset against future income. All costs directly related to the acquisition of IP rights will be reimbursed from the first receipt of revenue, before distribution is made to the creator, department, college, RSP and IP funds. Similarly, future necessary costs for securing IP rights will be reimbursed by revenues prior to distribution (as above).

The creator's rights to share in revenue as stated above (but not including the department's share) shall remain with the individual or pass to the individual's heirs and assigns for so long as net income is derived from the property.

Due to conditions of employment and/or the nature of work assignments, it may be appropriate to agree to alternate distribution of net income for employees and/or the distribution ratios. Such modifications must be submitted to the Associate Provost for Research, in writing, and will be considered by the IPC.

This policy shall not change revenue-sharing agreements entered into prior to the adoption of this policy.

## **VII. Voluntary Participation in the Commonwealth Commercialization Center**

MSU is a partner in the Commonwealth Commercialization Center (C3), a nonprofit corporation affiliated with the University of Kentucky Research Foundation, Inc. and the University of Louisville Research Foundation, Inc. Creators of IP at MSU may choose to collaborate with C3, through the auspices of the MSU Office of RSP, for its assistance in identifying, developing, assessing, protecting and commercializing the tangible products of IP, as well as for gaining information concerning opportunities, processes and best practices for developing and commercializing early stage research. All interactions and collaborations of MSU personnel with C3 for the development and commercialization of IP must adhere to all standing policies documented in this document (PG-18).

Information for collaboration with C3 for the development and commercialization of IP may be obtained from the Associate Provost for Research, who is the University liaison.

## VIII. Binding Nature of this Policy

The policies set forth here constitute an understanding that is binding on MSU faculty, staff, administrators, student employees, students, and/or visiting faculty or researchers as a condition of their participation in University research, teaching, and service programs and for their use of University resources (fiscal, human, or physical).

## IX. Definitions

1. Creator – any person or persons who create an item of IP.
2. Faculty – all members of the University’s faculty organization including instructors, lecturers, adjunct, visiting, and other part-time temporary teaching positions.
3. Net revenue – all income received by the University (royalties, license fees, etc.) on IP that it assigns, sells, or licenses, minus any application, litigation, interference, or marketing costs directly attributable to the IP being licensed and a University administrative overhead fee (10%). Deductible costs shall be fair and reasonable, and shall be properly disclosed; the sources and amounts of compensation shall also be properly disclosed.
4. Scope of Employment – refers to activities which have been assigned to an employee by his or her supervisor or which are performed during the normal working hours or which fall within the employee’s job description. IP created by University employees who were employed specifically to produce a particular IP shall be owned by the University. Faculty are presumed not to be hired to produce a particular IP. On the other hand, computer programs written on the job by staff computer programmers would fall under this provision.
5. Staff – any employee of the University other than students and faculty. If a student is a part-time University employee, (s)he is considered as staff with regard to IP developed as a result of University employment, and a student with regard to other IP. A full-time non-faculty employee who is also taking one or more courses is considered to be staff. Visitors to the University who make substantial use of University resources are considered as staff with regard to any IP arising from such use.
6. Student – any full- or part-time graduate or undergraduate student, regardless of whether the student receives financial aid from the University or from outside sources. If a student is a part-time University employee, (s)he is considered as staff with regard to IP developed as a result of University employment, and a student with regard to other IP.

7. Substantial Use – means extensive un-reimbursed use of major University laboratory, studio, or computational facilities, or human or financial resources. The use of these facilities must be important to the creation of [IP](#); merely incidental use of a facility does not constitute substantial use, nor does extensive use of a facility commonly available to all faculty or professional staff (e.g., libraries and offices), nor does extensive use of a specialized facility for routine tasks. Use will be considered “substantial” if the use of University funds, equipment, materials, or other resources would ordinarily result in a cost to the University (direct, indirect, or depreciative) of more than \$5000.



**Policy:** PG-20

**Subject:** Public Service **and Political Activities** by Members of the Faculty & Staff

**Approval Date:** 07/01/85

**Revision Date:**

## **PURPOSE:**

To outline the policy under which any faculty or staff member (regular or non-regular) may provide a public service.

## **THE UNIVERSITY'S PUBLIC RESPONSIBILITY:**

Effective democracy requires of every citizen personal participation in political life as a voter and also as a governmental consultant or official where his/her talents are sought in the public interest. Membership on the faculty or staff of the University carries with it additional responsibilities of citizenship which reflect (a) the educator's function as a source of informed objective counsel, and (b) the compact through which the University receives public funds for use in meeting society's educational needs.

## **KINDS OF PUBLIC SERVICE:**

The kinds of public service defined are as follows:

1. Public service of a professional character.
2.  ~~Holding public office~~ **Campaigning, elections, and endorsements** at any (federal, state, or local) level.

### **I. PUBLIC SERVICE OF A PROFESSIONAL CHARACTER**

#### **A. PUBLIC SERVICE OF A PROFESSIONAL CHARACTER DEFINED:**

By virtue of their comprehension of certain areas of human knowledge, University personnel may be asked to serve as:

1. Expert witnesses whose testimony is sought in establishing, clarifying or interpreting the facts in a matter of public interest.
2. Professional members of ad hoc task forces appointed by public officials to prepare factual reports on matters of public interest.
3. Professional consultants on matters of personal competence to governmental agencies or task forces.
4. Professional practitioners to provide skills and services in times of public need.

## **B. CONDITIONS UNDER WHICH PROFESSIONAL PUBLIC SERVICE MAY BE PERFORMED:**

It is the policy of the University to do what it can, on request, to make its personnel available for public service of a professional character:

1. If the individual's University duties can continue to be performed satisfactorily;
2. If the individual confines his/her testimony or counsel to matters within his/her professional competence needed by public officials in weighing the relative merits of alternate courses of action; and
3. If the individual's remuneration beyond out-of-pocket expense does not infringe on regulations binding on the University.

## **C. NOTIFICATION TO UNIVERSITY ABOUT SUCH SERVICE:**

All personnel requested by public officials to perform such services shall notify their respective Deans or supervisors of the nature and conditions of the assignment, remuneration expected (if any), and the effect the assignment will have on performance of the employee's duties at the University.

## **II. CAMPAIGNING, ELECTION, AND ENDORSEMENTS**

University employees shall not use any University resources for campaigning, election or endorsement activities.

### **A. CAMPAIGNING FOR PUBLIC OFFICE:**

Under existing University policies, members of its faculty and staff may campaign for any public office (for themselves or others) outside normal working hours without modification of the terms and conditions of their University status. If the campaign could does not interfere with the performance of assigned University duties, the employee should consult with their supervisor who may also consult with senior administrative officers. (in any way deemed significant by officers of the University). If the campaign does interfere with the performance of assigned University duties, the individual must resign from his/her position with the University or petition for a leave of absence without salary.

In such campaign activities, the individual's relationship to the University is not to be exploited either directly or indirectly.

### **B. ELECTION OR APPOINTMENT TO PUBLIC OFFICE:**

If elected or appointed, a member of the faculty or staff may accept a public office (e.g., membership on town councils, local school boards) that does not interfere with the individual's performance of assigned University duties without modification of the terms and conditions of his/her University status.



If elected or appointed to an office that would interfere with the performance of assigned University duties, in any way deemed significant by officers of the University, the individual must resign from his/her position with the University or petition for leave of absence without salary.

### **C. ENDORSEMENT OF POLITICAL CANDIDATES OR CAUSES:**

Effective democracy provides the right of every private citizen to endorse a specific political candidate or cause. However, such endorsement should not infer or reflect the support of the University for such political candidate or cause.

The University assumes no responsibility for the endorsement of a political candidate or cause by members of its faculty or staff. Except for the limited purpose of identifying the University as the employer of the faculty or staff member making a political endorsement, the name of the University is not to be connected with such an endorsement in any way. No endorsement shall be made on the official stationery of the University nor on stationery having the University address or a University telephone number **nor any official University email or social media account.**



**Policy:** PG-21

**Subject:** Payment of Personal Compensation by an External Governmental Source

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To outline the conditions governing personal compensation for services rendered by a faculty or staff member to external governmental agencies.

**REQUIRED REPORT CONCERNING SUCH SPECIAL WORK:**

Every faculty or staff member (either regular or non-regular) who anticipates personal remuneration for special work for any external governmental agency or department will submit a written statement to his/her **Associate Dean**/Department Chair or supervisor covering the following points:

1. Description of the service to be rendered.
2. Statement of time required.
3. Amount of personal compensation expected.
4. Effect of such service on the individual's obligations to the University.

**REQUIRED APPROVAL:**

Service for personal compensation may be undertaken only after receipt of written approval from the President of the University. Compensation for such work will be approved only when the University can assert formally that the additional work involved will not interfere or conflict with the faculty or staff member's obligations to the University itself. Proposals being submitted to external sources which include personal compensation for faculty and staff that have been processed through the Office of Research, and **Sponsored Programs Grants and Contracts** and approved by the President for submission are excluded.



# PG-22 Employment of Relatives

**Policy:** PG-22

**Subject:** Employment of Relatives

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87; 9/18/98 **Proposed Revision:** 03/28/2019

## **PURPOSE:**

To outline the circumstances under which relatives may or may not be employed by the University.

## **DEFINITION OF AN EMPLOYEE:**

Regular and non-regular employees are defined in Morehead State University Personnel Policy PG-1. For purposes of this policy, graduate assistants, federal and institutional work study students, and scholarship work study students are employees of the University and are subject to this policy.

## **DEFINITION OF A RELATIVE:**

As used in this policy, relative means a person's father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandson, granddaughter, aunt, uncle, nephew, niece, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

## **POLICY:**

Selection, placement, promotion, and all other matters pertaining to employment of academic and support staff, including workshops and graduate assistants, shall be made without regard to family status of the individual. Supervisors and administrators will consider each person on personal merits, qualifications, and skills. Therefore, both husbands and wives or other kinship can exist at this institution and within the same department.

In the event a relative is an applicant for a position where the applicant's relative is in a supervisory position, the Office of Human Resources will excuse the supervisor from any involvement in the screening and selection process.

Prior to selection and appointment of an applicant to a position in which his/her relative serves in a direct or up-line supervisory position, the Office of Human Resources will specify in writing that the up-line supervising relative be removed from matters pertaining to the subordinate's supervision, to include, but not limited to terms of appointment, salary, future salary, evaluations, promotions, tenure and discipline. Such an arrangement shall be signed by the supervising relative, the relative, the appropriate Vice President (or the President in areas without a Vice President) and the Office of Human Resources and shall remain in effect during the relative's employment.

The Office of Human Resources and the appropriate Vice President (or the President in areas without a Vice President) will likewise specify in writing the supervisory arrangement for an employee and supervisor who become related through marriage.

In the event a relative of the President of the University is being recommended for hire, the President shall be required to obtain a majority vote of the Board of Regents before the hire can be made.

~~However, no person shall be employed at Morehead State University whose relative serves on the Board of Regents.~~

Kentucky state law governs the employment of relatives of the Morehead State University Board of Regents members (i.e. KRS 164.360(2) and 164.830(1)(a)).



**Policy:** PG-25

**Subject:** Faculty & Staff Identification Card

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To provide a means for identification of regular full-time faculty and staff members and their families by means of identification (**EagleID**) cards.

**FACULTY AND STAFF ID CARDS:**

The ~~EagleCard Office~~ ~~Office of Personnel Services~~ shall issue all University employees an ID card. ~~each regular full-time faculty and staff member an ID card.~~ A fee may be assessed for replacement cards. ~~each additional ID card issued.~~

**FAMILY ID CARDS:**

A spouse or unmarried dependent child may be issued an ID card upon request by a regular full-time faculty or staff member. A fee may be assessed for each additional ID card issued.





**Policy:** PG-28

**Subject:** University's Program of Personnel Benefits

**Approval Date:** 07/01/85

**Revision Date:** 05/22/92

**PURPOSE:**

A statement on personnel benefits available to regular full-time faculty and staff members.

**THE UNIVERSITY'S PROGRAM:**

The University maintains a comprehensive program of personnel benefits for all full-time regular faculty and staff members and eligible dependents. Information about these programs is found in a variety of policies, handbooks, and brochures prepared to acquaint faculty and staff members about employment with the University. Such programs of benefits are under constant review and are subject to periodic revision. Further information may be obtained from the Office of **Human Resources Personnel Services**.

**CONTINUANCE OF UNIVERSITY BENEFITS:**

The University continues benefits contributions on a twelve-month basis, for nine-, ten- and eleven-month **Full-time Standing I** employees. It is the responsibility of these **Full-time Standing I** employees to continue optional employee contributions, such as optional life insurance; health insurance; cancer insurance; **dental insurance**; etc., during periods that employees are not included on the University's payroll.

Fixed Term employees, who are employed for 9-, 10-, or 11-months will be paid for the actual duration of their appointments.

Should such employees choose to continue their health and dental insurances, they may do so under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

Under the provision of COBRA, which was signed into law on April 7, 1986, with an effective date of July 1, 1986, the University's regular full-time employees, their spouses, and their eligible dependents may elect to continue their health care coverages under the University's medical plan in certain instances where coverage would otherwise be terminated. Those instances include termination of employment for reasons other than gross misconduct, death of

the employee, divorce or legal separation, non-eligibility for Medicare, or reduction in the hours of employment.

Under the law, regular full-time employees, their spouses, and their dependents must be offered continuation coverage for a **minimum period of 18 months.** ~~period of up to three years.~~ When coverage is lost through termination of employment or reduction in hours, the required coverage is 18 months. However, the law permits continuation coverage to be immediately terminated when the University no longer provides group medical coverage, premiums for coverage are not paid, eligibility for Medicare is attained, the spouse remarries, coverage is provided under another group health plan, or the dependent ceases to be a "dependent child" under the criteria established in the medical plan.

Entitlements for continuation coverage of medical benefits must be processed through the Office of **Human Resources Personnel Services.**



**Policy:** PG-29

**Subject:** Exit Interviews

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

### **PURPOSE:**

To provide a means to obtain information regarding a faculty or staff member's attitude toward the University and his/her job, work area, and supervisor upon termination of employment or retirement and to determine that the faculty or staff member's obligations to the University have been settled properly prior to the final date of employment.

### **EXIT INTERVIEWS:**

Upon termination or retirement, the faculty or staff member will be scheduled for an interview by the Office of ~~Human Resources Personnel Services~~. The interview for staff will be conducted by the Office of ~~Human Resources Personnel Services~~. Interviews for faculty will be conducted by the appropriate Dean. The purpose of the interview will be to discuss with the employee his/her attitudes toward the University, the job, the unit in which he/she was employed, and the supervisor or manager to whom the individual reported.

### **CONFIDENTIALITY OF INFORMATION:**

In order to have a frank exchange of information, the person conducting the interview will request from the employee authorization to share the information with those concerned. If such permission is not granted, the information will not be disclosed. However, such information still will have value in determining patterns of problems that can be shared generally with areas involved without disclosing the sources.

A Separation Information Form shall be completed by the person conducting the interview.

### **CHECKLIST OF THINGS**

The faculty or staff member shall complete a checklist of things to do before leaving University employment on an Employment Separation

### **TO DO BEFORE LEAVING EMPLOYMENT:**

Clearance form provided by the supervisor and sign and date the form and present it to the Office of ~~Human Resources Personnel Services~~ at the time of the exit interview.

**NOTE:**

Failure to liquidate outstanding debts to the University will result in the indebtedness becoming a matter of official record.



**Policy: PG-34**

**Subject:** Answering Personnel Inquiries

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87, 09/15/05

**PURPOSE:**

To provide consistency throughout the University in answering inquiries regarding present or former faculty or staff members.

**INQUIRIES ADDRESSED TO THE UNIVERSITY:**

Inquiries addressed to the University (rather than to an individual) should be forwarded to the Office of Human Resources.

**INQUIRES CONCERNING INSURANCE CLAIMS AND COVERAGES:**

Inquiries concerning an employee's insurance claims and coverage, and related matters should be referred to the Office of Human Resources.

**INFORMATION REQUESTED BY LEGAL MEANS:**

Information requested by legal means should be channeled through the Office of Human Resources.

**INQUIRIES MADE TO A SUPERVISOR OR ASSOCIATE DEAN/DEPARTMENT CHAIR BY NAME:**

a. Non derogatory, public information which is already published, such as information contained in University or community telephone directories or in University catalogs, may be divulged.

~~b.~~ Information regarding the employee's record with the University concerning quality of work, attendance record, dates of employment, and so forth may be **provided pursuant to the Kentucky Open Records Act or upon receipt of a signed release from the employee (or former employee).** ~~given provided the individual reporting can defend the information he/she provides.~~

**c.** Job references

**INFORMATION NOT GIVEN:**

a. Salary information is not released by the Office of Human Resources. However, such information is available from appropriate documents on file at the Camden-Carroll Library.



b. Information regarding an employee's record with some other employer is not given.

c. Information requested to assist a collection agency is not given. (Such agencies sometimes will ask questions such as where an employee works or parks his car or what time his shift ends. Also, forwarding addresses are often requested.)

**INQUIRIES THAT ARE NOT COVERED BY POLICY:**

Requests for information not covered by the policy should be directed to the Office of Human Resources.



**Policy: PG-35**

**Subject:** Effective Date of Employment or Termination of Employment

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To state the University's policy concerning the effective date of employment or termination of employment.

**NOTE:**

This policy does not apply to faculty appointments.

**EFFECTIVE DATE OF EMPLOYMENT:**

The effective date of employment shall be the first day the employee is actively at work.

**EFFECTIVE DATE OF TERMINATION:**

The effective date of termination of employment shall be the last day the employee is actively at work.

~~**RATIFY EXCEPTION TO PERSONNEL POLICY PG 35  
RELATED TO THE EFFECTIVE DATE OF TERMINATION**~~

~~**Background**~~

~~Personnel Policy PG 35 has been in effect since July 1, 1985. The purpose of the policy is to define the beginning and ending dates of employment. A provision of this policy states that "the effective date of~~

~~termination of employment shall be the last day the employee is actively at work." On May 1, 1992, the President, under authority granted by Article IIIA.3(a) of the Morehead State University Board of Regents By-Laws, made an exception to this provision to enable employees being laid off to remain in vacation status through June 30, 1992. Some employees to be laid off currently have several weeks of accrued vacation leave. It is the University's objective to schedule these employees to take as much of their vacation as possible before June 30, 1992 so as to avoid additional costs in the 1992-93 budget.~~

~~The exception to the **Effective Date of Termination** provision of PG 35 is to remain in effect through June 30, 1992. A copy of Personnel Policy PG-35 is attached for information purposes.~~

~~The Staff Congress was provided an opportunity to review and provide input to the proposed changes. University Legal Counsel has also reviewed this policy.~~

### **Recommendation**

~~That the Board ratify the May 1, 1992, action of the President related to an Exception to the **Effective Date of Termination** provision in University Personnel Policy PG-35.~~



**Policy: PG-36**

**Subject: ~~Help-Wanted~~ University**

**Employment Advertising**

**Approval Date: 07/01/85**

**Revision Date: 09/15/05**

**PURPOSE:**

To insure that language used in classified advertising complies with State and Federal legislation and maintains a standard of public relations.

**RESPONSIBILITY FOR CLASSIFIED ADVERTISEMENTS:**

The ~~Office Director~~ of Human Resources is responsible for coordinating the placement of all ~~help-wanted employment~~ advertisements for the University in newspapers, ~~and other~~ professional publications, ~~and other appropriate venues~~ and for reviewing the wording of the advertisements so that ~~the wording of all such advertisements~~ it is in compliance with State and Federal legislation, and ~~follows appropriate University format and branding.~~

- ~~1. A branding standard will be consistent in all advertising. of consistency through advertising public relations through an advertising can be maintained.~~

**PROCEDURE:**

A supervisor ~~wishing~~ requesting to place an employment advertisement ~~help-wanted advertisement~~ shall contact the ~~Office of Human Resources Director of Human Resources~~ for guidance.



**Policy:** PG-39

**Subject:** Things to Know When Leaving University Employment

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To outline the things that a faculty or staff member should know about group life and health insurance, retirement contributions, and other matters if he/she leaves University employment prior to retirement.

**GROUP LIFE INSURANCE:**

Protection in this plan stops 31 days after the end of the payperiod in which the resignation becomes effective. The employee's University policy can be converted to an individual policy without a medical examination if application is made within this 31-day period.

A faculty or staff member should contact the Office of **Human Resources Personnel Services** if he/she wishes to take advantage of the conversion privilege.

**NOTE:**

An individual who desires to continue life insurance and is in good health may be able to obtain more desirable coverage by contacting a representative of any commercial insurance company. This is because converted policies are limited to one type. The amount which may be converted is limited to the amount in force immediately prior to termination.



The cost of the converted policy will be higher than the University's because (1) the type of insurance to which one converts is whole life insurance instead of the less expensive group term insurance, and (2) the age of the individual at time application for conversion is made is also a factor.

### **GROUP MEDICAL INSURANCE:**

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), regular full-time employees, their spouses, and their eligible dependents may elect to continue their health care coverage under the University's medical plan in certain instances where coverage would otherwise be terminated (See PG-28).

### **OTHER OPTIONAL INSURANCES:**

Guidance regarding other optional insurance that may be applicable can be received by contacting the Office of **Human Resources Personnel Services**.

### **RETIREMENT CONTRIBUTIONS:**

A faculty or staff member who is leaving University employment should contact the Office of **Human Resources Personnel Services** regarding possible retirement benefits or the withdrawal of contributions.

### **FINAL PAY CHECK:**

The faculty or staff member must make arrangements to receive his/her final pay check and year-end W-2 form. If a change of address is known, a new W-4 should be submitted. If there is a change of address after

termination but before the end of the calendar year, the Payroll Office must be notified so year-end tax statements can be forwarded to the new address.

**EXIT INTERVIEW:**

The faculty or staff member is responsible for completing the exit interview checklist and scheduling the exit interview with the Office of ~~Human Resources Personnel Services~~.



**Policy:** PG-41

**Subject:** Salary Increase Upon Being Awarded an Advanced or New Degree

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To outline the salary considerations when an individual is awarded an advanced degree.

**POLICY:**

An individual who obtains an advanced degree which in the judgment of the administration is applicable to the assigned duties shall be rewarded in addition to regular increases awarded other employees. (See UAR 319.04).



**Policy:** PG-42

**Subject:** Employee Responsibility for University Keys and Property

**Approval Date:** 11/04/85

**Revision Date:** 06/17/88

**PURPOSE:**

To inform employees of their responsibilities regarding the care and attention of University keys and property.

**KEY CONTROL SYSTEM:**

Implementation of a key control system allows convenient access to facilities and provides for facility security. To obtain a key for personal use, the employee must receive approval from their vice president or dean and obtain a key from the Office of ~~Facilities Management Safety and Security~~. Key Request Forms can be obtained from the offices of the vice presidents or deans. Upon appropriate approval of the request, the ~~employee will personally deliver the~~ approved key request form ~~will be sent~~ to the Office of ~~Facilities Management Safety and Security~~. Upon issuance of a key, an employee is required to sign a key agreement indicating that he/she will not duplicate the key or loan the key to unauthorized personnel and will return the key to the Office of ~~Facilities Management Safety and Security~~ when no longer needed or upon separation from University employment. Lost or stolen keys should be reported immediately to the appropriate supervisor(s) at which time a lost key report will be completed. In the event of negligence, a charge for a lock change may be assessed when a key is lost or stolen. This charge must be paid by the employee before a new key is issued.

## **UNIVERSITY PROPERTY:**

Employees may be issued University property and other equipment necessary to perform their day-to-day duties and responsibilities. In addition, employees may be given access to the University's computer systems via passwords. It is the employee's responsibility that this equipment and material, as well as individual computer passwords, computer **databases**, and access to **computer technology** resources and equipment be maintained with the utmost care and be protected from misuse and/or abuse. ~~Once materials have been provided, the employee is responsible until appropriately returned to the supervisor.~~

## **EMPLOYEE PENALTY UPON VIOLATION OF POLICY:**

Violation of any part of the key agreement or the misuse and/or abuse of computer passwords, computer **databases**, or **computing technology** resources and equipment may result in revocation of all key or computer privileges and/or subject the employee to disciplinary action. Under Kentucky Revised Statutes, any person who knowingly makes, or causes to be made, any University key shall be guilty of a Class A misdemeanor. Likewise, misuse and/or abuse, destruction, or unauthorized access to University property and/or computer systems is subject to disciplinary action and/or dismissal from University employment.





**Policy:** PG-45

**Subject:** Staff Basic Educational Opportunities

**Approval Date:** 02/24/89

**Revision Date:**

**PURPOSE:**

To provide regular full-time staff members an opportunity to advance their education by taking adult basic education classes without cost.

**COURSE LIMITS:**

A regular full-time staff member may take classes up to a maximum of three (3) hours each week. The class work must be approved through the University's Adult Learning Center.

**GED TEST FEES:**

The University will pay the cost of an eligible staff member's GED test fee. Any regular full-time staff member who has completed the probationary period, if applicable, is eligible to request a GED test fee voucher from the Adult Learning Center.

The payment of the GED test fee by the University must be approved by the supervisor and appropriate vice president. A copy of the form shall be forwarded to the Office of ~~Human Resources Personnel Services~~.

## **COURSES AND EXAMS DURING WORK HOURS:**

Permission may be granted by a supervisor upon written or oral request to take classes and exams during working hours. If the staff member and supervisor cannot agree on suitable rescheduling arrangements, the matter shall be resolved by the appropriate vice president.

## **~~KET's/GED ON TV:~~**

~~Staff members may choose to enroll in KET's/GED on TV Program. If selected for this program, permission must be granted by a supervisor and appropriate vice president to participate in the program during working hours.~~

## **ADDITIONAL COURSES:**

Additional classes beyond the three (3) hours maximum may be taken outside normal working hours.



**Policy:** PG-46

**Subject:** Collection, Control and Deposit of Cash Receipts and Operating Cash Funds

**Approval Date:** 02/24/89

**Revision Date:** 09/15/05

**PURPOSE:**

To define the University's policy for the collection, control and deposit of cash receipts and operating cash funds.

**POLICY:**

The Office of Accounting and ~~Financial Services Budgetary Control~~ is solely responsible for the collection and control of all University related cash receipts. All cash receipts must be deposited through the Office of Accounting and ~~Financial Services Budgetary Control~~ into the proper University account.

The collection and control of cash receipts and all other financial affairs of Morehead State University shall be governed by the provisions of KRS 164A.555 through KRS 164A.630.

The Office of Accounting and ~~Financial Services Budgetary Control~~ will routinely delegate the authority and responsibility to collect cash receipts. Designated cash collection centers may be allocated an amount of cash from the Office of Accounting and ~~Financial Services Budgetary Control~~ to serve as a permanent operating change fund.

Kentucky Revised Statutes 164A.630(3) states that: "Any officer, agency, or employee of any institution who willfully fails or refuses to comply with any other provisions of KRS 164A.555 to KRS 164A.630 is subject to indictment in the appropriate circuit court and upon conviction shall be fined not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) for each offense."

Any officer, agent or employee of Morehead State University who willfully fails or refuses to comply with the provision of the Cash Receipts and Operating Cash Fund Policy or the procedures for either of these policies, may be held personally liable for any loss or other misuse of funds.

### **PROCEDURES:**

The administration shall have the delegated authority from the Board of Regents to implement certain procedures from time to time in compliance with the above policy and the Kentucky Revised Statutes.



**Policy:** PG-47

**Subject:** Drug-and Alcohol- Free Workplace

**Approval Date:** 03/31/89

**Revision Date:** 09/21/90, 09/15/05

**PURPOSE:**

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 require the University, as a recipient of federal grants and contracts, to develop a program for achieving a drug- and alcohol-free workplace. Eligibility for all future federal grants or contracts requires that a comprehensive drug and alcohol program be implemented.

**ADMINISTRATION OF THE POLICY:**

The Board of Regents authorizes the President to administer this policy by developing and implementing plans and procedures which will support a Drug- and Alcohol-Free Workplace.

**POLICY:**

Under the provisions of these Acts, Morehead State University prohibits the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs or alcoholic beverages in the workplace. Illicit drugs are identified in Schedules I through V of Section 202 of the Controlled

Substances Act and as further defined by Regulation 21 CFR 1300.11 through 1300.15. Termination procedures shall commence immediately against any employee who unlawfully manufactures, distributes, or dispenses an illicit drug or alcoholic beverage in the workplace, and notification shall be made to the proper law enforcement agencies.

Termination procedures may commence immediately against any employee who unlawfully uses or possesses an illicit drug or alcoholic beverage in the workplace. Employees will be made aware of the availability of drug and alcohol awareness programs administered by the University during the initial stages of the employment process.

Employees with drug or alcohol use problems are encouraged to seek help at the earliest stages.

The objective of this policy is not only to prevent drug or alcohol use in the workplace but to assist employees who may have a drug or alcohol abuse problem. Therefore, the University establishes the following rules:

1. That any employee who receives a drug- or alcohol- related conviction for a violation occurring in the workplace shall notify his/her immediate supervisor within five days after the conviction. An employee who fails to report a conviction may be subject to disciplinary action including termination.
2. That students are also included under the laws and, if convicted of certain drug-related activities, could be barred permanently from receiving federal student assistance and/or suspension from the University, and if convicted of unlawful alcohol related activities on University property or part of University activities, could be suspended from the University.
3. That directors of projects externally funded through grants and contracts shall be responsible for notifying the funding agency



(after coordinating with the Office of Research ~~and Sponsored Programs, Grants and Contracts~~ and obtaining the approval from the Office of the President) within ten days after receiving notice from an employee or otherwise receiving actual notice of an employee's drug statute conviction for a violation occurring in the workplace.

4. That immediate supervisor(s) shall be responsible for:

a. Implementing one of the following actions, within 30 days of receiving notice, against any employee who is in violation of this policy by:

(1) Taking appropriate personnel action against said employee, up to and including termination; or

(2) Requiring said employee to participate satisfactorily in a drug or alcohol abuse assistance rehabilitation program by a Federal, State, or local health, Law enforcement, or other appropriate agency.

b. Monitoring and reporting the rehabilitative progress of said employee in accordance with the terms of this policy.

5. That the Vice President for Student ~~Affairs~~ ~~Life~~ and the Director of Human Resources provide annually, in writing, to each student (regardless of the length of the student's program of study) and employee:

a. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on University property or as part of any University activities;

- b. A description of applicable legal sanctions under local, State, or Federal law;
  - c. A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
  - d. A description of available drugs or alcohol counseling, treatment, rehabilitation or re-entry programs; and
  - e. A clear statement of the disciplinary sanctions that the University will impose on students and employees.
6. That the Vice President for Student ~~Affairs~~ ~~Life~~ and the Director of Human Resources shall conduct a biennial review of the University's drug and alcohol abuse program to determine its effectiveness, implement needed changes, and ensure disciplinary sanctions are consistently enforced.
7. That the Office of Counseling and Health Services shall provide through its regular student drug and alcohol education and awareness programs, opportunities for University employee participation.
8. That the Office of Human Resources provide each new employee with a copy of the notification stated in paragraph 5, above.
9. That all information relating to the reporting requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 shall be treated confidentially.

**TREATMENT:**

Employees who, either voluntarily or through referral, require professional treatment will receive counseling and/or rehabilitative services from agencies outside the University. Such services will be paid for by the individual or, if covered, under any health insurance plan the employee may have. All records developed as a result of drug or alcohol dependency will be handled on the same confidential basis as other health problems.

Reports from the treatment and rehabilitation agencies and from the employee's supervisor must indicate that the rehabilitation process is progressing satisfactorily. Such reports require confidential handling and shall be provided, through the appropriate Vice President, to the Director of Human Resources.

An employee who fails to continue an approved rehabilitation program may be subject to disciplinary action, including termination.

Additionally, an employee who fails to respond to treatment and cannot perform job responsibilities satisfactorily may be terminated.

Treatment for students will be provided, monitored, and reported by the Vice President for Student **Affairs Life** or his/her designated representative(s).



**Policy:** PG-48

**Subject:** Vacation Leave

**Approval Date:** 07/01/85

**Revision Date:** 06/22/90; 09/17/93; 11/14/97; 12/06/02

**PURPOSE:**

To define conditions for vacation leave for regular, full-time employees classified as exempt or nonexempt staff. This policy also applies to full-time faculty members who are eligible for vacation and who are employed on a 9, 10, 11 or 12-month basis.

**ACCUMULATION FOR REGULAR FULL-TIME EMPLOYEES:**

For regular, full-time employees hired after June 30, 1990, vacation shall be accumulated at the rate of 7.5 hours or 8 hours, depending upon the length of the employee's regularly scheduled work day, for each month of regular employment through the first 4 years of continuous service; 9.38 hours (7.5 hour employee) and 10.00 hours (8 hour employee) per month for 5 to 9 years of continuous service; 11.25 hours (7.5 hour employee) and 12.00 hours (8 hour employee) per month for 10 to 14 years of continuous service; and 12.53 hours (7.5 hour employee) and 13.36 hours (8 hour employee) per month after 15 years of continuous service. See Table below for accumulation rates for each period of university service:

<b>Years service</b>	<b>1 - 4 years</b>	<b>5 – 9 years</b>	<b>10 – 14 years</b>	<b>15 yrs. &amp; over</b>
<b>7.5 hrs/day</b>	7.50 hours	9.38 hours	11.25 hours	12.53 hours
<b>8.0 hrs/day</b>	8.00 hours	10.0 hours	12.00 hours	13.36 hours

For regular, full-time employees hired before July 1, 1990, vacation shall be accumulated at the rate of 9.38 hours (7.5 hour employee) and 10.00 hours (8 hour employee) for each month of regular employment through the first 9 years of continuous service; 11.25 hours (7.5 hour employee) and 12.00 hours (8 hour employee) per month for 10 to 14 years of continuous service; and commencing July 1, 1991, 12.53 hours (7.5 hour employee) and 13.36 hours (8 hour employee) month after 15 years of continuous service. See Table below for accumulation rates for each period of university service:

<b>Years service</b>	<b>1-9 years</b>	<b>10-14 years</b>	<b>15 yrs. &amp; over</b>
<b>7.5 hrs/day</b>	9.38 hours	11.25 hours	12.53 hours
<b>8.0 hrs/day</b>	10.0 hours	12.00 hours	13.36 hours

An employee accumulates vacation in any month in which the employee is paid for 11 or more days, except that pay received for accumulated vacation at time of leave without pay, termination of employment, death, or retirement will not be credited toward the 11 days. The earned vacation day is to be applied to the employee's leave balance at the beginning of the month following the month in which the member works eleven or more days. Vacation days may not be used before they are earned and applied to the employee's leave balance.

**ACCUMULATION FOR SELECTED FULL-TIME FACULTY MEMBERS EMPLOYED ON A NINE-, TEN-, ELEVEN- OR TWELVE-MONTH BASIS:**

A full-time faculty member who is determined to be eligible for vacation accrual by the Provost ~~and Vice President of Academic Affairs and Executive Vice President~~ based on employment on a nine-, ten-, eleven- or twelve-month basis, shall earn vacation for a period specified in the contractual arrangement and at the rate detailed for regular full-time employees.

**ACCUMULATION FOR EMPLOYEES SERVING AN INITIAL PROBATIONARY PERIOD:**

Employees serving an initial probationary period will accrue vacation at the rate of 7.5 hours (for 37.5 hour per week employees) or 8.0 hours (for 40 hour per week employees) per month of employment. The vacation will not be vested and may not be taken until the employee successfully completes his/her probationary period. In the event the initial probationary period is extended for any reason, the employee will continue to accrue vacation at the rate specified above but it will not be vested nor will the employee be allowed to take vacation time until successfully completing the probationary period.

**MAXIMUM ACCUMULATION:**

The maximum accumulation of vacation for a full-time employee shall be 225 hours (7.5 hour employees) or 240 (8 hour employees) (30 work days). Vacation balances over the above maximums shall not be permitted.

### **VACATION USAGE:**

The work requirements of the University shall take priority in the scheduling of vacation or other time off. Insofar as possible, however, consideration will be given to any specific request by an individual; competitive requests for the same time off shall ordinarily be decided in favor of the person with the longer period of continuous service in the unit.

Vacation must be scheduled in advance and approved by the immediate supervisor in writing on an Exception Approval Form (forms available in the Office of Human Resources). Otherwise, the time off may result in a salary deduction and is cause for disciplinary action, unless the supervisor judges the circumstances to have been an emergency.

An administrative unit may establish periods of time when vacation may or may not be taken and/or periods of time when vacation requests are to be submitted. If such latter times are established, vacation requests submitted other than during the specified periods shall be considered after requests received during the specified periods.



Only days on which the employee normally would have worked are charged against accumulated vacation.

Vacation leave is charged in not less than one hour units.

### **PAYOFF OF ACCUMULATED VACATION:**

An employee who retires, terminates employment, returns or is reassigned to a non-vacation accruing position, dies, or commences a leave of absence without pay (except for illness, including maternity or injury--see PG-9) shall receive the cash equivalent for unused vested vacation as of that date or a maximum of 30 days. The cash equivalent for an hourly employee is determined by dividing the annual salary by 1,950 times seven-and-one-half ( $7 \frac{1}{2}$ ) times the number of unused days for an employee on a thirty-seven and one-half hour work week; or by 2,080 times eight (8) times the number of unused days for an employee on a 40-hour week. The cash equivalent for an exempt employee is determined by dividing the salary by the number of days in the contract (i.e. 195, 260, etc.). There is no other cash settlement for accumulated vacation.



**Policy:** PG-49

**Subject:** Sick Leave

**Approval Date:** 07/01/85

**Revision Date:** 06/22/90; 06/22/94; 11/14/97; 12/06/02

**PURPOSE:**

To provide pay for a regular full-time employee who is unable to work due to illness or injury.

**SICK LEAVE ACCUMULATION FOR REGULAR FULL-TIME EMPLOYEES:**

A regular, non-faculty full-time employee, hired after June 30, 1990, accumulates 7.5 or 8.0 hours of sick leave per calendar month or per month of contract, whichever is less.

A regular, full-time employee, hired before July 1, 1990, accumulates 7.5 or 8.0 hours of sick leave per calendar month. After 10 full years of service, the rate shall increase to 11.25 hours (7.5 hour employee) and 12.0 hours (8.0 hour employee).

A regular full-time faculty member hired between July 1, 1990 and June 21, 1994, inclusively, accumulates 7.5 hours of sick leave per calendar month, regardless of the faculty member's contract months.

An employee accumulates sick leave in any month in which he/she is actively employed and in paid status for 11 or more days, except that

pay received for accumulated vacation at the time of a leave of absence without salary, termination of employment, retirement, or death will not be credited toward the 11 days. The accrued sick day is applied to the employee's sick leave balance at the beginning of the month following the month in which the employee has worked eleven or more days. Sick leave days may not be used in advance of their actual accrual.

Upon appointment, a regular full-time administrative employee, as defined in PG-2, is credited with 90 hours of sick leave. Beginning with the second year of employment the full-time regular administrative employee accumulates 7.5 hours of sick leave per calendar month or per month of contract, whichever is less. This is added to any sick leave balance from the first year.

Upon appointment, a regular, full-time faculty member is credited with a sick leave accumulation equal to one day per month of appointment, i.e., 67.5 hours for 9-month appointment, 75.0 hours for 10-month appointment.

Beginning with the second year of employment, the full-time regular faculty member accumulates 7.5 hour of sick leave per month of contract. This is added to any sick leave balance from the first year.

### **ILLNESS OR INJURY:**

Employees shall utilize paid sick leave for personal illness, injury, or any disability due to pregnancy, childbirth or recovery therefrom. A

supervisor may request documentation of the circumstances if extended time off for illness or injury is anticipated or if it appears that the conditions for the usage of sick leave may not be appropriate. A supervisor may also request documentation as to when the employee can return to work.

Upon request, paid sick leave may be charged to care for an employee's son, daughter, grandchild, grandparent, brother, sister, spouse or parent for illness or injury. If such leave is designated as Family and Medical Leave, up to 100% of the employee's accrued sick leave may be designated as paid sick leave. Supervisors may request documentation of the need for such time off. Sick leave absences are charged in not less than one-hour units.

The term "parent" means the biological parent of an employee or an individual who stood in "loco parentis" to an employee when the employee was a child, i.e., an individual who was charged with parental rights and responsibilities for the employee.

A "son" or "daughter" means a biological, adopted, foster child, stepchild, legal ward or a child of a person standing in loco parentis who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability.

In accordance with PG-52: ~~Family and Medical Leave Policy~~, the University shall require the employee to first substitute accrued sick leave, then accrued vacation leave for any portion of the 12-week unpaid leave required in the Family and Medical Leave Act of 1993 for the

serious illness of the employee or for the birth, adoption, or foster care of a child, or for a serious illness of a covered family member. The University, however, will not provide paid sick leave for any situation in which the employee would not normally receive paid sick leave.

Employees who are on extended sick leave should keep the department informed of his/her medical status on a regular basis. Supervisors may request additional documentation from the physician.

When a University holiday occurs during an absence chargeable to sick leave, that holiday is not charged as sick leave. If the employer's activity ceases for one or more weeks during an employee's leave, this time does not count toward the 12-week FMLA leave.

#### **MEDICAL OR DENTAL ALLOWANCES:**

Paid sick leave may be used to cover absences because of dental or medical appointments. Such time shall be charged against sick leave. Short absences shall be accumulated and charged in not less than one hour increments.

#### **SICK LEAVE AT TERMINATION OF EMPLOYMENT, RETIREMENT OR DEATH:**

Unused sick leave will not be paid upon termination of employment, retirement, or death. However, members of the Kentucky Retirement Systems will receive service credit for a portion of his/her sick leave

balance at retirement. Such credits shall be applicable only for retirement service.

### **WHEN ALL PAID SICK LEAVE IS EXHAUSTED:**

When an individual has used all of his/her sick leave and/or vacation leave, a leave of absence may be granted upon request up to the limits of the ~~Leave of Absence Without Pay Policy~~ PG-9, or ~~the Family and Medical Leave Policy~~ PG-52.

### **NOTIFICATION OF SUPERVISOR:**

In order to provide time to cover scheduled responsibilities, the individual is responsible for notifying his/her supervisor within a reasonable period of time, but prior to the start of the scheduled work period in which the absence is to occur. Failure to do so may be cause for denial of sick leave for the period of absence, and/or appropriate disciplinary action. Supervisors are responsible for insuring that Exception Approval Forms are completed and submitted to the Office of Human Resources.

### **PATTERN OF USE OF SICK LEAVE:**

If the pattern of sick leave utilization becomes suspect, the supervisor may notify the individual, in writing, requiring the individual to present a doctor's certificate for any sick leave absences that have or

may occur. Failure by the individual to present such a certificate may result in disciplinary action including termination and/or payroll deduction for the time missed. When significant improvement in attendance is shown, the employee will be relieved of the requirement to provide medical certification.

**SICK LEAVE RECORDS:**

All official sick leave records shall be maintained in the Office of Human Resources **and Payroll**.





**Policy:** PG-51

**Subject:** ~~Inclement Severe-Weather~~ Conditions or Disaster

**Approval Date:** 03/07/94

**Revision Date:** 03/10/97

**PURPOSE:**

To provide a method of handling absences that occur and compensating employees working because of severe weather conditions, hazardous road conditions, or in event of natural disaster or emergency.

**OFFICIAL CLOSE-DOWNS:**

The President or the President's representative may officially cancel classes and/or close, delay or suspend operations because of hazardous conditions caused by severe weather, a natural disaster or emergency.

**EMERGENCY EMPLOYEE:**

Emergency employees, for the purpose of defining eligibility for compensation in accordance with this policy, are those employees necessary to alleviate a hazardous and/or emergency condition or provide an emergency service. It is the responsibility of each Vice President to designate emergency personnel to report during official close-downs to accomplish the above. Personnel not -defined as emergency are not subject to the compensatory compensation provisions

of this policy. It is the responsibility of the respective budget unit to address the additional costs associated with the compensation provisions of this policy.

**MISSED TIME:**

A regular full-time or continuing part-time staff member shall not lose pay for any work time missed during any period that University operations are officially closed, delayed or suspended because of hazardous conditions caused by severe weather, a natural disaster or emergency.

A non-exempt emergency employee required to work during such period shall be granted compensatory time off or, at the discretion of the University and supervising budget unit head, receive compensatory pay.

Emergency exempt staff shall be granted equivalent time off if required to work during such periods.

In the event classes and operations are officially canceled, delayed or suspended, the University may amend its calendar or work day to make up the missed classes, workday(s) or work hours. Time missed from work by a staff member because of hazardous conditions caused by severe weather, a natural disaster or emergency, at times other than an official close-down, is to be accounted for by taking vacation leave or leave without pay if no vacation time is available. In the event an employee does not have sufficient accumulated vacation pay to apply to

the absence, the employee's supervisor is encouraged to make reasonable efforts to allow the employee to make up the missed time during the current or next pay period.

### **NOTIFICATION OF CLOSE-DOWNS OR DELAYS:**

~~When it becomes necessary for the President or his designated representative to close the University, cancel classes or suspend operations, advance notification will be announced when possible over WMKY Radio, and other local and regional broadcast media. Employees may also call 783-INFO (4636) to obtain information on class or operational closing.~~

When it becomes necessary for the President or his designated representative to close the University, cancel classes or suspend operations, notification will be made as soon as possible via MSU email, the MSU website, LiveSafe, EagleAlerts, MSPR, and other local and regional broadcast media. Employees may also call 783-INFO (4636) to obtain information on class or operational closing.

### **SUPERSEDES:**

This policy supersedes Personnel Policies, PAd-4, PSE-5 and PSNE-6.



**Policy:** PG-52

**Subject:** Family and Medical Leave

**Approval Date:** 09/17/93

**Revision Date:** 06/01/02; 12/06/02; 6/30/2015

**PURPOSE:**

To provide ~~faculty and staff members~~ **employees with** unpaid job-protected leaves of absence in keeping with the provisions of the Family and Medical Leave Act (FMLA) of 1993 and to guide employees in understanding their rights and responsibilities under the FMLA.

**REASONS FOR LEAVE:**

Any University employee who has completed at least 12 months of service and who has worked at least 1,250 hours with the University in the previous 12 months is covered by this policy. The 1,250 hours do not include time spent on paid or unpaid leave. Employees returning from Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service are credited with hours of service that would have been performed but for the USERRA-covered service. The University will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy.

Eligible faculty and staff are able to use up to a total of 12 weeks of leave in any rolling 12 month year with proper medical or other documentation for the following types of absences:

- An employee may take leave for a serious health condition that makes the employee unable to perform the functions of the employee's position
- The serious health condition of an employee's immediate family member
- Caring for a newborn or newly-placed adopted child or foster child
- Qualifying exigency leave for families of members of the National Guard or Reserves or a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

**Military Family Leave Entitlements:** Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or

illness; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

### **Protections of FMLA Leave:**

An employee returning to work following an FMLA leave will be able to return to the same job or an equivalent position. Any benefits in place immediately before the leave will be reinstated provided that the employee returns to work the first work day following the end date of the FMLA leave or any approved extended leave up to 30 days following the FMLA leave.

### **SUBSTITUTION OF PAID LEAVE:**

An employee is required to use, concurrently with the FMLA leave, the following paid leaves in the order listed: (1) sick leave available for use, as defined by the policy governing the reason for the leave; (2) accrued compensatory time, if available; and (3) vacation leave to which the employee is entitled. Where the FMLA leave is paid as a workers' compensation absence, then the employee is not required to use other forms of paid leave. An eligible employee has a right to take FMLA leave even if unqualified to take paid leave.



## **DEFINITIONS:**

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

The term "parent" means the biological parent of an employee or an individual who stood in "loco parentis" to an employee when the employee was a child, i.e., an individual who was charged with parental rights and responsibilities for the employee.

A "son" or "daughter" means a biological, adopted, foster child, stepchild, legal ward or a child of a person standing in loco parentis who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability.

## **MEDICAL CERTIFICATION:**

The University requires health care provider certification of the need for a leave of absence because of a serious health condition of the employee, or of the son, daughter, spouse or parent of the employee. The certification is to state:

1. The date on which the serious health condition commenced;
2. The probable duration of the serious health condition;
3. The appropriate facts regarding the serious health condition;
4. A statement that the employee is needed to care for the son, daughter, spouse or parent (as applicable), and the estimated period of time such care will be needed;
5. A statement that the serious health condition makes the employee unable to perform the essential functions of his/her job.
6. The University may, at its expense, require the opinion of a second health care provider of its choosing. If a conflict occurs between the opinions of the first and second health care providers, the opinion of a third health care provider, jointly chosen by the University and the employee, at the University's expense, may be required. This person's opinion will be final and binding. Recertification on a reasonable basis, at the University's expense, is also permitted.

### **NOTICE REQUIREMENTS:**

Employees are to give at least 30 days notice of all foreseeable leaves for an expected birth or adoption, or for planned medical treatment.

However, if the date of birth, adoption or medical treatment requires the leave to begin in less than 30 days, the employee is to provide as much notice as is practicable under the circumstances. Employees are to make a reasonable effort to schedule planned medical treatments so as not to

unduly disrupt the University's operations. Supervisors are responsible for insuring the Exception Approval Forms are completed for FMLA leaves.

### **BOTH SPOUSES EMPLOYED:**

When both husband and wife are employed by the University, the aggregate number of work weeks of leave for both employees is limited to 12 weeks over a 12-month period if the leave is for a birth, placement for adoption or foster care, or to care for a sick parent. For other types of leaves under the Act (i.e., serious illness of the employee or the employee's spouse or child), each employee retains the right to take up to 12 work weeks of leave.

### **INTERMITTENT LEAVES AND REDUCED WORK**

#### **SCHEDULES:**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The University may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative

position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the University and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the University before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

#### **VACATION AND SICK LEAVE ACCUMULATION:**

A faculty or staff member on a leave of absence will not accumulate vacation or sick leave unless he/she is paid for 11 or more days in that calendar month.

#### **UNIVERSITY HOLIDAYS:**

A faculty or staff member will not receive salary or compensatory time for any University holiday(s) that occurs while he/she is on an unpaid leave of absence. If employer's activity ceases for one or more weeks during an employee's leave, this time does not count toward the 12-week FMLA leave.

### **INSURANCE COVERAGE:**

An employee may continue his/her group health, dental and life insurance coverages during a leave at the same level and under the same conditions he/she would have received had the leave not occurred. It is the employee's responsibility to make arrangements with the Office of Human Resources for payment of the required premiums if he/she is off the payroll during the leave of absence. Failure to do so may result in the termination of such insurance coverages. Notwithstanding the above, the University shall maintain its contributions to the group health, dental and life insurance coverages at the same level and under the same conditions the employee would have received had the leave not occurred.

### **JOB REINSTATEMENT:**

An employee will be reinstated to the same or an equivalent position with the same pay and benefits that he/she received and under the same terms and conditions of employment as when the leave began.

In the event of a serious health condition, the University shall require the employee to provide certification from an appropriate health care provider indicating that he/she is able to resume work. Also, the University may require an employee on leave to report periodically on his/her status and intention of returning to work.

### **EARLY RETURN TO WORK:**

If a faculty or staff member desires to return to work before his/her approved leave ends, he/she is to contact the appropriate administrative officer to determine an acceptable date for returning to work.

### **PROCEDURE FOR REQUESTING FMLA LEAVE:**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the ~~Employee Benefits Manager in the~~ Office of Human Resources. Within five business days after the employee has provided this notice, the ~~Employee Benefits Manager~~ ~~Office of Human Resources~~ will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the University with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not

foreseeable, the employee must comply with the University's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

#### **DESIGNATION OF FMLA LEAVE:**

Within five business days after the employee has submitted the appropriate certification form, the ~~Employee Benefits manager~~ Office of Human Resources will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

#### **INTENT TO RETURN TO WORK FROM FMLA LEAVE:**

On a basis that does not discriminate against employees on FMLA leave, the University may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.





**Policy:** PG-53

**Subject:** Driver's Alcohol and Controlled Substance Testing

Approval Date: 03/01/96

**PURPOSE:**

In an effort to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of commercial vehicles and to comply with the Omnibus Transportation Employee Testing Act (OTETA) of 1991, it is the policy of the University to administer complete commercial driver's license (CDL) physical examinations and alcohol and controlled substance testing for all employees whose job duties require a commercial driver's license (CDL) and/or the transporting of hazardous materials.

This policy is applicable to all University faculty and staff. All covered employees will be provided with a written notice of the availability of information regarding the Omnibus Transportation Act, its testing requirements, and a copy of this policy which provides for compliance with the federal requirements.

Nothing in this policy lessens the University's ability to discipline in accordance with the University's disciplinary policies. The minimum sanctions in this policy and federal law shall not lessen the University's ability to impose greater sanctions, up to and including termination under Staff Personnel Policies and Procedures: PG-47 ~~Drug and~~

~~Alcohol-Free Workplace~~, PSE-7 ~~(Staff Exempt) Discipline and Dismissal~~, PSNE-8 ~~(Staff Non-Exempt) Discipline and Dismissal~~, and PAc-22 ~~(Faculty) Disciplinary Actions~~.

## **ADMINISTRATION OF POLICY:**

Administration of this policy is the responsibility of the Director of Human Resources and the office with covered employees. Office heads are responsible for ensuring that the creation of any position or the addition of responsibilities requiring a commercial driver's license (CDL) is communicated to the Director of Human Resources.

## **TESTING REQUIREMENTS:**

Any University employee, required to possess a commercial driver's license (CDL) as a condition of employment, shall be tested for alcohol and/or controlled substances in accordance with the following:

### **A. Pre-Employment Testing**

Prior to the first time the covered employee performs safety-sensitive functions for the University. This testing is required for controlled substances only. Pre-employment testing for alcohol is **not** required;

### **B. Post-Accident Testing**

Following an accident if (1) the covered employee was performing a safety sensitive function with respect to the vehicle and the accident involved the loss of human life or (2) the employee received a citation

under state or local law for a moving traffic violation arising out of the accident;

#### C. Random Testing

As a covered employee randomly selected for testing any time during any year;

#### D. Reasonable Suspicion

At any time reasonable suspicion exists that the covered employee may have violated the rules for alcohol misuse or controlled substances use of the OTETA and of ~~the Drug and Alcohol Free Workplace Policy~~, PG-47.

#### E. Return-To-Duty Testing

Before the covered employee returns to duty in a safety-sensitive function following violation of the rules for alcohol misuse or controlled substances use of the OTETA ~~and of PG-47 Drug and Alcohol Free Workplace~~.

#### F. Follow-up Testing

As a part of required follow-up testing identified by a substance abuse professional (SAP), wherein a covered employee has returned to duty in a safety-sensitive function following violation of the rules for alcohol misuse or controlled substance use. Under OTETA and PG-47 ~~Drug and Alcohol Free Workplace~~: a minimum of six (6) unannounced follow-up tests will be conducted at an approved medical testing facility, during the first twelve (12) months following an employee's return to

duty. A covered employee shall pay for follow-up tests.

## **DEFINITIONS:**

For purposes of this policy, the following definitions will apply:

- "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.
- "Alcohol use (or use of alcohol)" means consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- "Alcohol concentration" is the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
- "Biological Testing" means the scientific analysis of urine, blood, breath, saliva, hair tissue, and other specimens of the human body for purpose of detecting an illegal drug or alcohol.
- "Breath Alcohol Technician" (BAT) means an individual who instructs and assists in the alcohol testing process and operates an evidential breath testing device (EBTD).
- "Collection site" means a place designated by the University where employees/applicants present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of alcohol or drugs.

- "Collection site person" means a person who instructs and assists at a collection site and who receives and makes a screening examination of the urine specimen provided by those employees/ applicants.
- "Commercial vehicles" includes any of the following:
  - \* **Class A:** Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 or more pounds, provided the vehicle being towed is in excess of 10,000 pounds GVWR.
  - \* **Class B:** Any single motor vehicle with a GVWR of 26,001 or more pounds or any vehicle towing a vehicle less than 10,000 pounds GVWR.
  - \* **Class C:** Any vehicle with a GVWR of less than 26,001 pounds that is either (a) transporting hazardous materials for which placarding is required, or (b) designed to transport sixteen (16) or more passengers including the driver.
- "Confirmation test" for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance, confirmation testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.
- "Contraband" means any article, the possession of which on University premises or while on University business, causes an employee to be in violation of a law, University regulation, policy

or procedure. Contraband includes but is not limited to illegal drugs, alcoholic beverages and drug paraphernalia.

- "Controlled Substance" means marijuana, cocaine, opiates, amphetamines or phencyclidine.
- "Covered employee" means a Morehead State University employee who performs a safety-sensitive function(s) requiring a commercial driver's license (CDL). These function(s) may constitute part or all of the job duties in the operation of a University owned, leased, or borrowed commercial motor vehicle. The term includes an applicant for employment. Covered employees are University employees (including mechanics who may test drive a repaired vehicle) who operate commercial vehicles (see definition of commercial vehicles) owned or leased by the University.
- "Driver" means any covered employee who operates a Commercial Motor Vehicle (CMV). This includes, but is not limited to: full-time, regularly employed drivers, casual, intermittent, temporary, part-time, or occasional drivers.
- "EBTD or evidential breath testing device" means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's Conforming Products List (CPL) of Evidential Breath Measurement Devices.
- "Gas chromatography/Mass Spectrometry (GC/MS)" means the only authorized confirmation method for controlled substances.

- "Medical Review Officer (MRO)" means a licensed physician (medical doctor or doctor of osteopathy) who is responsible for receiving laboratory results generated by the University's alcohol and controlled substance testing program, who has knowledge of substance abuse disorders, and who has appropriate medical training to interpret and evaluate an employee's/applicant's medical history and other relevant biomedical information.
- "Performing a safety-sensitive function" means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- "Safety-sensitive function means
  - (a) All the time a covered employee is at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the covered employee has been relieved from duty by the covered employee's supervisor.
  - (b) All the time the covered employee is inspecting equipment as required by DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time.
  - (c) All driving time as defined in the term driving time in this regulation.
  - (d) All the time, other than driving time, in or upon any Commercial Motor Vehicle (CMV) except time spent resting in a sleeper berth as defined by DOT regulations.

- (e) All the time a covered employee is loading or unloading or supervising or assisting in the loading or unloading of a CMV, attending a CMV being loaded or unloaded, remaining in readiness to operate the CMV, or in giving or receiving receipts for shipments loaded or unloaded.
- (f) All the time spent by a covered employee performing the driver requirements of DOT regulations relating to accidents.
- (g) All the time spent by a covered employee repairing, obtaining assistance, or remaining in attendance upon a disabled CMV.
- "Screening test (or initial test)", in controlled substance testing, is an immunoassay screen to eliminate "negative" urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
- "Substance Abuse Professional" means a licensed physician or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

## **ALCOHOL VIOLATIONS:**



For alcohol violations, the federal law mandates the following minimum sanctions:

- (a) A covered employee with an alcohol concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform safety-sensitive functions until the next scheduled duty period, but not less than twenty four (24) hours following administration of the initial test. However, federal law states such employee shall be prohibited from driving for a period of one (1) year when the employee has been involved in a fatal accident.
- (b) A covered employee with an alcohol concentration of 0.04 or greater shall not drive a commercial motor vehicle for a period of sixty (60) consecutive days.
- (c) A covered employee who, during any three-year period, is found to have an alcohol concentration of 0.04 or greater in two separate incidents may not drive for a period of 60 consecutive days.
- (d) A covered employee with an alcohol concentration of 0.04 or greater three (3) or more times during any three year period shall not drive for a period of one hundred twenty (120) consecutive days.
- (e) In addition to any driving prohibitions, a covered employee with an alcohol concentration of 0.04 or greater may not perform any safety-sensitive function until the employee has been evaluated by a substance abuse professional (SAP), completed any rehabilitation

required by the SAP, and tested at less than 0.02 for the presence of alcohol.

### **CONTROLLED SUBSTANCE VIOLATION:**

For controlled substance violations, the federal law mandates the following minimum sanctions:

- (a) For any offense, a covered employee shall be referred to a substance abuse professional (SAP) and shall submit a urine specimen that has a "negative" result prior to returning to duty.
- (b) For a second offense within a three (3) year period, a covered employee shall not drive a commercial vehicle for sixty (60) consecutive days.
- (c) For a third offense or greater within a three (3) year period, a covered employee shall not drive a commercial vehicle for one hundred twenty (120) consecutive days.
- (d) Any covered employee who refuses to be tested shall not drive a commercial vehicle for a minimum of one (1) year and until he/she has submitted a urine specimen that produces a "negative" result.

### **TESTING PROCEDURES:**

Any covered employee who is being tested for alcohol and controlled substance use shall be notified where and when to report for testing under the following procedures:

## A. Pre-Employment

An applicant being considered for hire into a safety-sensitive function shall be notified by the hiring office or the Director of Human Resources where and when to report for controlled substance testing. Federal law provides that results of the test shall indicate "negative" for controlled substances prior to an offer being extended for employment in the position.

## B. Post-Accident

Any surviving covered employee who is involved in an accident, in which the employee was performing a safety-sensitive function with respect to the vehicle and (1) the accident involved the loss of human life or (2) the employee received a citation for a moving traffic violation arising out of the accident, shall immediately proceed to the nearest approved medical facility for alcohol and controlled substance testing. In the event the covered employee is physically unable or otherwise detained by municipal authorities from proceeding immediately to an approved test site, an appropriately designated University official shall be notified as soon as possible so other arrangements can be made in a timely manner. The appropriate University official will instruct the employee when and where to report for required testing under the law.

## C. Random Testing

Random testing for controlled substances shall be conducted throughout each year. A minimum of twenty-five percent (25%) of all covered

employees will be tested for alcohol use. A minimum of fifty percent (50%) of all covered employees will be advised where and when to report for testing. Usually, a covered employee shall be tested during the employee's normal work hours. Random testing dates and times shall be unannounced and scheduled with unpredictable frequency throughout the year.

#### D. Reasonable Suspicion

If an appropriate University official determines a reasonable suspicion exists that a covered employee has violated the rules for alcohol misuse or controlled substances use, the employee shall be required to be tested for alcohol misuse or substance use. Any employee identified will be advised where and when to report for testing. Testing shall be conducted during an employee's normal work hours.

#### E. After Violation of Rules

Following a violation of the rules of the OTETA or PG-47 ~~Drug and Alcohol Free Workplace~~, a covered employee shall be evaluated and tested for alcohol misuse or controlled substance use prior to returning to a safety-sensitive function. The employee's test results shall indicate an alcohol concentration of less than 0.02 and/or a "negative" result for controlled substance use for the covered employee to be permitted to return to work in a safety-sensitive function.

#### F. After Alcohol and/or Substance Abuse Referral

A covered employee, who has been identified by a substance abuse professional as needing assistance in resolving problems with alcohol misuse and/or controlled substance use and who has returned to duty involving the performance of a safety-sensitive function, shall be subject to a minimum of six (6) unannounced follow-up tests for controlled substances over the first twelve (12) months following the employee's return to duty. A covered employee will be told by the office supervisor or the appropriate Human Resources official, upon notification from the testing entity, where and when to report for testing throughout the twelve (12) months.

#### G. Failure to Report for Testing

Any covered employee/applicant scheduled for testing, who does not report for testing within one (1) hour following the scheduled appointment time, shall be presumed to have refused to be tested and shall not drive a commercial vehicle for a minimum of one (1) year. Any covered employee, who is involved in an accident in which the employee is performing a safety-sensitive function and who does not submit to testing, shall be presumed to have refused testing and shall not drive a commercial vehicle for a minimum of one year.

#### H. Absence During Random Testing

A covered employee, who has been on a layoff or who is off work for sick leave, annual leave, etc., during which the employee was not subject to random testing, shall submit to alcohol and controlled substance

testing when returning to work.

## **TESTING ADMINISTRATION:**

The names and locations of approved facilities will be provided to covered employees upon implementation of this policy. Changes to the approved list of test sites will be provided to covered employees in a timely fashion. This notice may include use of a mobile van or another approved on-site testing facility.

Alcohol and controlled substance tests shall be administered as follows:

### **A. Alcohol**

A covered employee shall be tested for alcohol by a trained breath alcohol technician utilizing an Evidential Breath Testing Device (EBTD).

### **B. Controlled Substances**

A covered employee being tested for controlled substances shall be required to provide a urine sample which will be split into two bottles by a collection site employee. The collection site employee will complete a chain of custody form and ship both bottles to a Department of Health and Human Services (DHHS) certified laboratory for analysis.

## **TEST RESULTS:**

Test results are communicated by the approved medical testing facility to the Director of Human Resources as soon as possible following the administering of the test. In a timely manner, following notification by the Human Resources official, the immediate supervisor will communicate the test results, in writing, to the covered employee/applicant.

#### A. Procedures for Positive and Negative Test Results

If the test results do not indicate alcohol misuse or controlled substance use, the employee may continue performing safety-sensitive functions as scheduled.

If the test results indicate alcohol misuse or controlled substance use, the employee will be referred to a substance abuse professional (SAP) for assistance and will be subject to appropriate disciplinary action under University policies PG-47 ~~Drug and Alcohol Free Workplace~~, PSE-7 ~~(Staff Exempt) Discipline and Dismissal~~, and PSNE-8 ~~(Staff Non-Exempt) Discipline and Dismissal~~.

If the test results do not indicate alcohol misuse or controlled substance use, the applicant for a position requiring a CDL may continue to be considered for the position.

If the test results indicate alcohol misuse or controlled substance use, the applicant will not be considered for employment in the CDL required position.

All test results shall be recorded and communicated in a confidential manner. The Medical Review Officer (MRO) will discuss a test result indicating controlled substance use with the affected covered employee/applicant to ascertain whether the covered employee/applicant is taking prescription drugs. A test of the split urine sample will be conducted as appropriate under the Omnibus Transportation Employee Testing Act of 1991. It should be noted that the use of prescription drugs which may affect one's ability to perform a safety-sensitive function is a violation of federal law and University policy.

#### B. Retention of Test Results

Negative test results shall remain on file for a period of one (1) year with the approved medical testing facility, with which the University has a contract to provide testing and record keeping. All records relating to the collection process and training shall be kept on file with the approved medical testing facility for two (2) years.

Records of any alcohol test results indicating an alcohol concentration of 0.02 or greater, documentation of refusals to take required alcohol tests, equipment calibration documentation, and documentation of employee evaluations and referrals shall be retained for a period of five (5) years by the approved medical testing facility.

Records of covered employee verified "positive" controlled substance test results, documentation of refusals to take a required controlled substance test, and documentation of employee evaluations and referrals shall be retained for a period of five (5) years by the approved medical



testing facility.

## **CONFIRMATION OF ALCOHOL MISUSE OR CONTROLLED SUBSTANCE USE:**

Following confirmation that a covered employee has tested 0.02 or greater for alcohol or "positive" for controlled substance use, the employee shall be removed from any safety-sensitive function; the supervisor shall consult with the Director of Human Resources to determine the appropriate action under the law and University policy. The covered employee shall be subject to appropriate disciplinary action up to and including termination under PG-47 ~~Drug and Alcohol Free Workplace~~.

## **TESTING COSTS:**

All costs associated with alcohol and controlled substance testing shall be paid by the office which employs a covered employee or is recruiting for an approved CDL required position, except that a covered employee shall pay for any follow-up tests. The amount charged will be provided in a schedule in accordance with the University's contract with an approved medical testing facility.

Costs for testing by any medical facility other than the approved medical testing facility shall be determined by that particular medical facility and shall be paid by the department, except that a covered employee shall

pay for any follow-up testing.

**TRAINING:**

Any University official designated to determine whether or not reasonable suspicion exists to conduct an alcohol misuse and/or controlled substance use test shall receive sixty (60) minutes of training on alcohol misuse and an additional sixty (60) minutes of training on controlled substances use to assist him/her in determining whether reasonable suspicion exists to require an employee to undergo testing. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and/or controlled substance use.



## **Policy: PG-55 Technology Resource Acceptable Use**

Approval Date: 02/26/99

Revisions: 09/15/05, 08/01/06, 06/05/08, 12/06/18

### **PURPOSE**

To establish acceptable guidelines for information technology (IT) resource use by Morehead State University (MSU or University) faculty, staff, students, and sponsored guests; to establish and ensure adherence to best-practice IT security policies and procedures; and to ensure compliance with state, federal, and local laws and regulations.

The technology resources at MSU support the educational, instructional, research, and administrative activities of the University and the use of these resources is a privilege that is extended to members of the University community. Users of these services and facilities have access to valuable University resources, to sensitive data, and to internal and external networks. Users are expected to act responsibly, ethically, and legally in regard to MSU technology resources.

### **SCOPE**

This policy applies to all technology resources owned or managed by MSU, resources administered by the Office of Information Technology (OIT), resources administered by individual departments, personally owned computers and electronic devices connected by wire or wireless

to the campus network, and off-campus devices that connect remotely to the University's technology systems.

This policy applies to MSU faculty and visiting faculty, staff, students, alumni, guests or agents of the administration, external individuals and organizations accessing the University's technology systems.

### **ACCEPTABLE USE OF MSU TECHNOLOGY**

Users are responsible for informing themselves of policies, regulations, and formal guidance that govern the use of MSU IT resources.

MSU is the owner of all data/information stored on MSU technology systems, including email, voice mail, centralized storage, and desktop computers. The data/information remains subject to all state and federal copyright laws and the University's intellectual property policy. Any personal information stored on University owned systems is subject to inspection in the same manner as University information.

Prohibited activity with MSU technology resources include:

- Using University technology resources to gain unauthorized access to other technology resources (regardless of ownership or location), to engage in illegal activity, or to violate University policies, regulations, or rules.

- Damaging or disrupting operation of University technology applications, technology infrastructure, or other technology resources and services.
- Granting or providing access to University technology resources to unauthorized persons, even if those persons are members of the University community.
- Sharing an MSU user ID and associated password or deliberately leaving a logged in account unattended.
- Accessing, modifying, or transferring University data without authorized permission.
- Failing to protect sensitive University data from loss or theft. Users have responsibility to take reasonable precautions to safeguard critical and/or sensitive University data on electronic devices.
- Using University licensed software for personal or external use without prior written approval by the University and/or licensee.
- Installing unlicensed or unauthorized software on University technology resources.
- Operating an unauthorized device or service including peer-to-peer hosts, radio frequency broadcast stations, streaming video servers, wireless (WIFI) access points, or other technology resource that may conflict with or impair the University's technology resources.
- Using University technology resources to operate a personal or private business or for commercial purposes unrelated to University business.

- Using University technology resources to engage in partisan political activities on behalf of, or in opposition to, a candidate for public office. These prohibitions do not apply to private devices that are attached to the University's network, provided that technology resources are not used in a way that suggests the University endorses or supports the activity originating on the private device.
- Unless such use is for a scholarly purpose or pursuant to a University investigation or request, Users may not use University technology resources to download, store, display, or disseminate pornographic materials including specifically child pornography. Any such use must be reported immediately to the MSU Police Department.

## **OPERATIONS**

- Responsible authorities at all levels shall perform technology management tasks in a manner respectful of individual privacy and promotion of User trust.
- The University's routine operation of its IT resources may result in the creation of log files and other records about usage. This information is necessary to analyze trends, optimize performance, and complete essential administrative task

- Administrative database managers and data custodians have primary responsibility for insuring that access to data is restricted to those persons with authorized access.
- The University may, without notice to Users, take action in furtherance of University business to maintain the stability, security, and operational effectiveness of its technology resources. Such actions may include, but are not limited to, scanning, sanitizing, or monitoring of stored data, network traffic, usage patterns, and other uses of its information technology, and prevention of unauthorized access to, and unauthorized uses of, its technology networks, systems, and data.

## **INSPECTIONS AND DISCLOSURE OF INFORMATION**

- Access of an individual User's email or other electronic records shall only be done at the request of the University President, ~~Chief Information Officer Associate Vice President for Technology (AVPT)~~, a University Vice President, the University General Counsel, or the Title IX coordinator. The University may be compelled to disclose Users' electronic records in response to various legal requirements, including subpoenas, court orders, search warrants, discovery requests in litigation, and requests for public records under the Kentucky Open Records Act (KRS 61.870 to KRS 61.884).
- The University may access or permit access to the contents of communications or electronically stored information in connection



with an investigation by the University or an external legal authority into any violation of law or of any University policy, rule, or regulation. When the investigation process, and/or other legal proceedings, require the preservation of the contents of a User's electronic records to prevent their destruction, the **Chief Information Officer (AVPT)** AVPT may authorize such an action.

- The University may disclose the results of any general or individual monitoring or inspection of any User's record, account, or device to appropriate University authorities and law enforcement agencies. The University may use these results in disciplinary proceedings.

## **ENFORCEMENT**

As the use of MSU IT resources is a privilege and not a right, a User's access to MSU IT resources may be limited, suspended, or terminated if that User violates this Policy or University regulations. Users who violate this Policy, University regulations, and/or laws governing technology, may be subject to disciplinary action and/or other penalties. Disciplinary action shall be handled through the University's established student and employee disciplinary procedures. Guests and other Users may have access to MSU IT resources suspended or revoked.

The **Chief Information Officer (AVPT)** may temporarily suspend or deny a User's access to MSU IT resources when he/she determines that such action is necessary to

protect such resources, the University, or other Users from harm. In such cases, the **Chief Information Officer (AVPT)** will promptly inform other University administrative offices, as appropriate, of that action.

Employee violations will be reported to appropriate supervisors, while student violations will be reported to the Dean of Students. In addition to an administrative review of violations, the University may report potential violations of MSU IT resources to law enforcement agencies.



**Policy:** PG-56

**Subject:** Emergency Operations and Communications Plan

**Approval Date:** 02/26/99

**Revision Date:**

**PURPOSE:**

To provide the University with guidelines for the protection of its faculty, staff, students, and physical assets from fire and/or explosion; severe weather; bomb threats; accidents, injuries or serious illness; power failure; chemical, biological or radiological problems; civil disturbance, campus demonstrations or harmful rumors; and other activities that are disruptive in nature.

To establish an effective communications **play plan** to both disseminate accurate information regarding campus emergency situations and ensure that inquiries are referred to appropriate sources.

**POLICY:**

It is the policy of Morehead State University to establish, maintain, annually review and approve, and disseminate a plan defining a continuity of leadership and authority, and procedures, for addressing each type of campus emergency situation. It is recognized that the effectiveness of the Plan is dependent upon the full and rapid response of all University personnel to any emergency situation.

## **ADMINISTRATION OF THE PLAN:**

The President shall develop a process by which administrators, including all appropriate unit directors from all Divisions within the University, have input in defining and updating an "Emergency Operations and Communications Plan" for the University.



**Policy:** PG-57

**Subject:** Retired Faculty and Staff Re-Employment Program

**Approval Date:** 09/15/2000

**PURPOSE:**

To permit the University to re-employ retired staff and faculty on a part-time basis consistent with regulations promulgated by the Kentucky Employees Retirement System (KERS) or the Kentucky Teachers' Retirement System (KTRS). This policy does not apply to retirees being re-employed on a full-time basis.

This program is not an entitlement and does not carry automatic participation. Each applicant for post-retirement employment will be considered on the basis of merit, University resources, enrollment demands, and the capability of the individual to contribute to the needs of the University.

**ELIGIBILITY:**

Retiring staff and faculty members must apply for post-retirement employment directly to ~~his or her supervisor or to~~ the supervisor of the unit to which they are making application. The President may recommend to the Board of Regents post retirement re-employment upon the recommendation of the appropriate Vice President. The Vice President shall have received the favorable recommendation of the

retiree's up-line supervisors.

**PROGRAM:**

The post-retirement employment program for non-faculty KTRS retirees provides the opportunity for re-employment up to the equivalent of 100 days in any one fiscal year. *102. Kentucky Administrative Regulation 1:035* defines a day as more than three and one-half hours of work; three and one-half hours or less is considered one-half day.

The post-retirement program for faculty and academic administrators will provide the opportunity for re-employment to teach up to half-time per academic year (August-May) or to perform other mutually agreed upon duties not to exceed 100 days per year.

Retirees re-employed under this plan may retain the appropriate faculty rank from which they retired; but they will not be eligible for promotion or sabbatical leaves as outlined in PAc-2 and Pac-17.

Retirees may be given priority in receiving summer teaching assignments for the Summer I session immediately prior to their retirement.

The post-retirement employment program for KERS retirees provides the opportunity for re-employment on a part-time basis for a period of less than an average of 100 hours per month for the period of re-employment.



Retirees re-employed under this policy do not retain Staff Congress or Faculty Senate voting rights, nor are they eligible for promotion. ~~or internal job searches.~~ Retirees being re-employed under this policy should consult with the Office of Human Resources for eligibility before candidacy.

This special re-employment category carries with it the expectations, duties, and responsibilities of a regular employee. Re-employed retirees who are participating in this program will be governed by University personnel policies with the exceptions noted above. The member's performance will be evaluated utilizing the same evaluation instruments as used to evaluate regular full-time employees.

Re-employed retirees will have access to the University's tuition waiver program (PG-26), nontransferable and proportional to their contracts up to a maximum of six credit hours per academic year (fall and spring semesters only). Office space, library and special purchase privileges, e.g., bookstore and athletic tickets, will be available in accordance with University policies and procedures.

### **SALARY/WAGE DETERMINATION:**

The hiring department or office will negotiate post- retirement salaries or wages. Future salary adjustments will be permitted in accordance with salary distribution guidelines adopted by the University each year.



**Policy:** PG-61

**Subject:** Ethical Principles and Code of Conduct

**Approval Date:** 12/06/2007

**PURPOSE:**

The Morehead State University (MSU) Ethical Principles and Code of Conduct policy is intended to document expectations of responsibility and integrity. Exemplary ethical conduct is critically important in our relationships with colleagues, regents, students, volunteers, contractors and the public.

Each member of the University should endeavor to:

1. Understand and promote the vision, mission, and core values of the University
2. Exhibit integrity, honesty, and responsibility
3. Provide an environment of mutual respect and collaboration
4. Maintain confidentiality in all matters deemed confidential by either University regulation and/or state/federal law
5. Assure independence of judgment (refer to PG-12)
6. Avoid relationships that place the University in legally vulnerable positions or that constitute conflicts of interest
7. Comply with the policies and procedures of the University and applicable state and federal laws and regulations (such as PG-5, PG-6, PG-12)
8. Demonstrate responsible stewardship of University property and resources,

## **DEFINITION:**

The Code of Conduct is intended as a general guide to determine what conduct is expected and to help individuals to determine behaviors that should be avoided. Adherence to ethical standards and practices within individual disciplines should be observed. Employees are strongly encouraged to consult with their supervisors to discuss specific situations.

## **ELIGIBILITY:**

Those acting on behalf of the University have a duty to conduct themselves in a manner that will maintain the public's trust in the integrity of the University and to meet their obligation to the University. The Code of Conduct establishes guidelines for professional conduct for University members, including executive officers, faculty, staff and other individuals employed by the University and volunteers acting as agents of the University (collectively, "University members"). The conduct of the students is addressed in the Student Code of Conduct (the Eagle Student Handbook.)

In addition to this Code of Conduct, University members are subject to all applicable University codes, regulations, and policies as well as state and federal law.

In addition to the general rules provided in this Code of Conduct, further guidance is found in other official University policy documents, such as the MSU Personnel Policy Manual, Board of

Regents By-laws,  
University Administrative Regulations, and the Eagle Student  
Handbook.

## **PROCEDURE:**

### **Nondiscrimination Policy**

Equal opportunity shall be provided for all persons throughout the University in recruitment, appointment, promotion, payment, training, and other employment practices. All University members are expected to comply with the institution's nondiscrimination policy contained in PG-5.

### **Confidentiality of Information**

University members are entrusted with personal and institutional information that must be treated with confidentiality and used only for conducting University business. Respect for individual and institutional privacy requires exercise of care and judgment. Unless required or permitted by law or University regulations, personal and official information provided by and about faculty, staff, and students must not be given to third parties without the consent of the individuals concerned. When doubt exists regarding the confidentiality of information, University members should assume that information is to be treated as confidential.

## **Use of the University's Name**

University members have a public association with the University, but are also private citizens, thus care must be taken to appropriately differentiate between the two roles. University members must avoid giving the appearance of University endorsement in the public promotion or advertising of commercial products without prior written approval.

Individuals writing or speaking publicly in a professional or expert capacity may identify themselves by their relationship with the University, but must avoid giving the appearance of speaking on behalf of the University. University members are encouraged to contribute to public debate as citizens. In doing so, employees should clarify they are speaking or writing on behalf of themselves and not the University.

## **University Resources**

University members should be responsible stewards of University resources. University members are entrusted with responsibly protecting the property, equipment, and other assets of the University. University assets are intended for University activities. Limited personal use of fixed University resources, such as computers and telephones (cell phones and land lines) is permitted as long as the use does not interfere with the assigned job duties and responsibilities. In no instance should University resources be used to conduct personal business for profit. Personal use of cell phones and land lines requires reimbursement to the

University in accordance with UAR 401.01.

### **Personal Relationships**

The quality of one's decisions can be adversely affected when they concern those with whom one has a personal relationship. Conflicts of interest may arise when people are involved in making decisions that affect members of their families, relatives, those with whom they have (or have had) private personal relationships, or those with whom they have (or have had) business partnerships. Individuals facing such decisions should recuse themselves from the decision-making process. In many cases, potential conflicts of interest can be managed by the candid but discreet disclosure of those relationships.

The University strongly urges those individuals in positions of authority not to have sexual or romantic relationships with those over whom they exercise authority. The existence of a power difference may compromise the freedom to consent freely to participate in such a relationship. If such a relationship exists, then the party with greater authority must request that his or her supervisor find a suitable arrangement for the objective evaluation of the student, employee, or other person involved.

To foster an environment of respect for the dignity and worth of all members of the University community, the University prohibits the sexual harassment of students, faculty and staff and requires that

complaints of sexual harassment be investigated in accordance with the University's due process requirements. The University's policies and procedures related to sexual harassment are contained in PG-6.

### **Employment of Relatives**

University employment of relatives is governed by state law, and the University may only employ relatives of a member of the Board of Regents pursuant to state law and PG-22. Members of the Board of Regents, except those elected to the Board as faculty, staff or student representatives, are ineligible for employment at the University.

### **Intellectual Property**

All members of the University community are expected to be responsible stewards of University resources and comply with the University's intellectual property policies (PG-18).

### **Conflict of Commitment**

Conflicts of commitment relate to an individual's distribution of effort between University appointment and outside activities. Faculty and professional administrative employees are expected to devote their primary professional commitment, time, and energy to their positions at MSU; other activities must not detract from these primary commitments.



If conflicts become apparent in regular performance reviews, then they must be addressed by the appropriate supervisor. The University's policy and procedures regarding outside consulting are located in PAc-5.

A staff employee may be employed outside the University when the employment does not constitute a conflict with University interests and when the hours of outside employment do not conflict with hours of scheduled work or affect the employee's ability to perform satisfactorily. It is recommended that staff employees notify their supervisor concerning outside employment.

### **Conflict of Interest**

University members are expected to avoid the appearance of benefiting from employment at the University in ways that do not result from the normal performance of one's regular duties. University members are expected to make full disclosure in situations of possible conflict of interest, and to withdraw from such situations as soon as they become apparent (refer to PG-12).

### **Financial Advantage**

Members of the University community should endeavor to exhibit, honesty and responsibility. Official position or office in the University shall not be used to obtain financial gain or benefits for oneself or members of one's family or business associates that would not have occurred as a result of the normal performance of one's duties as a

professional. Actions that create the appearance of impropriety should be avoided.

### **Reporting Responsibilities**

The University will not tolerate any retaliation against a University member who makes a good faith report of a violation. Violations of this code may result in disciplinary action.



**Policy:** PG-62

**Subject:** Weapons Policy

**Approval Date:** 12/06/12

**Revision Date:**

**Technical Change:**

**PURPOSE:**

The Morehead State University Deadly Weapons on Campus Policy sets forth the University's prohibitions as it relates to weapons on campus. In Kentucky Revised Statute §237.115, the Kentucky General Assembly explicitly recognizes the authority of the University to control the possession of deadly weapons on any property owned, leased or controlled by the University, including the right to prohibit possession of such weapons by any person or entity using University property or premises.

**DEFINITION:**

For purposes of this policy, "deadly weapon" means:

- A. A weapon of mass destruction;
- B. Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;
- C. Any knife other than an ordinary pocket knife;
- D. Billy, nightstick, or club;
- E. Blackjack or slapjack;
- F. Nunchaku karate sticks;
- G. Shuriken or death star; and,
- H. Artificial knuckles made from metal, plastic, or other similar hard material.

**BACKGROUND:**

The Kentucky Supreme Court issued an opinion in Mitchell vs. University of Kentucky defining the parameters of an institution's ability to control weapons on its campus. To comply with expressed legal mandates set forth in the opinion, ~~a comprehensive campus weapons policy is recommended~~ **the following policy is adopted.**

### **POLICY:**

Possession, concealed or otherwise, use or storage of deadly weapon as defined above such as firearms, explosives, dangerous chemicals or other dangerous weapons or the brandishing of any weapon or any other object in a menacing or threatening manner is strictly prohibited on any property owned, leased, operated, or controlled by Morehead State University, including University housing and University vehicles.

### **EXCEPTIONS:**

The following are exceptions to this policy:

- A. Possession of deadly weapons by peace officers acting in the course of official duties;
- B. Possession of deadly weapons as a part of legitimate academic, athletic, or work-related activities (e.g., historical preservation, law enforcement training, ROTC activities, rifle team, etc.);
- C. Possession of a knife as part of a legitimate cutlery set (or individual piece of cutlery) as may be reasonably necessary by the possessor for food preparation;
- D. Possession of a deadly weapon by a person licensed to carry a concealed deadly weapon pursuant to KRS 237.110, if the firearm is contained in his or her vehicle and is not removed from the vehicle (KRS 527.020(4));
- E. Possession of a deadly weapon if it is located in a non-University motor vehicle and in an enclosed container, compartment, or storage

space installed as original equipment in the motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism (KRS 527.020(8));

F. Possession of a deadly weapon by persons who are specifically authorized by KRS 527.020 to carry concealed deadly weapons on or about their persons at all times and at all locations within the Commonwealth. Such persons include but are not limited to: Commonwealth's Attorneys, judges of the Court of Justice, conservations officers of the Department of Fish and Wildlife, elected sheriffs, and peace officers from other jurisdictions. For a complete listing of persons authorized to carry concealed deadly weapons within the Commonwealth and the conditions for which the carrying of the deadly weapon is authorized, see KRS 527.020;

G. Possession of deadly weapons by a person specifically authorized in writing to have such possession by the President, or his or her designee, but only if such person fully complies with any and all restrictions imposed upon such possession by the President, or his or her designee. Authorization for possession shall be for a time certain, but in no case longer than six months unless specific written authorization is again obtained.

## **VIOLATIONS:**

A. Students who possess deadly weapons in violation of this prohibition are guilty of violations of the Student Conduct Code and are subject to disciplinary action under that Code, including expulsion from the University, and all other appropriate legal actions.

B. Faculty and staff employees who possess deadly weapons in violation of this prohibition are guilty of misconduct and subject to corrective action under the appropriate University Policy, including termination of employment and all other appropriate legal actions.

C. Others who possess deadly weapons in violation of this prohibition

shall be directed to remove their weapons or themselves from the University's property or premises and shall be subject to all other appropriate legal actions.





**Policy:** PG-64

**Subject:** University Tobacco Use Policy

**Approval Date:** 12/7/17

**Description:**

Morehead State University (MSU) acknowledges and supports the findings of the Surgeon General that tobacco use in any form, active and/or passive, is a significant health hazard. We further recognize that environmental tobacco smoke has been classified as a Class-A carcinogen and that there is no safe level of exposure to environmental tobacco smoke (ETS), a recognized toxic air contaminant. In light of these health risks, Morehead State University has adopted a NO TOBACCO USE policy.

**Scope:**

This policy is in effect for all persons, at all times, who are attending classes, working, living, visiting, attending/participating in athletic events, programs, and all activities and programs on University owned, leased, or controlled property and in campus owned, leased, or rented vehicles. This includes University property outside the main campus such as farm facilities, golf courses, art galleries, parking lots, performance venues, and sporting venues, and functions that are held in these facilities and venues.

**Definitions:**

1. Tobacco is defined as all tobacco-derived or containing products, including but not limited to cigarettes (clove, bidis, kreteks), cigars and cigarillos, hookah- smoked products, and oral tobacco (spit and spit-less, smokeless, chew, snuff) and those devices/products giving the appearance of tobacco use such as electronic cigarettes (e- cigarettes).
2. For the purpose of this policy, the MSU campus shall be defined as that which is contained within the legal property boundaries of all

property owned, leased to, or managed by the University. A campus map can be found at [www.moreheadstate.edu/campusmap](http://www.moreheadstate.edu/campusmap).

**Policy Principles:**

Tobacco use is prohibited on all University owned, leased, or controlled property and in University owned, leased, or rented vehicles. This includes but is not limited to all University sidewalks, parking lots, landscaped and recreational areas; at lectures, conferences, meetings and social/cultural events held on University-owned or controlled property; in vehicles owned and/or operated by the University; in privately owned vehicles parked on, or in transit across University property; and in the interior of all buildings and University residences, including residence halls and fraternity and sorority houses on campus.

Tobacco use is prohibited in all buildings, including the pro shop, barns, sheds, covered pavilions and work areas, animal care facilities, and storage structures at the Eagle Trace Golf Course, University Farm and Browning Orchard.

This policy applies to all faculty, staff, students, visitors, clients, contractors and vendors. This policy is in effect at all times (twenty-four hours a day, seven days a week).

All tobacco industry promotions, advertising, marketing, and distribution are prohibited on campus properties. The distribution or sampling of tobacco and associated products is prohibited on all University owned, leased, or controlled property and at University-sponsored events, regardless of the venue.

The sale of tobacco products and tobacco-related merchandise (including items reflecting logos) is prohibited on all University property and at University sponsored events, regardless of the operating vendor. Tobacco industry and related company sponsorship of athletic or other

events is prohibited.

The University does not permit tobacco companies on campus to conduct student recruitment or employment activities.

The University does not accept any direct or indirect funding from tobacco companies.

**Policy Exceptions:**

Exceptions to this policy are only allowed in designated outside smoking areas approved by the MSU President. Approved smoking areas will be clearly marked with signage and be equipped with appropriate containers for disposal of ash, butts and other waste from tobacco use.

**Policy Management and Compliance:**

Employee violations of this policy shall be reported to the appropriate supervisor. Student violations of this policy should be reported to the Office of Student Affairs. Visitor violations should be reported to the appropriate Morehead State University employee who has the authority to handle the situation. This may include, for example, the building manager, Dean of Students, the Director of a program, or a Public Safety Officer, etc.

There shall not be reprisals against anyone reporting violations of this policy. The success of this policy depends on the cooperation and consideration of members of the Morehead State University Community as all students, faculty, and staff share in the responsibility for adhering to and enforcing this policy.

Violation of this regulation may result in corrective action through the appropriate process that includes the [MSU Student Handbook](#); [MSU Personnel Policies and Procedures Manual](#); or other regulations and policies. Visitors refusing to comply with the Tobacco Policy may be

asked to leave campus or may be cited for non-compliance with University policies.



**Policy:** PAc-1

**Subject:** Definition of Academic Titles

**Approval Date:** 07/01/85

**Revision Date:** 05/12/95

03/13/2009

**PURPOSE:**

To describe the academic titles and the qualifications necessary for appointments or promotion to them.

**EARNED DEGREES:**

In assessing candidates' credentials for personnel actions, the University will accept only those degrees earned at institutions in the United States that have been accredited by regional higher education accrediting associations and professional accrediting associations (in disciplines in which such accrediting takes place) or foreign degrees that have been earned at institutions recognized by their respective governments. These earned degrees are the only ones that the University will acknowledge for appointment, determination of rank, or subsequent personnel decisions. Further, misrepresentation of such information by an individual can be cause for termination of employment.

**TERMINAL DEGREE:**

The terminal degree will be considered an earned doctorate from an accredited institution in the individual's teaching field as recognized by the Southern Association of Colleges and Schools. Exceptions will be those non-doctoral degrees considered to be terminal degrees by discipline-specific accrediting bodies recognized by the Commission on Recognition of Postsecondary Accreditation (CORPA).

**REGARDING THE CRITERIA FOR RANKS:**

The minimal criteria set forth for these ranks should not be interpreted as an exclusive set of conditions to be met or so rigidly applied as to prevent the appointment or promotion when an individual submits an approved record of outstanding professional experiences and demonstrated contributions to the teaching field in lieu of formal academic preparation. These criteria may be supplemented by departmental and/or college requirements agreed upon by the faculty of the department and colleges. Deans and/or Department Chairs/Associate Deans must inform faculty members and the University Faculty Promotion Committee of all supplemental requirements for promotion.

## GENERAL ACADEMIC RANKS:

These following ranks are recognized by the University.

1. **Lecturer.** This title is used for appointments of nonregular faculty members who teach on a temporary or ~~casual-ad hoc~~ basis, or if on a continuing basis, for less than full-time. The minimum qualifications is the master's degree with 18 graduate semester hours in the teaching field or an approved record of outstanding professional experience and demonstrated contributions to the teaching field.

~~Individuals whose entire teaching assignment is composed of remedial courses can also qualify for the title with the baccalaureate degree in the teaching field as well as experience appropriate to this teaching assignment or graduate training in remedial education.~~

2. **Instructor.** This title is for an individual whose primary responsibility is teaching. The minimum qualification for this fixed-term, non-tenurable faculty rank is a master's degree with at least 18 graduate semester hours in the teaching field. The minimum qualification is the master's degree with 18 graduate semester hours in the teaching field or an approved record of outstanding professional experience and demonstrated contributions to the teaching field.

~~Other individuals whose entire teaching assignment is composed of remedial courses can also qualify for this fixed-term non-tenurable rank with the baccalaureate degree in the teaching field as well as with experience appropriate to this teaching assignment or graduate training in remedial education.~~

3. **Assistant Professor or Visiting Assistant Professor.** The terminal degree in the teaching field is expected for this rank.

4. **Associate Professor.** The Associate Professor shall possess the terminal degree in the teaching field, and if the rank is granted upon appointment, there must be evidence of scholarly, artistic, or professional achievements. ~~Otherwise, a faculty member must have been an Assistant Professor for a minimum of four years, three of which must have been at Morehead State University and meet the criteria required in PAc-2.~~ Consistent with PAc-2, this rank will be awarded to assistant professors who successfully complete their probationary periods and achieve tenure.

5. **Professor.** The terminal degree in the teaching field is required, and if the rank is granted upon appointment, there must be evidence of scholarly, artistic, or professional achievements. This rank should be reserved for persons of proven stature in their fields. When

considered for promotion to this rank, ~~in addition to meeting the above requirements,~~ a faculty member must ~~have been an Associate Professor for a minimum of five years, two of which must have been at Morehead State University, and must show evidence of outstanding teaching, professional achievement, and service to the University during that period, and~~ meet the criteria required in [PAC-2](#).

### **CLINICAL FACULTY APPOINTMENTS:**

A Clinical Faculty Appointment is used for current or former staff employees of external clinical affiliates associated with such programs of study at the University.

### **VISITING APPOINTMENTS:**

Visiting appointment titles (~~see Types of Appointments PG 3~~) are used to designate individuals from other institutions or employees who are employed either full-time or part-time for a limited period of time (~~usually no more than a year~~). The titles used for these visiting appointments will be determined by the academic unit and approved by the Provost ~~and Vice President for Academic Affairs~~. ~~Visiting Assistant Professors should have the terminal degree in the teaching field.~~



**Policy:** PAc-1

**Subject:** Definition of Academic Titles

**Approval Date:** 07/01/85

**Revision Date:** 05/12/95

03/13/2009

**PURPOSE:**

To describe the academic titles and the qualifications necessary for appointments or promotion to them.

**EARNED DEGREES:**

In assessing candidates' credentials for personnel actions, the University will accept only those degrees earned at institutions in the United States that have been accredited by regional higher education accrediting associations and professional accrediting associations (in disciplines in which such accrediting takes place) or foreign degrees that have been earned at institutions recognized by their respective governments. These earned degrees are the only ones that the University will acknowledge for appointment, determination of rank, or subsequent personnel decisions. Further, misrepresentation of such information by an individual can be cause for termination of employment.

**TERMINAL DEGREE:**

The terminal degree will be considered an earned doctorate from an accredited institution in the individual's teaching field as recognized by the Southern Association of Colleges and Schools. Exceptions will be those non-doctoral degrees considered to be terminal degrees by discipline-specific accrediting bodies recognized by the Commission on Recognition of Postsecondary Accreditation (CORPA).

**REGARDING THE CRITERIA FOR RANKS:**

The minimal criteria set forth for these ranks should not be interpreted as an exclusive set of conditions to be met or so rigidly applied as to prevent the appointment or promotion when an individual submits an approved record of outstanding professional experiences and demonstrated contributions to the teaching field in lieu of formal academic preparation. These criteria may be supplemented by departmental and/or college requirements agreed upon by the faculty of the department and colleges. Deans and/or Department Chairs/Associate Deans must inform faculty members and the University Faculty Promotion Committee of all supplemental requirements for promotion.

## GENERAL ACADEMIC RANKS:

These following ranks are recognized by the University.

1. **Lecturer.** This title is used for appointments of nonregular faculty members who teach on a temporary or ad hoc basis, or if on a continuing basis, for less than full-time. The minimum qualification is the master's degree with 18 graduate semester hours in the teaching field or an approved record of outstanding professional experience and demonstrated contributions to the teaching field.
2. **Instructor.** This title is for an individual whose primary responsibility is teaching. The minimum qualification for this fixed-term, non-tenurable faculty rank is a master's degree with at least 18 graduate semester hours in the teaching field or an approved record of outstanding professional experience and demonstrated contributions to the teaching field.
3. **Assistant Professor or Visiting Assistant Professor.** The terminal degree in the teaching field is expected for this rank.
4. **Associate Professor.** The Associate Professor shall possess the terminal degree in the teaching field, and if the rank is granted upon appointment, there must be evidence of scholarly, artistic, or professional achievements. Consistent with PAc-2, this rank will be awarded to assistant professors who successfully complete their probationary periods and achieve tenure.
5. **Professor.** The terminal degree in the teaching field is required, and if the rank is granted upon appointment, there must be evidence of scholarly, artistic, or professional achievements. This rank should be reserved for persons of proven stature in their fields. When considered for promotion to this rank, a faculty member must meet the criteria required in [PAc-2](#).

## CLINICAL FACULTY APPOINTMENTS:

A Clinical Faculty Appointment is used for current or former staff employees of external clinical affiliates associated with such programs of study at the University.

## VISITING APPOINTMENTS:

Visiting appointment titles are used to designate individuals from other institutions or employees who are employed either full-time or part-time for a limited period of time. The titles used for these visiting appointments will be determined by the academic unit and approved by the Provost.



NO. 10.24

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

I. MOTION: To revise PAC-3 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-3 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. ACTION:

Provost Comments: *Minor changes. Recommend approval  
Bob AWT 7-4-19*

President

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

Jay A. Meyer      7-8-19  
Signature of President      Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-3

**Subject:** Emeritus Status for Faculty

**Approval Date:** 07/01/85

**Revision Date:** 10/04/91; 06/16/05

**PURPOSE:**

To determine faculty eligibility for and the privileges of emeritus status upon or after retirement.

**ELIGIBILITY:**

Emeritus status is granted to faculty in recognition of meritorious service to Morehead State University.

Emeritus status is granted upon or after retirement to those holding faculty rank if recommended by the President and approved by the Board of Regents.

To be eligible for consideration, individuals must have had at least 20 years of meritorious University service at Morehead State University and must be entering or have entered, retirement status in an approved Morehead State University retirement program.

Exceptions to the minimum years of service may be made if warranted based upon recommendations of the Provost and Vice President for Academic

Affairs ~~and Dean of Faculty~~ and the President.

#### PROCEDURE FOR GRANTING EMERITUS STATUS:

**Associate Deans**/Department Chairs will request the tenured faculty members in the retiree's department to send their recommendation by March 15 directly to the University Promotion Committee for its consideration. **Associate Deans**/Department Chairs, College Deans, and the University Promotion Committee will then send their individual recommendations directly to the Provost **and Vice President for Academic Affairs** by March 31. The Provost **and Vice President for Academic Affairs** will then submit a recommendation to the President who will make a recommendation to the Board of Regents at its next regular meeting.

#### PRIVILEGES OF EMERITUS STATUS:

Faculty with emeritus status may be provided with an office if feasible, and arrangements may be made for part-time teaching, research, and/or service to the University pursuant to appropriate University policies. The names of faculty emeriti will be listed in University catalogs and will be placed on University mailing lists for receipt of appropriate publications and announcements of functions and activities.



NO. 10.24

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

I. MOTION: To revise PAc-5 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAc-5 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. ACTION:

Provost Comments: *Recommend approval  
B1 JMA 7-4-19*

President

- A. \_\_\_ Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C. \_\_\_ I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D. \_\_\_ I concur with the motion of the Senate, with the attached stipulations. \*
- E. \_\_\_ I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES: *Justin Meyer* 7-8-19  
Signature of President Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*

PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE



**Policy:** PAc-5

**Subject:** Consulting

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To outline the conditions governing private consulting by faculty members and academic administrators. To qualify under this policy, the activity must be in the individual's field and be of a professional nature.

**PHILOSOPHY:**

An agency of the Commonwealth of Kentucky, Morehead State University is charged with responsibilities for instruction, research, and public service. These responsibilities often involve University faculty members and academic administrators in activities which are beyond the campus and in addition to their formally assigned duties. The University views professional consulting whether private or as a representative of the University as an activity to be encouraged. This policy is an outgrowth of the following institutional concern: (1) the need to comply with federal regulations concerning time and effort reporting for federally-funded grants and contracts; (2) the need to safeguard the University's primary educational mission from possible conflicts of interest; and (3) the need to clarify those circumstances when a University faculty member or academic administrator may be gainfully employed by a third party.

## DEFINITION:

1. This policy is limited to instruction, research, professional and/or public service consulting activities for which remuneration is received from a third party and which occur during the time when the employee would normally be assigned to duties by the University. Excluded are vacation periods, weekends, holidays, and other times when the employee is not assigned duties by the University.
2. University faculty members and academic administrators must request authorization to perform instruction, research, and public service activities for a third party during their work period. Work periods may vary widely due to individual faculty assignments. Such expectations should not be so restrictive as to make private consulting prohibitive. A written proposal must be submitted and permission secured from the individual's supervisor and Dean prior to performing any private consulting activity with notification to the **Provost and** Vice President for Academic Affairs. The proposal should indicate the nature of the work to be performed, the estimated time per week involved, and the duration of the assignment. The proposal and administrative decision shall be kept as a matter of record by the appropriate **Associate Dean/Department** Chair and Dean with notification to the **Provost and** Vice President for Academic Affairs. A Dean's personal proposals are approved by the **Provost and** Vice President for Academic Affairs.
3. Those administrative officers who approve the proposal are instructed to be assured that regularly assigned duties of the employee will continue to be performed satisfactorily.

## DUTY:

A faculty member or academic administrator is expected to perform his/her University duties in the most effective manner of which he/she is

capable. The individual's first duty and first responsibility is to the University. Outside service should not be undertaken, whether with or without pay, that might interfere with the discharge of this paramount obligation. ~~The individual's administrative supervisor officers are is~~ responsible for seeing that the regular University duties are accomplished.

### **REQUIRED ADVANCE APPROVAL:**

An individual must request approval in advance of accepting a consulting assignment. A written proposal outlining the nature of the work to be performed, the estimated schedule of absences, and whether the work is undertaken for compensation or otherwise shall be given to the next level of administration. Such request shall be submitted through the Dean to the **Provost and** Vice President for Academic Affairs provided there is concurrence at each previous level. The final approval authority is the appropriate Dean for faculty members and for Associate Deans/Department Chairs. ~~and~~ The final approval authority for Deans is the **Provost and** Vice President for Academic Affairs ~~for Deans.~~

### **CONSULTING TIME:**

Time off from the regular work schedule for consulting shall be limited to four days per month. Time not used is noncumulative except by special permission of the administrative supervisor Department Chair and Dean.

### **USE OF UNIVERSITY FACILITIES:**

Activities that involve significant use of other University personnel, facilities, or equipment must be performed on a contractual basis with the University.

### **TIME AND EFFORT REPORTING:**

All individuals performing consulting services relating to externally-funded projects are required to comply with Time and Effort Reporting regardless of when the services are performed.

### **RESPONSIBILITY FOR PRIVATE ~~PROFESSIONAL~~ PROFESSIONAL SERVICES:**

The University assumes no responsibility for private professional services performed by members of its faculty. The name of the University is not in any way to be connected with the service rendered or the results obtained. The faculty member or academic administrator must make it clear that his/her consulting work is a personal matter. He/she must not use the official stationery of the University nor stationery having a University address or a University telephone number, **nor any official University email or social media account.**

A faculty member shall not accept or retain employment which would bring him/her as an expert, or in any other capacity, into conflict or in competition with the interests and purposes of the University.



NO. 10.24

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

I. MOTION: To revise PAc-6 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAc-6 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. ACTION:

Provost Comments: *Recommend Approval*  
*Bill AMT 7-4-19*

President

- A. \_\_\_ Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C. \_\_\_ I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D. \_\_\_ I concur with the motion of the Senate, with the attached stipulations. \*
- E. \_\_\_ I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES: *Jay W. Hargan* 7-8-19  
Signature of President Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*

PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-6

**Subject:** Membership on Graduate Faculty

**Approval Date:** 07/01/85

**Revision Date:** 06/13/97

03/13/09

## **PURPOSE:**

To outline the criteria and procedures for appointment to the graduate faculty.

## **CRITERIA FOR FULL MEMBERSHIP:**

The following criteria must be met to be considered for Full Membership on the graduate faculty:

1. An earned terminal degree as defined in [PAc-1](#).
2. Tenured or on track for tenure.
3. A graduate level need (e.g. teaching, advising, program development, committee service, etc., as documented by the **associate dean**/department chair and approved by the college dean).

## **PROCEDURE FOR GRANTING FULL MEMBERSHIP:**

1. The **associate dean**/department chair shall nominate, in writing, the individual for Full Membership.
2. The **associate dean**/department chair will forward the nomination, along with the nominee's documentation of criteria as indicated above and statement of graduate need, to the respective college dean who will forward this with his/her recommendation to the College Graduate Committee which will either approve or reject the nomination. If the nomination is approved, the committee shall grant Full

Membership to the nominee and shall inform all appropriate persons, including the Dean of ~~Undergraduate and~~ Graduate Programs, of their decision. If the nomination is rejected, justification shall be provided to the nominee and the ~~associate dean/department~~ chair.

3. If the nomination is rejected by the College Graduate Committee, the ~~Associate Dean/Department~~ Chair may appeal the decision to the University Graduate Committee which will make the final determination regarding the nomination. The University Graduate Committee shall inform all appropriate persons of their decision.

### **CRITERIA FOR ASSOCIATE MEMBERSHIP:**

When the ~~Associate Dean/ Department Chair of an academic department~~ determines that he/she needs to assign graduate responsibility to a faculty member who does not qualify for Full Membership in the graduate faculty, he/she shall nominate that faculty member for Associate Membership.

The following criteria must be met to be considered for Associate Membership:

1. An earned terminal degree as defined by PAc-1 in the appropriate teaching discipline or, in the absence of this degree, at least two of the following: an exceptionally high level of scholarly productivity, teaching competency, exceptional professional activities in the discipline, or relevant experience.
2. A graduate level institutional need (e.g. teaching, advising, program development, committee service, etc, as documented by the ~~associate dean/~~ department chair and approved by the college dean).



All Associate Memberships shall be one, two, or three academic year appointments, as determined, based on the recommendation by the **associate dean**/department chair and college dean, by the College or University Graduate Committee. Associate Memberships are renewable based on documented need.

**PROCEDURE FOR GRANTING ASSOCIATE MEMBERSHIP:**

The **associate dean**/department chair shall nominate, in writing, the individual for Associate Membership.

The **associate dean**/department chair will forward the nomination, along with the nominee's curriculum vita and statement of institutional need, to the respective college dean who will forward this with his/her recommendation to the College Graduate Committee which will either approve or reject the nomination. If the nomination is approved, the committee shall grant Associate Membership to the nominee and shall inform all appropriate persons, including the Dean of the Graduate School, of their decision. If the nomination is rejected, justification shall be provided to the nominee and the **associate dean**/department chair.

If the nomination is rejected by the College Graduate Committee, the **associate dean**/department chair may appeal the decision to the University Graduate Committee which will make the final determination regarding the nomination. The University Graduate Committee shall inform all

appropriate persons of their decision.

When, due to extraordinary circumstances, a member of the graduate faculty is unavailable to teach a previously scheduled course and circumstances will not permit appointment under normal procedures, the Dean of the Graduate School may temporarily appoint a faculty member to Associate Membership on the graduate faculty. Such appointments shall be for one academic year only and shall not be renewed or extended without the approval of the College or University Graduate Committee. The Dean of the Graduate School will inform all appropriate persons, including the University Graduate Committee, of his/her decision.

At least two months prior to the end of the appointment of an Associate Member, the Dean of the Graduate School will inform that member and all other appropriate persons of that end and the process required to renew the Associate Membership.



# PAC-10 Extraordinary Faculty Teaching Compensation

**Policy:** PAC-10

**Subject:** Extraordinary Faculty Compensation

Approval Date: 07/01/85

Revision Date: 06/22/94

## **PURPOSE:**

To outline pay policies for teaching services of faculty in excess of those covered in the basic contract for services.

## WINTER AND SUMMER COURSES:

A faculty member may teach up to six semester hours in any given session beyond the contracted Fall and Spring semesters. Faculty may teach a maximum of 24 semester hours beyond the contracted Fall and Spring semesters in any fiscal year. shall not teach more than 12 semester hours of credit during the summer or more than six semester hours in a single summer session and is paid on a per semester credit hour basis. Unanticipated or unavoidable circumstances that require the assignment of extra teaching responsibilities to faculty members that will exceed the prescribed limits must be approved in advance by the Executive VPAA/ice President for Academic Affairs/Provost and Dean of Faculty.

Nine-month faculty contracted for instructional purposes during all summer, and winter sessions terms will receive compensation of or at the rate of not less than two percent per semester credit hour of his/her previous year's nine-2-month contract unless the class is underenrolled; adjustments of this rate upward may also be made for especially large classes. For faculty on extended-2-month contracts, the nine-2-month base salary will be used. Summer compensation is based on the semester hours of credit generated by the course or courses taught. The Office of the VPAA/Provost will provide information on the salary pro-rating formula and the relevant minimum enrollment requirements prior to the preregistration period for summer and winter sessions. If the class is underenrolled (per the instructional level enrollment requirements) one month before the relevant session is to begin, the offered salary will be pro-rated and faculty given the chance to accept or decline teaching the course.

If a summer or winter course is taught in order to make up the usual workload of a faculty member, then there will be no additional compensation.

## **TELECOURSES:**

~~University faculty supervising/teaching credit telecourses offered over the Kentucky Educational Television network should have the telecourse scheduled as part of the faculty member's regular teaching load. If scheduling the class is not feasible as part of the faculty member's regular workload and the telecourse requires an additional workload assignment, the faculty member will be paid \$100 per student up to a maximum of 12 students in a three-semester-hour telecourse.~~

-

~~In circumstances where there are fewer than 12 students, teaching load and compensation will be calculated at the rate of four students equal one semester credit hour.~~

-

~~In addition, faculty will be paid \$100 for preparation of telecourse material. This compensation is a one-time payment per course, not contingent upon the enrollment of the course.~~

## **COURSES TAUGHT ON-CAMPUS BY ~~LECTURERS~~ LECTURERS OR BY APPROVED MEMBERS OF THE UNIVERSITY STAFF:**

Compensation shall be paid on a per semester credit hour basis. Additionally, ~~lecturers~~ lecturers or approved staff who reside outside Rowan County may be reimbursed in accordance with the University Travel Manual and reimbursement guidelines provided in the "Forms & Resources" section of the Accounting and Financial Services website ~~and State travel regulations~~. This does not apply to University staff whose official work place is on campus.

## **COURSES TAUGHT IN THE REGION BY ~~LECTURERS~~ LECTURERS OR BY APPROVED MEMBERS OF THE UNIVERSITY STAFF:**

Compensation shall be paid on a per semester credit hour basis. ~~Lecturers~~ Lecturers or approved staff who live outside the county where a regional course is taught will receive additional compensation based on the distance between place of residence and the official work place (time-on-road). Additionally, such faculty who reside outside the county where the course is taught may be reimbursed in accordance with University and State travel regulations.

## **COURSES TAUGHT IN THE REGION BY REGULAR UNIVERSITY FACULTY, INCLUDING INSTRUCTORS AND VISITING ASSISTANT PROFESSORS:**

The compensation for teaching in the region is based upon distance from the campus or official work place (time-on-road). The compensation is based on the official miles for one round trip between the campus or official work place and the site/center. The formula to be used is:

1. \$6.00 per mile for the first 50 miles.

2. \$5.00 per mile for the next 50 miles or fraction thereof.
3. \$4.00 per mile for all remaining miles.

This formula is for an entire three-~~semester credit~~ hour course spanning a semester and requiring a minimum of 15 trips. For one- and two-~~credit semester~~ hour courses, the formula is reduced to one-third and two-thirds of the base amount, respectively. Also, if the course requires less than 15 trips, the formula is reduced proportionately.

Each faculty member who teaches in the region will be compensated whether they teach-it is taught as in-~~?~~load or as overload. Deans should not schedule a faculty member for more than one regional course per term. If, because of extenuating circumstances, it is necessary for a faculty member to be assigned additional regional courses during a given term, it must be approved in advance by the ~~Executive Vice President for Academic Affairs/~~Provost and Dean of Faculty.

- If a regular faculty member is scheduled to teach more than one regional course, then the time-on-road compensation will be based on the total round-trip mileage for one week, rather than for a single trip.
- Travel expenses will be disbursed according to University and State regulations.
- Distance will be determined by the official mileage chart that is maintained in the Office of ~~Business Services~~Procurement.
- Faculty who reside in counties where they are scheduled to teach an off-~~?~~campus class will not receive time-on-road pay or travel expenses for that class.

#### ~~CORRESPONDENCE COURSES:-~~

~~Correspondence course instructors are paid \$3.50 per correspondence course lesson graded and \$12.00 per final examination grade.~~

-

~~A faculty member who develops a new correspondence course will be paid \$600.00 for the course.~~

-

~~A faculty member who revises an existing course is paid \$400.00 for the course revision.~~

-

#### **COURSES TAUGHT IN FOREIGN COUNTRIES OR IN DISTANT PARTS OF THE UNITED STATES:**

The compensation for a faculty teaching a course in foreign countries or -within the United States but a considerable distance from the University shall be determined by the formula used for faculty members who teach in ~~the~~ summer or winter, unless the class is taught in-load.

For a faculty member to be eligible for compensation, the course(s) being taught must be controlled by the University in the same manner as other offerings for which the University receives tuition.

Therefore:

1. The course(s) offered must be approved by the University– curriculum committees and the ~~Executive Vice President for Academic Affairs/~~Provost and Dean of Faculty.
2. The faculty member teaching the course(s) must be approved and scheduled by the appropriate academic units;
3. The University must receive tuition at the appropriate rate as established by the Council -on ~~Higher Education~~Postsecondary Education.

In the event travel expenses are not provided by any other agency, the University may reimburse the instructor's travel expenses in accordance with University Travel Manual, travel regulations provided sufficient revenue is generated by the course(s).

#### COURSES TAUGHT BY ADMINISTRATORS AND STAFF:

~~Administrators and staff/exempt employees (other than Department Chairs and Deans) who hold tenure in an academic program shall teach one course per calendar year. The Executive Vice President for Academic Affairs and Dean of Faculty may grant exceptions to this requirement. Extra compensation for these teaching assignments shall be made in accordance with PSE 11.~~

#### **EXCEPTIONS:**

Exceptions requested to any portion of this policy must be approved by the ~~Executive Vice President for Academic Affairs/~~Provost and Dean of Faculty.

# PAc-10 Extraordinary Faculty Teaching Compensation

**Policy:** PAc-10

**Subject:** Extraordinary Faculty Compensation

Approval Date: 07/01/85

Revision Date: 06/22/94

## **PURPOSE:**

To outline pay policies for teaching services of faculty in excess of those covered in the basic contract for services.

## **WINTER AND SUMMER COURSES:**

A faculty member may teach up to six semester hours in any given session beyond the contracted Fall and Spring semesters. Faculty may teach a maximum of 24 semester hours beyond the contracted Fall and Spring semesters in any fiscal year. Unanticipated or unavoidable circumstances that require the assignment of extra teaching responsibilities to faculty members that will exceed the prescribed limits must be approved in advance by the Provost.

Nine-month faculty contracted for instructional purposes during all summer and winter sessions will receive compensation at the rate of two percent per semester credit hour of his/her previous year's nine-month contract unless the class is under enrolled; adjustments of this rate upward may also be made for especially large classes. For faculty on extended-month contracts, the nine-month base salary will be used. The Office of the Provost will provide information on the salary pro-rating formula and the relevant minimum enrollment requirements prior to the preregistration period for summer and winter sessions. If the class is under enrolled (per the instructional level enrollment requirements) one month before the relevant session is to begin, the offered salary will be pro-rated and faculty given the chance to accept or decline teaching the course.

If a summer or winter course is taught in order to make up the usual workload of a faculty member, then there will be no additional compensation.



**COURSES TAUGHT ON-CAMPUS BY LECTURERS OR BY APPROVED MEMBERS OF THE UNIVERSITY STAFF:**

Compensation shall be paid on a per semester credit hour basis. Additionally, lecturers or approved staff who reside outside Rowan County may be reimbursed in accordance with the University Travel Manual and reimbursement guidelines provided in the “Forms & Resources” section of the Accounting and Financial Services website. This does not apply to University staff whose official work place is on campus.

**COURSES TAUGHT IN THE REGION BY LECTURERS OR BY APPROVED MEMBERS OF THE UNIVERSITY STAFF:**

Compensation shall be paid on a per semester credit hour basis. Lecturers or approved staff who live outside the county where a regional course is taught will receive additional compensation based on the distance between place of residence and the official work place (time-on-road). Additionally, such faculty who reside outside the county where the course is taught may be reimbursed in accordance with University and State travel regulations.

**COURSES TAUGHT IN THE REGION BY REGULAR UNIVERSITY FACULTY, INCLUDING INSTRUCTORS AND VISITING ASSISTANT PROFESSORS:**

The compensation for teaching in the region is based upon distance from the campus or official work place (time-on-road). The compensation is based on the official miles for one round trip between the campus or official work place and the site/center. The formula to be used is:

1. \$6.00 per mile for the first 50 miles.
2. \$5.00 per mile for the next 50 miles or fraction thereof.
3. \$4.00 per mile for all remaining miles.

This formula is for an entire three-credit hour course spanning a semester and requiring a minimum of 15 trips. For one- and two-credit hour courses, the formula is reduced to one-third and two-thirds of the base amount, respectively. Also, if the course requires less than 15 trips, the formula is reduced proportionately.

Each faculty member who teaches in the region will be compensated whether they teach as in-load or as overload. Deans should not schedule a faculty member for more than one regional course per term. If, because of extenuating circumstances, it is necessary for a faculty member to be assigned additional regional courses during a given term, it must be approved in advance by the Provost.

- If a regular faculty member is scheduled to teach more than one regional course, then the time-on-road compensation will be based on the total round-trip mileage for one week, rather than for a single trip.
- Travel expenses will be disbursed according to University and State regulations.
- Distance will be determined by the official mileage chart that is maintained in the Office of Procurement.
- Faculty who reside in counties where they are scheduled to teach an off-campus class will not receive time-on-road pay or travel expenses for that class.

### **COURSES TAUGHT IN FOREIGN COUNTRIES OR IN DISTANT PARTS OF THE UNITED STATES:**

The compensation for faculty teaching a course in foreign countries or within the United States but a considerable distance from the University shall be determined by the formula used for faculty members who teach in summer or winter, unless the class is taught in-load.

For a faculty member to be eligible for compensation, the course(s) being taught must be controlled by the University in the same manner as other offerings for which the University receives tuition.

Therefore:

1. The course(s) offered must be approved by the University curriculum committees and the Provost.
2. The faculty member teaching the course(s) must be approved and scheduled by the appropriate academic units;
3. The University must receive tuition at the appropriate rate as established by the Council on Postsecondary Education.

In the event travel expenses are not provided by any other agency, the University may reimburse the instructor's travel expenses in accordance with University Travel Manual, provided sufficient revenue is generated by the course(s).

### **EXCEPTIONS:**

Exceptions requested to any portion of this policy must be approved by the Provost.



NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

- I. **MOTION:** To revise PAC-12 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-12 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. **ACTION:**

Provost Comments:

*Recommend Approval  
Blair 7-4-19*

**President**

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

Joseph M. Hagan      7-8-19  
Signature of President      Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*

PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-12

**Subject:** Professional Ethics

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

The University, as an institution of learning and a community of persons with a special purpose, accepts its obligation to provide for its members an atmosphere which protects and promotes its educational mission, and which guarantees its orderly and effective operation. To accomplish these goals, the University must require certain standards of conduct. University standards of conduct do not replace or relieve the requirements of civil or criminal laws.

The University has established standards of conduct related to its special educational mission. Specifically, members of the University community charged or convicted of violations under civil or criminal law may be subject to University discipline procedures and sanctions for the same conduct when the conduct occurs on campus or when the conduct occurs off campus and is a threat to the continuing protection of other members of the University community or the safeguarding of the educational process.

The faculty members assumes responsibilities in many areas.

### **AS PROFESSORS:**

Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interest, these interests must never seriously hamper or compromise their freedom of inquiry.

### **AS TEACHERS:**

As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of ~~their~~ discipline. They demonstrate respect for the student as an individual and adhere to this proper role as intellectual guide and counselor. They make every reasonable effort to foster honest academic conduct and to assure that their evaluation of students reflects true merit. They respect the confidential nature of the relationship between professors and students. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from ~~them~~ students. They protect ~~their~~ academic freedom.

### **AS COLLEAGUES:**

As colleagues, professors have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of the institution.

**AS MEMBERS OF THE UNIVERSITY COMMUNITY:**

As members of the University community, professors seek above all to be effective teachers and scholars. Although they observe the stated regulations of the institution, provided they do not contravene academic freedom, they maintain their right to criticize and seek revision. They determine the amount and character of the work they do outside the institution with due regard to their paramount responsibilities within it. When considering the interruption or termination of their service, they recognize the effect of that decision upon the program of the institution and give due notice of their intentions.

**AS CITIZENS:**

As members of their community, professors have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their subject, to students, to their profession, and to the institution. When they speak or act as private persons they avoid creating the impression that they speak

or act for the University. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry.





ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

I. MOTION: To revise PAc-15 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAc-15 revis 2019 06 10 - FS Approved 20190628.docx - policy text with revisions & corrections.

Date Passed by the Senate: 6-27-2019

7-1-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. ACTION:

Provost Comments:

*Recommend approval.  
B. J. Hunt 7-4-19*

President

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

*[Signature]*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-15

**Subject:** Time and Effort Reporting

**Approval Date:** 07/01/85

**Revision Date:** 09/15/05

**PURPOSE:**

To provide for reports on time and effort on externally funded projects.

**PROCEDURE:**

Recognizing the need to comply with OMB Circular A-21 and the Education Division General Administrative Regulations (EDGAR), Morehead State University shall account for the time and effort of University personnel working on externally funded projects. University personnel, where all or part of their total compensation (including consulting, overload, etc.) is paid by external sources and/or where their time and effort are donated by Morehead State University to an externally sponsored project, shall complete periodically a "University Personnel Activity Report" which documents their time and effort. Personnel Activity Report forms shall be obtained from the Office of Accounting and ~~Budgetary Control~~ **Financial Services**.



ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

- I. MOTION: To revise PAC-16 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-16 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. ACTION:

Provost Comments: *Recommend Approval*  
*But MA 7-5-19*

President

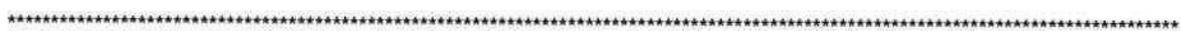
- A. \_\_\_ Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C. \_\_\_ I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D. \_\_\_ I concur with the motion of the Senate, with the attached stipulations. \*
- E. \_\_\_ I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES: *J. Meezy* 7-8-19  
Signature of President Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair



PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-16

**Subject:** Support for Editorships of Journals and Offices Held in Professional Organizations

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To encourage faculty members to assume editorship of professional journals or offices in professional organizations.

**INFORMING THE UNIVERSITY:**

If a faculty member assumes an editorship of a professional journal or an office in a professional organization, that individual shall inform his/her Associate Dean/Department Chair about such activity.

**REQUESTS FOR UNIVERSITY FINANCIAL SUPPORT:**

In addition, if there is need for institutional support in the form of a special telephone line, mailing privileges (costs), paper costs, convention budgets, and so forth, the faculty member shall include in the report information about the organization and its impact upon the region or the nation, the types of responsibilities being assumed, and a proposed budget to cover the requested funds.

That request shall be forwarded through channels to the **Provost and Vice President for Academic Affairs**.

The **Associate Dean/Department Chair** and Dean shall comment on the value to the institution when reviewing the request. The **Provost and Vice President for Academic Affairs** is responsible for approving or disapproving such requests.

**FOLLOW-UP REPORTS:**

If approved, the program shall be reported on at least annually by the faculty member. Such reports shall be sent through channels to the **Provost and Vice President for Academic Affairs**.





NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

I. **MOTION:** To revise PAC-18 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-18 FS Approved 20190628.docx - policy text with revisions & corrections.

Date Passed by the Senate: 6-27-2019

7-1-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. **ACTION:**

Provost Comments: *Recommend approval,  
7/3/19 AMT 7-5-19*

**President**

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

*[Signature]*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-18

**Subject:** Faculty Rights and Responsibilities

**Approval Date:** 07/01/85

**Revision Date:** 03/07/94

**PURPOSE:**

To define the procedures to be followed when issues involving faculty rights and responsibilities have not been resolved successfully through the normal channels of administrative responsibility and procedure.

**ELIGIBILITY:**

All individuals in the academic classification category (including librarians) plus those individuals in the administrative category who have tenure-eligible academic rank and who have grievances of an academic nature are eligible to submit a petition.

**SCOPE:**

The Committee on Faculty Rights and Responsibilities established by these procedures may review petitions from all faculty members and librarians (described under Eligibility above) in any situation in which a faculty member or librarian asserts that he/she has suffered a substantial injustice resulting from a violation of academic freedom, professional ethics, procedural fairness, or due process.

Formal claims of alleged discrimination are to be filed in accordance with PG-5 Affirmative Action/Equal Opportunity for Employment.

Disputes about the dismissal of a probationary tenure eligible faculty member or a fixed-term appointee before the end of the term of appointment or of a tenured faculty member are covered under Kentucky Revised Statutes (KRS 164.360 and KRS 164.365).

Any issue to be reviewed under these procedures must be presented by the particular faculty member or librarian who filed the grievance.

#### **COMMITTEE ON FACULTY RIGHTS AND RESPONSIBILITIES:**

The Committee on Faculty Rights and Responsibilities should consist of two tenured professors from each college, one tenured professor at large and ~~two~~ one Librarian III or IV. It is preferred that committee members have prior service on the University Promotion or Tenure Committees or the Library Promotion Committee.

Nominees for faculty representatives for each college or the library shall be made by the Faculty Senate and voted on by the members of the faculty in that college or library. The Faculty Senate shall elect the faculty member at-large. The term of this member shall be for two

years.

Terms for faculty members from each college and librarian shall be for two years with one-half being replaced each year. No member may serve for more than two consecutive terms. No member shall serve on the Library Promotion Committee, University Tenure, Promotion or Faculty Rights and Responsibilities Committees simultaneously.

**OPERATION OF THE COMMITTEE:**

A quorum of the Committee will be a majority of those remaining after any member is disqualified because of blood or marriage relationship to the aggrieved party or because of conflict of interest.

Upon receiving a petition, the Committee will make a preliminary determination as to the extent of its review of the matter. The Committee will reserve the right to dismiss without prejudice a complaint that it judges without merit or where it appears that other remedies should be sought before coming to the Committee.

The Committee may decide to have an information review or to establish a Hearing Board, in order to bring about a satisfactory settlement.

A Hearing Board will be established only on the vote of a majority of membership of the Committee upon a determination that a prima facie

basis for the complaint has been shown and may not reasonably be dealt with through an informal resolution process.

The burden of proof in establishing a prima facie case will be on the complaining party.

The Committee on Faculty Rights and Responsibilities should attempt to settle matters brought to it as quickly as possible without sacrificing fairness to all parties. Only in extraordinary circumstances or by mutual agreement should there be a time span longer than 30 days between the receipt of a complaint by the Committee and a decision as to whether there will be a formal hearing.

The Committee shall not consider the substantive academic judgment aspects of such matters as promotion, tenure, compensation, and evaluation of performance. In such matters as these, academic freedom, professional ethics, procedural fairness, or due process may be reviewed.

#### **THE HEARING BOARD:**

For a particular case, a Hearing Board, consisting of all eligible members of the Committee will be established to hear the case. Members will remove themselves from a case if they deem themselves disqualified by reason of bias or conflict of interest.

If a specific hearing is scheduled, notice will be served with a specific statement of the complaint at least 20 days prior to the hearing. The party complained against may waive a hearing or may respond to the complaint in writing at any time before the hearing.

Hearings before a Hearing Board will not be public. Publicity and public statements about the case by either the complaining party or the Hearing Board will be avoided until the proceedings have been completed. The Hearing Board and both parties may have present at the hearing such assistance as each deems necessary. If such assistance is desired, the party will give notice of that intention to the other party and/or the Hearing Board not less than six (6) working days prior to the hearing date.

During the proceedings the parties will be entitled to have an advisor and counsel of their own choice. The Hearing Board will not be bound by strict rules of legal evidence and may admit any evidence of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available and to avoid excessively legalistic procedures.

A tape recording of the hearings will be made and will be available to both parties.

The parties will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The University administration will make reasonable efforts to cooperate with the Hearing Board in securing witnesses and making available documentary and other evidence.

Parties will have the right to confront and cross-examine all witnesses.

The Hearing Board's findings of fact and conclusions will be based solely on the hearing record.

The Hearing Board shall not consider the substantive academic judgment aspects of such matters as promotion, tenure, compensation, and evaluation of performance. In such matters as these, academic freedom, professional ethics, procedural fairness, or due process may be reviewed.

The Hearing Board may not review any petitions which are being or have been processed in the courts, through the University's Affirmative Action/Equal Employment Opportunity Policy, federal or state agency, or through any other University appeal or grievance procedure.

The Hearing Board shall reach its conclusions by majority vote and shall submit these conclusions to the President of the University through the

Chair of the Committee on Faculty Rights and Responsibilities. The President shall notify the Chair of the decision that has been reached. In the event the President's decision is not in accord with the conclusions of the Hearing Board, the reasons for that decision shall be specified to the Chair of the Committee on Faculty Rights and Responsibilities who will inform the Committee and the parties directly involved.





ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

- I. MOTION: To revise PAC-22 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-22 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. ACTION:

Provost Comments: *Many title & abbreviation changes. No substantive changes. Recommend approval. Phil CMT 7-5-19*

President

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

- III. SIGNATURES:

*J. Mueggen*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

## **Policy: PAc-22**

### **Subject: Faculty Discipline and Removal for Cause**

Approval Date: June 8, 2017

Revision Date:

#### **PURPOSE**

The purpose of this policy is to establish the procedures for the discipline of faculty and librarians (henceforth referred to as faculty).

#### **GENERAL PRINCIPLES**

Faculty misconduct may be subject to disciplinary action. Disciplinary actions include oral or written reprimand, written censure, suspension without pay, reassignment of duties, removal, or an action appropriate to the conduct of the faculty member (henceforth, the accused). The length of written censure, suspension without pay, reassignment of duties or other discipline will be in accordance with the severity of the misconduct and in consideration of the accused's work record.

Tenured faculty may be removed only for incompetence, neglect of or refusal to perform duties, or immoral conduct as outlined in KRS 164.360 (henceforth, cause).

Disciplinary action for tenured faculty will be taken subject to the procedures set forth in this policy. Disciplinary action for fixed term faculty will proceed under this policy if the fixed term faculty member is to be disciplined or removed during the contract year. If a faculty member is tenure track, this policy shall apply if the faculty member is to be disciplined or removed during the academic period(s) for which he/she is guaranteed employment under PAc-27.

All individuals involved in the disciplinary process will exercise absolute discretion. Information gathered during the disciplinary process by any individual will be disseminated by that individual only as stipulated by university policy or by law.

All documents that need to be delivered from one party to another shall be by hand delivery or priority mail with delivery confirmation.

#### **REPRESENTATION**

At any point in the disciplinary process, the accused may, at his or her expense, consult with or retain legal counsel to provide representation.

## RECONCILIATION

At any point in the disciplinary process, the accused or representatives of the administration may request a meeting with the other for the purpose of discussing a mutual settlement. A mutual settlement must be in writing and signed by the accused and the President. A mutual settlement will terminate the disciplinary process.

## ALLEGATIONS OF MISCONDUCT

An allegation of misconduct brought to the attention of a supervisor within the accused's chain of authority will be forwarded to the Dean of the accused's college and to the Provost/Vice President for Academic Affairs (~~VPAA~~). If the allegation involves Sexual Misconduct or Sexual Harassment as governed by PG-6 and relevant UARs, then the allegation will be handled in accordance with same. Otherwise, the Provost/~~VPAA~~ and Vice President for Academic Affairs will determine if investigation of the allegation is required.

If the Provost/~~VPAA~~ Vice President for Academic Affairs determines that investigation of the allegation is not required, the Provost/~~VPAA~~ and Vice President for Academic Affairs will refer the matter to the Dean of the accused's college. The Dean will determine whether to issue an oral or written reprimand or to dismiss the allegation. The Dean's action will terminate the disciplinary process.

If the Provost/~~VPAA~~ and Vice President for Academic Affairs determines that investigation of the allegation is required, the matter will be referred by the President to the appropriate University offices for investigation. The period of investigation will not exceed 40 business days. (A "business day" is a day in which the University is open regardless of whether academic classes are in session.) If deemed necessary by the President, the accused may, without prior notice, be placed on leave with pay or have his or her duties reassigned. Leave with pay will not extend beyond completion of the disciplinary process. Reassignment of duties will not extend beyond completion of the disciplinary process except if reassignment of duties is the disciplinary action issued by the President at the completion of the disciplinary process. The President may terminate leave with pay or reassignment of duties prior to completion of the disciplinary process.

At the conclusion of an investigation, a written report will be produced and sent to the President, the Provost/~~VPAA~~ and Vice President for Academic Affairs, and the Dean of the accused's college. After reviewing the report, the Dean will inform the foregoing individuals in a signed, written statement that:

1. Facts have not been established to support the allegation and the matter should be dismissed; or
2. Facts have been established that warrant an oral or written reprimand by the Dean; or
3. Facts have been established that warrant written censure, suspension without pay, or reassignment of duties or other appropriate discipline; or
4. Facts have been established that warrant removal for cause.

## NOTICE OF INTENT

After reviewing the Dean's statement, the President—in consultation with the Provost/~~VPAA~~ and Vice President for Academic Affairs, the Dean of the accused's college, the Department Chair/Associate Dean of the accused's department, and the Chair of the Faculty Rights and Responsibilities Committee—will determine whether:

1. To dismiss the matter altogether, thereby terminating the disciplinary process; or
2. To refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand, in which case the action will terminate the disciplinary process; or
3. To proffer charges warranting written censure, suspension without pay, reassignment of duties or other appropriate discipline, in which case the President will issue a signed, written Notice of Intent to Discipline; or
4. To proffer charges warranting removal for cause, in which case the President will issue a signed, written Notice of Intent to Remove for Cause.

A Notice of Intent will include (1) a detailed statement of the charges and their basis; (2) the intended disciplinary action, (3) the proposed date of the action, and, if applicable, the proposed duration of the action; (4) the accused's right to respond to the charges and intended disciplinary action; (5) the accused's right to request a hearing before a board; (6) the accused's right to request a meeting with representatives of the administration for the purpose of discussing a mutual settlement, and (7) the relevant policies dealing with faculty discipline.

If a Notice of Intent is issued by the President, the Provost/~~VPAA~~ and Vice President for Academic Affairs will provide the accused with a copy of the Notice of Intent.

## RESPONSE TO NOTICE OF INTENT

If the accused receives a Notice of Intent to Discipline, the accused may elect to:

- 1a. Exercise his or her right to an evidentiary hearing before a Faculty Hearing Board (~~FHB~~) according to the procedures set forth below;
- 2a. Respond to the charges and intended disciplinary action, and decline a hearing; or
- 3a. Neither respond to the charges and intended disciplinary action nor exercise his or her right to a hearing.

If the accused receives a Notice of Intent to Remove for Cause, the accused may elect to:

- 1b. Exercise his or her right to either (i) an evidentiary hearing before a ~~FHB~~ Faculty Hearing Board with a subsequent hearing on the record (not evidentiary) before the Board of Regents (~~BOR~~) according to the procedures set forth below, or (ii) an evidentiary hearing before the ~~BOR~~ Board of Regents with no hearing before a ~~FHB~~ Faculty Hearing Board;

2b. Respond to the charges and intended disciplinary action, and decline a hearing; or

3b. Neither respond to the charges and intended disciplinary action nor exercise his or her right to a hearing.

The accused will have 10 business days from the date of receipt of the Notice of Intent to elect one option (1a, 2a, 3a, 1bi, 1bii, 2b, or 3b) and to inform the President, the Provost/~~VPAA~~ **Vice President for Academic Affairs** and the Dean of the accused's college, in writing, of the option elected. If the accused fails to inform the foregoing individuals of the option elected within the allotted time, then the accused will have passively elected option (3a) for a Notice of Intent to Discipline or option (3b) for a Notice of Intent to Remove for Cause.

If the accused elects option (3a), the President will proceed with the intended disciplinary action outlined in the Notice of Intent and so advise the accused in writing. A copy shall be sent to the Provost **and Vice President of Academic Affairs**, Dean and **OHR Office of Human Resources**. If the accused elects (3b) the President shall proceed to an abbreviated hearing before the ~~BOR~~ **Board of Regents**.

If the accused elects option (2a) or (2b), the accused may file a detailed written response to the charges and/or intended disciplinary action within thirty (15) business days of receipt of the Notice of Intent. The accused will send his or her response to the President, the Provost **and** ~~VPAA~~ **Vice President for Academic Affairs**, and the Dean of the accused's college. The President will review the accused's response and may consult with the Provost **and** ~~VPAA~~ **Vice President for Academic Affairs**, the Dean of the accused's college, the **Department** Chair/Associate Dean of the accused's department, and/or the Chair of the Faculty Rights and Responsibilities Committee, among others. The President will determine whether to:

a) Dismiss the matter altogether, thereby terminating the disciplinary process;

b) Refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand by the Dean, in which case the Dean's action will terminate the disciplinary process; or

c) Proceed with a disciplinary action no greater than the intended disciplinary action outlined in the Notice of Intent. If the disciplinary action that the President decides upon is not removal for cause, then the President will issue a signed, written Notice of Disciplinary Action to be sent to the accused. If the President determines that removal for cause should occur, he/she shall forward, to the ~~BOR~~ **Board of Regents**, the Notice of Intent to Remove for Cause and the accused's response to the charges and intended disciplinary action outlined in the Notice of Intent and proceed to an abbreviated hearing before the ~~BOR~~ **Board of Regents**.

If the accused elects option (1a) or (1bi), the President will convene a ~~FHB~~ **Faculty Hearing Board**.

If the accused elects option (1bii), the President will convene a hearing before the ~~BOR~~ **Board of Regents**.

## THE FACULTY HEARING BOARD (FHB)

### Membership

The ~~FHB~~ Faculty Hearing Board will consist of the following voting members:

1. One member of the Faculty Rights and Responsibilities Committee chosen by that committee's chair. The member chosen from that committee will serve as Chair of the ~~FHB~~ Faculty Hearing Board.; and
2. Four tenured faculty members holding an academic rank equal to or higher than that of the accused and who will be selected and agreed upon by the President or his/her designee, the Provost ~~Provost~~ and ~~VPAA~~ Vice President for Academic Affairs, the Chair of the Faculty Rights and Responsibilities Committee, and the Chair of the Faculty Senate.

The Provost/VPAA will select one individual to serve as a non-voting, ex officio member of the ~~FHB~~ Faculty Hearing Board.. That individual must be an Academic Dean not of the accused's college or a Department Chair/~~Associate Dean~~ not of the accused's department. In addition, the Provost/VPAA and the Chair of the Faculty Senate may serve as non-voting, ex officio members of the ~~FHB~~ Faculty Hearing Board..

No member of the ~~FHB~~ Faculty Hearing Board. will be a member of the accused's department or school.

~~FHB~~ Faculty Hearing Board. members shall be excused due to conflict of interest and may be excused due to health or unavoidable absence from campus. If a member is excused, a replacement will be selected as set out above.

### Pre-Hearing Procedure

The Chair of the ~~FHB~~ Faculty Hearing Board. will provide the accused with a signed, written Notice of Hearing. The Notice of Hearing will state (1) the names of the ~~FHB~~ Faculty Hearing Board. members; (2) the accused's right to challenge the appointment of one or more ~~FHB~~ Faculty Hearing Board. members on the grounds of conflict of interest; and (3) the date of the hearing.

The accused will have 5 business days from the date of receipt of the Notice of Hearing to challenge the appointment of one or more ~~FHB~~ Faculty Hearing Board. members on the grounds of conflict of interest. The challenge must be submitted in writing to the Chair of the ~~FHB~~ Faculty Hearing Board. who will rule on the challenge within 5 business days of receipt of the challenge. If the challenge is to the ~~FHB~~ Faculty Hearing Board. Chair, the Chair of the Faculty Rights and Responsibilities Committee shall rule in that instance. The Chair will inform the accused in writing of the ruling and the reasons for the ruling. The ruling will be final and may not be challenged by the accused.

The date of the hearing will be no less than 15 business days and no more than 30 business days from the date that the accused received the Notice of Hearing. The accused may file a written response to the charges and/or intended disciplinary action outlined in the Notice of Intent with the ~~FHB~~ Faculty Hearing Board. chair prior to the hearing with a copy to the administrator

proffering the charge (henceforth, plaintiff).



## Hearing Procedure

The accused will have the option of having a hearing that is open or closed to the public, except as may be required by law.

The accused may consult with or retain legal counsel at his or her own expense to provide representation during the hearing. The ~~FHB~~ Faculty Hearing Board shall be advised by Morehead State University's Office of the General Counsel or its designee. The plaintiff may consult with or be represented by separate legal counsel contracted by the University to provide representation during the hearing.

The hearing proceedings will not be governed by formal, legal rules of procedure and evidence. The ~~FHB~~ Faculty Hearing Board may consider any information that has probative value.

Statements to the ~~FHB~~ Faculty Hearing Board, documentary evidence, and testimony by witnesses will be subject to requirements of civility and relevance.

The plaintiff or his/her counsel will have the right to call and cross-examine witnesses and to present documents and other evidence supporting the charges in the Notice of Intent to Discipline or the Notice of Intent to Remove for Cause.

The accused or his/her counsel will have the right to call and cross-examine witnesses and to present documents and other evidence disputing the charges in the Notice of Intent to Discipline or the Notice of Intent to Remove for Cause.

The plaintiff, or his/her counsel, and the accused, or his/her counsel, will have the right to confront and cross-examine each other's witnesses.

The Chair of the ~~FHB~~ Faculty Hearing Board may restrict redundant testimony in the interest of ensuring an efficient hearing process.

Any individual scheduled to appear as a witness, with the exception of the accused and the plaintiff, will not be present in the hearing room except when testifying.

A written record of appearances and sworn testimony of the concerned parties and witnesses will be maintained.

The written record will include the Notice of Intent to Discipline or the Notice of Intent to Remove for Cause and if applicable the accused's response to the charges and/or intended disciplinary action outlined in the Notice of Intent.

A verbatim record of the hearing will be recorded by a court reporter and may be transcribed as requested. The recording and transcription will be provided at no cost to the accused upon request.

The burden of establishing a preponderance of the evidence for the charges rests at all times with the plaintiff.

The following hearing agenda will apply:

1. A reading, by the Chair of the ~~FHB~~ Faculty Hearing Board., of the charges proffered by the plaintiff and the response to the charges by the accused;
2. Presentation of evidence by the plaintiff or his/her counsel supporting the charges;
3. Presentation of evidence by the accused or his/her counsel refuting the charges;
4. Presentation of rebuttal evidence as may be appropriate;
5. Summation or statement not to exceed 30 minutes by the accused or his/her counsel; and
6. Summation or statement not to exceed 30 minutes by the plaintiff or his/her counsel.

At the conclusion of the hearing, the ~~FHB~~ Faculty Hearing Board will go into closed session to discuss the evidence presented at the hearing and to vote on whether there is a preponderance of the evidence for the charges proffered by the plaintiff. The ~~FHB~~ Faculty Hearing Board. may request the presence of the General Counsel at any time during the deliberations.

The ~~FHB~~ Faculty Hearing Board. will produce a written report of the board's "findings of fact" (evidence that the ~~FHB~~ Faculty Hearing Board believes to be true) and "conclusions of law" (application of facts to the legal standard) based upon the record considered as a whole, and recommendations regarding disciplinary action. The report will also include the vote count regarding the charges. Dissenting minority opinions shall be included in the report.

Copies of the ~~FHB~~ Faculty Hearing Board's report will be sent to the President, the Provost Provost and ~~VPAA~~ Vice President for Academic Affairs, the Dean of the accused's college, the plaintiff, and the accused.

The accused may elect to respond in writing to the ~~FHB~~ Faculty Hearing Board's decision and shall file such response with the President within 10 business days of the ~~FHB~~ Faculty Hearing Board's decision. Copies shall be sent to the Provost Provost and ~~VPAA~~ Vice President for Academic Affairs and to the plaintiff.

The President will review the ~~FHB~~ Faculty Hearing Board's report and, if any, the accused's response, and will determine whether to:

1. Dismiss the matter altogether, thereby terminating the disciplinary process;
  2. Refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand by the Dean, in which case the Dean's action will terminate the disciplinary process;
- or

3. Proceed with a disciplinary action no greater than the intended disciplinary action outlined in the Notice of Intent. If the disciplinary action that the President decides upon is not removal for cause, then the President will issue a signed, written Final Determination of Disciplinary Action to be sent to the accused. A copy shall be sent to the Provost, Dean and ~~OHR~~ **Office of Human Resources**. If the President determines that removal for cause should occur, he/she shall proceed as outlined below for a hearing at the ~~BOR~~ **Board of Regents** on the record.

### **HEARINGS BEFORE THE BOARD OF REGENTS (~~BOR~~)**

A hearing before the ~~BOR~~ **Board of Regents** may be an evidentiary hearing or a hearing on the record from the FHB hearing. An abbreviated hearing before the **Board of Regents** shall occur (1) if the accused has responded to the charges for removal and not requested a hearing or (2) if the accused has failed to respond to the removal charges and failed to ask for a hearing.

If the accused requested an evidentiary removal hearing before the **Board of Regents**, rather than the ~~FHB~~ **Faculty Hearing Board**, the President shall notify the Chair of the **Board of Regents** of the request for an evidentiary hearing. The President shall proceed as outlined above in the Response to Notice of Intent to begin the process of the evidentiary hearing.

If the disciplinary action is removal for cause, and the evidentiary hearing has been held before the ~~FHB~~ **Faculty Hearing Board** the President will forward, to the ~~BOR~~ **Board of Regents**, the complete record of the ~~FHB~~ **Faculty Hearing Board** including the ~~FHB~~ **Faculty Hearing Board**'s Findings of Fact and Conclusions of Law, any additional response filed by the accused, the transcript of the ~~FHB~~ **Faculty Hearing Board** hearing, and the President's decision.

If the accused has (1) responded to the charges but declined a hearing, the President will forward to the ~~BOR~~ **Board of Regents** the Notice of Intent to Remove for Cause and intended disciplinary action and the accused's response to the ~~BOR~~ **Board of Regents** for abbreviated hearing; if (2) the accused has failed to respond and failed to request a hearing, the President shall forward to the ~~BOR~~ **Board of Regents** the Notice or Intent to Remove for Cause and intended disciplinary action.

#### **A. PROCEDURE FOR AN EVIDENTIARY HEARING AT THE ~~BOR~~ **Board of Regents****

The Board Chair shall provide the accused with a written, signed notice of either a special meeting called for the purpose of providing an evidentiary hearing on removal or of the next regularly scheduled meeting of the Board of Regents at which time the evidentiary hearing shall take place. The hearing shall be not less than twenty (20) business days from the date that notice is delivered to the accused.

No later than ten (10) business days prior to the scheduled hearing date, the accused may file a written response to the charges and/or intended disciplinary action outlined in the Notice of Intent to Remove for Cause with the Board Chair at the President's Office. A copy shall also be provided to the plaintiff.

The hearing shall be conducted in accordance with the Hearing Procedures set forth in this Policy as used by the evidentiary hearing before the ~~FHB~~ **Faculty Hearing Board**.

At the conclusion of the hearing, the Board of Regents may go into closed session to discuss the evidence presented at the hearing and review the President's Recommendation for Removal and the accused's response. The Board may consult with its legal counsel as it deems appropriate during the process. The Board may (1) find in favor of removal, (2) reject removal and remand the matter to the President for recommended disciplinary action as determined by the Board, or (3) reject the matter in its entirety. The Board will issue written findings of fact and conclusions of law in support of its decision and take final action on the decision in open session.

The President shall inform the accused in writing of the final action of the Board of Regents. A copy shall be sent to the Provost and Vice President for Academic Affairs, Dean and ~~OHR~~ Office of Human Resources. The informing shall occur within 10 business days of the ~~BOR's~~ Board of Regent's decision.

## **B. PROCEDURE FOR A HEARING ON THE RECORD AT THE BOR**

If the accused has had an evidentiary hearing before the ~~FHB~~ Faculty Hearing Board, the ~~BOR~~ Board of Regents shall provide a de novo hearing on the record produced at the ~~FHB~~ Faculty Hearing Board level, including all exhibits, all charges, and all responses. The Board Chair shall provide the accused with written, signed notice of either a special meeting or of the next regularly scheduled meeting of the Board of Regents when the issue of removal shall be brought before the Board. The hearing shall not be less than twenty (20) business days from the date of notice.

The Board may retire into Executive Session to consider the case and review all the materials. The ~~BOR~~ Board of Regents may consult with its legal counsel as it deems appropriate during the process. The ~~BOR~~ Board of Regents shall take final action upon the issue of removal only in open session.

The ~~BOR~~ Board of Regents may:

1. Dismiss the matter altogether, thereby terminating the disciplinary process;
2. Refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand, in which case the action will terminate the disciplinary process;
3. Proceed with disciplinary action other than removal for cause, in which case the President will issue a signed, written Notice of Disciplinary Action to be sent to the accused; or
4. Proceed with removal for cause, thereby terminating the disciplinary process.

The President shall inform the accused of the final action of the Board of Regents in writing. A copy shall be sent to the Provost and Vice President for Academic Affairs, Dean and OHR Office of Human Resources

## **C. ABBREVIATED HEARING AT THE ~~BOR~~ Board of Regents**

If the accused responds to the President's Notice of Intent to Remove and Recommendation for Removal for cause, but declines a hearing on the matter, the President shall forward to the Chair of the Board of Regents the President's Notice of Intent to Remove and Recommendation for Removal with cause as well as the accused's response for consideration and action by the Board.

If the accused has neither filed a response nor requested a hearing, the President shall forward to Chair of the Board of Regents the President Notice of Intent to Remove and Recommendation for Removal.

In both such cases, the Board Chair shall provide the accused with written, signed notice of either a special meeting or of the next regularly scheduled meeting of the Board of Regents when the issue of removal shall be brought before the Board. The hearing shall not be less than twenty (20) business days from the date of notice.

At a special or regular meeting of the Board of Regents, the Board may go into executive session to discuss and review the President's Notice of Intent to Remove and Recommendation for Removal and the response of the accused, if any. The Board may consult with its legal counsel as it deems appropriate during the process. The ~~BOR~~ Board of Regents shall take final action upon the issue of removal only in open session.

The ~~BOR~~ Board of Regents may:

1. Dismiss the matter altogether, thereby terminating the disciplinary process;
2. Refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand, in which case the action will terminate the disciplinary process;
3. Proceed with disciplinary action other than removal for cause, in which case the President will issue a signed, written Notice of Disciplinary Action to be sent to the accused; or
4. Proceed with removal for cause, thereby terminating the disciplinary process.

In all cases, the President shall inform the accused of the final action of the Board of Regents in writing within ten (10) days of the Board's decision. A copy shall be sent to the Provost ~~and~~ / ~~VPAA~~ Vice President for Academic Affairs, Dean and ~~OHR~~ Office of Human Resources.

## **RESIGNATION**

At any point in the disciplinary process, the accused may submit his or her resignation, thereby terminating the disciplinary process.

## **EXTENSION OF TIME**

Prior to the expiration of any time limit stated in this policy, an extension may be requested of and granted by the President.

## **EXCEPTIONAL CIRCUMSTANCES**

If a situation arises during the disciplinary process that is not covered in this policy, then the Provost/ Provost ~~and~~ / ~~VPAA~~ Vice President for Academic Affairs or his/her designee and the Chair of the Faculty Rights and Responsibilities

Committee or his/her designee will meet to discuss a mutually acceptable solution. If the situation arises during a hearing, then the chair of the board hearing the case will rule.



NO. 10.24

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

- I. **MOTION:** To revise PAC-3 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-3 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. **ACTION:**

Provost Comments: *Minor changes. Recommend approval  
Bob AWT 7-4-19*

**President**

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

Joy A. Meyer      7-8-19  
Signature of President      Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*

PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE



**Policy:** PAc-3

**Subject:** Emeritus Status for Faculty

**Approval Date:** 07/01/85

**Revision Date:** 10/04/91; 06/16/05

**PURPOSE:**

To determine faculty eligibility for and the privileges of emeritus status upon or after retirement.

**ELIGIBILITY:**

Emeritus status is granted to faculty in recognition of meritorious service to Morehead State University.

Emeritus status is granted upon or after retirement to those holding faculty rank if recommended by the President and approved by the Board of Regents.

To be eligible for consideration, individuals must have had at least 20 years of meritorious University service at Morehead State University and must be entering or have entered, retirement status in an approved Morehead State University retirement program.

Exceptions to the minimum years of service may be made if warranted based upon recommendations of the Provost and Vice President for Academic

Affairs ~~and Dean of Faculty~~ and the President.

#### PROCEDURE FOR GRANTING EMERITUS STATUS:

**Associate Deans**/Department Chairs will request the tenured faculty members in the retiree's department to send their recommendation by March 15 directly to the University Promotion Committee for its consideration. **Associate Deans**/Department Chairs, College Deans, and the University Promotion Committee will then send their individual recommendations directly to the Provost **and Vice President for Academic Affairs** by March 31. The Provost **and Vice President for Academic Affairs** will then submit a recommendation to the President who will make a recommendation to the Board of Regents at its next regular meeting.

#### PRIVILEGES OF EMERITUS STATUS:

Faculty with emeritus status may be provided with an office if feasible, and arrangements may be made for part-time teaching, research, and/or service to the University pursuant to appropriate University policies. The names of faculty emeriti will be listed in University catalogs and will be placed on University mailing lists for receipt of appropriate publications and announcements of functions and activities.

NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

- I. **MOTION:** To revise PAc-5 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAc-5 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. **ACTION:**

Provost Comments:

*Recommend approval  
B1 JMA 7-4-19*

**President**

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

Jay A. Meyer      7-8-19  
Signature of President      Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-5

**Subject:** Consulting

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To outline the conditions governing private consulting by faculty members and academic administrators. To qualify under this policy, the activity must be in the individual's field and be of a professional nature.

**PHILOSOPHY:**

An agency of the Commonwealth of Kentucky, Morehead State University is charged with responsibilities for instruction, research, and public service. These responsibilities often involve University faculty members and academic administrators in activities which are beyond the campus and in addition to their formally assigned duties. The University views professional consulting whether private or as a representative of the University as an activity to be encouraged. This policy is an outgrowth of the following institutional concern: (1) the need to comply with federal regulations concerning time and effort reporting for federally-funded grants and contracts; (2) the need to safeguard the University's primary educational mission from possible conflicts of interest; and (3) the need to clarify those circumstances when a University faculty member or academic administrator may be gainfully employed by a third party.

## **DEFINITION:**

1. This policy is limited to instruction, research, professional and/or public service consulting activities for which remuneration is received from a third party and which occur during the time when the employee would normally be assigned to duties by the University. Excluded are vacation periods, weekends, holidays, and other times when the employee is not assigned duties by the University.
2. University faculty members and academic administrators must request authorization to perform instruction, research, and public service activities for a third party during their work period. Work periods may vary widely due to individual faculty assignments. Such expectations should not be so restrictive as to make private consulting prohibitive. A written proposal must be submitted and permission secured from the individual's supervisor and Dean prior to performing any private consulting activity with notification to the **Provost and** Vice President for Academic Affairs. The proposal should indicate the nature of the work to be performed, the estimated time per week involved, and the duration of the assignment. The proposal and administrative decision shall be kept as a matter of record by the appropriate **Associate Dean/Department** Chair and Dean with notification to the **Provost and** Vice President for Academic Affairs. A Dean's personal proposals are approved by the **Provost and** Vice President for Academic Affairs.
3. Those administrative officers who approve the proposal are instructed to be assured that regularly assigned duties of the employee will continue to be performed satisfactorily.

## **DUTY:**

A faculty member or academic administrator is expected to perform his/her University duties in the most effective manner of which he/she is

capable. The individual's first duty and first responsibility is to the University. Outside service should not be undertaken, whether with or without pay, that might interfere with the discharge of this paramount obligation. ~~The individual's administrative supervisor officers are is~~ responsible for seeing that the regular University duties are accomplished.

### **REQUIRED ADVANCE APPROVAL:**

An individual must request approval in advance of accepting a consulting assignment. A written proposal outlining the nature of the work to be performed, the estimated schedule of absences, and whether the work is undertaken for compensation or otherwise shall be given to the next level of administration. Such request shall be submitted through the Dean to the **Provost and** Vice President for Academic Affairs provided there is concurrence at each previous level. The final approval authority is the appropriate Dean for faculty members and for Associate Deans/Department Chairs. ~~and The final approval authority for Deans is~~ the **Provost and** Vice President for Academic Affairs ~~for Deans.~~

### **CONSULTING TIME:**

Time off from the regular work schedule for consulting shall be limited to four days per month. Time not used is noncumulative except by special permission of the administrative supervisor Department Chair and Dean.

### **USE OF UNIVERSITY FACILITIES:**

Activities that involve significant use of other University personnel, facilities, or equipment must be performed on a contractual basis with the University.

### **TIME AND EFFORT REPORTING:**

All individuals performing consulting services relating to externally-funded projects are required to comply with Time and Effort Reporting regardless of when the services are performed.

### **RESPONSIBILITY FOR PRIVATE **PROFESSIONAL** PROFESSIONAL SERVICES:**

The University assumes no responsibility for private professional services performed by members of its faculty. The name of the University is not in any way to be connected with the service rendered or the results obtained. The faculty member or academic administrator must make it clear that his/her consulting work is a personal matter. He/she must not use the official stationery of the University nor stationery having a University address or a University telephone number, **nor any official University email or social media account.**

A faculty member shall not accept or retain employment which would bring him/her as an expert, or in any other capacity, into conflict or in competition with the interests and purposes of the University.

NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

I. **MOTION:** To revise PAC-6 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-6 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. **ACTION:**

Provost Comments: *Recommend Approval*  
*Bill AMT 7-4-19*

**President**

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:** *Jay W. Hargan* 7-8-19  
Signature of President Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*

PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE



**Policy:** PAc-6

**Subject:** Membership on Graduate Faculty

**Approval Date:** 07/01/85

**Revision Date:** 06/13/97

03/13/09

**PURPOSE:**

To outline the criteria and procedures for appointment to the graduate faculty.

**CRITERIA FOR FULL MEMBERSHIP:**

The following criteria must be met to be considered for

Full Membership on the graduate faculty:

1. An earned terminal degree as defined in PAc-1.
2. Tenured or on track for tenure.
3. A graduate level need (e.g. teaching, advising, program development, committee service, etc., as documented by the **Associate Dean/Department Chair** and approved by the college dean).

**PROCEDURE FOR GRANTING FULL MEMBERSHIP:**

1. The **Associate Dean/Department Chair** shall nominate, in writing, the individual for Full Membership.
2. The **Associate Dean/Department Chair** will forward the nomination, along with the nominee's documentation of criteria as indicated above and statement of graduate need, to the respective college dean who will forward this with his/her recommendation to the College Graduate Committee which will either approve or reject the nomination. If the nomination is approved, the committee shall grant Full

Membership to the nominee and shall inform all appropriate persons, including the Dean of ~~Undergraduate and~~ Graduate Programs, of their decision. If the nomination is rejected, justification shall be provided to the nominee and the **Associate Dean/Department Chair**.

3. If the nomination is rejected by the College Graduate Committee, the **Associate Dean/Department Chair** may appeal the decision to the University Graduate Committee which will make the final determination regarding the nomination. The University Graduate Committee shall inform all appropriate persons of their decision.

#### **CRITERIA FOR ASSOCIATE MEMBERSHIP:**

Commented [WU1]: Update Titles Associate Dean/Department Chair

When the **Associate Dean/Department Chair** ~~of an academic department~~ determines that he/she needs to assign graduate responsibility to a faculty member who does not qualify for Full Membership in the graduate faculty, he/she shall nominate that faculty member for Associate Membership.

The following criteria must be met to be considered for Associate Membership:

1. An earned terminal degree as defined by PAc-1 in the appropriate teaching discipline or, in the absence of this degree, at least two of the following: an exceptionally high level of scholarly productivity, teaching competency, exceptional professional activities in the discipline, or relevant experience.
2. A graduate level institutional need (e.g. teaching, advising, program development, committee service, etc., as documented by the **Associate Dean/Department Chair** and approved by the **College Dean**).

All Associate Memberships shall be one, two, or three academic year appointments, as determined, based on the recommendation by the **Associate Dean/Department Chair** and **College Dean**, by the College or University Graduate Committee. Associate Memberships are renewable based on documented need.

**PROCEDURE FOR GRANTING ASSOCIATE MEMBERSHIP:**

The **Associate Dean/Department Chair** shall nominate, in writing, the individual for Associate Membership.

The **Associate Dean/Department Chair** will forward the nomination, along with the nominee's curriculum vita and statement of institutional need, to the respective college dean who will forward this with his/her recommendation to the College Graduate Committee which will either approve or reject the nomination. If the nomination is approved, the committee shall grant Associate Membership to the nominee and shall inform all appropriate persons, including the Dean of the Graduate School, of their decision. If the nomination is rejected, justification shall be provided to the nominee and the **Associate Dean/Department Chair**.

If the nomination is rejected by the College Graduate Committee, the **Associate Dean/Department Chair** may appeal the decision to the University Graduate Committee which will make the final determination regarding the nomination. The University Graduate Committee shall inform all

appropriate persons of their decision.

When, due to extraordinary circumstances, a member of the graduate faculty is unavailable to teach a previously scheduled course and circumstances will not permit appointment under normal procedures, the Dean of the Graduate School may temporarily appoint a faculty member to Associate Membership on the graduate faculty. Such appointments shall be for one academic year only and shall not be renewed or extended without the approval of the College or University Graduate Committee. The Dean of the Graduate School will inform all appropriate persons, including the University Graduate Committee, of his/her decision.

At least two months prior to the end of the appointment of an Associate Member, the Dean of the Graduate School will inform that member and all other appropriate persons of that end and the process required to renew the Associate Membership.

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

- I. MOTION: To revise PAC-12 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-12 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. ACTION:

Provost Comments:

*Recommend Approval  
Blatt 7-4-19*

President

- A. \_\_\_ Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C. \_\_\_ I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D. \_\_\_ I concur with the motion of the Senate, with the attached stipulations. \*
- E. \_\_\_ I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

Joseph M. Hagan 7-8-19  
Signature of President Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*

PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-12

**Subject:** Professional Ethics

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

The University, as an institution of learning and a community of persons with a special purpose, accepts its obligation to provide for its members an atmosphere which protects and promotes its educational mission, and which guarantees its orderly and effective operation. To accomplish these goals, the University must require certain standards of conduct. University standards of conduct do not replace or relieve the requirements of civil or criminal laws.

The University has established standards of conduct related to its special educational mission. Specifically, members of the University community charged or convicted of violations under civil or criminal law may be subject to University discipline procedures and sanctions for the same conduct when the conduct occurs on campus or when the conduct occurs off campus and is a threat to the continuing protection of other members of the University community or the safeguarding of the educational process.

The faculty members assumes responsibilities in many areas.

### **AS PROFESSORS:**

Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interest, these interests must never seriously hamper or compromise their freedom of inquiry.

### **AS TEACHERS:**

As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of ~~the~~ discipline. They demonstrate respect for the student as an individual and adhere to this proper role as intellectual guide and counselor. They make every reasonable effort to foster honest academic conduct and to assure that their evaluation of students reflects true merit. They respect the confidential nature of the relationship between professors and students. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from ~~them~~ students. They protect ~~their~~ academic freedom.

### **AS COLLEAGUES:**

As colleagues, professors have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of the institution.

**AS MEMBERS OF THE UNIVERSITY COMMUNITY:**

As members of the University community, professors seek above all to be effective teachers and scholars. Although they observe the stated regulations of the institution, provided they do not contravene academic freedom, they maintain their right to criticize and seek revision. They determine the amount and character of the work they do outside the institution with due regard to their paramount responsibilities within it. When considering the interruption or termination of their service, they recognize the effect of that decision upon the program of the institution and give due notice of their intentions.

**AS CITIZENS:**

As members of their community, professors have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their subject, to students, to their profession, and to the institution. When they speak or act as private persons they avoid creating the impression that they speak



or act for the University. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry.

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

I. MOTION: To revise PAc-15 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAc-15 revis 2019 06 10 - FS Approved 20190628.docx - policy text with revisions & corrections.

Date Passed by the Senate: 6-27-2019

7-1-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. ACTION:

Provost Comments:

*Recommend approval.  
B. J. Hunt 7-4-19*

President

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

*[Signature]*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-15

**Subject:** Time and Effort Reporting

**Approval Date:** 07/01/85

**Revision Date:** ~~09/15/05~~ 6/07/2019

**PURPOSE:**

To provide for reports on time and effort on externally funded projects.

**PROCEDURE:**

Recognizing the need to comply with Office of Management and Budget (OMB) ~~Circular A-21~~ Uniform Guidance and the Education Division General Administrative Regulations (EDGAR), Morehead State University shall account for the time and effort of University personnel working on externally funded projects. University personnel, where all or part of their total compensation (including consulting, overload, etc.) is paid by external sources and/or where their time and effort are donated by Morehead State University to an externally sponsored project, shall complete periodically a "University Personnel Activity Report" which documents their actual time and effort. ~~effort.~~ Personnel Activity Report forms shall be obtained from the Office of Accounting and ~~Budgetary Control~~ Financial Services.

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ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

- I. MOTION: To revise PAC-16 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-16 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. ACTION:

Provost Comments: *Recommend Approval*  
*But MA 7-5-19*

President

- A. \_\_\_ Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C. \_\_\_ I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D. \_\_\_ I concur with the motion of the Senate, with the attached stipulations. \*
- E. \_\_\_ I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

*J. Meezy*      7-8-19  
Signature of President      Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*

PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-16

**Subject:** Support for Editorships of Journals and Offices Held in Professional Organizations

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To encourage faculty members to assume editorship of professional journals or offices in professional organizations.

**INFORMING THE UNIVERSITY:**

If a faculty member assumes an editorship of a professional journal or an office in a professional organization, that individual shall inform his/her Associate Dean/Department Chair about such activity.

**REQUESTS FOR UNIVERSITY FINANCIAL SUPPORT:**

In addition, if there is need for institutional support in the form of a special telephone line, mailing privileges (costs), paper costs, convention budgets, and so forth, the faculty member shall include in the report information about the organization and its impact upon the region or the nation, the types of responsibilities being assumed, and a proposed budget to cover the requested funds.

That request shall be forwarded through channels to the **Provost and Vice President for Academic Affairs**.

The **Associate Dean/Department Chair and Dean** shall comment on the value to the institution when reviewing the request. The **Provost and Vice President for Academic Affairs** is responsible for approving or disapproving such requests.

**FOLLOW-UP REPORTS:**

If approved, the program shall be reported on at least annually by the faculty member. Such reports shall be sent through channels to the **Provost and Vice President for Academic Affairs**.

NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

I. **MOTION:** To revise PAC-18 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-18 FS Approved 20190628.docx - policy text with revisions & corrections.

Date Passed by the Senate: 6-27-2019

7-1-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. **ACTION:**

Provost Comments: *Recommend approval,  
7/3/19 AMT 7-5-19*

**President**

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:** *[Signature]*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*

PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-18

**Subject:** Faculty Rights and Responsibilities

**Approval Date:** 07/01/85

**Revision Date:** 03/07/94

**PURPOSE:**

To define the procedures to be followed when issues involving faculty rights and responsibilities have not been resolved successfully through the normal channels of administrative responsibility and procedure.

**ELIGIBILITY:**

All individuals in the academic classification category (including librarians) plus those individuals in the administrative category who have tenure-eligible academic rank and who have grievances of an academic nature are eligible to submit a petition.

**SCOPE:**

The Committee on Faculty Rights and Responsibilities established by these procedures may review petitions from all faculty members and librarians (described under Eligibility above) in any situation in which a faculty member or librarian asserts that he/she has suffered a substantial injustice resulting from a violation of academic freedom, professional ethics, procedural fairness, or due process.



Formal claims of alleged discrimination are to be filed in accordance with PG-5 Affirmative Action/Equal Opportunity for Employment.

Disputes about the dismissal of a probationary tenure eligible faculty member or a fixed-term appointee before the end of the term of appointment or of a tenured faculty member are covered under Kentucky Revised Statutes (KRS 164.360 and KRS 164.365).

Any issue to be reviewed under these procedures must be presented by the particular faculty member or librarian who filed the grievance.

#### **COMMITTEE ON FACULTY RIGHTS AND RESPONSIBILITIES:**

The Committee on Faculty Rights and Responsibilities should consist of two tenured professors from each college, one tenured professor at large and ~~two~~ one Librarian III or IV. It is preferred that committee members have prior service on the University Promotion or Tenure Committees or the Library Promotion Committee.

Nominees for faculty representatives for each college or the library shall be made by the Faculty Senate and voted on by the members of the faculty in that college or library. The Faculty Senate shall elect the faculty member at-large. The term of this member shall be for two

years.

Terms for faculty members from each college and librarian shall be for two years with one-half being replaced each year. No member may serve for more than two consecutive terms. No member shall serve on the Library Promotion Committee, University Tenure, Promotion or Faculty Rights and Responsibilities Committees simultaneously.

**OPERATION OF THE COMMITTEE:**

A quorum of the Committee will be a majority of those remaining after any member is disqualified because of blood or marriage relationship to the aggrieved party or because of conflict of interest.

Upon receiving a petition, the Committee will make a preliminary determination as to the extent of its review of the matter. The Committee will reserve the right to dismiss without prejudice a complaint that it judges without merit or where it appears that other remedies should be sought before coming to the Committee.

The Committee may decide to have an information review or to establish a Hearing Board, in order to bring about a satisfactory settlement.

A Hearing Board will be established only on the vote of a majority of membership of the Committee upon a determination that a prima facie

basis for the complaint has been shown and may not reasonably be dealt with through an informal resolution process.

The burden of proof in establishing a prima facie case will be on the complaining party.

The Committee on Faculty Rights and Responsibilities should attempt to settle matters brought to it as quickly as possible without sacrificing fairness to all parties. Only in extraordinary circumstances or by mutual agreement should there be a time span longer than 30 days between the receipt of a complaint by the Committee and a decision as to whether there will be a formal hearing.

The Committee shall not consider the substantive academic judgment aspects of such matters as promotion, tenure, compensation, and evaluation of performance. In such matters as these, academic freedom, professional ethics, procedural fairness, or due process may be reviewed.

#### **THE HEARING BOARD:**

For a particular case, a Hearing Board, consisting of all eligible members of the Committee will be established to hear the case. Members will remove themselves from a case if they deem themselves disqualified by reason of bias or conflict of interest.

If a specific hearing is scheduled, notice will be served with a specific statement of the complaint at least 20 days prior to the hearing. The party complained against may waive a hearing or may respond to the complaint in writing at any time before the hearing.

Hearings before a Hearing Board will not be public. Publicity and public statements about the case by either the complaining party or the Hearing Board will be avoided until the proceedings have been completed. The Hearing Board and both parties may have present at the hearing such assistance as each deems necessary. If such assistance is desired, the party will give notice of that intention to the other party and/or the Hearing Board not less than six (6) working days prior to the hearing date.

During the proceedings the parties will be entitled to have an advisor and counsel of their own choice. The Hearing Board will not be bound by strict rules of legal evidence and may admit any evidence of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available and to avoid excessively legalistic procedures.

A tape recording of the hearings will be made and will be available to both parties.

The parties will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The University administration will make reasonable efforts to cooperate with the Hearing Board in securing witnesses and making available documentary and other evidence.

Parties will have the right to confront and cross-examine all witnesses.

The Hearing Board's findings of fact and conclusions will be based solely on the hearing record.

The Hearing Board shall not consider the substantive academic judgment aspects of such matters as promotion, tenure, compensation, and evaluation of performance. In such matters as these, academic freedom, professional ethics, procedural fairness, or due process may be reviewed.

The Hearing Board may not review any petitions which are being or have been processed in the courts, through the University's Affirmative Action/Equal Employment Opportunity Policy, federal or state agency, or through any other University appeal or grievance procedure.

The Hearing Board shall reach its conclusions by majority vote and shall submit these conclusions to the President of the University through the

Chair of the Committee on Faculty Rights and Responsibilities. The President shall notify the Chair of the decision that has been reached. In the event the President's decision is not in accord with the conclusions of the Hearing Board, the reasons for that decision shall be specified to the Chair of the Committee on Faculty Rights and Responsibilities who will inform the Committee and the parties directly involved.

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

I. MOTION: To revise PAC-22 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-22 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate:

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. ACTION:

Provost Comments: *Many title & abbreviation changes. No substantive changes. Recommend approval. Phil CMT 7-5-19*

President

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

*J. Mueggen*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

## **Policy: PAc-22**

### **Subject: Faculty Discipline and Removal for Cause**

Approval Date: June 8, 2017

Revision Date:

#### **PURPOSE**

The purpose of this policy is to establish the procedures for the discipline of faculty and librarians (henceforth referred to as faculty).

#### **GENERAL PRINCIPLES**

Faculty misconduct may be subject to disciplinary action. Disciplinary actions include oral or written reprimand, written censure, suspension without pay, reassignment of duties, removal, or an action appropriate to the conduct of the faculty member (henceforth, the accused). The length of written censure, suspension without pay, reassignment of duties or other discipline will be in accordance with the severity of the misconduct and in consideration of the accused's work record.

Tenured faculty may be removed only for incompetence, neglect of or refusal to perform duties, or immoral conduct as outlined in KRS 164.360 (henceforth, cause).

Disciplinary action for tenured faculty will be taken subject to the procedures set forth in this policy. Disciplinary action for fixed term faculty will proceed under this policy if the fixed term faculty member is to be disciplined or removed during the contract year. If a faculty member is tenure track, this policy shall apply if the faculty member is to be disciplined or removed during the academic period(s) for which he/she is guaranteed employment under PAc-27.

All individuals involved in the disciplinary process will exercise absolute discretion. Information gathered during the disciplinary process by any individual will be disseminated by that individual only as stipulated by university policy or by law.

All documents that need to be delivered from one party to another shall be by hand delivery or priority mail with delivery confirmation.

#### **REPRESENTATION**

At any point in the disciplinary process, the accused may, at his or her expense, consult with or retain legal counsel to provide representation.



## RECONCILIATION

At any point in the disciplinary process, the accused or representatives of the administration may request a meeting with the other for the purpose of discussing a mutual settlement. A mutual settlement must be in writing and signed by the accused and the President. A mutual settlement will terminate the disciplinary process.

## ALLEGATIONS OF MISCONDUCT

An allegation of misconduct brought to the attention of a supervisor within the accused's chain of authority will be forwarded to the Dean of the accused's college and to the Provost/Vice President for Academic Affairs (~~VPAA~~). If the allegation involves Sexual Misconduct or Sexual Harassment as governed by PG-6 and relevant UARs, then the allegation will be handled in accordance with same. Otherwise, the Provost/~~VPAA~~ and Vice President for Academic Affairs will determine if investigation of the allegation is required.

If the Provost/~~VPAA~~ Vice President for Academic Affairs determines that investigation of the allegation is not required, the Provost/~~VPAA~~ and Vice President for Academic Affairs will refer the matter to the Dean of the accused's college. The Dean will determine whether to issue an oral or written reprimand or to dismiss the allegation. The Dean's action will terminate the disciplinary process.

If the Provost/~~VPAA~~ and Vice President for Academic Affairs determines that investigation of the allegation is required, the matter will be referred by the President to the appropriate University offices for investigation. The period of investigation will not exceed 40 business days. (A "business day" is a day in which the University is open regardless of whether academic classes are in session.) If deemed necessary by the President, the accused may, without prior notice, be placed on leave with pay or have his or her duties reassigned. Leave with pay will not extend beyond completion of the disciplinary process. Reassignment of duties will not extend beyond completion of the disciplinary process except if reassignment of duties is the disciplinary action issued by the President at the completion of the disciplinary process. The President may terminate leave with pay or reassignment of duties prior to completion of the disciplinary process.

At the conclusion of an investigation, a written report will be produced and sent to the President, the Provost/~~VPAA~~ and Vice President for Academic Affairs, and the Dean of the accused's college. After reviewing the report, the Dean will inform the foregoing individuals in a signed, written statement that:

1. Facts have not been established to support the allegation and the matter should be dismissed; or
2. Facts have been established that warrant an oral or written reprimand by the Dean; or
3. Facts have been established that warrant written censure, suspension without pay, or reassignment of duties or other appropriate discipline; or

4. Facts have been established that warrant removal for cause.

## NOTICE OF INTENT

After reviewing the Dean's statement, the President—in consultation with the Provost/~~VPAA~~ and Vice President for Academic Affairs, the Dean of the accused's college, the Department Chair/Associate Dean of the accused's department, and the Chair of the Faculty Rights and Responsibilities Committee—will determine whether:

1. To dismiss the matter altogether, thereby terminating the disciplinary process; or
2. To refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand, in which case the action will terminate the disciplinary process; or
3. To proffer charges warranting written censure, suspension without pay, reassignment of duties or other appropriate discipline, in which case the President will issue a signed, written Notice of Intent to Discipline; or
4. To proffer charges warranting removal for cause, in which case the President will issue a signed, written Notice of Intent to Remove for Cause.

A Notice of Intent will include (1) a detailed statement of the charges and their basis; (2) the intended disciplinary action, (3) the proposed date of the action, and, if applicable, the proposed duration of the action; (4) the accused's right to respond to the charges and intended disciplinary action; (5) the accused's right to request a hearing before a board; (6) the accused's right to request a meeting with representatives of the administration for the purpose of discussing a mutual settlement, and (7) the relevant policies dealing with faculty discipline.

If a Notice of Intent is issued by the President, the Provost/~~VPAA~~ and Vice President for Academic Affairs will provide the accused with a copy of the Notice of Intent.

## RESPONSE TO NOTICE OF INTENT

If the accused receives a Notice of Intent to Discipline, the accused may elect to:

- 1a. Exercise his or her right to an evidentiary hearing before a Faculty Hearing Board (~~FHB~~) according to the procedures set forth below;
- 2a. Respond to the charges and intended disciplinary action, and decline a hearing; or
- 3a. Neither respond to the charges and intended disciplinary action nor exercise his or her right to a hearing.

If the accused receives a Notice of Intent to Remove for Cause, the accused may elect to:

- 1b. Exercise his or her right to either (i) an evidentiary hearing before a ~~FHB~~ Faculty Hearing Board with a subsequent hearing on the record (not evidentiary) before the Board of Regents (~~BOR~~) according to the procedures set forth below, or (ii) an evidentiary hearing before the

~~BOR~~ Board of Regents with no hearing before a ~~FHB~~ Faculty Hearing Board;

2b. Respond to the charges and intended disciplinary action, and decline a hearing; or

3b. Neither respond to the charges and intended disciplinary action nor exercise his or her right to a hearing.

The accused will have 10 business days from the date of receipt of the Notice of Intent to elect one option (1a, 2a, 3a, 1bi, 1bii, 2b, or 3b) and to inform the President, the Provost/~~VPAA~~ **Vice President for Academic Affairs** and the Dean of the accused's college, in writing, of the option elected. If the accused fails to inform the foregoing individuals of the option elected within the allotted time, then the accused will have passively elected option (3a) for a Notice of Intent to Discipline or option (3b) for a Notice of Intent to Remove for Cause.

If the accused elects option (3a), the President will proceed with the intended disciplinary action outlined in the Notice of Intent and so advise the accused in writing. A copy shall be sent to the Provost **and Vice President of Academic Affairs**, Dean and **OHR Office of Human Resources**. If the accused elects (3b) the President shall proceed to an abbreviated hearing before the ~~BOR~~ **Board of Regents**.

If the accused elects option (2a) or (2b), the accused may file a detailed written response to the charges and/or intended disciplinary action within thirty (15) business days of receipt of the Notice of Intent. The accused will send his or her response to the President, the Provost **and** ~~VPAA~~ **Vice President for Academic Affairs**, and the Dean of the accused's college. The President will review the accused's response and may consult with the Provost **and** ~~VPAA~~ **Vice President for Academic Affairs**, the Dean of the accused's college, the **Department** Chair/Associate Dean of the accused's department, and/or the Chair of the Faculty Rights and Responsibilities Committee, among others. The President will determine whether to:

a) Dismiss the matter altogether, thereby terminating the disciplinary process;

b) Refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand by the Dean, in which case the Dean's action will terminate the disciplinary process; or

c) Proceed with a disciplinary action no greater than the intended disciplinary action outlined in the Notice of Intent. If the disciplinary action that the President decides upon is not removal for cause, then the President will issue a signed, written Notice of Disciplinary Action to be sent to the accused. If the President determines that removal for cause should occur, he/she shall forward, to the ~~BOR~~ **Board of Regents**, the Notice of Intent to Remove for Cause and the accused's response to the charges and intended disciplinary action outlined in the Notice of Intent and proceed to an abbreviated hearing before the ~~BOR~~ **Board of Regents**.

If the accused elects option (1a) or (1bi), the President will convene a ~~FHB~~ **Faculty Hearing Board**.

If the accused elects option (1bii), the President will convene a hearing before the ~~BOR~~ **Board**.

of Regents.

## THE FACULTY HEARING BOARD (FHB)

### Membership

The ~~FHB~~ Faculty Hearing Board will consist of the following voting members:

1. One member of the Faculty Rights and Responsibilities Committee chosen by that committee's chair. The member chosen from that committee will serve as Chair of the ~~FHB~~ Faculty Hearing Board.; and
2. Four tenured faculty members holding an academic rank equal to or higher than that of the accused and who will be selected and agreed upon by the President or his/her designee, the Provost and ~~VPAA~~ Vice President for Academic Affairs, the Chair of the Faculty Rights and Responsibilities Committee, and the Chair of the Faculty Senate.

The Provost/VPAA will select one individual to serve as a non-voting, ex officio member of the ~~FHB~~ Faculty Hearing Board.. That individual must be an Academic Dean not of the accused's college or a Department Chair/Associate Dean not of the accused's department. In addition, the Provost/VPAA and the Chair of the Faculty Senate may serve as non-voting, ex officio members of the ~~FHB~~ Faculty Hearing Board.;

No member of the ~~FHB~~ Faculty Hearing Board. will be a member of the accused's department or school.

~~FHB~~ Faculty Hearing Board. members shall be excused due to conflict of interest and may be excused due to health or unavoidable absence from campus. If a member is excused, a replacement will be selected as set out above.

### Pre-Hearing Procedure

The Chair of the ~~FHB~~ Faculty Hearing Board. will provide the accused with a signed, written Notice of Hearing. The Notice of Hearing will state (1) the names of the ~~FHB~~ Faculty Hearing Board. members; (2) the accused's right to challenge the appointment of one or more ~~FHB~~ Faculty Hearing Board. members on the grounds of conflict of interest; and (3) the date of the hearing.

The accused will have 5 business days from the date of receipt of the Notice of Hearing to challenge the appointment of one or more ~~FHB~~ Faculty Hearing Board. members on the grounds of conflict of interest. The challenge must be submitted in writing to the Chair of the ~~FHB~~ Faculty Hearing Board. who will rule on the challenge within 5 business days of receipt of the challenge. If the challenge is to the ~~FHB~~ Faculty Hearing Board. Chair, the Chair of the Faculty Rights and Responsibilities Committee shall rule in that instance. The Chair will inform the accused in writing of the ruling and the reasons for the ruling. The ruling will be final and may not be challenged by the accused.

The date of the hearing will be no less than 15 business days and no more than 30 business days from the date that the accused received the Notice of Hearing. The accused may file a written response to the charges and/or intended disciplinary action outlined in the Notice of Intent with the ~~FHB~~-Faculty Hearing Board. chair prior to the hearing with a copy to the administrator proffering the charge (henceforth, plaintiff).



## Hearing Procedure

The accused will have the option of having a hearing that is open or closed to the public, except as may be required by law.

The accused may consult with or retain legal counsel at his or her own expense to provide representation during the hearing. The ~~FHB~~ Faculty Hearing Board shall be advised by Morehead State University's Office of the General Counsel or its designee. The plaintiff may consult with or be represented by separate legal counsel contracted by the University to provide representation during the hearing.

The hearing proceedings will not be governed by formal, legal rules of procedure and evidence. The ~~FHB~~ Faculty Hearing Board may consider any information that has probative value.

Statements to the ~~FHB~~ Faculty Hearing Board, documentary evidence, and testimony by witnesses will be subject to requirements of civility and relevance.

The plaintiff or his/her counsel will have the right to call and cross-examine witnesses and to present documents and other evidence supporting the charges in the Notice of Intent to Discipline or the Notice of Intent to Remove for Cause.

The accused or his/her counsel will have the right to call and cross-examine witnesses and to present documents and other evidence disputing the charges in the Notice of Intent to Discipline or the Notice of Intent to Remove for Cause.

The plaintiff, or his/her counsel, and the accused, or his/her counsel, will have the right to confront and cross-examine each other's witnesses.

The Chair of the ~~FHB~~ Faculty Hearing Board may restrict redundant testimony in the interest of ensuring an efficient hearing process.

Any individual scheduled to appear as a witness, with the exception of the accused and the plaintiff, will not be present in the hearing room except when testifying.

A written record of appearances and sworn testimony of the concerned parties and witnesses will be maintained.

The written record will include the Notice of Intent to Discipline or the Notice of Intent to Remove for Cause and if applicable the accused's response to the charges and/or intended disciplinary action outlined in the Notice of Intent.

A verbatim record of the hearing will be recorded by a court reporter and may be transcribed as requested. The recording and transcription will be provided at no cost to the accused upon request.

The burden of establishing a preponderance of the evidence for the charges rests at all times with the plaintiff.

The following hearing agenda will apply:

1. A reading, by the Chair of the ~~FHB~~ **Faculty Hearing Board**, of the charges proffered by the plaintiff and the response to the charges by the accused;
2. Presentation of evidence by the plaintiff or his/her counsel supporting the charges;
3. Presentation of evidence by the accused or his/her counsel refuting the charges;
4. Presentation of rebuttal evidence as may be appropriate;
5. Summation or statement not to exceed 30 minutes by the accused or his/her counsel; and
6. Summation or statement not to exceed 30 minutes by the plaintiff or his/her counsel.

At the conclusion of the hearing, the ~~FHB~~ **Faculty Hearing Board** will go into closed session to discuss the evidence presented at the hearing and to vote on whether there is a preponderance of the evidence for the charges proffered by the plaintiff. The ~~FHB~~ **Faculty Hearing Board** may request the presence of the General Counsel at any time during the deliberations.

The ~~FHB~~ **Faculty Hearing Board** will produce a written report of the board's "findings of fact" (evidence that the ~~FHB~~ **Faculty Hearing Board** believes to be true) and "conclusions of law" (application of facts to the legal standard) based upon the record considered as a whole, and recommendations regarding disciplinary action. The report will also include the vote count regarding the charges. Dissenting minority opinions shall be included in the report.

Copies of the ~~FHB~~ **Faculty Hearing Board's** report will be sent to the President, the Provost and ~~VPAA~~ **Vice President for Academic Affairs**, the Dean of the accused's college, the plaintiff, and the accused.

The accused may elect to respond in writing to the ~~FHB~~ **Faculty Hearing Board's** decision and shall file such response with the President within 10 business days of the ~~FHB~~ **Faculty Hearing Board's** decision. Copies shall be sent to the Provost and ~~VPAA~~ **Vice President for Academic Affairs** and to the plaintiff.

The President will review the ~~FHB~~ **Faculty Hearing Board's** report and, if any, the accused's response, and will determine whether to:

1. Dismiss the matter altogether, thereby terminating the disciplinary process;
2. Refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand by the Dean, in which case the Dean's action will terminate the disciplinary

process; or

3. Proceed with a disciplinary action no greater than the intended disciplinary action outlined in the Notice of Intent. If the disciplinary action that the President decides upon is not removal for cause, then the President will issue a signed, written Final Determination of Disciplinary Action to be sent to the accused. A copy shall be sent to the Provost, Dean and ~~OHR~~ **Office of Human Resources**. If the President determines that removal for cause should occur, he/she shall proceed as outlined below for a hearing at the ~~BOR~~ **Board of Regents** on the record.

### **HEARINGS BEFORE THE BOARD OF REGENTS (~~BOR~~)**

A hearing before the ~~BOR~~ **Board of Regents** may be an evidentiary hearing or a hearing on the record from the FHB hearing. An abbreviated hearing before the **Board of Regents** shall occur (1) if the accused has responded to the charges for removal and not requested a hearing or (2) if the accused has failed to respond to the removal charges and failed to ask for a hearing.

If the accused requested an evidentiary removal hearing before the **Board of Regents**, rather than the ~~FHB~~ **Faculty Hearing Board**, the President shall notify the Chair of the **Board of Regents** of the request for an evidentiary hearing. The President shall proceed as outlined above in the Response to Notice of Intent to begin the process of the evidentiary hearing.

If the disciplinary action is removal for cause, and the evidentiary hearing has been held before the ~~FHB~~ **Faculty Hearing Board** the President will forward, to the ~~BOR~~ **Board of Regents**, the complete record of the ~~FHB~~ **Faculty Hearing Board** including the ~~FHB~~ **Faculty Hearing Board**'s Findings of Fact and Conclusions of Law, any additional response filed by the accused, the transcript of the ~~FHB~~ **Faculty Hearing Board** hearing, and the President's decision.

If the accused has (1) responded to the charges but declined a hearing, the President will forward to the ~~BOR~~ **Board of Regents** the Notice of Intent to Remove for Cause and intended disciplinary action and the accused's response to the ~~BOR~~ **Board of Regents** for abbreviated hearing; if (2) the accused has failed to respond and failed to request a hearing, the President shall forward to the ~~BOR~~ **Board of Regents** the Notice or Intent to Remove for Cause and intended disciplinary action.

#### **A. PROCEDURE FOR AN EVIDENTIARY HEARING AT THE ~~BOR~~ BOARD OF REGENTS**

The Board Chair shall provide the accused with a written, signed notice of either a special meeting called for the purpose of providing an evidentiary hearing on removal or of the next regularly scheduled meeting of the Board of Regents at which time the evidentiary hearing shall take place. The hearing shall be not less than twenty (20) business days from the date that notice is delivered to the accused.

No later than ten (10) business days prior to the scheduled hearing date, the accused may file a written response to the charges and/or intended disciplinary action outlined in the Notice of Intent to Remove for Cause with the Board Chair at the President's Office. A copy shall also be

provided to the plaintiff.

The hearing shall be conducted in accordance with the Hearing Procedures set forth in this Policy as used by the evidentiary hearing before the ~~FHB~~ Faculty Hearing Board.

At the conclusion of the hearing, the Board of Regents may go into closed session to discuss the evidence presented at the hearing and review the President's Recommendation for Removal and the accused's response. The Board may consult with its legal counsel as it deems appropriate during the process. The Board may (1) find in favor of removal, (2) reject removal and remand the matter to the President for recommended disciplinary action as determined by the Board, or (3) reject the matter in its entirety. The Board will issue written findings of fact and conclusions of law in support of its decision and take final action on the decision in open session.

The President shall inform the accused in writing of the final action of the Board of Regents. A copy shall be sent to the Provost and Vice President for Academic Affairs, Dean and OHR Office of Human Resources. The informing shall occur within 10 business days of the BOR's Board of Regent's decision.

## **B. PROCEDURE FOR A HEARING ON THE RECORD AT THE BOR**

If the accused has had an evidentiary hearing before the FHB Faculty Hearing Board, the BOR Board of Regents shall provide a de novo hearing on the record produced at the FHB Faculty Hearing Board level, including all exhibits, all charges, and all responses. The Board Chair shall provide the accused with written, signed notice of either a special meeting or of the next regularly scheduled meeting of the Board of Regents when the issue of removal shall be brought before the Board. The hearing shall not be less than twenty (20) business days from the date of notice.

The Board may retire into Executive Session to consider the case and review all the materials. The BOR Board of Regents may consult with its legal counsel as it deems appropriate during the process. The BOR Board of Regents shall take final action upon the issue of removal only in open session.

The BOR Board of Regents may:

1. Dismiss the matter altogether, thereby terminating the disciplinary process;
2. Refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand, in which case the action will terminate the disciplinary process;
3. Proceed with disciplinary action other than removal for cause, in which case the President will issue a signed, written Notice of Disciplinary Action to be sent to the accused; or
4. Proceed with removal for cause, thereby terminating the disciplinary process.

The President shall inform the accused of the final action of the Board of Regents in writing. A copy shall be sent to the Provost and Vice President for Academic Affairs, Dean and OHR Office of Human Resources

### **C. ABBRIEVIATED HEARING AT THE ~~BOR~~ BOARD OF REGENTS**

If the accused responds to the President's Notice of Intent to Remove and Recommendation for Removal for cause, but declines a hearing on the matter, the President shall forward to the Chair of the Board of Regents the President's Notice of Intent to Remove and Recommendation for Removal with cause as well as the accused's response for consideration and action by the Board.

If the accused has neither filed a response nor requested a hearing, the President shall forward to Chair of the Board of Regents the President Notice of Intent to Remove and Recommendation for Removal.

In both such cases, the Board Chair shall provide the accused with written, signed notice of either a special meeting or of the next regularly scheduled meeting of the Board of Regents when the issue of removal shall be brought before the Board. The hearing shall not be less than twenty (20) business days from the date of notice.

At a special or regular meeting of the Board of Regents, the Board may go into executive session to discuss and review the President's Notice of Intent to Remove and Recommendation for Removal and the response of the accused, if any. The Board may consult with its legal counsel as it deems appropriate during the process. The ~~BOR~~ Board of Regents shall take final action upon the issue of removal only in open session.

The ~~BOR~~ Board of Regents may:

1. Dismiss the matter altogether, thereby terminating the disciplinary process;
2. Refer the matter to the Dean of the accused's college for issuance of an oral or written reprimand, in which case the action will terminate the disciplinary process;
3. Proceed with disciplinary action other than removal for cause, in which case the President will issue a signed, written Notice of Disciplinary Action to be sent to the accused; or
4. Proceed with removal for cause, thereby terminating the disciplinary process.

In all cases, the President shall inform the accused of the final action of the Board of Regents in writing within ten (10) days of the Board's decision. A copy shall be sent to the Provost and ~~/VPAA~~ Vice President for Academic Affairs, Dean and ~~OHR~~ Office of Human Resources.

## **RESIGNATION**

At any point in the disciplinary process, the accused may submit his or her resignation, thereby terminating the disciplinary process.

## **EXTENSION OF TIME**

Prior to the expiration of any time limit stated in this policy, an extension may be requested of and granted by the President.

## **EXCEPTIONAL CIRCUMSTANCES**

If a situation arises during the disciplinary process that is not covered in this policy, then the Provost/ Provost and ~~/VPAA~~ Vice President for Academic Affairs or his/her designee and the



## Chair of the Faculty Rights and Responsibilities

Committee or his/her designee will meet to discuss a mutually acceptable solution. If the situation arises during a hearing, then the chair of the board hearing the case will rule.

NO. 10.24

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

I. MOTION:

Attachments: To revise PAC-23 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Date Passed by the Senate: PAC-23 FS Approved 20190628.docx - policy text with corrections.

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. ACTION:

Provost Comments:

*I irrelevant section eliminated,  
Recommend approval. But Not 7-5-19*

President

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

[Signature]  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-23

**Subject:** Compensation Determination for Reassigned Administrators

**Approval Date:** 06/15/85

**Revision Date:** 06/19/87

**PURPOSE:**

To outline the pay and reassignment policy for administrators who either return or are reassigned to the faculty, full-time teaching.

**FACULTY APPOINTMENT NONTENURED  
ADMINISTRATORS RETURNING TO FACULTY:**

Administrators with or without academic rank may return to a full-time teaching, research and/or service contract so long as they qualify and successfully compete for an existing vacancy.

**TENURED ADMINISTRATORS RETURNING TO FACULTY:**

Tenured administrators with academic rank may return to a full-time teaching, research, and/or service contract upon the approval of the appropriate dean and/or vice president. If no vacant position exists, one will be created.

~~Administrators with tenure, who hold no rank, will be given the same employment retention consideration as faculty with tenure, upon the approval of the appropriate dean and/or vice president. These~~

~~administrators will not necessarily be reassigned to classroom teaching.~~

**SALARY DETERMINATION:**

Administrators with academic rank reassigned or returning to a nine-month full-time teaching, research, and/or service contract shall be paid thereafter their base salary plus merit earned.

**COMPENSATION:**

Base faculty salary for returning or reassigned administrators shall reflect salary increments which would have occurred had they served in a faculty position during the same time.

**CALCULATION:**

The **Provost and** Vice President for Academic Affairs will be responsible for the calculation of salaries for administrators, with rank, returning to the faculty and entering full-time teaching. Salary proposals shall be submitted to the President for approval and presentation to the Board of Regents.

NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

I. **MOTION:** To revise PAC-24 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-24 FS Approved 20190628.docx - policy text and corrections.

Date Passed by the Senate: 6-27-2019

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. **ACTION:**

Provost Comments:

*Title changes only.  
Recomm. Approved  
Bd. met 7/7/19*

**President**

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

*J. Mueggen*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-24

**Subject:** Compensation and Faculty Assignment of Administrators Holding Rank

**Approval Date:** 06/13/86

**Revision Date:**

**PURPOSE:**

To outline the pay and faculty assignment policy for administrators who hold academic rank.

**ASSIGNMENT:**

Administrators who qualify may receive academic rank and tenure eligibility upon recommendation of the President in consultation with the appropriate departmental faculty and the Provost and Vice President for Academic Affairs and approval of the Board of Regents.

Administrators who hold academic rank may apply for promotion and/or tenure through normal promotion and tenure channels.

Those tenure eligible administrators who hold rank are governed by the same rules and regulations for tenure eligible faculty. (See PAc-2).

No administrators without academic credentials will be given rank or tenure.

**COMPENSATION:**

Individuals, present and prospective, hired into administrative positions in which it is possible to acquire faculty rank and/or tenure shall be paid a base salary comparable to faculty of similar rank, experience and education plus an additional sum for an extended contract and an administrative stipend to bring total compensation to a competitive administrative salary level. In the event and at such a time as that administrator may be reassigned to faculty status, the supplement for the extended contract and the administrative stipend shall be removed.

(See PAC-23).

**CALCULATION:**

The Provost and Vice President for Academic Affairs will be responsible for the calculation of salaries for administrators with rank to be submitted to the President for approval and presentation to the Board of Regents.



NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

I. **MOTION:** To revise PAC-26 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-26 FS Approved 20190628.docx - policy text and corrections.

Date Passed by the Senate: 6-27-2019

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. **ACTION:**

Provost Comments:

*Title changes only.  
Recommend Approval. B. J. CMA 7-5-19*

**President**

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

*J. Morgan*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-26

**Subject:**

Elimination of Tenured Faculty Appointments, and Tenure- Track Faculty Appointments Within a Contract Period, Due to Low Academic Program Productivity, Significant Financial Emergency, or Financial Exigency.

**Approval Date:** 06/08/2017

**Revision Date:**

**PURPOSE:**

To establish the procedures for the elimination of tenured faculty members, or tenure-track faculty members if elimination is to occur during their contract period, due to low academic program productivity, a significant financial emergency, or financial exigency.

Henceforth, "TTTC faculty members" will refer to tenured faculty members or to tenure-track faculty members who are to be eliminated during their contract period.

**GENERAL POLICY:**

The Board of Regents has a statutory duty to the people of Kentucky to maintain quality academic programs consistent with the University's mission statement, strategic plan, oversight by the Council on Postsecondary Education, and as governed by the General Assembly.

Accordingly, determination of the need to eliminate TTTC faculty

members due to low academic program productivity, a significant financial emergency, or financial exigency is a prerogative reserved for the Board of Regents and will not be delegated. The Board of Regents will make elimination decisions upon the recommendation of the President that the need exists to eliminate TTTC faculty members due to low academic program productivity, a significant financial emergency, or financial exigency. The Board of Regents is fully aware that the elimination of TTTC faculty members is a matter of gravity and that such actions are to be taken subject to thorough review and with the requisite safeguards of due

process in order to maintain quality academic programs consistent with the University's mission statement, strategic plan, and financial resources.

As used in this policy, an "Academic Program" is (a) a program that offers a distinct degree or (b) a track within a degree that is described as a distinct option in the University catalog.

## **REASON 1: LOW ACADEMIC PROGRAM PRODUCTIVITY**

Academic programs experiencing declining productivity are defined as those with ongoing, sustained challenges related to achievement of key performance metrics as defined by the state performance funding model. Other data to be evaluated include a program's "student-credit-hour per full-time-equivalent (SCH/FTE)" ratio, the general education classes and other programs supported by the affected faculty, and the cost/benefit of

the program relative to other programs at the university. Using trend data in these key metrics from annual academic program reviews, the Provost and Vice President for Academic Affairs may initiate a program evaluation process leading to a recommendation regarding the future of the program. Through this process, the Dean, in consultation with the faculty members in the affected program as well as the Department Chair/Associate Dean, will be given the opportunity to write an evaluation report with written justification for continued program support. With agreement from the Provost and Vice President for Academic Affairs, the faculty of the affected program will develop a program productivity improvement plan as described in the Continued Program Support section below. Otherwise, the process for Reduced Scope of Program or Discontinuance of Program process will be initiated.

#### Continued Program Support

Should the evaluation report result in a recommendation to continue offering the program, the program faculty will develop a plan to improve its productivity with respect to the key metrics. This plan must include specific strategies and a timeline of at least two years showing progressive improvements in the key metrics. The faculty may seek assistance from the ~~ORSP~~ Office of Research and Sponsored Programs, Student Success, Institutional Research, and other personnel who can contribute to the sustainability plan for the program. The Department Chair/Associate Dean, Dean, and Provost and Vice President for Academic Affairs must approve this plan or recommend the program be reduced in scope or discontinued. The plan should be implemented with fidelity by all parties.

After two years of the implementation phase, the program will be re- evaluated. At this time, based on a determination by the Provost and Vice President for Academic Affairs, in consultation with the Dean, the implementation phase may be continued or the program may be moved to the Reduced Scope of Program or Discontinuance of Program process.

#### Reduced Scope of Program

Should the evaluation report result in a recommendation to reduce the program scope, the Associate Dean/Department Chair will develop a plan to realign the program instructional resources with the reduced scope. This plan must include input from the faculty in the affected program and must be approved by the Dean and the Provost and Vice President for Academic Affairs. If such a realignment leads to the elimination of TTTC faculty members the plan will follow the process identified in the Plan Development section.

#### Discontinuance of Program

Should the evaluation report result in a recommendation to discontinue the program, decisions relative to the elimination of TTTC faculty members will follow the process identified in the Plan Development section.

### **REASON 2: SIGNIFICANT FINANCIAL EMERGENCY**

A significant financial emergency is defined as a documented substantial decline in the financial resources of the institution that is brought about by an unanticipated and significant reduction in state funding or institutional enrollment, acts of terrorism or significant public crisis that

compel a sudden and imminent reduction in the available operating budget. In a significant financial emergency, material reductions must be required across divisions to balance the institution's operating budget while sustaining quality or criteria for accreditation.

A significant financial emergency may also exist within a restricted program upon notice of a reduction or elimination of program funds. In such a situation, the administration shall determine what reductions could be made within that program's budget to attempt to avoid layoffs.

In the event of a significant financial emergency, the President shall look at all options within the University to redress the emergency, including the use of furloughs, staff reductions in force and the elimination of faculty appointments. In identifying faculty appointments the President may look to any currently existing program review process in place to identify faculty appointments that may be eliminated to help address the significant financial emergency.

In evaluating options to respond to the imminent financial needs of the institution resulting from a significant financial emergency, the President shall consult with Academic Affairs and the **Chief Financial Officer** or his/her designee, as well as representatives from constituencies from across the campus, including specifically the Faculty Senate.

If the response to the significant financial emergency will involve elimination of TTTC faculty, then the President will direct the Provost **and Vice President for Academic Affairs** to engage in Plan Development as detailed below. If the emergency is time-sensitive, the plan deadlines below may be adjusted to shorten the overall process, as long as all participants in the process are informed about the new timeline.

### REASON 3: FINANCIAL EXIGENCY

The determination of the existence of financial exigency is a prerogative reserved for the Board and will not be delegated. Determination that financial exigency exists shall be made by the Board upon the presentation by the President and Chief Financial Officer ~~Vice-President for Administration and Fiscal Services~~ (hereinafter "CFO") of an analysis of institutional needs, requirements and available resources.

#### Financial Exigency

"Financial Exigency" is a severe financial crisis that fundamentally compromises the integrity of the institution as a whole. This crisis may occur due to reductions in state funding, loss of revenue from endowments or investments, decline in institutional enrollment, acts of terrorism or significant public crisis, other action, events or combinations thereof. The crisis has caused the University to consider and, if appropriate, pursue the elimination of non-tenured positions, staff positions, potential furloughs of faculty and staff, pay cuts for faculty and staff, cuts to noneducational programs and services, and a reduction in operating expenditures across the institution, among other potential reductions to such a point that further reductions in all of these

categories would seriously jeopardize the quality of the University's programs and the ability of the University to fulfill its obligations to the public. Projections of enrollment, state funding and of other sources of revenue must indicate that the shortage of funds will be both severe and persistent.

## **PLAN DEVELOPMENT**

When there is a possibility that TTTC faculty members might be eliminated for any of the three reasons detailed above, the Provost **and Vice President for Academic Affairs** will convene a Program Change Committee (PCC) comprised of the Provost **and Vice President for Academic Affairs** (who will Chair the PCC), the Dean of each college, and one tenured faculty member from each college. Faculty members will be selected by the tenured and tenure-track faculty members of the respective college. A faculty member serving on the PCC will neither be a faculty senator nor the Faculty Regent. The PCC will produce a written Proposal regarding low academic program productivity, the significant financial emergency, or financial exigency. However, the Provost will have ultimate authority over the content of the Proposal.

If the Proposal recommends elimination of TTTC faculty members, the Provost **and Vice President for Academic Affairs** will submit the Proposal to the President, the Chair of the Faculty Senate, and the Faculty Regent. The Proposal will include, but not be limited to, the rationale for the elimination of TTTC faculty members, the perceived effect that such an action and any resulting reorganization or elimination of Academic Programs will have on the University as a whole, and the number of TTTC faculty members that will be recommended for elimination. The proposed timeline for closing or phasing out an Academic Program and displacing of TTTC faculty members will be based on consideration of the time required for anticipated completion by students currently enrolled in the program or for



facilitation of their placement in acceptable alternative programs. At the conclusion of this process, the faculty line for each eliminated appointment will terminate.

The Provost **and Vice President for Academic Affairs** will also submit copies of the Proposal to the Dean of the College and the Chair or Associate Dean of the department in which the affected Academic Program(s) is located. The copy of the Proposal shall be accompanied by a notice stating that a Response to the Proposal, if any, from the Faculty Senate and from faculty in the affected Academic Program(s) be made, in writing, to the Provost by a designated date not less than sixty (60) calendar days from the date the Proposal is submitted to the Faculty Senate Chair and the Chair or Associate Dean of the department in which the affected Academic Program(s) is located. If, however, the notice is given thirty (30) calendar days or less prior to the close of the spring semester (graduation day), then the Faculty Senate and the faculty in the affected Academic Program(s) shall have no less than ninety (90) days calendar days to respond to the proposal.

The Faculty Senate as a body of the whole, or through its appointment of an ad hoc committee or committees, may study and review the Proposal. The Faculty Senate may provide a written Response to the Proposal no

later than the designated date to the Provost **and Vice President for Academic Affairs** either (1) concurring with the Proposal or, (2) setting forth arguments and statements of fact in opposition to the Proposal and which may contain alternative proposals.

Within 30 calendar days of receipt of the Faculty Senate's Response and the Responses from faculty in the affected Academic Program(s), the PCC will review the Responses and will prepare a written Plan for the elimination of TTTC faculty members due to low academic program productivity, a significant financial emergency, or financial exigency ("Provost's Plan"). The Provost **and Vice President for Academic Affairs**'s Plan may modify the Proposal based upon consideration of the Faculty Senate Response and the Response from faculty in the affected Academic Program(s). The Provost **and Vice President for Academic Affairs** will have ultimate authority over the content of the Provost **and Vice President for Academic Affairs**'s Plan. The Provost **and Vice President for Academic Affairs**'s Plan will be forwarded to the President accompanied by copies of the Proposal, the Faculty Senate Response, and the Response from faculty in the affected Academic Program(s). A copy of the Provost **and Vice President for Academic Affairs**'s Plan and all attachments will also be forwarded to the Faculty Senate and the Faculty Regent.

The President shall review the Provost **and Vice President for Academic Affairs**'s Plan and accompanying documentation, giving special attention to any proposal for termination of tenured (and non-tenured) faculty. The President's decision shall take careful account of the impact of the elimination of faculty appointments on the University's ability to perform its educational role and mission.

The President may determine that no further action should be taken by the University, thereby ending the process; or, the President may accept or modify the Provost **and Vice President for Academic Affairs**'s Plan and forward to

the Board of Regents a Plan for Elimination of Tenured and Tenure-Track Faculty (“President’s Plan”).

If the situation is one of financial exigency, then the President will also submit an overall Plan to Address Financial Exigency, (“President’s Exigency Plan”) as (s)he deems appropriate, encompassing both academic and non-academic programs and related elimination of faculty and staff appointments to the Board of Regents for its official action.

The President shall forward to the Provost **and Vice President for Academic Affairs**, Faculty Senate, and StaffCongress a copy of the President’s Plan (and, if necessary, the President’s Exigency Plan) submitted to the Board of Regents. Affected University employees will be informed, in writing, of the action of the Board of Regents.

## **ELIMINATION SEQUENCE**

If a decision has been made to eliminate TTTC faculty members in an academic program due to low academic program productivity, a significant financial emergency, or financial exigency, then the following sequence will apply:

1. Tenured faculty members will have preference of retention over tenure-track faculty members.

2. Tenured faculty members of superior academic rank will have preference of retention over tenured faculty members of lesser academic rank.
3. If two tenured faculty members have the same academic rank, then the faculty member who attained rank earlier will have preference of retention over the faculty member who attained rank later.
4. If two tenured faculty members have the same academic rank and attained rank at the same time, then the faculty member who attained tenure earlier will have preference of retention over the faculty member who attained tenure later.
5. If two tenured faculty members have the same academic rank and attained rank at the same time and attained tenure at the same time, then preference of retention will be based on performance in teaching, scholarship, and service over the past six years.

At any of the five stages in the sequence, the order of preference may be modified if maintaining the order of preference would lead to a violation of accreditation standards or to an inability to offer critical courses in the program.

If funded vacancies exist, reasonable effort will be made to offer the tenured faculty member concerned another existing position within the University for which the tenured faculty member is qualified by education and experience.

In the event of the termination of a tenured faculty member, that faculty member will not be replaced for a period of three years by another person in a discipline in which the terminated tenured faculty member is qualified to teach or perform the job duties without first offering reinstatement to the terminated tenured faculty member and allowing a reasonable time for acceptance.

A terminated tenured faculty member who is recalled within the three- year period shall be reinstated with full tenure and time in rank as of the date of termination.

## **APPEAL**

Any tenured faculty member or tenure track faculty member within a contract period, receiving notice of position elimination may appeal the determination to the Faculty Rights and Responsibilities Committee (FRR) by delivery of notice to the FRR Chair through the Office of the President within fourteen (14) days of receiving such notice. The appeal shall be made on the basis that the faculty member's position was not appropriately selected for elimination and/or that due process was denied. The following procedure shall apply to the appeal hearing:

The hearing shall be before the full FRR except that no committee member from the faculty member's department shall be allowed to serve, no committee member related to the faculty member may serve, nor may a committee member with any other conflict of interest serve. If

the chair of the FRR is disqualified, then a chair for the hearing shall be selected by the FRR prior to the hearing.

The hearing shall be set by the FRR Chair not less than 15 calendar days or more than 25 calendar days from the date of appeal unless agreed otherwise by the Provost and Vice President for Academic Affairs and the faculty member.

The faculty member will have the option of having a hearing that is open or closed to the public, except as may be required by law.

The faculty member may consult with or retain legal counsel at his or her own expense to provide representation during the hearing. The FRR shall be advised by Morehead State University's Office of the General Counsel or its designee.

The Provost and Vice President for Academic Affairs, or other administrator presenting the position of the administration, may consult with or be represented by separate legal counsel contracted by the University to provide representation during the hearing.

The hearing proceedings will not be governed by formal, legal rules of procedure and evidence. The FRR may consider any information that has a probative value.

Statements to the FRR, documentary evidence, and testimony by witnesses will be subject to requirements of civility and relevance.

The Provost and Vice President for Academic Affairs or his/her counsel will have the right to call and cross-examine witnesses and to present documents and other evidence supporting the decision to eliminate the faculty member's position.

The faculty member or his/her counsel will have the right to call and cross-examine witnesses and to present documents and other evidence disputing the decision.

The Provost **and Vice President for Academic Affairs**, or his/her counsel, and the faculty member, or his/her counsel, will have the right to confront and cross-examine each other's witnesses.

The Chair of the FRR may restrict redundant testimony in the interest of ensuring an efficient hearing process.

Any individual scheduled to appear as a witness, with the exception of the faculty member and the Provost **and Vice President for Academic Affairs**, will not be present in the hearing room except when testifying.

A written record of appearances and sworn testimony of the concerned parties and witnesses will be maintained.

A verbatim record of the hearing will be recorded by a court reporter and may be transcribed as requested. The recording will be provided at no cost to the faculty member upon request.

The burden of establishing a rational basis for the decision rests at all times with the Provost **and Vice President for Academic Affairs**.

The following hearing agenda will apply:

1. A reading, by the Chair of the FRR, of the notice to the faculty member of the decision to eliminate his/her position.
2. Presentation of evidence by the Provost **and Vice President for Academic Affairs** or his/her counsel supporting the decision;

3. Presentation of evidence by the faculty member or his/her counsel refuting the decision;
4. Presentation of rebuttal evidence as may be appropriate;
5. Summation or statement not to exceed 30 minutes by the faculty member or his/her counsel; and
6. Summation or statement not to exceed 30 minutes by the Provost **and Vice President for Academic Affairs** or his/her counsel.

At the conclusion of the hearing, the FRR will go into closed session to discuss the evidence presented at the hearing and to vote on whether there exists a rational basis for the decision to eliminate Appellant's position and/or whether the faculty member received due process. The FRR may request the presence of the General Counsel at any time during the deliberations.

The FRR will produce a written report of the committee's "findings of fact" (evidence that the FRR believes to be true) and conclusions as to whether a rational basis exists for the position elimination and/or due process was denied based upon the record considered as a whole. The report will also include the vote. Dissenting minority opinions may be included in the report.

Copies of the FRR's report will be sent to the President, the Provost **and Vice President for Academic Affairs** ~~VPAA~~, and the faculty member.

The faculty member and the Provost **and Vice President for Academic Affairs** may elect to respond in writing to the FRR's decision and shall file such response with the President within 10 business days of the FRR's decision. Copies shall be sent to the other party.

The President shall review the FRR's report and will determine whether to allow the elimination of the position to stand, reverse the decision to eliminate the position or craft such other relief as may be appropriate.

Within five business days of his decision, the President shall notify, in writing, the faculty member, the Provost **and Vice President for Academic Affairs**, the Chair of the



FRR, the Faculty Senate Chair, the Chair of the Board of Regents and the Faculty Regent.

If the faculty member is not in agreement with the decision of the President, then he/she may further appeal to the Board of Regents by filing a letter of appeal with the Chair of the Board through delivery to the Secretary of the Board. The letter of appeal shall be filed within 10 business days of receipt of the President's decision. Said appeal shall be heard on the written record and may be assigned by the Chair, at his/her discretion, for a review by a panel of three Board members or for review by the full Board. If the appeal is assigned for review by the panel, it shall make a written recommendation to the full Board for final action.

The Board Chair shall send written notice of the decision to the faculty member, President, Provost **and Vice President for Academic Affairs**, Chair of the FRR, and Chair of the Faculty Senate.

NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

I. **MOTION:** To revise PAC-30 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-30 FS Approved 20190628.docx - policy text and corrections.

Date Passed by the Senate: 6-27-2019

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. **ACTION:**

Provost Comments:

*Minor Title changes.  
Recommend Approval*

*BAOW 7-5-19*

President

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

*[Signature]*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-30

**Subject:** Performance-Based Compensation Plan for Faculty

**Approval Date:** 3/1/92

**Revision Date:** 9/22/01, 06/15/05

**PURPOSE:**

To establish a provision for and authorize the development and implementation of a performance-based compensation plan to acknowledge meritorious faculty performance.

**POLICY:**

It shall be the policy of Morehead State University to systematically evaluate individual faculty performance by means of a departmental faculty evaluation process which specifies performance expectations in teaching, professional achievement, and service and which is consistent with University guidelines for faculty evaluation. All returning tenured and tenure-track faculty are required to participate in the process of evaluation as specified in their departmental Faculty Evaluation Plan.

Performance-based compensation will be based on the concept that criteria exist in the areas of teaching, professional achievement, and service against which the performance of individual faculty will be compared for evaluation. These criteria will not be a set of fixed universally-applied standards, but a set of flexible standards which will accommodate the unique nature of the disciplines in which faculty teach,

engage in professional achievement activities, and serve. The application of the standards should accommodate the specific role of the individual within the department and should recognize the variables which affect opportunities for professional achievement and service.

Morehead State University is committed to quality teaching, learning and the improvement of teaching through assessment. The use of various means of formative assessment provides a comprehensive picture of an individual's development as a teacher. Therefore, the position of Morehead State University is that assessment of teaching be, first and foremost, formative and used for the purpose of improving teaching. Morehead State University is committed to supporting faculty of all ranks in order to develop a cohesive community of teachers and learners.

Each Associate Dean/Department Chair and departmental faculty shall set up acceptable standards for evaluating its faculty members under the performance-based compensation plan, and these standards shall be approved by a majority of the tenured and tenure-track faculty. Faculty evaluation plans must be approved by the appropriate Associate Dean/Department Chair and college dean before implementation.

Departmental faculty evaluation plans must include a clear procedure for appeal. They must also include clear criteria for performing at the expected level in teaching, professional achievement, and service.

Finally, no more than 50% of a faculty member's teaching

evaluation can be based on student evaluations of teaching.

### **RESPONSIBILITIES:**

1. **Associate Deans/Department Chairs**, college deans, and the **Provost and Vice President for Academic Affairs** ~~and Executive Vice President~~ shall be responsible for ensuring that departmental faculty evaluation plans are applied fairly without unreasonable differences across departments and colleges.
2. The Faculty Senate will review annually the University guidelines for faculty evaluation and make recommendations to the **Provost and Vice President for Academic Affairs**. ~~and Executive Vice President~~
3. The **Provost and Vice President for Academic Affairs** ~~and Executive Vice President~~ will review annually the distribution of performance-based compensation increments to assure compliance with the University guidelines for faculty evaluation and regulations for performance-based compensation.
4. The President will review and approve the annual distribution of performance-based compensation increments to the faculty.

### **ADMINISTRATION OF THE PLAN:**

The Board of Regents authorizes the President to develop and approve regulations for administering the performance-based compensation plan.

The President may allocate funds for the performance-based compensation plan to be determined annually based on budgetary considerations.

NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

- I. **MOTION:** To revise PAC-34 to account for addition of visiting assistant professors, and remove redundant and unnecessary information.

Attachments: PAC-34 passedSenate 5-2-19.docx - PAC-34 Word document showing changes using the Reviewing function.

Date Passed by the Senate:

5-2-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. **ACTION:**

Provost Comments:

*needed classifications & title changes.  
Recommended approval  
7/8/19*

**President**

- A. \_\_\_ Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C. \_\_\_ I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D. \_\_\_ I concur with the motion of the Senate, with the attached stipulations. \*
- E. \_\_\_ I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

[Signature]  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-34

**Subject:** Alternative Career-Track Faculty

**Approval Date:** 3/16/02

**Revision Date:** 6/15/05

**PURPOSE:**

The Faculty with the titles of part-time Lecturer, and full-time Instructor, and Visiting Assistant Professor are reserved for non-tenure-track faculty employed to address the instructional needs of departments in which program requirements and teaching demands for developmental, associate-level, and specialty courses exceed staffing capacity of ST-1 faculty. While primary responsibility for upper-division and graduate instruction remains, across the University, with tenured and tenure-track faculty, such courses may be assigned to "non-tenure track faculty" who hold the proper academic credentials, as per PAc 1, when they cannot be taught by ST-1 tenured and tenure-track faculty.

**GENERAL DESCRIPTION:**

**Lecturers** (formerly referred to as *part-time* or *Adjunct* faculty) are employed less than full time without University retirement or insurance benefits on a class-by-class or semester-by-semester basis. Although there is no assurance of continuing employment, neither is there a limit to the number of years one may serve as a Lecturer. Lecturers should have successful teaching experience.

**Instructors** (formerly referred to as *fixed-term* instructors) are full-time employees contracted with full benefits for a one-year term with a teaching load of no more than 27 credit hours recommended. With the approval of the associate dean/department chair and college dean, Instructors may have appointments renewed on an annual basis provided there are continued/justified instructional needs, adequate funds, and satisfactory evaluations according to departmental faculty evaluation plans (FEPs).

Visiting Assistant Professors are employed full-time for a limited term with full benefits. With the approval of the associate dean/department chair and college dean, Visiting Assistant Professors may have appointments renewed on an annual basis provided there are continued/justified instructional needs, adequate funds, and satisfactory evaluations according to departmental faculty evaluation plans (FEPs).

While Instructors and Visiting Assistant Professors will be evaluated primarily on teaching, they may provide advising and service on departmental committees and engage in scholarly activity. ~~Qualified Instructors may apply for tenure-track positions as they occur and may request to apply up to 3 years of service toward tenure.~~

At the time of employment a contract issued to a non-tenure track faculty member shall explicitly state the rank, and that the position is not tenurable. The title "Artist-in-Residence" or other appropriate title may be used synonymously with these types of appointments when appropriate.

#### **GENERAL GUIDELINES:**

In order to protect the tenure standing at the University, the ~~percentage~~ percentage of faculty holding non-tenure-track appointments shall not exceed percentages of the total faculty set by appropriate discipline specific accrediting agencies. It is the responsibility of the Office of the Provost to make every effort possible to ensure that these limits are not exceeded.

Qualifications for appointment of non-tenure track faculty should be flexible enough to meet the needs of each academic unit yet consistent with accreditation standards. Minimum qualifications shall be a degree appropriate to the teaching assignment or equivalent experience in the field or related field. An earned doctorate or equivalent experience in the field or related field is preferred for teaching upper-level courses. All appointments shall meet all applicable current criteria of the appropriate accrediting bodies.

#### **PROCEDURE FOR RE-CLASSIFYING POSITIONS AND RE-ASSIGNING OR HIRING OF INSTRUCTORS:**

Tenure-track positions may be filled by an instructor only under one of the following conditions: (1) when a search for a tenure-track position has not resulted in a qualified hire or sufficient time is not available to pursue a successful search, in which case the instructor position will be used until a qualified candidate has been selected for the tenure-track position through a standard search; (2) when, in the judgment of the associate dean/department chair, dean and Provost, enrollment patterns within the department/program or other conditions warrant filling a tenure-track position with an instructor as needed; in which case the department faculty will be consulted.

Any faculty who has previously served or is currently serving as an instructor is eligible for application and appointment, upon approval, to the positions. It is the responsibility of the associate dean/department chair to select and interview candidates, but, whenever possible, candidates should meet with all members of the respective department.

#### **ANNUAL REVIEW OF STAFFING NEEDS:**

Each department will annually review its staffing needs with regard to the ~~nature~~ nature and number of positions needed for the following year. Should a need for additional faculty be identified, the department should prepare a request indicating the nature and number of



additional faculty needed. The request may be for one or more additional tenure-track lines, conversion of an instructor line to tenure-track, or additional instructor lines.

**TERMINATION OF NON-TENURE TRACK FACULTY APPOINTMENTS:**

Appointments of non-tenure track faculty may be terminated before contract expiration for the reasons described in the appropriate section of the Faculty Handbook and according to the procedure described.

**EVALUATION OF NON-TENURE TRACK FACULTY:**

No later than May 1 of each year, and earlier if possible, all individuals holding the title of "Instructor" shall be notified if they will be retained for the following academic year. Such notification shall have been preceded by a performance evaluation similar to tenured and tenure-track faculty. The review will be based on the relative criteria for performance expectations as defined in the departmental FEP and any salary adjustments will fall within the ~~PBSI~~ guidelines as-established for all full-time faculty.

Morehead State University is committed to quality teaching, learning and the improvement of teaching through assessment. The use of various means of formative assessment provides a comprehensive picture of an individual's development as a teacher. Therefore, the position of Morehead State University is that assessment of teaching be, first and foremost, formative and used for the purpose of improving teaching. Morehead State University is committed to supporting faculty of all ranks in order to develop a cohesive community of teachers and learners.

Instructors not notified by May 1 will be eligible for rehire as an instructor at the time that a clear need has been identified and upon completion of a performance evaluation as outlined in the foregoing paragraph. When possible, instructors with more than three years of consecutive service will be given at least a 12-month notification of non-renewal.

**FACULTY RIGHTS AND PRIVILEGES OF NON-TENURE TRACK FACULTY:**

All non-tenure track faculty shall be afforded rights of academic freedom and due process.

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

- I. MOTION: To revise PAC-35 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-35 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate: 6-27-2019

7-1-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. ACTION:

Provost Comments:

*Mind file changes. Recourse - Approval, Belant 7-5-19*

President

- A. \_\_\_ Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C. \_\_\_ I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D. \_\_\_ I concur with the motion of the Senate, with the attached stipulations. \*
- E. \_\_\_ I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

*J. Morgan*  
Signature of President

7-8-19'  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-35

**Subject:** Faculty Evaluation Plans

**Approval Date:** 8/6/2012

**PURPOSE:**

This policy establishes the framework that a department and college will use to evaluate its faculty for the purposes of reappointment, tenure, promotion, and annual performance-based evaluations, including merit compensation when available. Evaluation results shall be considered in distribution of any merit compensation pool.

**CREATION AND CONTENT:**

Each department shall create a Faculty Evaluation Plan (FEP) that describes the expectations of the department in the areas of teaching, scholarship, and service and the criteria for evaluating its faculty for the purposes of reappointment, tenure, promotion, and annual performance-based evaluations. The department FEP must be consistent with university and college policies. Before implementation, the FEP must be approved by 51% or more of the tenured faculty of the department and by the **Associate Dean/Department Chair**, the Dean of the College, and the Provost **and Vice President for Academic Affairs**. Although the FEP must be approved by the tenured faculty in a department, both tenured and tenure-track faculty shall contribute to the creation of the FEP.

The FEP shall include:

1. a description of the criteria to be used to determine whether a faculty member's teaching is above, at, or below departmental expectations. Such criteria shall include the use of a university approved student evaluation instrument as well as other methods. Teaching evaluation shall include (a) student review and (b) peer and/or chair/associate dean review. Student evaluations of teaching shall account for no more than 50% of the evaluation of a faculty member's teaching.
2. a description of the criteria to be used to determine whether a tenure-track or tenured faculty member's scholarship is above, at, or below departmental expectations. Such criteria shall not merely count activities but must also address the quality of the faculty member's contributions as defined within each academic discipline. Activities considered to be scholarly in nature must be consistent with the definition of scholarship in PAc-11.
3. a description of the criteria to be used to determine whether a tenure-track or tenured faculty member's service is above, at, or below departmental expectations. Such criteria shall not merely count activities but must also address the quality of the faculty member's contributions to the discipline as well as the affairs and mission of the University.
4. a description of other requirements (if any) of the department not already stated in University, college, or school policy for faculty seeking reappointment, tenure, or promotion and for performance-based compensation increases.
5. an indication of the relative weights that each of the areas and requirements carry in the overall assessment of the faculty member.
6. additional restrictions (if any), not stated in PAc-29, on the creation of Flexible Workload Agreements (FWAs).
7. a rubric or formula with specific criteria for determining whether faculty performances are above, at, or below expectations.

A university-wide appeal process that articulates the faculty member's right to appeal annual faculty evaluations at the department/school level shall be provided.

If a faculty member is involved in regional engagement, evidence should be provided of how knowledge and resources of the University are being connected to the community, service region, and beyond. This is not a separate category of the FEP, but should be reflected in the faculty member's teaching, scholarship and service as appropriate.

The FEP shall require an annual report of activity from each faculty member to assist the ~~chair/associate dean~~ Associate Dean/Department Chair in developing the member's progress report. The annual report of activity must come from the approved faculty activity reporting system. The annual report may also include a report of activities that cannot be accommodated by the approved faculty activity reporting system.

#### **USE IN EVALUATIONS:**

Department FEPs shall be used by the appropriate department, college, and university committees to evaluate faculty for reappointment, tenure, and promotion, and for performance based compensation increases.

At the beginning of each calendar year, if a faculty member had a FWA for the prior year, that faculty member's immediate supervisor will

review the faculty member's performance in accordance with the criteria specified in the FWA and the guidelines outlined in PAc-29. This review will be forwarded to the appropriate department committee to be considered as part of the standard review process. If a faculty member disagrees with his or her progress report, he or she may appeal, following the appeal procedure identified in PAc-29.

The procedures for using the FEP in decisions of reappointment, tenure, and promotion are described in PAc 2 and 27, and shall not be quoted or reworded by a departmental FEP.

#### **EVALUATION IN THE CIRCUMSTANCE OF FEP MODIFICATION:**

Once implemented, the FEP shall remain in effect until a replacement FEP is approved and implemented. If a department does not have an approved FEP in effect, the College Dean shall specify the criteria that will hold until the FEP is approved.

When the FEP is modified, a tenure-track faculty member shall have the option of (1) being evaluated under the new FEP, or (2) being evaluated under the FEP which he/she is currently being evaluated under. The faculty member must choose option (1) or (2) shortly after the new FEP is approved by the Provost **and Vice President for Academic Affairs**. This option shall exist for reappointment and tenure decisions only and the faculty member's choice must be documented in writing. When the FEP is modified, a tenured associate

professor shall for a limited period have the option of (1) applying for promotion to professor under the new FEP, or (2) being evaluated under the previous FEP; once the new FEP has been in effect for three years, a tenured associate professor must apply for promotion under the new FEP. For annual performance reviews (for merit compensation increases) the most current FEP shall apply to all faculty within the department. The FEP may be modified if 51% or more of the tenured faculty in a department agree to modification.





NO. 10.24

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

I. MOTION: To revise PAC-24 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-24 FS Approved 20190628.docx - policy text and corrections.

Date Passed by the Senate: 6-27-2019

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. ACTION:

Provost Comments:

*Title changed only.  
Recommened Approval B.D. Witt 7-7-19*

President

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

J. Mueggen  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-24

**Subject:** Compensation and Faculty Assignment of Administrators  
Holding Rank

**Approval Date:** 06/13/86

**Revision Date:**

**PURPOSE:**

To outline the pay and faculty assignment policy for administrators who hold academic rank.

**ASSIGNMENT:**

Administrators who qualify may receive academic rank and tenure eligibility upon recommendation of the President in consultation with the appropriate departmental faculty and the **Provost and** Vice President for Academic Affairs and approval of the Board of Regents.

Administrators who hold academic rank may apply for promotion and/or tenure through normal promotion and tenure channels.

Those tenure eligible administrators who hold rank are governed by the same rules and regulations for tenure eligible faculty. (See [PAc-2](#)).

No administrators without academic credentials will be given rank or tenure.

### **COMPENSATION:**

Individuals, present and prospective, hired into administrative positions in which it is possible to acquire faculty rank and/or tenure shall be paid a base salary comparable to faculty of similar rank, experience and education plus an additional sum for an extended contract and an administrative stipend to bring total compensation to a competitive administrative salary level. In the event and at such a time as that administrator may be reassigned to faculty status, the supplement for the extended contract and the administrative stipend shall be removed.

(See [PAc-23](#)).

### **CALCULATION:**

The **Provost and** Vice President for Academic Affairs will be responsible for the calculation of salaries for administrators with rank to be submitted to the President for approval and presentation to the Board of Regents.



NO. 10.24

ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

I. MOTION: To revise PAC-26 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-26 FS Approved 20190628.docx - policy text and corrections.

Date Passed by the Senate: 6-27-2019

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

II. ACTION:

Provost Comments:

*Title changes only.  
Recommend Approval. B. J. CMA 7-5-19*

President

- A. \_\_\_ Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C. \_\_\_ I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D. \_\_\_ I concur with the motion of the Senate, with the attached stipulations. \*
- E. \_\_\_ I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES:

*J. Morgan*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-26

**Subject:**

Elimination of Tenured Faculty Appointments, and Tenure- Track Faculty Appointments Within a Contract Period, Due to Low Academic Program Productivity, Significant Financial Emergency, or Financial Exigency.

**Approval Date:** 06/08/2017

**Revision Date:**

**PURPOSE:**

To establish the procedures for the elimination of tenured faculty members, or tenure-track faculty members if elimination is to occur during their contract period, due to low academic program productivity, a significant financial emergency, or financial exigency.

Henceforth, "TTTC faculty members" will refer to tenured faculty members or to tenure-track faculty members who are to be eliminated during their contract period.

**GENERAL POLICY:**

The Board of Regents has a statutory duty to the people of Kentucky to maintain quality academic programs consistent with the University's mission statement, strategic plan, oversight by the Council on Postsecondary Education, and as governed by the General Assembly.

Accordingly, determination of the need to eliminate TTTC faculty

members due to low academic program productivity, a significant financial emergency, or financial exigency is a prerogative reserved for the Board of Regents and will not be delegated. The Board of Regents will make elimination decisions upon the recommendation of the President that the need exists to eliminate TTTC faculty members due to low academic program productivity, a significant financial emergency, or financial exigency. The Board of Regents is fully aware that the elimination of TTTC faculty members is a matter of gravity and that such actions are to be taken subject to thorough review and with the requisite safeguards of due

process in order to maintain quality academic programs consistent with the University's mission statement, strategic plan, and financial resources.

As used in this policy, an "Academic Program" is (a) a program that offers a distinct degree or (b) a track within a degree that is described as a distinct option in the University catalog.

## **REASON 1: LOW ACADEMIC PROGRAM PRODUCTIVITY**

Academic programs experiencing declining productivity are defined as those with ongoing, sustained challenges related to achievement of key performance metrics as defined by the state performance funding model. Other data to be evaluated include a program's "student-credit-hour per full-time-equivalent (SCH/FTE)" ratio, the general education classes and other programs supported by the affected faculty, and the cost/benefit of

the program relative to other programs at the university. Using trend data in these key metrics from annual academic program reviews, the Provost and Vice President for Academic Affairs may initiate a program evaluation process leading to a recommendation regarding the future of the program. Through this process, the Dean, in consultation with the faculty members in the affected program as well as the Department Chair/Associate Dean, will be given the opportunity to write an evaluation report with written justification for continued program support. With agreement from the Provost and Vice President for Academic Affairs, the faculty of the affected program will develop a program productivity improvement plan as described in the Continued Program Support section below. Otherwise, the process for Reduced Scope of Program or Discontinuance of Program process will be initiated.

#### Continued Program Support

Should the evaluation report result in a recommendation to continue offering the program, the program faculty will develop a plan to improve its productivity with respect to the key metrics. This plan must include specific strategies and a timeline of at least two years showing progressive improvements in the key metrics. The faculty may seek assistance from the ~~ORSP~~ Office of Research and Sponsored Programs, Student Success, Institutional Research, and other personnel who can contribute to the sustainability plan for the program. The Department Chair/Associate Dean, Dean, and Provost and Vice President for Academic Affairs must approve this plan or recommend the program be reduced in scope or discontinued. The plan should be implemented with fidelity by all parties.



After two years of the implementation phase, the program will be re- evaluated. At this time, based on a determination by the Provost and Vice President for Academic Affairs, in consultation with the Dean, the implementation phase may be continued or the program may be moved to the Reduced Scope of Program or Discontinuance of Program process.

#### Reduced Scope of Program

Should the evaluation report result in a recommendation to reduce the program scope, the Associate Dean/Department Chair will develop a plan to realign the program instructional resources with the reduced scope. This plan must include input from the faculty in the affected program and must be approved by the Dean and the Provost and Vice President for Academic Affairs. If such a realignment leads to the elimination of TTTC faculty members the plan will follow the process identified in the Plan Development section.

#### Discontinuance of Program

Should the evaluation report result in a recommendation to discontinue the program, decisions relative to the elimination of TTTC faculty members will follow the process identified in the Plan Development section.

### **REASON 2: SIGNIFICANT FINANCIAL EMERGENCY**

A significant financial emergency is defined as a documented substantial decline in the financial resources of the institution that is brought about by an unanticipated and significant reduction in state funding or institutional enrollment, acts of terrorism or significant public crisis that

compel a sudden and imminent reduction in the available operating budget. In a significant financial emergency, material reductions must be required across divisions to balance the institution's operating budget while sustaining quality or criteria for accreditation.

A significant financial emergency may also exist within a restricted program upon notice of a reduction or elimination of program funds. In such a situation, the administration shall determine what reductions could be made within that program's budget to attempt to avoid layoffs.

In the event of a significant financial emergency, the President shall look at all options within the University to redress the emergency, including the use of furloughs, staff reductions in force and the elimination of faculty appointments. In identifying faculty appointments the President may look to any currently existing program review process in place to identify faculty appointments that may be eliminated to help address the significant financial emergency.

In evaluating options to respond to the imminent financial needs of the institution resulting from a significant financial emergency, the President shall consult with Academic Affairs and the **Chief Financial Officer** or his/her designee, as well as representatives from constituencies from across the campus, including specifically the Faculty Senate.

If the response to the significant financial emergency will involve elimination of TTTC faculty, then the President will direct the Provost **and Vice President for Academic Affairs** to engage in Plan Development as detailed below. If the emergency is time-sensitive, the plan deadlines below may be adjusted to shorten the overall process, as long as all participants in the process are informed about the new timeline.

### REASON 3: FINANCIAL EXIGENCY

The determination of the existence of financial exigency is a prerogative reserved for the Board and will not be delegated. Determination that financial exigency exists shall be made by the Board upon the presentation by the President and Chief Financial Officer ~~Vice-President for Administration and Fiscal Services~~ (hereinafter "CFO") of an analysis of institutional needs, requirements and available resources.

#### Financial Exigency

"Financial Exigency" is a severe financial crisis that fundamentally compromises the integrity of the institution as a whole. This crisis may occur due to reductions in state funding, loss of revenue from endowments or investments, decline in institutional enrollment, acts of terrorism or significant public crisis, other action, events or combinations thereof. The crisis has caused the University to consider and, if appropriate, pursue the elimination of non-tenured positions, staff positions, potential furloughs of faculty and staff, pay cuts for faculty and staff, cuts to noneducational programs and services, and a reduction in operating expenditures across the institution, among other potential reductions to such a point that further reductions in all of these

categories would seriously jeopardize the quality of the University's programs and the ability of the University to fulfill its obligations to the public. Projections of enrollment, state funding and of other sources of revenue must indicate that the shortage of funds will be both severe and persistent.

## **PLAN DEVELOPMENT**

When there is a possibility that TTTC faculty members might be eliminated for any of the three reasons detailed above, the Provost **and Vice President for Academic Affairs** will convene a Program Change Committee (PCC) comprised of the Provost **and Vice President for Academic Affairs** (who will Chair the PCC), the Dean of each college, and one tenured faculty member from each college. Faculty members will be selected by the tenured and tenure-track faculty members of the respective college. A faculty member serving on the PCC will neither be a faculty senator nor the Faculty Regent. The PCC will produce a written Proposal regarding low academic program productivity, the significant financial emergency, or financial exigency. However, the Provost will have ultimate authority over the content of the Proposal.

If the Proposal recommends elimination of TTTC faculty members, the Provost **and Vice President for Academic Affairs** will submit the Proposal to the President, the Chair of the Faculty Senate, and the Faculty Regent. The Proposal will include, but not be limited to, the rationale for the elimination of TTTC faculty members, the perceived effect that such an action and any resulting reorganization or elimination of Academic Programs will have on the University as a whole, and the number of TTTC faculty members that will be recommended for elimination. The proposed timeline for closing or phasing out an Academic Program and displacing of TTTC faculty members will be based on consideration of the time required for anticipated completion by students currently enrolled in the program or for

facilitation of their placement in acceptable alternative programs. At the conclusion of this process, the faculty line for each eliminated appointment will terminate.

The Provost **and Vice President for Academic Affairs** will also submit copies of the Proposal to the Dean of the College and the Chair or Associate Dean of the department in which the affected Academic Program(s) is located. The copy of the Proposal shall be accompanied by a notice stating that a Response to the Proposal, if any, from the Faculty Senate and from faculty in the affected Academic Program(s) be made, in writing, to the Provost by a designated date not less than sixty (60) calendar days from the date the Proposal is submitted to the Faculty Senate Chair and the Chair or Associate Dean of the department in which the affected Academic Program(s) is located. If, however, the notice is given thirty (30) calendar days or less prior to the close of the spring semester (graduation day), then the Faculty Senate and the faculty in the affected Academic Program(s) shall have no less than ninety (90) days calendar days to respond to the proposal.

The Faculty Senate as a body of the whole, or through its appointment of an ad hoc committee or committees, may study and review the Proposal. The Faculty Senate may provide a written Response to the Proposal no

later than the designated date to the Provost **and Vice President for Academic Affairs** either (1) concurring with the Proposal or, (2) setting forth arguments and statements of fact in opposition to the Proposal and which may contain alternative proposals.

Within 30 calendar days of receipt of the Faculty Senate's Response and the Responses from faculty in the affected Academic Program(s), the PCC will review the Responses and will prepare a written Plan for the elimination of TTTC faculty members due to low academic program productivity, a significant financial emergency, or financial exigency ("Provost's Plan"). The Provost **and Vice President for Academic Affairs**'s Plan may modify the Proposal based upon consideration of the Faculty Senate Response and the Response from faculty in the affected Academic Program(s). The Provost **and Vice President for Academic Affairs** will have ultimate authority over the content of the Provost **and Vice President for Academic Affairs**'s Plan. The Provost **and Vice President for Academic Affairs**'s Plan will be forwarded to the President accompanied by copies of the Proposal, the Faculty Senate Response, and the Response from faculty in the affected Academic Program(s). A copy of the Provost **and Vice President for Academic Affairs**'s Plan and all attachments will also be forwarded to the Faculty Senate and the Faculty Regent.

The President shall review the Provost **and Vice President for Academic Affairs**'s Plan and accompanying documentation, giving special attention to any proposal for termination of tenured (and non-tenured) faculty. The President's decision shall take careful account of the impact of the elimination of faculty appointments on the University's ability to perform its educational role and mission.

The President may determine that no further action should be taken by the University, thereby ending the process; or, the President may accept or modify the Provost **and Vice President for Academic Affairs**'s Plan and forward to

the Board of Regents a Plan for Elimination of Tenured and Tenure-Track Faculty (“President’s Plan”).

If the situation is one of financial exigency, then the President will also submit an overall Plan to Address Financial Exigency, (“President’s Exigency Plan”) as (s)he deems appropriate, encompassing both academic and non-academic programs and related elimination of faculty and staff appointments to the Board of Regents for its official action.

The President shall forward to the Provost **and Vice President for Academic Affairs**, Faculty Senate, and StaffCongress a copy of the President’s Plan (and, if necessary, the President’s Exigency Plan) submitted to the Board of Regents. Affected University employees will be informed, in writing, of the action of the Board of Regents.

## **ELIMINATION SEQUENCE**

If a decision has been made to eliminate TTTC faculty members in an academic program due to low academic program productivity, a significant financial emergency, or financial exigency, then the following sequence will apply:

1. Tenured faculty members will have preference of retention over tenure-track faculty members.

2. Tenured faculty members of superior academic rank will have preference of retention over tenured faculty members of lesser academic rank.
3. If two tenured faculty members have the same academic rank, then the faculty member who attained rank earlier will have preference of retention over the faculty member who attained rank later.
4. If two tenured faculty members have the same academic rank and attained rank at the same time, then the faculty member who attained tenure earlier will have preference of retention over the faculty member who attained tenure later.
5. If two tenured faculty members have the same academic rank and attained rank at the same time and attained tenure at the same time, then preference of retention will be based on performance in teaching, scholarship, and service over the past six years.

At any of the five stages in the sequence, the order of preference may be modified if maintaining the order of preference would lead to a violation of accreditation standards or to an inability to offer critical courses in the program.

If funded vacancies exist, reasonable effort will be made to offer the tenured faculty member concerned another existing position within the University for which the tenured faculty member is qualified by education and experience.



In the event of the termination of a tenured faculty member, that faculty member will not be replaced for a period of three years by another person in a discipline in which the terminated tenured faculty member is qualified to teach or perform the job duties without first offering reinstatement to the terminated tenured faculty member and allowing a reasonable time for acceptance.

A terminated tenured faculty member who is recalled within the three- year period shall be reinstated with full tenure and time in rank as of the date of termination.

## **APPEAL**

Any tenured faculty member or tenure track faculty member within a contract period, receiving notice of position elimination may appeal the determination to the Faculty Rights and Responsibilities Committee (FRR) by delivery of notice to the FRR Chair through the Office of the President within fourteen (14) days of receiving such notice. The appeal shall be made on the basis that the faculty member's position was not appropriately selected for elimination and/or that due process was denied. The following procedure shall apply to the appeal hearing:

The hearing shall be before the full FRR except that no committee member from the faculty member's department shall be allowed to serve, no committee member related to the faculty member may serve, nor may a committee member with any other conflict of interest serve. If

the chair of the FRR is disqualified, then a chair for the hearing shall be selected by the FRR prior to the hearing.

The hearing shall be set by the FRR Chair not less than 15 calendar days or more than 25 calendar days from the date of appeal unless agreed otherwise by the Provost and Vice President for Academic Affairs and the faculty member.

The faculty member will have the option of having a hearing that is open or closed to the public, except as may be required by law.

The faculty member may consult with or retain legal counsel at his or her own expense to provide representation during the hearing. The FRR shall be advised by Morehead State University's Office of the General Counsel or its designee.

The Provost and Vice President for Academic Affairs, or other administrator presenting the position of the administration, may consult with or be represented by separate legal counsel contracted by the University to provide representation during the hearing.

The hearing proceedings will not be governed by formal, legal rules of procedure and evidence. The FRR may consider any information that has a probative value.

Statements to the FRR, documentary evidence, and testimony by witnesses will be subject to requirements of civility and relevance.

The Provost and Vice President for Academic Affairs or his/her counsel will have the right to call and cross-examine witnesses and to present documents and other evidence supporting the decision to eliminate the faculty member's position.

The faculty member or his/her counsel will have the right to call and cross-examine witnesses and to present documents and other evidence disputing the decision.

The Provost **and Vice President for Academic Affairs**, or his/her counsel, and the faculty member, or his/her counsel, will have the right to confront and cross-examine each other's witnesses.

The Chair of the FRR may restrict redundant testimony in the interest of ensuring an efficient hearing process.

Any individual scheduled to appear as a witness, with the exception of the faculty member and the Provost **and Vice President for Academic Affairs**, will not be present in the hearing room except when testifying.

A written record of appearances and sworn testimony of the concerned parties and witnesses will be maintained.

A verbatim record of the hearing will be recorded by a court reporter and may be transcribed as requested. The recording will be provided at no cost to the faculty member upon request.

The burden of establishing a rational basis for the decision rests at all times with the Provost **and Vice President for Academic Affairs**.

The following hearing agenda will apply:

1. A reading, by the Chair of the FRR, of the notice to the faculty member of the decision to eliminate his/her position.
2. Presentation of evidence by the Provost **and Vice President for Academic Affairs** or his/her counsel supporting the decision;

3. Presentation of evidence by the faculty member or his/her counsel refuting the decision;
4. Presentation of rebuttal evidence as may be appropriate;
5. Summation or statement not to exceed 30 minutes by the faculty member or his/her counsel; and
6. Summation or statement not to exceed 30 minutes by the Provost **and Vice President for Academic Affairs** or his/her counsel.

At the conclusion of the hearing, the FRR will go into closed session to discuss the evidence presented at the hearing and to vote on whether there exists a rational basis for the decision to eliminate Appellant's position and/or whether the faculty member received due process. The FRR may request the presence of the General Counsel at any time during the deliberations.

The FRR will produce a written report of the committee's "findings of fact" (evidence that the FRR believes to be true) and conclusions as to whether a rational basis exists for the position elimination and/or due process was denied based upon the record considered as a whole. The report will also include the vote. Dissenting minority opinions may be included in the report.

Copies of the FRR's report will be sent to the President, the Provost **and Vice President for Academic Affairs** ~~VPAA~~, and the faculty member.

The faculty member and the Provost **and Vice President for Academic Affairs** may elect to respond in writing to the FRR's decision and shall file such response with the President within 10 business days of the FRR's decision. Copies shall be sent to the other party.

The President shall review the FRR's report and will determine whether to allow the elimination of the position to stand, reverse the decision to eliminate the position or craft such other relief as may be appropriate.

Within five business days of his decision, the President shall notify, in writing, the faculty member, the Provost **and Vice President for Academic Affairs**, the Chair of the

.. FRR, the Faculty Senate Chair, the Chair of the Board of Regents and the Faculty Regent.

If the faculty member is not in agreement with the decision of the President, then he/she may further appeal to the Board of Regents by filing a letter of appeal with the Chair of the Board through delivery to the Secretary of the Board. The letter of appeal shall be filed within 10 business days of receipt of the President's decision. Said appeal shall be heard on the written record and may be assigned by the Chair, at his/her discretion, for a review by a panel of three Board members or for review by the full Board. If the appeal is assigned for review by the panel, it shall make a written recommendation to the full Board for final action.

The Board Chair shall send written notice of the decision to the faculty member, President, Provost **and Vice President for Academic Affairs**, Chair of the FRR, and Chair of the Faculty Senate.



NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

- I. **MOTION:** To revise PAC-30 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-30 FS Approved 20190628.docx - policy text and corrections.

Date Passed by the Senate: 6-27-2019

6-28-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. **ACTION:**

Provost Comments:

*Minor Title changes.  
Recommended Approval*

*BAOW 7-5-19*

President

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

*J. Moezy*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-30

**Subject:** Performance-Based Compensation Plan for Faculty

**Approval Date:** 3/1/92

**Revision Date:** 9/22/01, 06/15/05

**PURPOSE:**

To establish a provision for and authorize the development and implementation of a performance-based compensation plan to acknowledge meritorious faculty performance.

**POLICY:**

It shall be the policy of Morehead State University to systematically evaluate individual faculty performance by means of a departmental faculty evaluation process which specifies performance expectations in teaching, professional achievement, and service and which is consistent with University guidelines for faculty evaluation. All returning tenured and tenure-track faculty are required to participate in the process of evaluation as specified in their departmental Faculty Evaluation Plan.

Performance-based compensation will be based on the concept that criteria exist in the areas of teaching, professional achievement, and service against which the performance of individual faculty will be compared for evaluation. These criteria will not be a set of fixed universally-applied standards, but a set of flexible standards which will accommodate the unique nature of the disciplines in which faculty teach,



engage in professional achievement activities, and serve. The application of the standards should accommodate the specific role of the individual within the department and should recognize the variables which affect opportunities for professional achievement and service.

Morehead State University is committed to quality teaching, learning and the improvement of teaching through assessment. The use of various means of formative assessment provides a comprehensive picture of an individual's development as a teacher. Therefore, the position of Morehead State University is that assessment of teaching be, first and foremost, formative and used for the purpose of improving teaching. Morehead State University is committed to supporting faculty of all ranks in order to develop a cohesive community of teachers and learners.

Each Associate Dean/Department Chair and departmental faculty shall set up acceptable standards for evaluating its faculty members under the performance-based compensation plan, and these standards shall be approved by a majority of the tenured and tenure-track faculty. Faculty evaluation plans must be approved by the appropriate Associate Dean/Department Chair and college dean before implementation.

Departmental faculty evaluation plans must include a clear procedure for appeal. They must also include clear criteria for performing at the expected level in teaching, professional achievement, and service. Finally, no more than 50% of a faculty member's teaching

evaluation can be based on student evaluations of teaching.

### **RESPONSIBILITIES:**

1. **Associate Deans/Department Chairs**, college deans, and the **Provost and Vice President for Academic Affairs** ~~and Executive Vice President~~ shall be responsible for ensuring that departmental faculty evaluation plans are applied fairly without unreasonable differences across departments and colleges.
2. The Faculty Senate will review annually the University guidelines for faculty evaluation and make recommendations to the **Provost and Vice President for Academic Affairs**. ~~and Executive Vice President~~
3. The **Provost and Vice President for Academic Affairs** ~~and Executive Vice President~~ will review annually the distribution of performance-based compensation increments to assure compliance with the University guidelines for faculty evaluation and regulations for performance-based compensation.
4. The President will review and approve the annual distribution of performance-based compensation increments to the faculty.

### **ADMINISTRATION OF THE PLAN:**

The Board of Regents authorizes the President to develop and approve regulations for administering the performance-based compensation plan.

The President may allocate funds for the performance-based compensation plan to be determined annually based on budgetary considerations.



NO. 10.24

**ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR**

- I. **MOTION:** To revise PAC-34 to account for addition of visiting assistant professors, and remove redundant and unnecessary information.

Attachments: PAC-34 passedSenate 5-2-19.docx - PAC-34 Word document showing changes using the Reviewing function.

Date Passed by the Senate:

5-2-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. **ACTION:**

Provost Comments:

*needed clarifications with changes.  
Recommend approval  
7/5/19*

**President**

- A.  Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C.  I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D.  I concur with the motion of the Senate, with the attached stipulations. \*
- E.  I do not concur with the motion of the Senate, for the reasons attached.

III. **SIGNATURES:**

*J. McLaughlin*  
Signature of President

7-8-19  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-34

**Subject:** Alternative Career-Track Faculty

**Approval Date:** 3/16/02

**Revision Date:** 6/15/05

**PURPOSE:**

The Faculty with the titles of part-time Lecturer, and full-time Instructor, and Visiting Assistant Professor are reserved for non-tenure-track faculty employed to address the instructional needs of departments in which program requirements and teaching demands for developmental, associate-level, and specialty courses exceed staffing capacity of ST-1 faculty. While primary responsibility for upper-division and graduate instruction remains, across the University, with tenured and tenure-track faculty, such courses may be assigned to "non-tenure track faculty" who hold the proper academic credentials, as per PAac 1, when they cannot be taught by ST-1 tenured and tenure-track faculty.

**GENERAL DESCRIPTION:**

**Lecturers** (formerly referred to as *part-time* or *Adjunct* faculty) are employed less than full time without University retirement or insurance benefits on a class-by-class or semester-by-semester basis. Although there is no assurance of continuing employment, neither is there a limit to the number of years one may serve as a Lecturer. Lecturers should have successful teaching experience.

**Instructors** (formerly referred to as *fixed-term* instructors) are full-time employees contracted with full benefits for a one-year term with a teaching load of no more than 27 credit hours recommended. With the approval of the associate dean/department chair and college dean, Instructors may have appointments renewed on an annual basis provided there are continued/justified instructional needs, adequate funds, and satisfactory evaluations according to departmental faculty evaluation plans (FEPs).

Visiting Assistant Professors are employed full-time for a limited term with full benefits. With the approval of the associate dean/department chair and college dean, Visiting Assistant Professors may have appointments renewed on an annual basis provided there are continued/justified instructional needs, adequate funds, and satisfactory evaluations according to departmental faculty evaluation plans (FEPs).

While Instructors and Visiting Assistant Professors will be evaluated primarily on teaching, they may provide advising and service on departmental committees and engage in scholarly activity. ~~Qualified Instructors may apply for tenure-track positions as they occur and may request to apply up to 3 years of service toward tenure.~~

At the time of employment a contract issued to a non-tenure track faculty member shall explicitly state the rank, and that the position is not tenurable. The title "Artist-in-Residence" or other appropriate title may be used synonymously with these types of appointments when appropriate.

#### **GENERAL GUIDELINES:**

In order to protect the tenure standing at the University, the ~~percentage~~ percentage of faculty holding non-tenure-track appointments shall not exceed percentages of the total faculty set by appropriate discipline specific accrediting agencies. It is the responsibility of the Office of the Provost to make every effort possible to ensure that these limits are not exceeded.

Qualifications for appointment of non-tenure track faculty should be flexible enough to meet the needs of each academic unit yet consistent with accreditation standards. Minimum qualifications shall be a degree appropriate to the teaching assignment or equivalent experience in the field or related field. An earned doctorate or equivalent experience in the field or related field is preferred for teaching upper-level courses. All appointments shall meet all applicable current criteria of the appropriate accrediting bodies.

#### **PROCEDURE FOR RE-CLASSIFYING POSITIONS AND RE-ASSIGNING OR HIRING OF INSTRUCTORS:**

Tenure-track positions may be filled by an instructor only under one of the following conditions: (1) when a search for a tenure-track position has not resulted in a qualified hire or sufficient time is not available to pursue a successful search, in which case the instructor position will be used until a qualified candidate has been selected for the tenure-track position through a standard search; (2) when, in the judgment of the associate dean/department chair, dean and Provost, enrollment patterns within the department/program or other conditions warrant filling a tenure-track position with an instructor as needed; in which case the department faculty will be consulted.

Any faculty who has previously served or is currently serving as an instructor is eligible for application and appointment, upon approval, to the positions. It is the responsibility of the associate dean/department chair to select and interview candidates, but, whenever possible, candidates should meet with all members of the respective department.

#### **ANNUAL REVIEW OF STAFFING NEEDS:**

Each department will annually review its staffing needs with regard to the ~~nature~~ nature and number of positions needed for the following year. Should a need for additional faculty be identified, the department should prepare a request indicating the nature and number of

additional faculty needed. The request may be for one or more additional tenure-track lines, conversion of an instructor line to tenure-track, or additional instructor lines.

#### **TERMINATION OF NON-TENURE TRACK FACULTY APPOINTMENTS:**

Appointments of non-tenure track faculty may be terminated before contract expiration for the reasons described in the appropriate section of the Faculty Handbook and according to the procedure described.

#### **EVALUATION OF NON-TENURE TRACK FACULTY:**

No later than May 1 of each year, and earlier if possible, all individuals holding the title of "Instructor" shall be notified if they will be retained for the following academic year. Such notification shall have been preceded by a performance evaluation similar to tenured and tenure-track faculty. The review will be based on the relative criteria for performance expectations as defined in the departmental FEP and any salary adjustments will fall within the ~~PBSI~~ ~~Guidelines as-established~~ guidelines as-established for all full-time faculty.

Morehead State University is committed to quality teaching, learning and the improvement of teaching through assessment. The use of various means of formative assessment provides a comprehensive picture of an individual's development as a teacher. Therefore, the position of Morehead State University is that assessment of teaching be, first and foremost, formative and used for the purpose of improving teaching. Morehead State University is committed to supporting faculty of all ranks in order to develop a cohesive community of teachers and learners.

Instructors not notified by May 1 will be eligible for rehire as an instructor at the time that a clear need has been identified and upon completion of a performance evaluation as outlined in the foregoing paragraph. When possible, instructors with more than three years of consecutive service will be given at least a 12-month notification of non-renewal.

#### **FACULTY RIGHTS AND PRIVILEGES OF NON-TENURE TRACK FACULTY:**

All non-tenure track faculty shall be afforded rights of academic freedom and due process.





ADMINISTRATIVE ACTION  
ON MOTIONS OF THE MSU FACULTY SENATE  
2018-19 ACADEMIC YEAR

- I. MOTION: To revise PAC-35 as a part of the President's Policy Revision Initiative. Most changes are simple, especially title and formatting corrections.

Attachments: PAC-35 FS Approved 20190628.docx - policy text with corrections.

Date Passed by the Senate: 6-27-2019

7-1-2019  
Date

Timothy S. Hare  
Signature of Faculty Senate Chair

- II. ACTION:

Provost Comments:

*Mind file changes. Recourse - Approval, Belant 7-5-19*

President

- A. \_\_\_ Motion under consideration – Date \_\_\_\_\_
- B.  I concur with the motion of the Senate and hereby direct the Faculty Senate or administrative personnel concerned to implement this motion.
- C. \_\_\_ I concur with the motion of the Senate. This motion, however, requires further approval through University channels. I will seek this approval.
- D. \_\_\_ I concur with the motion of the Senate, with the attached stipulations. \*
- E. \_\_\_ I do not concur with the motion of the Senate, for the reasons attached.

III. SIGNATURES: *[Signature]*  
Signature of President

7-8-19'  
Date

\*A motion accepted with stipulations is considered approved for implementation upon the Senate's acceptance of the stipulations.

\_\_\_\_\_  
Date of Senate's Acceptance  
of Stipulations

\_\_\_\_\_  
Signature of Faculty Senate Chair

\*\*\*\*\*  
PLEASE RETURN ORIGINAL WITH SIGNATURE AND ATTACHMENTS TO THE FACULTY SENATE

**Policy:** PAc-35

**Subject:** Faculty Evaluation Plans

**Approval Date:** 8/6/2012

**PURPOSE:**

This policy establishes the framework that a department and college will use to evaluate its faculty for the purposes of reappointment, tenure, promotion, and annual performance-based evaluations, including merit compensation when available. Evaluation results shall be considered in distribution of any merit compensation pool.

**CREATION AND CONTENT:**

Each department shall create a Faculty Evaluation Plan (FEP) that describes the expectations of the department in the areas of teaching, scholarship, and service and the criteria for evaluating its faculty for the purposes of reappointment, tenure, promotion, and annual performance-based evaluations. The department FEP must be consistent with university and college policies. Before implementation, the FEP must be approved by 51% or more of the tenured faculty of the department and by the **Associate Dean/Department Chair**, the Dean of the College, and the Provost **and Vice President for Academic Affairs**. Although the FEP must be approved by the tenured faculty in a department, both tenured and tenure-track faculty shall contribute to the creation of the FEP.

The FEP shall include:

1. a description of the criteria to be used to determine whether a faculty member's teaching is above, at, or below departmental expectations. Such criteria shall include the use of a university approved student evaluation instrument as well as other methods. Teaching evaluation shall include (a) student review and (b) peer and/or chair/associate dean review. Student evaluations of teaching shall account for no more than 50% of the evaluation of a faculty member's teaching.
2. a description of the criteria to be used to determine whether a tenure-track or tenured faculty member's scholarship is above, at, or below departmental expectations. Such criteria shall not merely count activities but must also address the quality of the faculty member's contributions as defined within each academic discipline. Activities considered to be scholarly in nature must be consistent with the definition of scholarship in PAc-11.
3. a description of the criteria to be used to determine whether a tenure-track or tenured faculty member's service is above, at, or below departmental expectations. Such criteria shall not merely count activities but must also address the quality of the faculty member's contributions to the discipline as well as the affairs and mission of the University.
4. a description of other requirements (if any) of the department not already stated in University, college, or school policy for faculty seeking reappointment, tenure, or promotion and for performance-based compensation increases.
5. an indication of the relative weights that each of the areas and requirements carry in the overall assessment of the faculty member.
6. additional restrictions (if any), not stated in PAc-29, on the creation of Flexible Workload Agreements (FWAs).
7. a rubric or formula with specific criteria for determining whether faculty performances are above, at, or below expectations.

A university-wide appeal process that articulates the faculty member's right to appeal annual faculty evaluations at the department/school level shall be provided.

If a faculty member is involved in regional engagement, evidence should be provided of how knowledge and resources of the University are being connected to the community, service region, and beyond. This is not a separate category of the FEP, but should be reflected in the faculty member's teaching, scholarship and service as appropriate.

The FEP shall require an annual report of activity from each faculty member to assist the ~~chair/associate dean~~ Associate Dean/Department Chair in developing the member's progress report. The annual report of activity must come from the approved faculty activity reporting system. The annual report may also include a report of activities that cannot be accommodated by the approved faculty activity reporting system.

#### **USE IN EVALUATIONS:**

Department FEPs shall be used by the appropriate department, college, and university committees to evaluate faculty for reappointment, tenure, and promotion, and for performance based compensation increases.

At the beginning of each calendar year, if a faculty member had a FWA for the prior year, that faculty member's immediate supervisor will

review the faculty member's performance in accordance with the criteria specified in the FWA and the guidelines outlined in PAC-29. This review will be forwarded to the appropriate department committee to be considered as part of the standard review process. If a faculty member disagrees with his or her progress report, he or she may appeal, following the appeal procedure identified in PAC-29.

The procedures for using the FEP in decisions of reappointment, tenure, and promotion are described in PACs 2 and 27, and shall not be quoted or reworded by a departmental FEP.

#### **EVALUATION IN THE CIRCUMSTANCE OF FEP MODIFICATION:**

Once implemented, the FEP shall remain in effect until a replacement FEP is approved and implemented. If a department does not have an approved FEP in effect, the College Dean shall specify the criteria that will hold until the FEP is approved.

When the FEP is modified, a tenure-track faculty member shall have the option of (1) being evaluated under the new FEP, or (2) being evaluated under the FEP which he/she is currently being evaluated under. The faculty member must choose option (1) or (2) shortly after the new FEP is approved by the Provost **and Vice President for Academic Affairs**. This option shall exist for reappointment and tenure decisions only and the faculty member's choice must be documented in writing. When the FEP is modified, a tenured associate

professor shall for a limited period have the option of (1) applying for promotion to professor under the new FEP, or (2) being evaluated under the previous FEP; once the new FEP has been in effect for three years, a tenured associate professor must apply for promotion under the new FEP. For annual performance reviews (for merit compensation increases) the most current FEP shall apply to all faculty within the department. The FEP may be modified if 51% or more of the tenured faculty in a department agree to modification.



**Policy:** PAd-1

**Subject:** Position Responsibility

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To define basic work schedule responsibilities.

**POSITION RESPONSIBILITIES:**

Each administrative employee shall maintain a regular work schedule keeping in mind that thirty-seven and a half (37.5 ~~1/2~~) hours a week is a minimum requirement and that positions at this level of responsibility normally require in excess of that minimal schedule.





**Policy:** PAd-5

**Subject:** Search and Screening Procedures for Senior-Level Non-Academic Administrative Personnel

**Approval Date:** 07/01/85

**Revision Date:** 04/30/93, 09/15/05

**PURPOSE:**

To outline the search and screening procedures to be used when filling senior-level non-academic administrative personnel positions.

**APPLICABLE TO:**

Senior-level non-academic administrative positions including:

- ~~Vice President for Administration and Fiscal Services~~ Chief Financial Officer
- Vice President for Student ~~Life~~ Affairs
- Vice President for University ~~Advancement~~ Relations
- ~~Director of Athletics~~
- ~~Vice President for Planning, Budgets, and Technology~~
- ~~Vice President for Development~~
- ~~Director of Internal Audits~~
- ~~Affirmative Action Officer~~
- Other non-academic administrators who report directly to the President

**POLICY:**

The President shall establish search committees when filling vacancies in senior-level non-academic administrative positions.

**MAKE-UP OF THE SEARCH COMMITTEE:**

The size and make-up of each committee will be determined by the President depending upon the nature of the position to be filled.

However, each such committee shall have at least two faculty members, at least two staff members and one student included in its composition.

Upon request, the Faculty Senate and Staff Congress shall provide slates of selected faculty and staff members from which the President selects at least two each. The Student Government Association shall provide a list of selected students from which the President selects one. Other members of the committee may be designated by the President.

The Office of Human Resources acts in an advising role to the search committee.

**ROLE OF THE AFFIRMATIVE ACTION OFFICER:**

As defined in the University ~~Equal Opportunity and~~ Affirmative Action Plan, the Affirmative Action officer shall be responsible for monitoring the entire search and interviewing process to ensure affirmative action, equal opportunity, and adherence to public policy.

## **PROCEDURE:**

1. When a senior-level non-academic administrative position becomes vacant, the President shall establish a search committee.
2. In conjunction with the search committee, the Director of Human Resources prepares the recruitment and advertisement copy for the search keeping in mind the University's commitment to affirmative action and equal employment opportunity.
3. Advertisements are placed by the Office of Human Resources and responses are received and acknowledged by the Office of Human Resources.
4. The resumes of all candidates are reviewed and evaluated by all members of the search committee.
5. The committee shall submit to the President the names of candidates for consideration for interviews.
6. The President shall select from the list those candidates to be invited for interviews by the committee, the President, and any others designated by the President. The President may request the committee to submit additional candidates to be interviewed.
7. Following the interviews, the committee shall recommend a list of qualified candidates.
8. The President shall select the final candidate from that list or direct that the search be re-opened and extended.



**Policy:** PAd-6

**Subject:** Extra Compensation

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To outline procedure and establish guidelines for determining circumstances under which extra compensation is payable to administrative employees for extra non-continuing assignments.

**NOTE:**

This policy is not utilized for determining compensation when an individual is appointed in an "acting" capacity.

**GENERAL:**

An administrative employee, by nature of his/her position, is considered to be available for work assignments without additional **remuneration** at times other than his/her regularly scheduled hours and appointments. However, there are circumstances under which it is in the University's interest to utilize such personnel for extra assignments with additional remuneration.

**RESPONSIBILITY:**

The determination of those unusual circumstances in which extra assignments and compensation are appropriate will be the responsibility

of the appropriate supervisor in consultation with the Director of ~~Human Resources Personnel Services~~.

## **GUIDELINES:**

The following guidelines will apply:

1. The duties to be performed should be clearly differentiated from the types of duties the individual normally performs.
2. Normally, the additional duties should not be performed on a continuing basis.
3. Normally, the additional duties should not be performed during the regular work schedule of the individual, nor should it in any way impair the ability of the administrator to carry out his/her regular responsibilities.
4. Normally, if the additional duties performed are teaching duties, no more than two 3-credit hour courses (or their equivalent) should be taught in a fiscal year.
5. Normally, the work should not be performed for the Dean or supervisor for whom the administrator regularly works. In those cases in which the work is in the same area, prior approval is required by the appropriate Vice President (or President).
6. An administrator's participation in a project that involves extra compensation from another University fiscal unit must have prior approval for the participation and the amount of extra compensation from the administrator's Dean or supervisor (or President).





**Policy:** PAd-7

**Subject:** Suspension With or Without Pay or Reassignments

**Approval Date:** 07/01/85

**Revision Date:** 09/15/2000

**PURPOSE:**

To establish the right of the President to suspend and/or reassign an employee during an investigation into matters which may lead to disciplinary action.

**SUSPENSION/REASSIGNMENTS:**

At the discretion of the President, an employee may be temporarily suspended from employment with or without pay or reassigned, pending further investigation of a matter, including possible official actions by outside legal agencies.



**Policy:** PAd-8

**Subject:** Search and Screening procedures for Senior-Level Academic Administrative Personnel

**Approval Date:** 04/30/93

**Revision Date:** 09/15/05

**PURPOSE:**

To outline the search and screening procedures to be used when filling senior-level academic administrative personnel positions.

**APPLICABLE TO:**

- Senior-level academic administrative positions including:
- Provost and **Executive** Vice President for Academic Affairs ~~and Dean of Faculty~~
- ~~Associate/Assistant Vice President for Academic Affairs~~
- All Associate/Assistant Provosts
- ~~Director of Research and Sponsored Programs, Grants and Contracts~~
- Other Academic Administrators who report directly to the President or Provost and **Executive** Vice President for Academic Affairs

**POLICY:**

The President ~~and the Provost and Vice President for Academic Affairs~~ shall establish search committees when filling vacancies in senior-level academic administrative positions **for direct reports**.

**MAKE-UP OF THE SEARCH COMMITTEE:**

The size and make-up of each committee will be determined by the President or Provost and Vice President for Academic Affairs as appropriate, depending upon the nature of the position to be filled and must have a minimum of 5 members. However, each such committee shall have a majority of faculty members and at least one staff member and one student included in its composition.

If the position is to be a Dean of a College, the faculty members selected are to be from that college and be representative of as many of the various departments in the college as possible.

If the position is to be Provost and ~~Executive~~ Vice President of Academic Affairs ~~and Dean of Faculty~~, the Associate/~~Assistant Provosts or Assistant Vice President for Academic Affairs~~, or a similar position, each college is to have an equal number of faculty members on the committee.

Upon request, the Faculty Senate shall provide a list of faculty members from which the President shall select the faculty members of the search committee. The Staff Congress shall submit a list from which the President shall select one. The Student Government Association shall provide a list of students from which the President shall select one. Other members of the committee shall be designated by the President.

The Office of Human Resources shall act in an advising role to the search and screening committee.

### **ROLE OF THE AFFIRMATIVE ACTION OFFICER:**

As defined in the University ~~Equal Opportunity and~~ Affirmative Action Plan, the Affirmative Action Officer shall be responsible for monitoring the entire search and interviewing process to ensure affirmative action, equal opportunity, and adherence to public policy.

### **PROCEDURE:**

1. When a senior-level academic administrative position becomes vacant, the President shall establish a search committee.
2. In conjunction with the search committee, the Director of Human Resources shall prepare the recruitment and advertisement copy for the search, keeping in mind the University's commitment to affirmative action and equal employment opportunity.
3. Advertisements shall be placed by the Office of Human Resources and responses are received and acknowledged by the Office of Human Resources.
4. The resumes of all candidates shall be reviewed and evaluated by all members of the search committee.
5. The committee shall submit to the President the names of candidates for consideration for interview.
6. The President shall select from the list those candidates to be invited for interviews by the committee, the President, and any others designated by the President. The President may request the committee to submit additional candidates to be interviewed.
7. Following the interviews, the committee shall recommend a list of qualified candidates.

8. The President shall select the final candidate from that list or direct that the search be re-opened and extended.



**Policy:** PSE-1

**Subject:** Position Responsibility

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To define basic work schedule responsibilities.

**POSITION RESPONSIBILITIES:**

Each administrative office shall determine and assign responsibilities to each staff exempt employee in his/her area of responsibility and shall establish, also, the general limits of the annual work schedule associated with those responsibilities, keeping in mind that thirty-seven and a half (37.5 ~~1/2~~) hours a week is a minimum requirement and that many assignments may require longer weekly work schedules.





**Policy:** PSE-2

**Subject:** Probationary Period for Employees Classified As Staff Exempt

**Approval Date:** 07/01/85

**Revision Date:** 06/22/94

**PURPOSE:**

To establish a period of time for a newly hired full-time; or continuing part-time staff exempt employee; or an employee who has internally transferred to a position of greater value, for evaluation of the employee by the employing department as to the advisability of employment continuation following a probationary period.

**LENGTH OF PROBATIONARY PERIOD:**

The probationary period for an employee appointed to ~~days from the date of~~ a position classified as staff exempt is 180 calendar ~~days from the date of~~ appointment ~~to the position~~. If a probationary employee transfers to a new assignment during the probationary period, the employee shall serve a new probationary period beginning with the effective date of the transfer. A period of temporary layoff or leave without pay shall not be counted toward the completion of the probationary period.

**PROMOTION/TRANSFER:**

Employees who accept another position through the internal posting process which results in a promotion or transfer to a position of greater value, shall serve a 180 calendar day probationary period to determine the employee's suitability for the higher level job. During this probationary period, leave will accumulate. If for any acceptable reason the employee is unable to complete the probationary period and is released, the employee may revert back to his/her previous position only if the job exists and has not yet been filled. The employee may also apply for current openings and will be given consideration for such openings, if his/her previous position has been filled. Lay-off procedures of PSE-6 will be applicable in cases where the employee is not selected to assume a previous or similar position.

#### **LATERAL TRANSFER/DEMOTION:**

No probationary period will be required when an employee requests an internal transfer and accepts a position of equal value. If a voluntary transfer results in a demotion where individuals are assigned duties and responsibilities at a lower level or of lesser value than previously assigned, it will be the normal practice not to require a probationary period.

#### **TERMINATION OF EMPLOYMENT DURING THE PROBATIONARY PERIOD:**

The decision as to the employee's suitability for a job is the sole responsibility of the supervisor. Employment may be terminated at any time during the probationary period, the employee cannot use grievance procedure except for complaints of discrimination based upon protected class status which may be referred to the Affirmative Action Officer in accordance with PG-5.

### **TIME OFF DURING PROBATIONARY PERIOD:**

Requests for time off during a probationary period are to be made only for strict necessities or emergencies.

### **PROBATIONARY PERIOD EVALUATION:**

Ten working days prior to completion of the period, the supervisor shall complete a Personnel Action Request (PAR) showing “Probation Completed” and a **Professional Employee Performance Evaluation Planning, Appraisal and Development** form on the employee and submit same to the appropriate Vice President or President for signature and forward both forms to the Office of Human Resources.

### **EXTENSION OF PROBATIONARY PERIOD:**

In the event an employee's performance is not totally satisfactory or the supervisor feels an extension of the probationary period would be in the best interest of the University, the supervisor may request in writing, an

extension of the employee's probationary period. The period may be extended up to ninety (90) calendar days **in consultation with Human Resources**. Prior to the completion of this extended probationary period, the supervisor must reevaluate the employee and recommend either termination of employment or placement on regular status.



**Policy:** PSE-7

**Subject:** Discipline, Reassignment or Dismissal

**Approval Date:** 07/01/85

**Revision Date:** 12/14/90

**Revision Date:** 09/15/2000

**PURPOSE:**

To outline steps to be taken by a supervisor when a staff member fails to meet acceptable standards of conduct, as determined by the University and, when in the judgment of supervisor(s), informal or formal action, including possible suspension, reassignment or dismissal, is warranted. This procedure does not apply to a staff member during his/her initial probationary period.

**ORAL WARNING:**

A supervisor may not deem a matter of such magnitude to require formal action. In such instance, the supervisor may determine that an oral warning is sufficient to correct the situation. The oral warning should include a review of wherein the staff member has failed to meet acceptable standards of conduct, what is expected to meet acceptable standards of conduct, and what future actions may result if such standards are not met.

## **WRITTEN REPRIMANDS:**

A written reprimand may be issued to a staff member whose continued failure to meet acceptable standards of conduct may result in dismissal. Written reprimands shall be issued and administered in the following manner:

- A meeting between the supervisor and the staff member shall be held as soon as practicable after the supervisor determines that discipline may be needed.
- In the meeting the supervisor shall inform the employee that it is a disciplinary meeting, and if the facts warrant, a written reprimand will be issued.
- The employee will be given an opportunity to present his/her side of the case. If the supervisor determines that discipline should occur, the written reprimand shall be issued to the employee as soon as that determination is made.
- The written reprimand shall include the facts at hand, the date or dates of meetings with the employee to discuss the matter, the persons present, the manner in which the employee has failed to meet acceptable standards of conduct, what is expected to meet such standards, and that dismissal will result if such standards are not met.
- A copy of the written reprimand shall be placed in the staff member's file in the Office of Human Resources.



- Suspensions with or without pay may be administered in conjunction with the written reprimand upon approval of the President with supporting recommendations by the staff member's supervisor(s), the appropriate Vice President and the Director of Human Resources.
- The written reprimand may be removed from an individual's file when a written request for so doing is submitted to the Director of Human Resources by the employee's supervisor with a favorable recommendation endorsement by the next up-line supervisor(s) and appropriate Vice President.

### **SUSPENSION AND/OR REASSIGNMENT:**

At the discretion of the President, a staff member may be suspended from employment, with or without pay, or temporarily reassigned to other duties pending further investigation of the matter, including possible official actions by outside agencies. A suspension from employment, with or without pay, or temporary reassignment to other duties may be made for misconduct.

Generally, suspensions without pay will not exceed 5 work days for the first written reprimand; will not exceed 10 work days for the second written reprimand; and will not exceed 15 work days, or commencement of action leading to dismissal for the third written reprimand. If a

suspension is administered without a written reprimand the same due process procedures required in the written reprimand section must be followed.

A staff member may also be reassigned to another position if his/her overall job performance ~~falls below "fully succeeds on all performance requirements (below a 3.0)"~~ is evaluated as "Needs Improvement" on the Professional Employee Performance Evaluation, ~~as defined in the University's Staff Performance Management System~~, upon approval by the President with supporting recommendations by the staff member's supervisor(s), the appropriate Vice President, ~~or in areas without a Vice President, the senior ranking officer reporting to the President~~ and the Director of Human Resources. Reassigned employees under this policy would serve a new probationary period.

Reassignment to another position for failure to achieve an overall job performance rating of "Excellent" or "Successful" ~~"fully succeeds on all performance requirements"~~ in their assigned duties and responsibilities will be administered under the provisions of PG-50, Staff Performance Management System and PG-44, Staff Job Classification Wage and Salary Administration.

#### **DISMISSAL FROM EMPLOYMENT:**

Dismissal of a staff member shall be on recommendation of the appropriate supervisor(s) with the subsequent recommendation by the Director of Human Resources ~~and~~ the President to the Board of

Regents. A staff member may be dismissed summarily as a result of three written reprimands on file in the Office of Human Resources or when there's job-related or other misconduct so severe or repetitive that separation is justified for the good of the University. The supervisor will not take dismissal action without the prior approval of his/her appropriate supervisor(s) and the Director of Human Resources, or their designees. When notice of dismissal is given to a staff member, it shall be effective immediately.

Dismissal or reassignment of a staff member for not meeting job performance requirements will be administered under the provisions of PG-50, Staff Performance Management System. In addition to the provisions of PG-50, a staff member may also be placed on probationary status if three (3) written reprimands are administered for unsatisfactory job performance during any annual evaluation period. If the staff member does not return to a satisfactory level of job performance within the 3 month probationary period, the staff member ~~may shall~~ be dismissed from employment.



**Policy:** PSE-8

**Subject:** Staff Appeal Procedure

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To provide for resolution of a claim by a regular full-time or continuing part-time staff member that his/her rights under announced rules or regulations have not been respected. This procedure also may be utilized by a small group of staff members who share the same claim. This procedure does not apply to a staff member during the probationary period or to claims of alleged discriminatory acts, including sexual harassment. Claims of alleged discriminatory acts are handled in accordance with PG-5. This staff appeal procedure may be used without fear of prejudice.

**GROUP APPEAL:**

The term "staff member" in this procedure shall include individuals or up to three staff members representing an aggrieved group.

**INFORMAL RESOLUTION:**

Any matter to be considered under this procedure must be discussed between the staff member and the immediate supervisor

within one calendar week from the date the staff member first has knowledge of the circumstances giving rise to the issue. If the staff member is not satisfied with the supervisor's answer to the informal appeal, the staff member may proceed to the next step within five work days from the date of the supervisor's answer.

### **STEP ONE:**

The staff member will put the appeal in writing on a Staff Appeal and Complaint form obtained from the Office of **Human Resources Personnel Services**. The staff member will present two copies to the supervisor and retain one copy. A meeting is then held within the next five work days of the request and is attended by the staff member, his/her immediate supervisor, the next higher supervisor, and other University representatives that may be concerned. At this step, the staff member may be accompanied by another University employee of the staff member's choosing from the staff member's department, except if it is a group grievance, up to three staff members within an aggrieved group may attend and represent the group. A written answer shall be provided to the staff member within five work days of the hearing.

### **STEP TWO:**

If the staff member is not satisfied with the step one answer, the staff member will request a step two hearing in writing, within five work days of the step one answer. A meeting is then held within the next five work

days of the request and is attended by the staff member, the appropriate supervisor(s) or a designee, the Director of **Human Resources Personnel Services** or a designee, and any other University representatives directly concerned. At this step, the staff member may be accompanied by up to two staff members of the staff member's choosing, except if it is a group grievance. In the event of a group grievance, up to three staff members within an aggrieved group may attend, and represent the group. A written answer shall be provided to the staff member within five work days of the hearing.

### **STEP THREE:**

If the staff member is not satisfied with the step two answer, the staff member will request a step three hearing, in writing, within five work days of the step two answer. The hearing is conducted by a panel of three ~~disinterested~~ impartial persons appointed by the Director of **Human Resources Personnel Services**. The hearing may be attended by all persons present at the step two hearing. The panel will apply and interpret existing rules and regulations to the case at hand and make recommendation(s) for action as expeditiously as possible to the President of the University. The President shall make a ruling in the matter after considering the recommendation(s) for action.

**DISMISSAL APPEAL:**

An appeal on dismissal from employment shall begin at step two.

**SPECIAL MEETINGS:**

By mutual agreement, special meetings between the staff member and University representatives involved at each step may be scheduled on an informal basis at any time during the procedure in order to seek resolution of the matter.

**TIME OFF FOR APPEAL HEARINGS:**

Staff members shall not lose pay for any time not on the job if their presence is required at appeal hearings or special meetings with the University as provided by this procedure. A staff member shall not be paid for any time present during the processing of an appeal if such time falls outside the employee's normal work hours.

**TIME LIMITS:**

If a staff member does not request further review at any step in this procedure within the time limits specified, it shall be assumed that the staff member is satisfied. Time limits may be extended by mutual agreement in writing between the staff member and the University. University holidays shall not be applied in computing time limits, and all time limits here in specified shall be deemed to be exclusive of Saturdays and Sundays.<sup>800</sup>





**Policy:** PSE-9

**Subject:** Orientation of New Staff

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To provide a new staff member with information about the University, his/her position and department and enable the individual to become adjusted to the new assignment and become an important and vital part of the University community.

**~~THE PERSONNEL~~ OFFICE OF HUMAN RESOURCES ROLE:**

It is the responsibility of the Office of ~~Personnel Services~~ **Human Resources** to present information and obtain the necessary signatures for forms relating to taxes, social security, retirement, insurances, and salary or wages. The office also will provide a general organizational overview of the employing department as it relates to the University and when, where, and to whom the staff member will report.

**THE EMPLOYING DEPARTMENT:**

It is the responsibility of the staff member's supervisor to see that the overall orientation above is supplemented on a day-to-day basis with specific training for proper procedures in the new assignment and to

cover or coordinate information in the following areas:

### **1. Tour of department/office--introductions**

- a. Introduction to fellow workers.
- b. Explain activities and operations including a tour of the building or plant and a description of the organization.
- c. Location of wash room, cafeterias, bulletin boards, etc.

### **2. General information**

- a. Good student contact principles.
- b. Parking.
- c. Transportation.
- d. Where and how to enter the premise.
- e. Starting and quitting times, lunch periods, shifts, etc.
- f. Rate of pay, increases, including when, where, and how paid.
- g. Safety policy--reporting and avoiding accidents and where to obtain medical attention.
- h. Local rules--smoking, breaks, use of the telephone, etc.
- i. When and whom to call in case of sickness or absence.

### **3. Work assignment**

- a. Arrange for first work assignment.
- b. Provide the necessary training to do the job.
- c. Designate person to whom to go for help.
- d. Explain how to obtain the necessary tools and supplies.
- e. Check on work performance.

#### **4. Counseling**

- a. Counsel the employee concerning how he/she is doing.
- b. Discuss the employee's adjustment regarding work and/or work group.



**Policy:** PSE-10

**Subject:** Training & Development for Staff Members

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To provide wherever possible the facilities and means to train and develop staff members in order to improve work performance, to act affirmatively in enhancing opportunities for advancement, to foster satisfaction in work accomplishments, and to establish **productive harmonious** relationships with students, faculty and staff, and the general public.

**SUPERVISORY RESPONSIBILITIES:**

Supervisors at all levels are responsible for assisting staff members to improve skills and knowledge to perform their assignments effectively. Attention also should be given to staff members who desire to improve their skills and knowledge for advancement, if it is in the interests of the University and the individual, recognizing that the work requirements of the University and limits on financial resources also must be major factors for consideration.

**OFFICE OF ~~PERSONNEL SERVICES~~ HUMAN RESOURCES  
RESPONSIBILITIES:**

The Office of ~~Human Resources Personnel Services~~ is responsible to provide assistance to supervisors and departments in meeting training and development needs. On request, the Office of ~~Human Resources Personnel Services~~ initiates, or develops in cooperation with other University areas, such inservice programs as might be needed to meet the training and development needs.

### **INSERVICE TRAINING:**

Inservice training programs may be offered during, outside of working hours, or a combination of both, depending upon the nature and purpose of the programs.

Attendance at such training programs shall require the approval of the ~~supervisor Department Chair/Office Director~~. Time in attendance on such training programs during the staff member's normal work hours shall be considered as part of the staff member's regular work schedule.

### **OFF-CAMPUS PROGRAMS:**

If approval is given to a staff member to attend training designated by the University that is away from the University, the staff member shall not lose pay for normal work time missed for such training. If prior approval is given for payment for expenses connected with attendance in the training program, expenses as approved shall be reimbursed in accordance with established University policies.





**Policy:** PSE-11

**Subject:** Extra Compensation

**Approval Date:** 07/01/85

**Revision Date:** 06/22/90

**PURPOSE:**

To outline procedure and establish guidelines for determining circumstances under which extra compensation is payable to staff exempt employees for extra **non-continuing** assignments.

**NOTE:**

This policy is not utilized for determining compensation when an individual is appointed in an "acting" capacity.

**GENERAL:**

A staff exempt employee, by nature of his/her position, is considered to be available for work assignments without additional remuneration at times other than his/her regularly scheduled hours and appointments. However, there are circumstances under which it is in the University's interest to utilize such personnel for extra assignments with additional remuneration.

## **RESPONSIBILITY:**

The determination of those unusual circumstances in which extra assignments and compensation are appropriate will be the responsibility of the staff member's supervisor in consultation with the Director of **Human Resources Personnel Services**.

## **GUIDELINES:**

The following general guidelines will apply:

1. The duties to be performed should be clearly differentiated from the types of duties the individual normally performs.
2. The additional duties should not be performed on a continuing basis.
3. The work must not be performed during the approved work schedule of the individual nor should it in any way impair the ability of the staff member to carry out his/her regular responsibilities.
4. If the additional duties performed are teaching duties, no more than two 3-credit hour courses (or their equivalent) should be taught in a fiscal year. Exceptions to this limitation must have the approval of the supervising Vice President(s), **or in areas without a Vice President, the senior ranking officer reporting to the President**.
5. The work should not be performed for the supervisor for whom the staff employee regularly works. In those cases in which the work is in the same area, prior approval is required by the supervising Vice President, **or in areas without a Vice President, the senior ranking officer reporting to the President**.
6. Coordination with and approval of the staff member's supervising Vice President, **or in areas without a Vice President, the senior ranking officer reporting to the President**, must be effected prior to the staff member participating in or receiving compensation from a project managed by another University fiscal unit.

## **CROSS REFERENCE:**

Any employee involved in an activity that may result in extra compensation and that cannot be performed within the guidelines stated above, may request a leave of absence without pay or request vacation as prescribed in PG-9.



**Policy:** PSNE-1

**Subject:** Work Schedules

**Approval Date:** 07/01/85

**Revision Date:**

**PURPOSE:**

To define work schedules assigned to staff nonexempt employees.

**WORK SCHEDULE:**

There are two standard work schedules, one of thirty-seven and a half (37.5 ~~1/2~~) hours and the other of 40 hours.

The 40-hour schedule is assigned to employees in such areas as physical plant, food service, housing, safety and security, golf course, and agricultural complexes.

Each administrative officer shall determine the schedules of those employees in his/her area of responsibility keeping in mind that some areas of responsibility require coverages all seven days of the week and at all hours of the day.

Nonexempt employees are eligible for overtime payment in accordance with policy PSNE-5.



**Policy:** PSNE-2

**Subject:** Probationary Period for Employees Classified as Staff  
Nonexempt

**Approval Date:** 07/01/85

**Revision Date:** 06/22/94

**PURPOSE:**

To establish a period of time for a newly hired full-time; or continuing part-time staff nonexempt employee; or an employee who has internally transferred to a position of greater value, for evaluation of the employee by the employing unit as to the advisability of employment continuation beyond the probationary period.

**LENGTH OF PROBATIONARY PERIOD:**

The probationary period for an employee appointed to a position classified as staff nonexempt is 180 calendar days from the date of appointment to the position. Individuals requiring special certification or training such as **University Police ~~Public Safety~~ Officers** will have their probationary period adjusted to accommodate these special circumstances. If a probationary employee transfers to a new assignment during the probationary period, the employee shall serve a new probationary period beginning with the effective date of the transfer. A period of temporary layoff or leave without pay shall not be

counted toward the completion of the probationary period.

### **PROMOTION/TRANSFER:**

Employees who accept another position through the internal posting process which results in a promotion to a position of greater value, shall serve a 180 calendar day probationary period to determine the employee's suitability for the higher level job. During this probationary period, leave will accumulate. If for any acceptable reason the employee is unable to complete the probationary period and is released, the employee may revert back to his/her previous position only if the job exists and has not been filled. The employee may also apply for current openings and will be given consideration for such openings, if his/her previous position has been filled. The lay-off procedures of ~~PG-58 Personnel Policy PSNE-7~~ will be applicable in cases where the employee is not selected to assume a previous or suitable position.

### **LATERAL TRANSFER/DEMOTION:**

No probationary period will be required when an internal transfer requests and accepts a position of equal value. If a voluntary transfer results in a demotion where individuals are assigned duties and responsibilities at a lower level or of lesser value than previously assigned, it will be the normal practice not to require a probationary period.



## **TERMINATION OF EMPLOYMENT DURING THE PROBATIONARY PERIOD:**

The decision as to the employee's suitability for a job is the responsibility of the supervisor. Employment may be terminated at any time during the probationary period. During the probationary period, the employee cannot use the grievance procedure except for complaints of discrimination based upon protected class status which may be referred to the Affirmative Action Officer in accordance with PG-5.

## **TIME OFF DURING PROBATIONARY PERIOD:**

Requests for time off during a probationary period are to be made for only absolute necessities or emergencies.

## **PROBATIONARY PERIOD EVALUATION:**

Ten working days prior to completion of the probationary period, the supervisor shall complete a Personnel Action Request (PAR) showing Probation Completed and a **Non-Administrative Employee Performance Evaluation Planning, Appraisal and Development form** on the employee and submit same to the appropriate Vice President or President for signature and forward both forms to the Office of Human Resources.

## **EXTENSION OF PROBATIONARY PERIOD:**

In the event an employee's performance is not totally satisfactory or the supervisor feels an extension **is in** the best interest of the University, the supervisor may request, in writing, an extension of the employee's probationary period. The period may be extended up to ninety (90) calendar days. Prior to the completion of this extended probationary period, the supervisor must reevaluate the employee and recommend either termination of employment or placement on regular status.



**Policy:** PSNE-5

**Subject:** Overtime Pay for Employees Classified as Staff Nonexempt

**Approval Date:** 07/01/85

**Revision Date:** 04/30/93, 12/16/05, 09/15/05, 09/30/16

**PURPOSE:**

To establish provisions for paying overtime to employees classified as nonexempt for hours worked in excess of 40 in a workweek in accordance with the Fair Labor Standards Act of 1934 (FLSA).

**OVERTIME PHILOSOPHY:**

As a rule, it is expected that the University's various workloads should be accomplished within the basic schedule of the workweek. It is the policy of the University to discourage overtime work situations. Each supervisor is responsible for organizing, scheduling, and staffing workloads in a manner that will avoid the development of overtime work situations wherever possible.

This policy applies to situations which require overtime work, such as the extension of departmental services with a resulting peak overload or unforeseen circumstances which prevent accomplishing the work during regular hours.

Overtime, if required, shall be performed only at the **approval recommendation** of the supervisor.

### **OVERTIME PAY:**

Overtime pay is based on hours actually worked and is calculated at a rate of one and one-half times the employee's regular hourly rate for each hour worked beyond 40 hours in a workweek. The University's workweek begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on the following Saturday. For purposes of computing overtime, each workweek stands alone. Hours worked during two or more workweeks may not be combined or averaged to determine overtime pay due. With agreement between the supervisor and employee, flexible work schedules may be used during the work week to avoid incurring overtime.

Hours worked include all time an employee is required or permitted to perform activities beneficial to the University and on the University's premises or at a prescribed work location except for meals or other periods when the employee is free from duty. Work breaks or rest periods of short duration, such as five (5) to fifteen (15) minutes, are considered to be hours worked. Meal periods of thirty (30) minutes or more are considered non-work time. Travel time to and from work is not considered work time; however, travel at the request of the employer

may be compensable.

For purposes of determining overtime, vacation leave, sick leave, funeral leave, holiday and any other time when the employee is not physically engaged in work are not considered. Work performed on University holidays is at the regular rate, unless it is overtime work.

Overtime provisions also apply when an employee works in more than one department. If an employee normally works 37.5 hours per week in one department and performs services in another department, i.e. teaching a class, any hours worked between 37.5 and 40 are paid at the regular rate and hours over 40 are paid at the overtime rate.

Compensatory time off in lieu of overtime pay is prohibited by Kentucky Wage and Hour Laws. Therefore, the employee must be paid for all overtime.

### **EQUIVALENT TIME:**

A full-time employee who works in excess of his/her regular weekly schedule but less than 40 hours in the week shall receive equivalent time off for such hours under 40. Such equivalent time off is used for absences where vacation leave would be charged, is scheduled in the same manner as vacation, and is to be used for such absences before

vacation leave is charged.

It is permissible for the unit to pay out accumulated equivalent time by paying the employee for each hour accrued to reduce their accumulated equivalent time balance. Such payments must be made at the regular hourly rate of pay received by the employee at the time of payment.

At the time of transfer to another unit, the transferring employee must be paid for all accrued equivalent time by the unit in which it was earned. Such payment must be made at the regular hourly rate of pay received by the employee at the time of transfer.

### **RECORD OF HOURS WORKED:**

For all employees, full-time and part-time, in positions classified as nonexempt a record of total hours worked must be maintained within the administrative unit for a period of three years. Hours worked must be documented in three separate categories: 1) regular time, 2) equivalent time (for employees whose scheduled workweek is 37.5 hours), and 3) overtime.

### **UNAUTHORIZED WORK:**

Supervisors are required to approve any work for nonexempt employees that is in excess of their regular work schedule. Work on personal devices, e.g., smart phones, tablets, home computers, is prohibited for nonexempt employees outside the normal work schedule unless

authorized by the supervisor. Nonexempt employees who engage in unauthorized overtime work may be subject to disciplinary action. Supervisors should implement management controls to assure that unauthorized overtime work is not being performed.

## **SUPPLEMENTAL WORK ASSIGNMENTS AND COMPENSATION**

In rare situations, a nonexempt employee may be asked to perform a supplemental work assignment for another University department (not their assigned department). Time worked on a supplemental assignment is not a separate entity but a combination of the regular job and supplemental duties, so all hours worked for each department ~~must~~ be reported and compensation computed as defined in the policy; therefore a flat fee may not be paid.

When a non-exempt employee works two jobs at two different rates of pay, a blended overtime rate will be calculated in which ~~the~~ hours worked at each rate are combined to determine a weighted average rate of pay. The employee is then paid overtime at one and one-half that weighted average for all overtime hours worked.



All hours worked by an employee in a supplemental assignment in another department, whether the employee works a 37.5 or 40 hour workweek, will be paid at one and one-half the employee's regular rate of pay or the weighted average rate of pay even if the time worked is not overtime work as defined by the Fair Labor Standards Act (over 40 hours in a workweek).

### **EMERGENCY CALL OUT:**

An employee who is called out by his/her supervisor outside their normal work schedule shall be credited with a minimum of two working hours, which will be paid at one and one-half the employee's regular rate of pay. This applies only to emergency situations as defined below in which the work to be performed has not been previously scheduled.

- To avoid significant service disruption
- To avoid placing employees or the public in unsafe situations
- To protect and/or provide emergency services to property or equipment
- To respond to emergencies with students



**Policy:** PSNE-8

**Subject:** Discipline, Reassignment or Dismissal

**Approval Date:** 07/01/85

**Revision Date:** 12/14/90

**Revision Date:** 09/15/2000

**PURPOSE:**

To outline steps to be taken by a supervisor when a staff member fails to meet acceptable standards of conduct, as determined by the University and, when in the judgment of supervisor(s), informal or formal action, including possible suspension, reassignment or dismissal, is warranted. This procedure does not apply to a staff member during his/her initial probationary period.

**ORAL WARNING:**

A supervisor may not deem a matter of such magnitude to require formal action. In such instance, the supervisor may determine that an oral warning is sufficient to correct the situation. The oral warning should include a review of wherein the staff member has failed to meet acceptable standards of conduct, what is expected to meet acceptable standards of conduct, and what future actions may result if such standards are not met.

## **WRITTEN REPRIMANDS:**

A written reprimand may be issued to a staff member whose continued failure to meet acceptable standards of conduct may result in dismissal. Written reprimands shall be issued and administered in the following manner:

- A meeting between the supervisor and the staff member shall be held as soon as practicable after the supervisor determines that discipline may be needed.
- In the meeting the supervisor shall inform the employee that it is a disciplinary meeting, and if the facts warrant, a written reprimand will be issued.
- The employee will be given an opportunity to present his/her side of the case. If the supervisor determines that discipline should occur, the written reprimand shall be issued to the employee as soon as that determination is made.
- The written reprimand shall include the facts at hand, the date or dates of meetings with the employee to discuss the matter, the persons present, the manner in which the employee has failed to meet acceptable standards of conduct, what is expected to meet such standards, and that dismissal will result if such standards are not met.
- A copy of the written reprimand shall be placed in the staff member's file in the Office of Human Resources.

- Suspensions with or without pay may be administered in conjunction with the written reprimand upon approval of the President with supporting recommendations by the staff member's supervisor(s), the appropriate Vice President and the Director of Human Resources.
- The written reprimand may be removed from an individual's file when a written request for so doing is submitted to the Director of Human Resources by the employee's supervisor with a favorable recommendation endorsement by the next up-line supervisor(s) and appropriate Vice President.

### **SUSPENSION AND/OR REASSIGNMENT:**

At the discretion of the President, a staff member may be suspended from employment, with or without pay, or temporarily reassigned to other duties pending further investigation of the matter, including possible official actions by outside agencies. A suspension from employment, with or without pay, or temporary reassignment to other duties may be made for misconduct.

Generally, suspensions without pay will not exceed 5 work days for the first written reprimand; will not exceed 10 work days for the second written reprimand; and will not exceed 15 work days, or commencement of action leading to dismissal for the third written reprimand. If a

suspension is administered without a written reprimand the same due process procedures required in the written reprimand section must be followed.

A staff member may also be reassigned to another position if his/her overall job performance is evaluated as “Needs Improvement” ~~falls below "fully succeeds on all performance requirements (below a 3.0)"~~ as defined in the University's ~~Employee Staff Performance Evaluation Management System~~, upon approval by the President with supporting recommendations by the staff member's supervisor(s), the appropriate Vice President, ~~or in areas without a Vice President, the senior ranking officer reporting to the President~~ and the Director of Human Resources. Reassigned employees under this policy would serve a new probationary period.

Reassignment to another position for failure to achieve an overall job performance rating of "fully succeeds on all performance requirements" in their assigned duties and responsibilities will be administered under the provisions of PG-50, ~~Staff Performance Management System~~ and PG-44, ~~Staff Job Classification Wage and Salary Administration~~.

#### **DISMISSAL FROM EMPLOYMENT:**

Dismissal of a staff member shall be on recommendation of the appropriate supervisor(s) with the subsequent recommendation by the Director of Human Resources and the President to the Board of Regents. A staff member may be dismissed summarily as a result of

three written reprimands on file in the Office of Human Resources or when there's job-related or other misconduct so severe or repetitive that separation is justified for the good of the University. The supervisor will not take dismissal action without the prior approval of his/her appropriate supervisor(s) and the Director of Human Resources, or their designees. When notice of dismissal is given to a staff member, it shall be effective immediately.

Dismissal or reassignment of a staff member for not meeting job performance requirements will be administered under the provisions of PG-50, ~~Staff Performance Management System~~. In addition to the provisions of PG-50, a staff member may also be placed on probationary status if three (3) written reprimands are administered for unsatisfactory job performance during any annual evaluation period. If the staff member does not return to a satisfactory level of job performance within the 3 month probationary period, the staff member ~~may shall~~ be dismissed from employment.





**Policy:** PSNE-9

**Subject:** Staff Appeal Procedure

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To provide for resolution of a claim by a regular full-time or continuing part-time staff member that his or her rights under announced rules or regulations have not been respected. This procedure also may be utilized by a small group of staff members who share the same claim. This procedure does not apply to a staff member during the probationary period or to claims of alleged discriminatory acts, including sexual harassment. Claims of alleged discriminatory acts are handled in accordance with PG-5. This staff appeal procedure may be used without fear of prejudice.

**GROUP APPEAL:**

The term "staff member" in this procedure shall include individuals or up to three staff members representing an aggrieved group.

**INFORMAL RESOLUTION:**

Any matter to be considered under this procedure must be discussed between the staff member and the immediate supervisor

within one calendar week from the date the staff member first has knowledge of the circumstances giving rise to the issue. If the staff member is not satisfied with the supervisor's answer to the informal appeal, the staff member may proceed to the next step within five work days from the date of the supervisor's answer.

### **STEP ONE:**

The staff member will put the appeal in writing on a Staff Appeal and Complaint form obtained from the Office of **Human Resources Personnel Services**. The staff member will present two copies to the supervisor and retain one copy. A meeting is then held within the next five work days of the request and is attended by the staff member, his/her immediate supervisor, the next higher supervisor, and other University representatives that may be concerned. At this step, the staff member may be accompanied by another University employee of the staff member's choosing from the staff member's department, except if it is a group grievance. In the event of a group grievance, up to three staff members within an aggrieved group may attend and represent the group. A written answer shall be provided to the staff member within five work days of the hearing.

### **STEP TWO:**

If the staff member is not satisfied with the step one answer, the staff member will request a step two hearing in writing, within five work days

of the step one answer. A meeting is then held within the next five work days of the request and is attended by the staff member, the appropriate supervisor(s) or a designee, the Director of ~~Human Resources Personnel Services~~ or a designee, and any other University representatives directly concerned. At this step, the staff member may be accompanied by up to two staff members of the staff's member's choosing, except if it is a group grievance. In the event of a group grievance, up to three staff members within an aggrieved group may attend and represent the group. A written answer shall be provided to the staff member within five work days of the hearing.

### **STEP THREE:**

If the staff member is not satisfied with the step two answer, the staff member will request a step three hearing, in writing, within five work days of the step two answer. The hearing is conducted by a panel of three ~~impartial disinterested~~ persons appointed by the Director of ~~Human Resources Personnel Services~~. At this step the staff member may have a representative of his/her choosing. The hearing may be attended by all persons present at the step two hearing. The panel will apply and interpret existing rules and regulations to the case at hand and make recommendation(s) for action as expeditiously as possible to the President of the University. The President shall make a ruling in the matter after considering the recommendation(s) for action.

**DISMISSAL APPEAL:**

An appeal on dismissal from employment shall begin at step two.

**SPECIAL MEETINGS:**

By mutual agreement, special meetings between the staff member and University representatives involved at each step may be scheduled on an informal basis at any time during this procedure in order to seek resolution of this matter.

**TIME OFF FOR APPEAL HEARINGS:**

Staff members shall not lose pay for any time not on the job if their presence is required at appeal hearings or special meetings with the University as provided by this procedure. A staff member shall not be paid for any time present during the processing of an appeal if such time falls outside the employee's normal work hours.

**TIME LIMITS:**

If a staff member does not request further review at any step in this procedure within the time limits specified, it shall be assumed that the staff member is satisfied. Time limits may be extended by mutual agreement in writing between the staff member and the University. University holidays shall not be applied in computing time

limits, and all time limits herein specified shall be deemed to be exclusive of Saturdays and Sundays.



**Policy:** PSNE-10

**Subject:** Orientation of New Staff

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To provide a new staff member with information about the University, his/her position and department and enable the individual to become adjusted to the new assignment and become an important and vital part of the University community.

**THE ~~PERSONNEL~~ OFFICE OF HUMAN RESOURCES ROLE:**

It is the responsibility of the Office of **Human Resources** ~~Personnel Services~~ to present information and obtain the necessary signatures for forms relating to taxes, social security, retirement, insurances, and salary or wages. The office also will provide a general organizational overview of the employing department as it relates to the University and when, where, and to whom the staff member will report.

**THE EMPLOYING DEPARTMENT:**

It is the responsibility of the staff member's supervisor to see that the overall orientation above is supplemented on a day-to-day basis with

specific training for proper procedures in the new assignment and to cover or coordinate information in the following areas:

### **1. Tour of department/office--introductions**

- a. Introduction to fellow workers.
- b. Explain activities and operations including a tour of the building or plant and a description of the organization.
- c. Location of wash room, cafeterias, bulletin boards, etc.

### **2. General information**

- a. Good student contact principles.
- b. Parking.
- c. Transportation.
- d. Where and how to enter the premise.
- e. Starting and quitting times, lunch periods, shifts, etc.
- f. Rate of pay, increases, including when, where, and how paid.
- g. Overtime--probability, methods, rates, etc.
- h. Safety policy--reporting and avoiding accidents and where to obtain medical attention.
- i. Local rules--smoking, breaks, use of the telephone, etc.
- j. When and whom to call in case of sickness or absence.



### **3. Work assignment**

- a. Arrange for first work assignment.
- b. Provide the necessary training to do the job.
- c. Designate person to whom to go for help.
- d. Explain how to obtain the necessary tools and supplies.
- e. Check on work performance.

### **4. Counseling**

- a. Counsel the employee concerning how he/she is doing.
- b. Discuss the employee's adjustment regarding work and/or work group.



**Policy:** PSNE-11

**Subject:** Training and Development

**Approval Date:** 07/01/85

**Revision Date:** 03/26/87

**PURPOSE:**

To provide wherever possible the facilities and means to train and develop staff members in order to improve work performance, to act affirmatively in enhancing opportunities for advancement, to foster satisfaction in work accomplishments, and to establish **harmonious productive** relationships with students, faculty and staff, and the general public.

**SUPERVISORY RESPONSIBILITIES:**

Supervisors at all levels are responsible for assisting staff members to improve skills and knowledge to perform their assignments effectively. Attention also should be given to staff members who desire to improve their skills and knowledge for advancement, if it is in the interests of the University and the individual, recognizing that the work requirements and limits on financial resources also must be major factors for consideration.

## **OFFICE OF ~~PERSONNEL SERVICES~~ HUMAN RESOURCES RESPONSIBILITIES:**

The Office of ~~Human Resources Personnel Services~~ is responsible to provide assistance to supervisors and departments in meeting training and development needs. On request, the Office of ~~Human Resources Personnel Services~~ initiates or develops in cooperation with other University areas such in- service training programs as might be needed to meet the training and development needs.

## **INSERVICE TRAINING:**

In-service training programs may be offered during regular working hours, outside of working hours, or a combination of both, depending upon the nature and purpose of the programs.

Attendance at such training programs shall require the approval of the ~~supervisor Department Chair/Office Director~~. Time in attendance on such training programs during the staff member's normal work hours shall be considered as part of the staff member's regular work schedule.

## **OFF-CAMPUS PROGRAMS:**

If approval is given to a staff member to attend training designated by the University that is away from the University, the staff member shall not lose pay for normal work time missed for such training. If prior approval is given for payment for expenses connected with attendance in the training program, expenses as approved shall be reimbursed in

accordance with established University policies.

**OVERTIME OBLIGATIONS:**

Care should be exercised in scheduling a nonexempt employee for programs outside of the employee's normal work hours because of potential overtime pay obligations. If such training schedules are contemplated, the Office of **Human Resources Personnel Services** should be consulted in advance.

## REPORT ON REAL PROPERTY LEASES

**BOR (VIII-C-1)  
August 8, 2019**

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### **Background:**

Policies related to Real Property Management, approved by the Board of Regents on April 30, 1993, require that all leases be reported annually to the Board. The Lease Report attached hereto reflects those Lease Agreements in effect as of July 1, 2019.

**ANNUAL REPORT ON REAL PROPERTY LEASES**

LESSOR	LEASE ID	DESCRIPTION	LOCATION	LEASE EXPIRES	ANNUAL RENTAL COST
<b>ACADEMIC SUPPORT</b>					
Ashland Community & Technical College (ACTC)	MOA	MSU at Ashland Classroom/Office Space	College Drive, Ashland	6/30/2020	\$62,136.00
Montgomery County Board of Education	MSU-059	MSU at Mt. Sterling 6,426 sq. ft. Classroom/Lab/Office Space Joint Use: 9,206 sq. ft.	Indian Mound Drive, Mt Sterling	6/30/2031	\$100,000.00
Montgomery County Board of Education	MSU-059	Adult Learning Center 1,315 square feet	640 Woodford Drive, Mt. Sterling	6/30/2031	Included with MSU at Mt. Sterling Rent
Center for Health Education & Research Building (CHER)	MOA	MSU/SCR/UK	316 West 2 <sup>nd</sup> Street, Morehead	MOA Beginning 07/02/2010	N/A
Powell County Board of Education	MSU-34	Adult Learning Center 1568 sq. ft. Office, Classroom and Instructional Room	691 Breckinridge Street P.O. Box 430, Stanton	6/30/2024	\$10,380.00
Owingsville Baptist Church, Inc.	MSU-49	Bath County Adult Learning Center 1700 sq. ft.	19 Water Street, Owingsville	06/30/2020	\$9,000.00
MSU Foundation, Inc.	MSU-054	Launch Pad Business Incubator 5,218 sq. ft. w/8 Parking Spaces. (Cost per term of \$1.00)	149 East Main Street, Morehead	06/30/2020	\$1.00
City of Pikeville	License	Office space	773 Hambley Drive, Pikeville	08/07/2019	\$1.00

**ANNUAL REPORT ON REAL PROPERTY LEASES (continued)**

<b>LESSOR</b>	<b>LEASE ID</b>	<b>DESCRIPTION</b>	<b>LOCATION</b>	<b>LEASE EXPIRES</b>	<b>ANNUAL RENTAL COST</b>
<b>AUXILIARY SUPPORT</b>					
KET	MSU A-006	WMKY Transmitter Site and Antenna	2066 Triangle Mt., Morehead	08/31/2026	\$3,429.00
<b>LEASE/PURCHASE</b>					
MSU Foundation, Inc.	MSU-16	Former site of Enrollment Services Center Empty Lot – currently used as ADUC visitor parking lot.	120 Normal Avenue, Morehead	06/30/2066	\$47,000.00
<b>PARKING LOTS</b>					
Dr. Donald Blair	PR 3122	54 Space Gravel Parking Lot	5th Street, Morehead	6/30/2023	\$4,225.00
Morehead United Methodist Church Parking Lot (St. Claire Regional Hospital)	MSU-35	50 Space Parking Lot (\$240.00 per space)	227 West Main Street, Morehead	6/30/2023	\$12,000.00
BPC, Inc.	MSU-058	87 Space Parking Lot Subleased to the City of Morehead	522 W. Main Street, Morehead	6/30/2026	\$12,000.00



**ANNUAL REPORT ON REAL PROPERTY LEASES (continued)**

LESSOR	LEASE ID	DESCRIPTION	LOCATION	LEASE EXPIRES	ANNUAL RENTAL COST
<b>OTHER</b>					

**REPORT ON PERSONAL SERVICE CONTRACTS**

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**BOR (VIII-C-2)**  
**August 8, 2019**

The attached list of personal service contracts represents all such contracts issued with amounts greater than \$10,000 between May 17, 2019, and July 18, 2019.

**PERSONAL SERVICE CONTRACTS**

**May 16, 2019 through July 18, 2019**

<b>Individual/Firm</b>	<b>Contract Description</b>	<b>Contract Beginning Date</b>	<b>Contract Ending Date</b>	<b>Contract Amount</b>	<b>Method of Selection</b>
Sturgill, Turner, Barker, & Maloney	Legal Representation – General	7/1/19	6/30/20	\$ 15,000	RFP
Sturgill, Turner, Barker, & Maloney	Legal Representation – United Educators	7/1/19	6/30/20	\$ 50,000	RFP
Robinson Kirlew & Associates	Legal Representation – Immigration	7/1/19	6/30/20	\$15,000	RFP
Sign Language Network of Kentucky	Sign language interpretation	7/1/19	6/30/20	\$35,000	RFP
VITA Corporation/Colorado Captioning	CART Services (remote captioning)	7/1/19	6/30/20	\$87,000	RFP
Dean, Dorton, Allen, Ford PLLC	Audit Services	7/1/19	6/30/20	\$80,300	RFP

**PERSONAL SERVICE CONTRACTS**

**May 16, 2019 through July 18, 2019**

<b>Individual/Firm</b>	<b>Contract Description</b>	<b>Contract Beginning Date</b>	<b>Contract Ending Date</b>	<b>Contract Amount</b>	<b>Method of Selection</b>
Segal Company	Health & wellness plan consultant	7/1/19	6/30/20	\$132,000	RFP

**REPORT ON STUDENT AND FACULTY  
FREEDOM OF SPEECH**

**BOR (VIII-C-3)  
August 8, 2019**

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**Background:**

KRS 164.348, as amended and attached hereto, requires the Board of Regents to adopt policies to ensure the protection of the fundamental and constitutional right of all students and faculty to freedom of expression. The Policy attached hereto meets the requirements of Kentucky law.

**Policy:** PG-65

**Subject:** Campus Free Speech Protection

**Approval Date:** 08/08/2019

**Revision Date:**

**PURPOSE:**

To protect the fundamental and constitutional right of all students and faculty to freedom of expression.

**DEFINITIONS FOR POLICY:**

“Faculty” means any person tasked by Morehead State University with providing scholarship, academic research, or teaching, regardless of whether the person is compensated by the University.

“Student” means an individual currently enrolled in at least one (1) credit hour at Morehead State University or a student organization registered pursuant to University policies.

**POLICY:**

To protect the fundamental and constitutional right of all University students and faculty to freedom of expression, pursuant to law, the following policies shall hereby be followed by University students, faculty, staff, administration, and all other University personnel:

(a) Marketplace of Ideas:

The University maintains a marketplace of ideas where the free exchange of ideas shall not be suppressed because an idea put forth is considered offensive, unwise, disagreeable, conservative, liberal, traditional, or radical by some or even most of the members of the University community. To promote and protect a lively and fearless freedom of debate and deliberation, students and faculty are granted the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue, without substantial obstruction or substantial interference from students and faculty who may reject the views expressed.

(b) Religious or Political Discrimination:

The expression of a student’s religious or political viewpoints in the classroom, homework, artwork, and other written and oral assignments shall be free from discrimination or penalty based on the religious or political content of the submissions.

(c) Student Speakers:

- 1) The selection of students to speak at official University events shall be made in a viewpoint-neutral manner.
- 2) Prepared remarks of the student speaker shall not be altered before delivery, except in a viewpoint-neutral manner, unless requested by said student.
- 3) A student speaker may be prohibited from engaging in speech that is obscene, vulgar, offensively lewd, or indecent.
- 4) If the content of the student speaker's speech is such that a reasonable observer may perceive affirmative University sponsorship or endorsement of the student speaker's religious or political viewpoint, the University will communicate, in writing, orally, or both, that the student speaker's speech does not reflect the endorsement, sponsorship, position, or expression of the University.

(d) Student Religious and Political Organizations:

- 1) Student religious and political organizations shall be given equal access to public forums on the same basis as nonreligious and nonpolitical organizations.
- 2) No recognized religious or political student organization shall be hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolution of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct such activities.
- 3) Student activity fee funding to a student organization shall not be denied based on the viewpoints that the student organization advocates.

(e) Public Forums:

- 1) The generally accessible, open, outdoor areas of campus are maintained as traditional public forums for University students and faculty to express their views.
- 2) Freedom of speech and expression of students and faculty is not limited to particular areas of the campus or "free speech zones."
- 3) There shall be no restrictions on the time, place, and manner of student and faculty speech that occurs in the outdoor areas of campus or is protected by the First Amendment of the United States Constitution, except that administrative restrictions may exist that are reasonable, justified without reference to the content of the regulated speech, narrowly tailored to serve a compelling governmental interest, and limited to provide ample alternative options for the communication of the information.

(f) Permit Requirements:

Spontaneous outdoor assemblies or outdoor distribution of literature is not prohibited. Members of the University community may be permitted to reserve certain outdoor spaces in advance as set forth by administrative regulation.

(g) Guest Speakers:

- 1) Students and faculty are permitted to invite guest speakers to campus to engage in free speech, regardless of the views of the guest speakers.
- 2) Students shall not be charged fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition of listeners to the speech.
- 3) A speaker invited by a student, student organization, or faculty member shall not be disinvited because the speaker’s anticipated speech may be considered offensive, unwise, disagreeable, conservative, liberal, traditional, or radical by students, faculty, administrators, government officials, or members of the public.

(h) Disruptive Conduct:

- 1) This Policy shall not be construed to grant the right to engage in conduct that intentionally, materially, and substantially disrupts another’s expressive activity if that activity is occurring in a campus space previously scheduled or reserved for that activity or under the exclusive use or control of a particular group.
- 2) Conduct intentionally, materially, and substantially disrupts another’s expressive activity if it significantly hinders the expressive activity of another person or group or prevents the communication of a message or the transaction of a lawful meeting, gathering, or procession by being of a violent or seriously disruptive nature or physically blocking or significantly hindering any person from attending, hearing, viewing, or otherwise participating in an expressive activity.
- 3) Conduct does not intentionally, materially, and substantially disrupt another’s expressive activity if the conduct is protected under the First Amendment of the United States Constitution or the Constitution of the Commonwealth of Kentucky, including, but not limited to, lawful protests and counter-protests in the outdoor areas of campus generally accessible to the public, except during times when those areas have been reserved in advance for other events or is an isolated occurrence that causes minor, brief, and nonviolent disruptions of expressive activity.

(i) Publication:

This Policy and any amendments made thereto shall be made available to students and faculty through publication in the Student Handbook and Faculty Handbook, posted in relevant locations on the University website, mailed electronically to all students and faculty, and included in orientation programs for new students and faculty.

REFERENCES: KRS 164.348

**APPROVED BY:**

BOARD OF REGENTS, CHAIR: \_\_\_\_\_ DATE: \_\_\_\_\_

PRESIDENT: \_\_\_\_\_ DATE: \_\_\_\_\_



**164.348 Campus free speech protection -- Governing board to adopt policies ensuring freedom of expression and assembly -- Statement of policies made available to students and faculty -- Disruption of another's expressive activity.**

- (1) For purposes of this section:
  - (a) "Faculty" means any person tasked by a public postsecondary education institution with providing scholarship, academic research, or teaching, regardless of whether the person is compensated by the public postsecondary education institution; and
  - (b) "Student" means an individual currently enrolled in at least one (1) credit hour at a public postsecondary education institution or a student organization registered pursuant to the policies of a public postsecondary education institution.
- (2) Consistent with its obligations to respect the rights secured by the Constitutions of the United States and the Commonwealth of Kentucky, a governing board of a public postsecondary education institution shall adopt policies to ensure that:
  - (a) The institution protects the fundamental and constitutional right of all students and faculty to freedom of expression;
  - (b) The institution grants students and faculty the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue;
  - (c) The institution commits to maintaining a marketplace of ideas where the free exchange of ideas is not suppressed because an idea put forth is considered by some or even most of the members of the institution's community to be offensive, unwise, disagreeable, conservative, liberal, traditional, or radical;
  - (d) Students and faculty do not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject so that a lively and fearless freedom of debate and deliberation is promoted and protected;
  - (e) The expression of a student's religious or political viewpoints in classroom, homework, artwork, and other written and oral assignments is free from discrimination or penalty based on the religious or political content of the submissions;
  - (f)
    1. The selection of students to speak at official events is made in a viewpoint-neutral manner;
    2. The prepared remarks of the student are not altered before delivery, except in a viewpoint-neutral manner, unless requested by the student. However, student speakers shall not engage in speech that is obscene, vulgar, offensively lewd, or indecent; and
    3. If the content of the student's speech is such that a reasonable observer may perceive affirmative institutional sponsorship or endorsement of the student speaker's religious or political viewpoint, the institution shall communicate, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the institution;

- (g) Student religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations;
  - (h) No recognized religious or political student organization is hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolving of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct such activities;
  - (i) Student activity fee funding to a student organization is not denied based on the viewpoints that the student organization advocates;
  - (j) The generally accessible, open, outdoor areas of the campus be maintained as traditional public forums for students and faculty to express their views, so that the free expression of students and faculty is not limited to particular areas of the campus often described as "free speech zones";
  - (k) There shall be no restrictions on the time, place, and manner of student speech that occurs in the outdoor areas of campus or is protected by the First Amendment of the United States Constitution, except for restrictions that are:
    1. Reasonable;
    2. Justified without reference to the content of the regulated speech;
    3. Narrowly tailored to serve a compelling governmental interest; and
    4. Limited to provide ample alternative options for the communication of the information;
  - (l) Permit requirements do not prohibit spontaneous outdoor assemblies or outdoor distribution of literature, although an institution may adopt a policy that grants members of the university community the right to reserve certain outdoor spaces in advance;
  - (m) All students and faculty are allowed to invite guest speakers to campus to engage in free speech regardless of the views of the guest speakers;
  - (n) Students are not charged fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition of listeners to the speech; and
  - (o) The institution does not disinvite a speaker invited by a student, student organization, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, disagreeable, conservative, liberal, traditional, or radical by students, faculty, administrators, government officials, or members of the public.
- (3) (a) Any person aggrieved by a violation of any policy adopted or required to have been adopted pursuant to subsection (2) of this section shall have a cause of action against the institution, or any of its agents acting in their official capacities, for damages arising from the violation, including reasonable attorney's fees and litigation costs.

- (b) A claim brought pursuant to this subsection may be asserted in any court of competent jurisdiction within one (1) year of the date the cause of action accrued. The cause of action shall be deemed to have accrued at the point in time the violation ceases or is cured by the institution.
  - (c) Excluding reasonable attorney's fees and litigation costs, any prevailing claimant shall be awarded no less than one thousand dollars (\$1,000) but no more than one hundred thousand dollars (\$100,000) cumulatively per action. If multiple claimants prevail and the damages awarded would exceed one hundred thousand dollars (\$100,000), the court shall divide one hundred thousand dollars (\$100,000) amongst all prevailing claimants equally.
- (4) (a) The policies adopted pursuant to subsection (2) of this section shall be made available to students and faculty using the following methods:
- 1. Publishing in the institution's student handbook and faculty handbook, whether paper or electronic; and
  - 2. Posting to a prominent location on the institution's Web site.
- (b) The policies adopted pursuant to subsection (2) of this section may also be made available to students and faculty using the following methods:
- 1. Mailing electronically to students and faculty annually using their institutionally provided e-mail addresses; or
  - 2. Including in orientation programs for new students and new faculty.
- (5) (a) Nothing in this section shall be construed to grant students the right to engage in conduct that intentionally, materially, and substantially disrupts another's expressive activity if that activity is occurring in a campus space previously scheduled or reserved for that activity or under the exclusive use or control of a particular group.
- (b) Conduct intentionally, materially, and substantially disrupts another's expressive activity if it significantly hinders the expressive activity of another person or group, or prevents the communication of a message or the transaction of a lawful meeting, gathering, or procession by:
- 1. Being of a violent or seriously disruptive nature; or
  - 2. Physically blocking or significantly hindering any person from attending, hearing, viewing, or otherwise participating in an expressive activity.
- (c) Conduct does not intentionally, materially, and substantially disrupt another's expressive activity if the conduct:
- 1. Is protected under the First Amendment to the United States Constitution or the Constitution of the Commonwealth of Kentucky, including but not limited to lawful protests and counter-protests in the outdoor areas of campus generally accessible to the public, except during times when those areas have been reserved in advance for other events; or
  - 2. Is an isolated occurrence that causes minor, brief, and nonviolent

disruptions of expressive activity.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 169, sec. 1, effective June 27, 2019. -- Created 2017 Ky. Acts ch. 15, sec. 4, effective June 29, 2017.

**Legislative Research Commission Note** (6/27/2019). Section 2 of 2019 Ky. Acts ch. 169 states that Section 1 of that Act, which amended this statute, may be cited as the Campus Free Speech Protection Act.



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Morehead State University is committed to providing equal educational opportunities to all persons regardless of race, color, national origin, age, religion, sex, sexual orientation, gender identity, gender expression, disabled veterans, recently separated veterans, other protected veterans, and armed forces service medal veterans, or disability in its educational programs, services, activities, employment policies, and admission of students to any program of study. In this regard the University conforms to all the laws, statutes, and regulations concerning equal employment opportunities and affirmative action. This includes: Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Executive Orders 11246 and 11375, Equal Pay Act of 1963, Vietnam Era Veterans Readjustment Assistance Act of 1974, Age Discrimination in Employment Act of 1967, Sections 503 and 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and Kentucky Revised Statutes 207.130 to 207.240; Chapter 344 and other applicable statutes. Vocational educational programs at Morehead State University supported by federal funds include industrial education, vocational agriculture, business education, and the associate degree program in nursing. Any inquiries should be addressed to: Affirmative Action Officer, Morehead State University, 301 Howell-McDowell Administration Building, Morehead, KY 40351, 606-783-2097.