

CHAPTER 17
MISCELLANEOUS

Sections:

- 17.010. Official Seal
- 17.030. Maintenance of Records and Release of Information
- 17.050. Indemnification for Claims
- 17.060. Law Enforcement Unit
- 17.070. Administrative Procedures

17.010. Official Seal. The official seal of the University is circular in form and has inscribed thereon the name "Truman State University". It also displays either the words "Corporate Seal" or a replica of the Great Seal of Missouri.

Source: Established practice

17.030. Maintenance of Records and Release of Information.

17.030.1. Purpose. It is important for all officers and employees of the University to comply with the requirements of Sections 610.010 through 610.030 of the statutes. Section 610.023 requires each public governmental body to appoint a custodian to be responsible for the maintenance of that body's records, and Section 610.028 requires each such body to provide a reasonable written policy regarding the release of information on any meeting, record, or vote. This section is intended to fulfill such requirements.

17.030.2. Custodian of Records. The President of the University shall serve as custodian of the prescribed records and shall be responsible for the maintenance of such records and for the release of information from such records in accordance with Sections 610.010 through 610.030. The President of the University shall have the authority 1) to prescribe reasonable fees for providing access to or furnishing copies of the records and 2) to appoint assistant custodians for the delegation of responsibilities and duties under the statutes.

17.030.3. Closed Records. All records to the extent they relate to the following matters shall be closed records under the provisions of Sections 610.010 through 610.030:

1. Legal actions, causes of action or litigation involving the University and any confidential or privileged communications between the Board of Governors or its representatives and its attorneys. However, any vote by the Board of Governors relating to litigation involving the University will be made public upon final disposition of the matter voted upon, provided however, in matters involving the exercise of the power of eminent domain, the vote of the Board of Governors will be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product will be considered a closed record.
2. Leasing, purchase or sale of real estate by the University where public knowledge of the transaction might adversely affect the legal consideration thereof. However, any vote by the Board of Governors or public record approving a contract relating to the leasing, purchase or sale of real estate by the University will be made public upon execution of the lease, purchase or sale of the real estate.
3. Hiring, firing, disciplining or promoting an employee of the University. However, any vote on a final decision, when taken by the Board of Governors to hire, fire, promote or discipline an employee of the University will be made available to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, 1) that any employee so affected will be entitled to prompt notice before such decision is made available to the public and 2) that information will not be released in violation of an employee's rights of privacy.
4. Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores. However, personally identifiable student records

maintained by the University shall be open for inspection by the students, parents, guardians or other custodians of students in accordance with federal law.

6. Preparation, including any discussions or work product, on behalf of the Board of Governors or its representatives for negotiations with employee groups.
7. Software codes for electronic data processing and documentation thereof.
8. Specifications for competitive bidding, until either the specifications are officially approved or the specifications are published for bid.
9. Sealed bids and related documents, until the earlier of either when the bids are opened, or all bids are accepted or all bids are rejected.
10. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of the University once they are employed as such.
11. Records which are protected from disclosure by law.
12. Meetings and public records relating to scientific and technological innovations in which the University has a proprietary interest.

17.030.4. Release of Information. The President of the University as custodian, and his or her designees as assistant custodians, shall make available for inspection and copying the records classified as public records by Section 610.010 through 610.030 of the statutes. In addition, the President of the University, or his or her designees, may release appropriate segments of the closed records in response to a valid legal order or if the President of the University, or his or her designees, determine that such release is in the best interest of the University and not a violation of law or of any person's right of privacy.

Source: Resolutions of the Board dated August 12, 1986 and November 6, 1987
Sections 610.010 through 610.030, Revised Statutes of Missouri
1987 Compilation: Article 39
Cross-reference: Section 3.050 of the Code

17.050. Indemnification for Claims. The University shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding, whether civil, criminal, administrative or investigative, other than an action by or in the right of the University, by reason of the fact that he or she is or was a board member, officer, employee, or agent of the University, or is or was serving at the request of the University as a board member, officer, employee, or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorney's fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the University, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. Indemnification shall be to the fullest extent permitted, and in the manner authorized, by Section 351.355 of the Revised Statutes of Missouri.

Source: Resolution of the Board dated January 30, 1986
Section 351.355, Revised Statutes of Missouri
1987 Compilation: Article 37

17.060. Law Enforcement Unit. The Department of Public Safety is designated as the law enforcement unit of the University "to protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds and other facilities and locations" owned by the University as provided in Section 174.700 RSMo, et seq.

17.060.1. Appointment of Police Officers. The President of the University is authorized to designate a limited number of employees in the Department of Public Safety to serve as University police officers and to commission them as such officers upon their fulfillment of the training and experience requirements of Chapter 590 of the statutes for state peace officers. The police officers so appointed will be administered an oath of office and issued a certificate of appointment as provided in Section 174.700 RSMo.

17.060.2. Authority of Police Officers. The University police officers will have the authority “to maintain order, preserve peace, and make arrests” with the same authority as other state peace officers. They also may “expel from the public buildings, campuses, and grounds” of the University any persons violating the policies of the Board of Governors or the policies, rules, or regulations issued by the President of the University, or his or her designees, under the authority of the Board. Pursuant to the authority granted this Board by Sections 174.709 and 174.712, RSMo, the Board does hereby exercise its statutory authority to adopt regulations to promote public safety, health, and general welfare and to protect life and property. To this end, the Board of Governors hereby delegates to the President of the University this Board’s authority to establish and promulgate such regulations as the President determines necessary and proper to achieve the statutorily approved purpose, all in accordance with the various statutes cited in this Code of Policies pertaining to the University’s Law Enforcement Unit.

17.060.3. Supervision of Police Officers. The authority to control and supervise the police officers shall be vested in the President of the University. Unless the President, or his or her designee, elects to be directly involved in such supervision, then the “immediate charge, control and supervision” of the police officers will be delegated to the Director of Public Safety.

17.060.4 Mutual Aid. In accordance with Section 70.820 of the Revised Statutes of Missouri, all police officers for the University who have completed the basic police training program as promulgated by Chapter 590 of the Revised Statutes of Missouri shall have the authority to respond to an emergency situation outside the boundaries of said University and provide emergency assistance to the Kirksville Police Department and the Adair County Sheriff’s Department.

Source: Resolutions of the Board dated December 8, 2001 and August 5, 2017.

17.070. Administrative Procedures. The policy regarding administrative procedures is set forth in the following manner.

17.070.1. Purpose. A 1994 amendment to the Missouri Administrative Procedure Act exempts from the Act those public institutions of higher education which have “established written procedures to assure

that constitutionally required due process safeguards exist and apply to a proceeding that would otherwise constitute a ‘contested case’ as defined in section 536.020” of the statutes. It is the purpose of this section to exempt the University from the Act as provided by the 1994 amendment.

17.070.2. Contested Cases. A review indicates that the following proceedings at the University would be contested cases under the Act, and it is noted that the following policies and procedures, with the requisite due process safeguards, have been established for such proceedings:

<u>Proceeding</u>	<u>Applicable Provision</u>
Discharge of tenured faculty member	Section 6.020 of the Code of Policies
Discipline of student	Chapter 8 of the Code of Policies
Complaint of sexual harassment	Section 15.010 of the Code of Policies
Grievance by member of bargaining unit	Articles XXVI and XXX of the Memorandum of Agreement

The review also indicates that the University’s discharge of an employee prior to the end of a fixed-term contract would be a contested case under the Act. Therefore, the President of the University is authorized and directed to promulgate rules of procedure, with due process safeguards, for a formal hearing to be conducted by the President, or his or her designee, prior to a decision by the President to discharge an employee during a fixed-term contract.

17.070.3 Uncontested Cases. All other proceedings in regard to administrative actions will be uncontested cases, unless otherwise determined by the President of the University. Uncontested cases will be handled in accordance with the due process standards of basic fairness and respect with an opportunity for aggrieved parties to be heard, either in person or through written communication, by the persons who have recommended or made the administrative decisions in question.

Source: Resolution of the Board dated September 24, 1994