



TEXAS TECH
UNIVERSITY.



2018-2019 Faculty Handbook

Introduction

The *Texas Tech University Faculty Handbook* is presented by the Office of the Provost as a convenient reference resource. It contains many statements of policy and existing arrangements but does not intend to cover all available information of relevance to faculty. More precise and detailed information may be obtained from appropriate administrative personnel or from other publications, some of which are listed below. Should exact text be needed, consult the document cited at the end of the pertinent section.

The following publications are available for reference online as indicated:

- *Undergraduate/Graduate Catalog* (catalog.ttu.edu)
- *School of Law Catalog*
(www.depts.ttu.edu/officialpublications/)
- *Student Handbook*
(www.depts.ttu.edu/dos/handbook/)
- *Directory of Standing Councils and Committees*
(www.depts.ttu.edu/provost/councilscmtes/index.php)
- *Campus Directory* (directory.texastech.edu/)
- *Operating Policies and Procedures Manual* (www.depts.ttu.edu/opmanual/) – Many items within the handbook are followed by a referenced link to the OP Manual, in the format, for example, OP 10.01.

We recommend that faculty members verify all policies stated in the handbook with the latest updates to the OP Manual. Board of Regents policies are maintained in the Rules and Regulations of the Board of Regents of the Texas Tech University System (www.texastech.edu/board-of-regents/regents-rules.php) and are referenced in this handbook.

The information contained herein may be changed at any time by action of appropriate segments of the institution. Although the material was submitted to numerous university officials for verification, errors may occur. We encourage submission of corrections or changes to the Office of the Provost. We extend our appreciation and gratitude to the many persons who helped in compiling and reviewing this handbook.



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1 General Information

University Mission Statement

As a public research university, Texas Tech advances knowledge through innovative and creative teaching, research, and scholarship. The university is dedicated to student success by preparing learners to be ethical leaders for a diverse and globally competitive workforce. The university is committed to enhancing the cultural and economic development of the state, nation, and world.

Campuses

Texas Tech University is the largest institution of the Texas Tech University System. More than 36,000 students attend classes in Lubbock on the 1,839-acre campus. The university also operates the Research Center-East Campus (Lubbock); Texas Tech University Farm at Pantex in the Texas Panhandle; research facilities at Reese Technology Center (west of Lubbock); agricultural field laboratories at New Deal; Texas Tech University Center at Junction (411-acre educational facility in the Texas Hill Country); and off-campus educational sites at El Paso, Fredericksburg, Highland Lakes, Waco, and Collin County.

History

Texas Tech University was created by legislative action in 1923 and has the distinction of being the largest comprehensive higher education institution in the western two-thirds of the state of Texas. The university is the major institution of higher education in a region larger than 46 of the nation's 50 states and is the only campus in Texas that is home to a major university, law school, and medical school.

Originally named Texas Technological College, the college opened in 1925 with six buildings and an enrollment of 914. Graduate instruction began in 1927 within the School of Liberal Arts. A "Division of Graduate Studies" was established in 1935 and eventually became known as the Graduate School in 1954.

By action of the Texas State Legislature, Texas Technological College formally became Texas Tech University on September 1, 1969. At that time the schools of Agricultural Sciences, Arts and Sciences, Business Administration, Education, Engineering, and Home Economics also became known as "colleges." Architecture became a college in 1986. Two

colleges changed their names in 1993 to reflect the broadening fields each serves: the College of Agricultural Sciences became the College of Agricultural Sciences & Natural Resources, and the College of Home Economics became the College of Human Sciences. The Honors College was established in 1998, and the J.T. & Margaret Talkington College of Visual & Performing Arts opened in 2002. Media & Communication became a college in 2004.

The Texas State Legislature authorized funds in 1965 for establishing the Texas Tech University School of Law, and the Law School's first dean was appointed in 1966. The first class of 72 students enrolled in 1967. The Law School was approved by the American Bar Association in 1970 and is fully accredited by the Supreme Court of Texas (1968) and the Association of American Law Schools (1969).

As a member of the National Collegiate Athletic Association, Texas Tech began competing in the Big 12 Conference in 1996 after a 35-year membership in the former Southwest Conference.

Texas Tech was first accredited by the Southern Association of Colleges and Schools in 1928 and has been accredited continuously since that time. Texas Tech University was selected to shelter a Phi Beta Kappa chapter in 2006.

The presidents of Texas Tech have been Paul Whitfield Horn (1925-1932), Bradford Knapp (1932-1938), Clifford Bartlett Jones (1938-1944), William Marvin Whyburn (1944-1948), Dossie Marion Wiggins (1948-1952), Edward Newlon Jones (1952-1959), Robert Cabaniss Goodwin (1960-1966), Grover Elmer Murray (1966-1976), Maurice Cecil Mackey Jr., (1976-1979), Lauro Fred Cavazos (1980-1988), Robert W. Lawless (1989-1996), Donald R. Haragan (1996-2000), David J. Schmidly (2000-2002), Jon Whitmore (2003-2008), Guy Bailey (2008-2012), M. Duane Nellis (2013-2016), and Lawrence E. Schovanec (2016-present).

The Texas Tech University School of Medicine was created by the 61st Legislature in 1969 as a multi-campus institution with Lubbock as the administrative center and with regional campuses in Amarillo, El Paso, and the Permian Basin. In 1979, the charter was expanded, and the Texas Tech University Health Sciences Center was created with the addition of the School of Nursing, the School of Health Professions, and the Graduate School of Biomedical Sciences.

With the creation of the Texas Tech University System in 1996, the Texas Tech University Health Sciences Center became a separate university. Today, it consists of Schools

of Medicine, Nursing, Allied Health, and Pharmacy, and a Graduate School of Biomedical Sciences.

In 2007, Angelo State University in San Angelo joined the Texas Tech University System. The school was founded in 1928 as a two-year college and began offering four-year degrees in 1965.

In 2013, the Texas Legislature approved the creation of Texas Tech University Health Sciences Center at El Paso as the System's fourth institution. TTUHSC at El Paso hosts the Paul L. Foster School of Medicine and the Gayle Greve Hunt School of Nursing.

Organizational Structure

A nine-member Board of Regents governs Texas Tech University, Angelo State University, and the Texas Tech University Health Sciences Centers in Lubbock and El Paso. The Governor of the State of Texas appoints the Regents to six-year terms. The terms of office of three Regents expire every two years. The governance, control, and direction of the university are vested in the Regents who in turn appoint

a Chancellor to carry out the policies of the system as determined by the Regents. The Chancellor appoints a president of each institution in the system. The presidents are chief executive officers of their respective institutions and are responsible for the strategic operation of each institution. The President of Texas Tech University is supported by a Provost and Senior Vice President who oversees the educational programs of the university; a Vice President for Administration and Finance who is responsible for the fiscal operations of the university and the physical plant; a Vice President for Research who directs the research efforts of the university; and a Vice President for Institutional Diversity, Equity and Inclusion who supports the institution's strategic diversity goals by providing programs, services, and resources.

Texas Tech University consists of the Graduate School; School of Law; Honors College; and the Colleges of Agricultural Sciences and Natural Resources, Architecture, Arts and Sciences, Business, Education, Engineering, Human Sciences, Media and Communication, and Visual and Performing Arts. Each college is administered by a dean and consists of a number of instructional departments or areas.



Administrative Officers

Office of the President

Lawrence E. Schovanec, Ph.D.

President, Professor of Mathematics and Statistics

Michael L. Galyean, Ph.D.

Provost and Senior Vice President,
Horn Professor of Animal and Food Sciences

Noel Sloan, J.D., CPA

Vice President for Administration & Finance and
Chief Financial Officer

Joseph Heppert, Ph.D.

Vice President for Research,
Professor of Chemistry

Carol Sumner, Ed.D.

Vice President for Diversity, Equity & Inclusion

Texas Tech University System Chancellor/Board of Regents

Chancellor

Robert Duncan, J.D.

Regents

Term Expires January 31, 2019

John Esparza Austin

L. Frederick “Rick” Francis, Chair El Paso

Tim Lancaster, Vice Chair Abilene

Term Expires January 31, 2021

Ronnie “Ron” Hammonds Houston

Christopher M. Huckabee Fort Worth

Mickey L. Long Midland

Term Expires January 31, 2023

J. Michael Lewis Dallas

John D. Steinmetz Dallas

John B. Walker Houston

Student Regent

Term Expires May 31, 2019

Jane Gilmore Dallas

Texas Tech University Academic Officers

Mark Sheridan, Ph.D.

Vice Provost for Graduate Studies;
Dean, Graduate School; Professor of Biology

Jack Nowlin, J.D., Ph.D.

Dean, School of Law;
W. Frank Newton Professor of Law

William F Brown, Ph.D.

Dean, College of Agricultural Sciences & Natural
Resources; Professor of Animal and Food Sciences

Jim Williamson M.Arch.

Dean and Professor, College of Architecture

W. Brent Lindquist, Ph.D.

Dean, College of Arts & Sciences;
Professor of Mathematics

Margaret L. Williams, Ph.D.

Dean, Jerry S. Rawls College of Business

Scott Ridley, Ph.D.

Dean, College of Education; Professor of Education

Al Sacco, Jr., Ph.D.

Dean, Edward E. Whitacre Jr. College of Engineering;
Professor of Chemical Engineering

Michael San Francisco, Ph.D.

Dean, Honors College; Professor of Biology

Linda C. Hoover, Ph.D.

Dean, College of Human Sciences;
Professor of Restaurant, Hotel and Institutional
Management

David D. Perlmutter, Ph.D.

Dean, College of Media & Communication;
Professor of Journalism and Creative Media Industries/
Public Relations

Noel Zahler, D.M.A.

Dean, J.T. & Margaret Talkington College of
Visual & Performing Arts; Professor of Music

Bella Karr Gerlich, Ph.D.

Professor and Dean of Libraries

2 Role of the Faculty

The Board of Regents assigns a major role in the governance of this institution to the faculty of Texas Tech University in the areas of general academic policies and welfare, student life and activities, requirements for admission and graduation, honors and scholastic performance generally, approval of candidates for degrees, and the faculty rules of procedure. All actions taken by the faculty are subject to the authority of the Board of Regents.

The general faculty delegates the detailed exercise of its powers to the Faculty Senate, a group consisting of faculty members who do not hold administrative positions higher than department chair. This provides a deliberative body that makes recommendations to the Provost and the President concerning a wide range of policies affecting the university.

Matters relevant to graduate studies are referred to the Graduate Council, a body of elected representatives of the colleges chaired by the Dean of the Graduate School and including associate deans of the Graduate School. This is the legislative body of the university's graduate degree programs. It determines minimum criteria for admission to and continuation in graduate degree programs, approves new graduate degree programs, and can recommend the abolition or modification of existing degree programs. It provides advice to the Graduate Dean on graduate program matters in general.

College, school, and department faculties establish the rules of membership and procedures for themselves according to university guidelines. Voting members consist of professors, associate professors, assistant professors, and—in some

instances—faculty in the ranks of professors of practice, research professors, visiting professors and adjunct professors as set by previously determined procedures. Each faculty member at the university provides an annual report to the department chair who evaluates the faculty member's performance; this is made a part of the permanent file. The department chair communicates the results of the annual evaluation to each faculty member and to the dean.

Primary faculty responsibilities are teaching, research, and service. Faculty members at Texas Tech are expected to perform all their duties well and to be loyal to the university in its purposes. Faculty members are also expected to make timely reports to university offices as may be requested, including periodic and final semester grade reports.

Texas Tech University subscribes fully to the general principles endorsed by the Association of American Colleges in January 1941, by the American Association of University Professors in December 1941, and to the statement of principles included in the standards of the Southern Association of Colleges and Schools Commission on Colleges. That statement of principles confirms that institutions of higher education are conducted by the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free speech for truth in its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental for the protection of the rights of the instructional staff and of the students to learn in an environment in which academic freedom exists.

3 Facilities and Services

Admissions

The Office of Undergraduate Admissions provides personalized and customized services throughout the enrollment process from the generation of initial interest, recruitment, campus visits and events, and admission to the eventual enrollment of qualified and diverse freshman and transfer students. The office is located in West Hall and reports through the Associate Vice President for Enrollment Management. For additional information, call 806.742.1480 or visit the website www.admissions.ttu.edu.

Athletic Facilities / NCAA Programs

As a member of the National Collegiate Athletic Association (NCAA) and the Big 12 Conference, Texas Tech provides intercollegiate athletic programs for both men and women. Texas Tech's 17 athletic programs operate under NCAA and Big 12 rules and regulations as well as under the auspices of the Texas Tech Athletic Council whose membership represents the faculty, student body, Alumni Association, and a member-at-large appointed by the university President.

Red Raider athletic activities are organized under the Director of Athletics with head coaches in each of the sports responsible to the Director. Texas Tech began competing in the Big 12 Conference in 1996 after a 35-year membership in the former Southwest Conference.

Female athletes compete in intercollegiate volleyball, soccer, cross country, basketball, golf, tennis, softball, and indoor/outdoor track and field. In 1993 the Lady Raider basketball team claimed the school's first NCAA National Championship. The men's program includes football, basketball, cross country, indoor/outdoor track and field, baseball, golf, and tennis.

Jones AT&T Stadium is named for Texas Tech's late President Emeritus Clifford B. Jones and his wife Audrey and for SBC Communications. While SBC's gift of \$20 million enabled renovation of the stadium in 2003, the Jones family provided the initial funds to permit construction of the stadium in 1947. Because SBC Communications acquired AT&T in 2005 and chose to keep the AT&T name, the former Jones SBC Stadium was renamed and became the only collegiate athletic facility in the nation with the AT&T name. A 2003 renovation added a new west side building, complete with 54 luxury suites, a club level, and press and camera levels. In 2010, an

east side stadium building opened, featuring 29 luxury suites and over 500 outdoor club seats. The addition increased stadium capacity to over 60,000.

Dan Law Field at Rip Griffin Park hosts the university's baseball team and has been voted one of the best places in the nation to watch a college baseball game. Outdoor track and field events are held at the Terry and Linda Fuller Track Complex, and soccer events are held at the John Walker Soccer Complex. Basketball games tip off in the 15,098-seat United Supermarkets Arena, one of the finest on-campus basketball-volleyball facilities in the nation. In October of 2016, Tech debuted a center-hung video board with four displays and four corner boards throughout the arena.

The Texas Tech tennis and softball programs enjoy the Don and Ethel McLeod Tennis Complex and Rocky Johnson Field. The university's golf teams began their first season at The Rawls Course in 2003. Named after Texas Tech alumnus Jerry S. Rawls, who provided an \$8.6 million gift for construction of the course, The Rawls Course was named the fourth best on-campus course in the nation and second-best golf course in Texas by *Golfweek Magazine* in 2015.

The Marsha Sharp Center for Student-Athletes opened in 2004 and features classrooms, a computer lab, a resource library, tutoring rooms, private study areas, and administrative offices.

In October 2017, Texas Tech opened the Sports Performance Center. Funded by gifts to the Campaign for Fearless Champions, the state-of-the-art Sports Performance Center provides Texas Tech student-athletes world-class opportunities to compete, train, and achieve at the highest levels. The building houses a 200-meter indoor banked track with seating for more than 2,000 spectators. The indoor football practice field provides an important recruiting tool and ensures that Texas Tech football players will never miss another practice due to inclement weather. A removable door separates the football and track venues, allowing privacy and student-athlete access to both sides of the facility during events.

Bookstore

Barnes & Noble at Texas Tech, the official university bookstore, is located in the Student Union Building. As the supplier for all required and recommended textbooks, the bookstore offers a large selection of used, rental, and digital

books with services that include special orders and textbook reservations. The bookstore will also buy back books from students at the end of each semester (see store for details).

The bookstore offers a wide selection of reference and general interest books, study guides, and National Campus Bestsellers. In addition, the bookstore carries Texas Tech apparel and giftware, school supplies, convenience items, and much more. The bookstore also houses a Barnes & Noble Café that serves Starbucks® coffee and treats.

The bookstore accepts major credit cards, Raider Cash, and Barnes & Noble Gift Cards. Store hours are 7:30 a.m. to 5 p.m. weekdays during fall and spring terms.

The bookstore's app, My College Bookstore (available in both the Apple Store and Google Play), makes shopping simple, easy, and convenient and provides information about promos, discounts, sales, events in the store, and book due dates.

Contact: 806.742.3816, www.texastech.bncollege.com, www.facebook.com/barnesandnobletextastech, twitter.com/BNTexasTech, [instagram.com/bntextastech](https://www.instagram.com/bntextastech).

Broadcasting

Texas Tech Public Media

Texas Tech Public Media consists of KTTZ-TV and KTTZ-FM. Licensed and owned by Texas Tech University, KTTZ-FM is a classical music and public radio news station that broadcasts on a frequency of 89.1 MHz at 70,000 watts. KTTZ-FM operates 24 hours a day, seven days a week, providing service to South Plains listeners within a 75-mile radius of Lubbock. KTTZ-FM offers programming from National Public Radio, American Public Media, Public Radio International networks, and locally-produced classical music and arts features. The station is supported by listeners, and additional funding is supplied by grants, underwriting, and financial support from the Texas Tech University System. KTTZ-FM also features Lubbock's first digital broadcast radio signal using HD radio technology and adding two additional stations to its existing frequency. The station also operates FM 90.1 KNCH in San Angelo, Texas.

A noncommercial educational television station, KTTZ-TV (Channel 5.1 in HD) is licensed by the Federal Communications Commission (FCC) to the university's Board of Regents and operates as a division within Texas Tech University.

Channel 5's office, studio, production, master control, transmitters, engineering facilities, and 817-foot antenna-tower are located on the southwestern campus triangle west of Indiana Avenue. The station broadcasts diverse digital programming 24 hours a day, seven days a week. The signal coverage zone encompasses Lubbock and thirteen surrounding counties and serves 157,000 households.

KTTZ-TV is a member of the Public Broadcasting Service (PBS), a noncommercial network of 356 television stations interconnected by satellite. Staffed by professional personnel, the station produces digital programming to satisfy the broadcasting and non-broadcasting needs of the university and surrounding communities.

Texas Tech Public Television produces local programming and holds educational and entertaining events for viewers of all ages.

KTXT-FM

The campus radio station, KTXT-FM (The Raider 88.1), is the student radio station that broadcasts on a frequency of 88.1 MHz at 35,000 watts. Staffed by students and administered by the College of Media and Communication, KTXT-FM provides the university community with diverse programming, including BBC World Service; Texas Tech news and information; weather; live play-by-play broadcasts of Texas Tech soccer, volleyball, and softball; alternative music; and a variety of student-produced radio programs. Students from the campus community can serve as members of the staff and gain valuable educational experiences related to management, marketing, producing, and entrepreneurship.

Central Warehouse

The Central Warehouse, located in the Physical Plant Building, has Central Stores and Receiving and Shipping.

Central Stores stock industrial products and supplies. The items are sold for departmental use to valid FOP holders in Banner INB. Receiving and Shipping receives and distributes inbound shipments to the requisitioning departments. They also provide outbound shipment service with thorough record maintenance. In addition, the Central Warehouse provides tables and chairs for on-campus events such as graduations and orientations for a small labor charge for valid FOP holders. The Central Warehouse operates an office moving service to move office furniture throughout the campus for an hourly labor fee.

Equal Opportunity Policy

Texas Tech University is open to all persons eligible for admission as students regardless of race, color, religion, sex, age, national origin, mental or physical disability, or Vietnam Era or Special Disabled Veteran status. All students admitted to the university are treated without discrimination in regard to their participation in university educational programs or activities. The university is an equal opportunity employer, and no applicant or employee will be discriminated against because of race, color, religion, sex, age, national origin, mental or physical disability, or Vietnam Era or Special Disabled Veteran status in regard to employment or during the course of employment in the institution. The university does not discriminate on the basis of sex or disability

in its educational programs. Any student with inquiries or complaints concerning Section 504 of the Rehabilitation Act of 1973 (504) or the Americans with Disabilities Act (ADA) of 1990 should contact the ADA/Section 504 coordinator located in Student Disability Services, 335 West Hall, 806.742.2405.

Hospitality Services

Hospitality Services focuses on unsurpassed service and top-quality food choices for the campus community with the best dining experience possible.

A Faculty/Staff Dining Plan is available to make dining on campus quick, easy and convenient. There are 24 dining locations with more than 50-plus dining options across campus, including full meals, grab 'n go choices, mini-markets, food courts, national brands, express kiosks, all-you-care-to-eat options, late-night meals, and a wide variety of snacks. The Faculty/Staff Dining Plan can be reviewed online under Dining Plans & Rates at hospitality.ttu.edu or purchased in the University ID Office in the SUB.

All-you-care-to-eat (AYCE) options offer a wide variety of balanced food choices to the campus. The Commons at Talkington Hall 2nd Floor serves up chef inspired entrées in a new All-you-care-to-eat setting. The Fresh Plate in Bledsoe/Gordon features fresh, handcrafted hamburgers and grilled cheese sandwiches, pizza, Mexican entrées, hot sandwiches, Asian items, comfort foods, salad bar and fruit bar and dessert bar.

The Market at Stangel/Murdough offers a wide variety of choices in a newly renovated food court atmosphere with individually priced menu selections. The Market hosts many options such as Mexican choices, grilled items, chicken entrées, Asian/wok foods, a full salad bar, and much more. The Market features Fazoli's®, Day Break® Coffee Rosters, and The Corner Market convenience store.

The Sam's Place Mini-Markets and Sam's Express Kiosks are located all over campus. These mini-markets and kiosks feature a wide selection of food options such as freshly made hot and cold sandwiches, wraps, pizza, chicken entrées, desserts, and a grab 'n go section of salads, sandwiches, and microwavable entrées. The Sam's Place Mini-markets are located at Murray Hall, Leisure Pool, Sneed Hall, Student Union, Wall/Gates Hall and the Wiggins Complex. The Sam's Express Kiosks are located at Whitacre College of Engineering, Health Sciences Center, Holden Hall, Human Sciences, Media & Communication, School of Law, University Library, and Petroleum Engineering.

The Student Union is home to a state-of-the-art food court. The Union Plaza food court houses menu selections from national concepts such as Sbarro® Pizza and full service Chick-fil-A®. The Union Plaza is also home to the Union Grill, Center Sweets, Metro Deli™, Zi Asian Cuisine and the brand new Raider Pit BBQ. The Student Union also features the Red's Donut Shoppe, Smart Choices, the Union Bistro

and 1923. The Union Bistro offers an assortment of specialty coffees and entrées, Boars Head® sub sandwiches, and gourmet breakfast choices (until 2 pm). Smart Choices offers a wide selection of garden-fresh salad entrées, fresh fruit and wraps. Named after the founding of Texas Tech University, 1923 serves upscale sandwiches and unique flatbread pizzas. Red's Donut Shoppe features fresh made cake donuts in a variety of flavors and artisan coffee.

The Commons at Talkington Hall features various service styles in one location! In addition to Einstein Bros® Bagels, the first floor features retail concepts such as a Mongolian style grill, made-to-order salads, a grilled cheese line and much more. The second floor features a rotating All-You-Care-to-Eat menu serving a balance of favorite entrées.

StrEat Food Truck offers unique menu choices all around campus. New items are added to the menu monthly. Follow StrEat on Facebook, and Twitter @EatAtTexasTech to find StrEat locations on Fridays.

Raider Exchange is located at the West Campus Village and features a blend of upscale food choices. Raider Exchange has bookable meeting space for meetings. Contact Top Tier Catering for availability and food choices at 806.742.1966.

Top Tier Catering provides professional catering for small and large events at locations both on and off the Texas Tech campus. For information call 806.742.1966. Hospitality Services' food locations accept Faculty/Staff dining plans, cash, checks, credit cards, and the Raider Card.

Rawls College of Business offers two dining venues. Chick-fil-A® Express serves breakfast items and all their other chicken entrées. Einstein Bros® Bagels features a variety of specialty coffees, gourmet bagels and sandwiches for both breakfast and lunch.

Starbucks® is open in the Honors Residence Hall, offering a complete menu of hot and cold drinks, whole-bean coffee, specialty drinks and teas, frappuccino beverages, pastries, and other snacks.

Tapingo makes ordering food for pickup or delivery a snap from participating Hospitality Services locations on campus! Available on the App Store and Google Play. Browse menus, order from the app and enjoy!

Information Technology (Computing) Services

The Information Technology (IT) Division (www.it.ttu.edu), managed by the Texas Tech University Office of the Chief Information Officer (CIO), provides a wide selection of computing resources, services, and support for students, faculty, and staff in support of institutional strategic goals and priorities. Some of the key services provided to the university community are open-access student computing facilities, cloud-based printing (WEPA), computing short courses, self-paced/computer-based training modules (www.cbt.ttu.edu), NBC Learn information resource (www.nbclearn.ttu.edu).

edu), personal web pages, email (TechMail), secure remote network access, Service Desk operations, desktop support, support for classroom technology, digital signage, secure wireless networking, identity federation, videoconference facilities, Unified Communications/VoIP, Texas Tech application support, emerging technology assessments, mobile application support, online and distance education support, high performance computing, and IT consulting. As part of the Cybersecurity Practices Initiative (www.cybersecurity.ttu.edu), the TTU Office of the CIO hosts educational events each semester and provides other educational resources to raise IT security awareness for the Texas Tech community.

Institutional Effectiveness (www.ttu.edu/progress/). In concert with the Office of the Provost and the Office of the President, IT contributes to the design and development of institutional effectiveness data systems, data management, data display, and advanced analytics. This collaborative institutional team oversees data modeling associated with strategic goals and outcomes, as well as national and state reporting. The effort supports data-informed strategic decision making.

Technology Assessment (www.depts.ttu.edu/infotech/techassessment.php) provides timely and objective information and analysis of current and emerging technologies. This area provides the TTU community with information and various levels of assessments of technology and technology-related issues, aiding decision making regarding technology investments at TTU.

Technology Support (www.itts.ttu.edu) provides a variety of IT services and operates the Advanced Technology Learning Center (ATLC) in the west basement of the Texas Tech Library building and nine remote student computing labs located throughout the campus (www.depts.ttu.edu/itts/labs). Some of the IT services provided include free technology short courses (hands-on and online), 3D printing, university software site licenses, mission critical university systems (e.g., Blackboard, Mediasite, OmniUpdate, SharePoint, etc.), emerging technology evaluation, technology accessibility review, and lab management consulting. Technology Support also manages university websites, including www.ttu.edu (in partnership with the Office of Communications & Marketing). Technology Support provides periodic campus training sessions on efficient lab management strategies and cybersecurity practices, as well as advanced training sessions for campus IT professionals.

IT Help Central (ITHC) (www.ithelpcentral.ttu.edu) provides students, faculty, and staff with friendly “front line” IT support for the multitude of IT services available on campus. ITHC is the primary point of contact for anyone needing assistance regarding technology issues, as well as secondary support for campus IT professionals. In addition to resolving questions quickly, the Service Desk is also structured to escalate questions, problems, and concerns from the TTU community to the proper IT staff member. All incidents are tracked online until they are resolved. Faculty, staff, and students may contact ITHC at 806.742.HELP or [\[tral@ttu.edu\]\(mailto:tral@ttu.edu\) or utilize the self-support feature through askIT \(\[www.askit.ttu.edu\]\(http://www.askit.ttu.edu\)\).](mailto:ithelpcen-</p>
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Telecommunications (www.net.ttu.edu) architects and manages TTUnet (the Texas Tech network), Unified Communications/VoIP (the university’s telephone system), secure wireless network, and wide-area Internet and Internet2 connections. Telecommunications plans and administers the development, acquisition, repair, maintenance, and delivery of network services. This department also manages eRaider network authentication account services that provide secure access to various campus resources and other select non-TTU resources through identity federation. In addition, Telecommunications manages the network registration service for devices that connect to TTUnet. The department is also responsible for the TTU email service and domain name service. The IT Security Team works to continually protect institutional data and information resources by proactively scanning network-attached devices and applications for vulnerabilities.

High Performance Computing Center (HPCC) (www.hpcc.ttu.edu) provides consulting services and assistance to campus researchers with experimental software and/or hardware needs, training in parallel and grid computing, and administration for local high performance systems. The HPCC also operates TechGrid, leveraging idle and unused compute cycles from participating on-campus computing labs and staff workstations to collectively provide an additional high performance computing resource for researchers. The HPCC participates in regional, national, and international initiatives to bring expertise and resources to Texas Tech University researchers.

Application Development and Support (ADS) (www.ads.ttu.edu) analyzes, designs, and provides high-quality applications, reports, and solutions to support academic and business processes, such as web-based learning, eCommerce transactions, data security, and institutional reporting. These solutions improve student services, enhance operational visibility, streamline strategic decision making, and reduce costs. ADS also leads and assists the Texas Tech community in protecting applications, both internally-developed and third party-provided, using appropriate authentication and security measures.

In addition to the university’s IT Division resources, the Texas Tech University System provides the following IT resources:

- **Communication Services** (www.itcs.ttu.edu) provides telephone services for Texas Tech entities, including supporting the legacy telephone infrastructure, all university-owned cellular voice and data devices, 800mhz radio infrastructure, and managing the on-campus directory assistance. For any of these needs, contact Communications Services at 806.742.2000.
- **Information Systems** (www.texastech.edu/it/infosys) is responsible for the design, development, implementation, maintenance, and support of enterprise applications shared across Texas Tech components, including

Banner products supporting student, student financial aid, finance, human resources, payroll, and budget systems.

- **Technology Operations & Systems Management (TOSM)** (www.tosm.ttu.edu) provides technology consulting, backup/recovery, and hosting services, as well as managing the University Data Center. Staff members are available to answer questions concerning server administration, management, or support. TOSM provides a production-grade data center and encourages areas and units to house servers and data in this facility. For additional information, call 806.742.2900.

Institutional Advancement

The Texas Tech University System Office of Institutional Advancement (IA) is responsible for fundraising, donor cultivation, recognition and stewardship for all institutions and campuses of the Texas Tech University System, including Texas Tech University, Texas Tech University Health Sciences Center – Lubbock, Texas Tech University Health Sciences Center – El Paso and Angelo State University. The objective is to develop and implement a well-coordinated, comprehensive advancement program that maximizes private giving, awareness and goodwill. Individuals, corporations, foundations and other organizations are encouraged to assist in building the future of the Texas Tech University System and its component institutions. Leadership for institutional advancement is provided by the Vice Chancellor for Institutional Advancement (VCIA) who reports directly to the chancellor.

Each university has a development director who reports to the president. The president and institutional development director shall collaborate with the chancellor and the VCIA to administer fundraising activities for the component institution. Development officers at each component institution may be assigned to academic colleges, centers, institutes schools, regions and units to facilitate the fundraising priorities of the chancellor, university presidents, provosts, vice presidents, deans and faculty in generating private support to fulfill the mission and vision of component institutions. Priorities are established by the coordinated efforts of the component institution and IA, including increasing endowments and raising funds to support students, academics, research and athletic programs.

Gifts may include cash, stock, land, in-kind gifts and planned gifts (bequests, annuities, trusts, insurance and other financial instruments). The Texas Tech University System Office of Institutional Advancement is responsible for all matters relating to gifts, including, but not limited to, gift acceptance, processing and reporting; gift acknowledgments; alumni and donor records; and related research.

The Texas Tech Foundation, Inc. (The Foundation) is an independent non-profit corporation, formed under section 501(c)(3) of the Internal Revenue Code. The Foundation's mission is to exclusively support and promote the Texas Tech University System and its component institutions through

the acceptance and management of gifts for the benefit of the system. The Foundation's board of directors provides volunteer leadership and input to facilitate institutional advancement programs and assists with fundraising activities and major capital campaigns.

Gifts of any type for Texas Tech University System or to the Texas Tech Foundation, Inc. should be handled by IA.

Mail Services

MailTech, located at 144 Administrative Support Center (on Fourth Street and Flint Ave.), delivers incoming interdepartmental and U.S. mail and processes outgoing mail and commercial carrier shipments. Mail is delivered and picked up at most departments. Department-initiated special pickups are available upon request, as is information on USPS and commercial carrier rates and services. Campus mailing information, including guidance on addressing, use of campus mail and a list of campus mail stops can be found at www.depts.ttu.edu/services/MailTech/. The hours of operation are 7:30 a.m. to 5:00 p.m., Monday through Friday. Contact: MailTech@ttu.edu, 806.742.2286.

MailTech also operates a facility in the Student Union Building, suite 100, that provides fast color and black/white copies, spiral binding, fax service, lamination, and general printing for university and personal use. Stamps may be purchased for individual use. Other mail services include USPS only international mailing, package shipping, and a convenient drop off location for prepaid UPS and FedEx mail. It is a receiving point for printing orders, including business cards, envelopes, brochures, postcards, posters, and official letterhead, as well as full-color printing and graphic design. FOP numbers are accepted for all printing and copying services.

Museum of Texas Tech University

As an education resource for a diverse audience, the Museum of Texas Tech University collects, researches, and disseminates information about the natural and cultural heritage of local and related regions. It is accredited by the American Alliance of Museums and is located on the campus at Fourth Street and Indiana Avenue.

The building was completed in 1970 and contains over 250,000 square feet of galleries, research facilities, classrooms, work areas, and collection housing. The museum complex includes the main museum building, Moody Planetarium, Natural Science Research Laboratory, and Lubbock Lake Landmark. A 40-foot mural, created in India ink by Peter Rogers, dominates the lobby. Galleries showcase long-term and temporary exhibitions drawn from the museum's own collections and traveling exhibits.

The Moody Planetarium is a 71-seat and two wheelchair area auditorium with a full-domed digital mirror projection system. It has daily astronomy and laser programs for the public at 2

and 3:30 p.m., Wednesday through Friday; 11:30 a.m., 2, and 3:30 p.m. on Saturday; and 2 and 3:30 p.m. on Sunday.

A Master of Arts in Heritage and Museum Sciences is offered as an academic component of the museum.

Although the chief source of funding for the museum is legislative appropriation, additional support comes from endowments and granting agencies. The Museum of Texas Tech University Association supports traveling exhibits. The education division of the museum conducts tours and programs throughout the year, including curriculum-based tours for public schools, public workshops and lectures, special events, and other activities for major exhibitions. Volunteers from the community and Texas Tech University are always needed and welcome. The museum is a military-friendly, Blue Star museum.

The museum is closed on Monday but open free of charge from 10 a.m. to 5 p.m. Tuesday through Saturday, 1 to 5 p.m. Sunday, and until 9 p.m. on the first Friday of every month.

National Ranching Heritage Center

The National Ranching Heritage Center (NRHC) is a 27-acre museum with seven galleries, 38 pieces of life-size bronze sculpture, and an historical park containing 49 authentic ranch structures relocated, restored, and preserved to tell the ranching story. The structures—a bunkhouse, one-room schoolhouse, half-dugout, train, depot, blacksmith shop, barn, windmills, and more—date from the late 1780s to the early 1950s with 35 structures between 100 and 200 years old. More than 60,000 visitors from throughout the nation and many foreign countries tour the NRHC every year. TripAdvisor, the world's largest travel site, has named the NRHC the number-one tourist attraction in the Lubbock area.

In addition to museum exhibits and education-based seminars and programs, the NRHC hosts numerous public events annually, including Ranch Day, Summer Stampede Western Art and Gear Show, the National Golden Spur Award Dinner, and Candlelight at the Ranch. More than 150 community and student volunteers help with these events.

Dedicated on July 4, 1976, the NRHC is open to the public free of charge from 10 a.m. to 5 p.m. Monday through Saturday and 1 to 5 p.m. on Sunday. The historical park closes daily at 4 p.m. The NRHC is closed on all major holidays, including the holiday schedule of Texas Tech faculty and staff. For additional information, see www.nrhc.ttu.edu, call 806.742.0498 or email ranchhc@ttu.edu.

Office of International Affairs

The Office of International Affairs integrates the global vision of Texas Tech University by fostering international leadership, awareness, education, research, and outreach for the university and the greater community. Working with and through the colleges, the Office of International Affairs (OIA)

coordinates international activities at Texas Tech and is composed of the following divisions/stand alone units:

- International Enrollment Development Outreach
- International Student and Scholar Services
- International Research and Development
- International Grants Administration & Partnerships
- International Relations
- Study Abroad

Contact: Office of International Affairs, www.international.ttu.edu, Vice Provost Sukant Misra, Ph. D., 806.742.3667.

International Enrollment Development and Outreach (IEDO) Division

The International Enrollment Development and Outreach division brings together the International Enrollment Development unit and the K-12 Global Education Outreach (K-12 GEO) unit to provide a wide variety of educational and community services.

The International Enrollment Development unit supports the academic pursuits of international students and scholars by providing expertise in admissions, recruitment, and sponsored student services.

Comprised of K-12 Global Education Outreach and Facility Operations, this unit serves the community by providing cultural programs to K-12 students from public, private, and home schools throughout the South Plains and facility room rental to both TTU and community groups across the region.

Contact: Division of International Enrollment Development and Outreach, Director of IEDO Kelley Coleman, (kelley.coleman@ttu.edu).

International Student and Scholar Services (ISSS)

ISSS operates the university's international student and exchange visitor immigration programs and provides employment-based immigration services to the university. ISSS assists with the university's compliance programs for nonresident tax and employment authorization. Counselors advise and assist international students and scholars concerning immigration rules, financial concerns, and cross-cultural issues.

Contact: Division of International Students and Scholar Services, Director of ISSS, Richard Porter (richard.porter@ttu.edu) or Assistant Director, Tracy Tindle (tracy.tindle@ttu.edu).

International Research and Development (IRD) Division

The International Research and Development division facilitates the development of multi-investigator, multidisciplinary international research and development programs at Texas Tech University. Through the services of the International Center for Arid and Semiarid Land Studies (ICASALS), IRD promotes the university's special mission of the interdisciplinary study of arid and semiarid environments and the human relationship to these environments from an international perspective.

Contact: International Research and Development, Gad Perry, Senior Director (gad.perry@ttu.edu).

International Grants Administration and Partnerships Division

The International Grants Administration and Partnerships (IGAP) division works with faculty to identify and disseminate international research and development grant opportunities and to help develop and submit large, multidisciplinary proposals to funding agencies. Additionally, they work with faculty to develop partnerships with international institutions to further enhance the international reputation of Texas Tech.

Contact: International Grants Administration and Partnerships, Ms. Reagan Ribordy, Director (reagan.ribordy@ttu.edu).

International Relations

Comprised of International Alumni Relations, International Arts and Culture (art exhibits, speakers, etc.), and International Fundraising, the International Relations division engages and connects TTU alumni, scholars, and donors and brings cultural programming to the multiple and diverse South Plains and TTU communities.

Contact: Division of International Relations, Joan Goodman-Williamson, Executive Director (joan.williamson@ttu.edu).

Passport Office

The OIA also offers full passport services to the public.

Contact: Passport Office, Tanya Gillit, Manager (tanya.gillit@ttu.edu)

Study Abroad Unit

The Study Abroad unit of the Office of International Affairs coordinates all study abroad programs for Texas Tech University students. Texas Tech students may choose from several types of study abroad programs. The Texas Tech Center in Sevilla, Spain offers students the opportunity to take Texas Tech catalog classes. Students participate in an intensive Spanish language program (equivalent to four semesters) or a semester-long Engineering program. Other study abroad programs available to Texas Tech students range from three weeks to a full academic year. Study Abroad Advisors assist students in choosing a program that best fits their individual needs and goals. The Texas Tech Study Abroad staff also provide guidance during the application and orientation processes.

Students participating in any credit-bearing Texas Tech study abroad program and international students seeking a degree at Texas Tech are encouraged to apply for the Study Abroad Competitive Scholarship. This scholarship is funded by the International Education Fee paid by all Texas Tech students. Students participating in credit-bearing Texas Tech study abroad programs also remain eligible for Texas Tech financial aid to help fund their international program.

Contact: studyabroad@ttu.edu; www.studyabroad.ttu.edu; 806.742.3667; International Cultural Center, 601 Indiana Avenue, Lubbock, TX.

Psychology Clinic

The Texas Tech Psychology Clinic has a long history of providing quality services to the Lubbock area and university community. The Clinic is located on the first floor of the Psychology Building and is operated by faculty from the clinical and counseling psychology programs. The purpose of the Clinic is threefold: 1) to provide multi-disciplinary, evidence-based training to doctoral students under the supervision of program faculty; 2) to provide high quality, affordable psychological services to the university and the Lubbock community; and, 3) to advance theory-based mental health research. The Psychology Clinic provides a range of outpatient services to children, adolescents, and adults, including individual, family, couples therapy, behavioral parent training, parent-child-interaction therapy, vocational counseling, and psychoeducation. Therapists address a broad range of issues such as depression, anxiety, relationship and interpersonal problems, emotional and behavioral problems, eating disorders, and problems with stress and coping. The Clinic also provides psychological, neuropsychological, and vocational testing and assessment services to the Texas Tech and Lubbock communities.

Publications

Office of Official Publications. This office oversees preparation of publications comprising the official bulletin series, which includes both the printed and online versions of the *Undergraduate and Graduate Catalog* and the *School of Law Catalog*, as well as the online *Operating Policies and Procedures Manual*. Official Publications also prepares three commencement programs annually and maintains parts of the online class schedules, including the final exam schedule and all course descriptions. The office updates the *Faculty Handbook* and publishes the handbook online. Official Publications prepares the university's official academic calendars for approval by the Provost's Office and for public viewing online and in the bulletin series. The office coordinates sales of the *Undergraduate and Graduate Catalog* and distribution of the catalog to all faculty, staff, and incoming students. Official Publications maintains a course description website that lists all courses offered by the university; participates in the approval process for all new, changed or deleted courses; and maintains the official online listing of the university's core curriculum and multicultural requirement. Additionally, the office oversees the review and publishing of university Operating Policies and Procedures.

The office director serves as a member of the Academic Council. Official university calendars and copies of each official publication are available at www.depts.ttu.edu/officialpublications, while operating policies are published at www.depts.ttu.edu/opmanual. Information appearing in back issues of catalogs is available from the office and in a limited electronic archive on the office website.

Office of Communications and Marketing. This office is the primary public information, media relations and marketing headquarters for the university and provides services to the university community, including graphic design, photography, videography and social media training. The office also manages the home page for the university's website, as well as other top level administrative Web pages. Professional staff members are dedicated to responding to media inquiries and supporting the communication needs of schools, colleges, departments and other programs. The team also oversees the university's visual identity system and supports the strategic initiatives of the President's Office with coordinated marketing efforts. The Office of Communications and Marketing reports to the president. For more information visit www.depts.ttu.edu/communications.

Student Media. The Department of Student Media, located on the first floor of the rotunda in the Media and Communication building, provides out-of-classroom learning opportunities for students to use academic training obtained at Texas Tech in practical settings of publishing the student newspaper, *The Daily Toreador*; digital media at www.dailytoreador.com; and the campus yearbook, *La Ventana*. All publications, productions, and telecasts within the department are nonacademic and considered out-of-classroom learning opportunities, free from administrative censorship. Student editors of *The Daily Toreador* and *La Ventana* have the authority to make all content decisions and bear the responsibility for their decisions.

Student Media employs 50-75 students each semester as collegiate editors, reporters, photographers, videographers, anchors, graphic designers, print and digital advertising account executives, and members of the delivery staff and street team. Many of the employees are students in the College of Media & Communication, and some study other disciplines. Students interested in the fields of advertising, journalism, marketing, public relations, photography, and broadcast are encouraged to apply for positions on the newspaper, multimedia website, and yearbook staffs by visiting www.dailytoreador.com.

Contact: Media & Communication Rotunda, Room 180; 806.742.3388; www.dailytoreador.com

Alumni Magazine. The award-winning *Texas Techsan*, a publication of the Texas Tech Alumni Association, is sent six times a year to association members. The publication reflects a full range of current university programs, news and campus life. Stories represent a mixture of topics and emphasize alumni accomplishments, faculty expertise and research, university issues and Alumni Association programs. Faculty members are encouraged to send information about academic endeavors and honors to the "Through the Arches" section of the magazine.

Purchasing and Contracting

Purchasing. Information on purchasing goods and services for university use may be obtained from the Procurement Services website (www.depts.ttu.edu/procurement/purchasing/) or from the Purchasing Office (806.742.3844 or techbuy.purchasing@ttu.edu).

Purchasing requirements are set forth in the TTU Operating Policies and Procedures. All purchasing information, including access to policies, guidelines, forms, and training information, can be viewed on the Procurement Services website. All purchase requisitions are entered in the TechBuy system by the requesting department and shall include concise, clear descriptions that enable the vendor to clearly understand the goods and services being purchased. TechBuy automates the review and workflow processes and serves as the repository for all purchase and contract information (excluding PCard purchases). The website for Techbuy is: techbuy.ttu.edu. The financial manager of each organization code must register staff and faculty members requiring access to TechBuy in the TeamApp system (team.texastech.edu). Once registered in the TeamApp system, the users will be required to attend training and then will be granted access to TechBuy. For assistance with purchasing questions or assistance with TechBuy, email TechBuy Support at: techbuy.purchasing@ttu.edu.

Texas Tech requires a competitive process for any single purchase or repetitive purchases made to the same vendor that exceed \$15,000 in a fiscal year (September 1-August 31). Formal procurement is required when the threshold exceeds \$50,000.

Federal funds (starting with 21) will require additional compliance requirements when a purchase exceeds \$10,000.

The State of Texas requires compliance with all laws related to Historically Underutilized Businesses (HUBs). A good faith effort is required and most purchases exceeding \$15,000 will require soliciting at least two Texas certified HUB vendors.

The purchase of goods and services may be restricted based on the funding source. Rules will vary depending upon the funding type the department is using. Guidelines on fund use is available at www.depts.ttu.edu/procurement/resources/training-and-work-aids/documents/purchasing/procurement-allowable-nonallowable-expenses-by-fund-type.pdf.

Sponsored projects may have additional compliance requirements as provided for by the regulating agency or in the terms and conditions of the grant.

Contracting. The Contracting Office's mission is to ensure legally sufficient and valuable contractual relationships for all departments in support of Texas Tech University's strategic initiatives.

Most contracts must be routed through the Contracting Office for required legal and fiscal review and authorized signature. Contract signature authority is granted by the Board of Regents and delegated by the President and Chancellor to the CFO and Chief Procurement Officer. Depart-

ments do not have signature authority to sign any binding contracts or terms and conditions. A contract includes but is not limited to the following: a memorandum of understanding, leases, letters of intent, easements, co-operative agreements, letter agreements, licenses, click-through agreements, and purchase orders. Any TTU faculty or staff members who signs a contract may be held personally liable for all of the requirements of that contract.

Contracts that financially obligate TTU require the contract draft and the Contract Routing Sheet be scanned and attached to a purchase requisition in TechBuy (see Purchasing) so that funds may be encumbered. The routing sheet can be found at www.depts.ttu.edu/procurement/forms/documents/contracting/procurement-contract-routing-sheet.pdf.

For non-expenditure or revenue contracts, the contract draft and the signed Contract Routing Sheet must be submitted by email to contracting@ttu.edu.

The Contracting Office support team can be reached at contracting@ttu.edu or by phone 806.742.3844.

Registrar

The Office of the Registrar maintains official student records. Located in West Hall, this office provides students with registration information and services, transfer credit evaluation, official TTU transcripts, and Texas Student Initiative (TSI) compliance services. The registrar's office supports the institution by collecting student record data, building and scheduling courses and sections, performing athletic certification, advising the Office of the Provost in regards to policy reviews and recommendations, providing student record training, and enforcing FERPA compliance. All aspects of student record privacy and access are reviewed and monitored by this office. The Office of the Registrar is under the direction of the Associate Vice President for Enrollment Management.

Speech-Language and Hearing Clinic

The Speech-Language and Hearing Clinic, with facilities on the east side of the Health Sciences Center, serves as a practicum site for students in the Department of Speech, Language, and Hearing Sciences.

Under faculty supervision, students in speech-language pathology and audiology provide clinical services for the students, faculty, and staff of Texas Tech University and other residents of West Texas and eastern New Mexico. Assessment services and therapy are available for children and adults with hearing problems or disorders in language, voice, stuttering, or articulation. Individuals are accepted by self-referral and upon referral from other professionals. Anyone needing these services should contact the office of the Speech-Language and Hearing Clinic at 806.743.5678.

Student Union Building (SUB)

The Student Union Building (SUB) is the community center of campus. The SUB has as many as 20,000 students, faculty, staff, alumni, and guests come through its doors daily.

Staff of the Student Union & Activities department have been working hard the past several years to bring Texas Tech spirit into the building. In 2016, several large photographic wall wraps were completed, representing campus life, athletics, and Texas Tech icons. The third floor of the building was renovated in 2017 to provide an open collaboration space for all students. The space is filled with moveable tables, chairs, and whiteboards, as well as a threaded power system throughout the floor, resulting in hundreds of available power outlets for students to charge their laptops, phones, and other devices. In 2006 the SUB completed a \$45 million renovation and expansion that has created one of the finest facilities in the United States. The expansion included additional space for the official Barnes & Noble campus bookstore, the Student Organization Involvement Center, TV and study lounges, Student Government Association office suite, Student Union & Activities Administration offices, Dean of Students, the Center for Campus Life offices, Student Legal Services, and West Plaza courtyard between the SUB and the library. The Office of Parent and Family Relations was added in 2007 along with a games area in the lower west lounge.

The SUB features a five-concept food court, a casual dining area with seating for 600 patrons, six study rooms, 20 technologically capable meeting rooms for events, the 936-seat Allen Theatre, the courtyard, and the east entrance ATM hub. In 2014 the Student Union added the Stars and Stripes Military, Veteran, and Family Lounge. The Red Raider Ballroom was renovated with improved lighting, sound, and visual technologies in 2013. Televisions were added in the food court area in 2016. The retail and service corridor on the first floor houses a variety of businesses such as the University ID Office, Prosperity Bank, a University Police sub-station, Sam's Place Mini-market, CopyMail service center, the Union Bistro, 1923, Red's Donut Shoppe, Smart Choices, and Pacigulo Gelato Caffé.

The Student Union Building is open from 7 a.m. to 11 p.m. Monday-Wednesday, 7 a.m. to 12 a.m. Thursday-Friday, 8 a.m. to 11 p.m. Saturday, and noon to 11 p.m. Sunday.

Teaching Academy

The Teaching Academy is a university-wide organization of faculty who have demonstrated excellence in teaching and are committed to the improvement of teaching and learning. Members of the Teaching Academy facilitate and participate in activities that demonstrate, support, promote, and recognize pedagogical excellence at Texas Tech University. Established in 1997 by the Office of the Provost, the Teaching Academy represents strong and visible evidence of the university's commitment to its teaching mission.

The membership application for the Teaching Academy occurs every spring. To become a member of the Teaching Academy, faculty must be nominated and supported by two sitting members of the academy and submit a formal application dossier. Applicants must be a full-time tenured or tenure-track faculty, full-time professor of practice, or full-time instructor who has been at Texas Tech for a minimum of three years (completed six long semesters). Applications are reviewed by a standing committee of academy members, and new members are inducted during a ceremony in the fall semester. More information and access to application materials may be found online at the Teaching Academy website.

The organizational structure of the Teaching Academy includes an Executive Council, elected by the full academy membership and composed of one representative from each college (two from the College of Arts and Sciences). The Chair and Chair-Elect are selected from the elected members of the Executive Council, and the Executive Director of the Teaching, Learning, and Professional Development Center (TLPDC) is an ex officio member. The Executive Council meets monthly to consider the teaching culture across campus and to conduct the business of promoting and rewarding teaching excellence. The Executive Council serves as the review committee for the Chancellor's Council Distinguished Teaching Award and the Departmental Excellence in Teaching award. The Teaching Academy collaborates with the TLPDC in the Teacher Mentoring through Peer Observation (TeMPO) program to facilitate mentoring relationships among faculty using peer-observation.

The Teaching Academy is supported by the Teaching, Learning, and Professional Development Center, through which programs and services are often presented in collaboration with the Teaching Academy. For example, the TLPDC and the Teaching Academy organize and facilitate an annual teaching conference, named in honor of former Provost John M. Burns.

The Teaching Academy also awards the Lawrence Schovanec Faculty Development Scholarships to fund faculty attending conferences focusing on teaching skills and techniques. Although the number of scholarships awarded and the amounts will vary according to funding, at least one will be designated for an individual who is not a member of the Teaching Academy.

For more information about the Teaching Academy, visit the website at www.depts.ttu.edu/tlpdc/Teaching_Academy/ or call the TLPDC office at 806.742.0133.

Teaching, Learning, and Professional Development Center

The Teaching, Learning, and Professional Development Center (TLPDC) at Texas Tech University supports the university's commitment to excellence in teaching and learning. The center aims to develop and advance the whole person by providing practical teaching assistance and other interactive development opportunities for faculty, graduate

students, and staff, encouraging innovation in high impact teaching practices such as service learning, digital storytelling, ePortfolios, and evidence-based instructional practices that enhance the teaching and learning process.

The TLPDC supports graduate students, instructional staff, and all faculty members through consultations, seminars and workshops and customized services; seeks out cutting-edge educational technologies and provides quality faculty development and professional development opportunities to promote excellence in the classroom. By building strong institutional partnerships and through partnerships with other institutions and organizations, the center strives to be a regional and national leader in the areas of teaching and learning. The TLPDC is located on the first floor of the north wing of the library.

Confidential teaching consultations are an important service provided by the TLPDC. At the instructor's request, a consultant will observe classes and gather feedback from students about their learning. There are also workshops throughout the year open to the TTU community focused on teaching and learning issues. The TLPDC leads the nationally recognized Teaching Effectiveness and Career Enhancement (TEACH) Program for graduate teaching assistants and the Groundwork Program to provide numerous professional development sessions for graduate students. The Service Learning faculty fellows program is another excellent program led by the TLPDC to provide mentoring for faculty initiating service-learning curricula across the university. The STEM Teaching, Engagement and Pedagogy (STEP) is a TLPDC faculty development program focused on improving student retention and improving teaching through partnerships with STEM faculty members. In addition, the TLPDC facilitates the Institute for Inclusive Excellence and the Chair Academy.

In the fall, the TLPDC supports the Teaching Academy in hosting the John M. Burns Conference on the Scholarship of Teaching and Learning. Each spring, the TLPDC sponsors the Advancing Teaching and Learning Conference and brings nationally recognized leaders in higher education to West Texas.

For further information about any of these programs, please contact Suzanne Tapp, Executive Director (suzanne.tapp@ttu.edu), call 806.742.0133, stop by the center in the library, or see the TLPDC website (www.tlpd.ttu.edu).

Texas Tech Chess Program (TCP)

The Texas Tech Chess Program (TTCP) has captured more than ten national titles, as well as regional and state championships. In 2014, TTCP made history by receiving a double honor from the U.S. Chess Federation. Texas Tech was named "Chess College of the Year," and head coach Alex Onischuk was recognized as "Grandmaster of the Year." In both 2014 and 2015, Texas Tech Chess Teams qualified for the "Final Four of College Chess," the playoff for the national championship.

The Texas Tech Chess Program offers chess scholarships on two levels to qualified undergraduate or graduate applicants.

Top players may receive significant financial help. Club level players who are willing to teach in the weekly K-12 programs may qualify for smaller scholarships. All of these scholarships qualify students for reduced in-state tuition and include regular training with International Grandmaster Onischuk, a former U.S. Champion and one of the top professionals in the world.

The Texas Tech Chess Program supports the mission of the Division of Institutional Diversity, Equity and Inclusion by promoting chess as a vehicle for enriching education, recruiting outstanding and diverse students to the university, promoting the university through collegiate competitions and exhibitions, providing outreach to all segments of the community, and seeking partnerships and other opportunities that serve university goals.

In collaboration with the university's student chess club, the Knight Raiders, TTCP offers a variety of services and opportunities related to chess, including regular meetings, tournaments, after-school programs, workshops for teachers, and chess camps for kids. The TTCP staff prepares the state-wide UIL chess quizzes. TTCP resources include chess sets, chess clocks, a specialized chess library, demonstration boards, chess game analysis programs, and tournament management. Many of these resources are shared with the university's student chess club.

Contact: 303 Library, al.lawrence@ttu.edu, www.tcp.ttu.edu, 806.742.7742

Texas Tech Foundation, Inc.

The Texas Tech Foundation, Inc. (the Foundation) is an independent non-profit corporation organized under Texas law and qualified under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Foundation supports and promotes every part of the Texas Tech University System, including all four of its universities—Texas Tech University, Texas Tech University Health Sciences Center, Angelo State University and Texas Tech University Health Sciences Center at El Paso. The Foundation is governed by a volunteer Board of Directors and actively supported and administered by the Texas Tech University System Office of Institutional Advancement.

The Foundation advocates for successful performance by:

- Positioning the Texas Tech University System as an institution of distinction;
- Raising funds on behalf of the universities and health sciences centers;
- Stewarding funds, caring for donors and reporting on gifts and endowments;
- Partnering with the Board of Regents on investment and oversight;
- Supporting and promoting all colleges, schools, programs and campuses of the Texas Tech University System.

Due to the structure of the Foundation, faculty should coordinate efforts to solicit private gifts with the System's Office

of Institutional Advancement, University's development team and the Foundation prior to such solicitation. Solicitation should be conducted in accordance with the Texas Tech University Operating Policies & Procedures and the Texas Tech University System's Regents Rules, and other policies as may be in effect.

Gifts to the Foundation may be tax-deductible and are so receipted and acknowledged to the donor. The donor may reasonably designate the use and purpose of the gift. Gifts to the Foundation may be made online at www.give2tech.com, or a number of other philanthropic tools. Texas Tech faculty members should work directly with the Office of Institutional Advancement to coordinate any and all gift(s) to the Foundation.

Texas Tech Police Department

The Texas Tech University Police Department is located at 413 Flint Avenue and provides 24 hour law enforcement services and security for the entire Texas Tech community. The department phone number is 806.742.3931 or, in case of an emergency, 911.

Officers of the Texas Tech University Police Department are licensed by the Texas Commission on Law Enforcement and are fully commissioned.

The Texas Tech University Police Department employs Crime Prevention Specialists available to offer presentations on a number of topics, including personal safety, burglary/theft prevention, sexual assault awareness, active shooter awareness, and drug and alcohol awareness programs. In addition, these officers will discuss crime prevention with any student, faculty, or staff member.

The department posts information and crime statistics online at www.depts.ttu.edu/ttpd/.

Texas Tech University Agricultural Field Laboratories—Lubbock County

The principal field laboratory units for the College of Agricultural Sciences and Natural Resources (CASNR) are: (1) Texas Tech Research Farm, (2) Texas Tech Quaker Avenue Research Farm, (3) Fiber & Biopolymer Research Institute, (4) Texas Tech Native Rangeland Area, and (5) Texas Tech Equestrian Center. These field laboratories are heavily used in teaching and research programs.

The Texas Tech Research Farm, located in northeast Lubbock County (six miles east of New Deal on FM 1729) consists of 982 total acres of farm land, of which 271 acres are irrigated (232 acres by subsurface drip and 39 by center pivot). The predominant soil is Pullman clay loam, which is representative of soils types in the South Plains area. Two buildings are used for teaching and research in conjunction with studies related to soils and crops. There are three swine buildings, a ruminant nutrition center, a sheep center, a beef cattle center, the Burnett Center for Beef Cattle Research and Instruction, a necropsy unit, and a physiology-metabolism labora-

tory. The field laboratory facilities are used by students and researchers as integral parts of their studies in CASNR.

The Quaker Avenue Research Farm is located less than two miles from central campus on Quaker Avenue just north of 4th Street. The Department of Plant and Soil Science uses this 130-acre farm for research on many different crops, including cotton, corn, sorghum, sesame, horticultural crops, and turfgrass. More than three quarters of the farm is equipped with subsurface drip irrigation. Class activities on irrigation, crop breeding, crop production, pollinator activity and turf management are often held at this farm.

A research farm at the Fiber and Biopolymer Research Institute Laboratory at east loop 289 and 4th street was opened in 2015. This farm includes a 17 acre half circle center pivot, 19 acres of permanent drip, and a 3 acre vineyard. The location also includes 9 acres with temporary subsurface drip irrigation. Research is conducted on cotton, corn, grain sorghum, peanuts, wine grapes, and vegetable crops.

Also located about two miles from central campus is the Texas Tech Native Rangeland Area managed by the Department of Natural Resources Management. This 132-acre tract has been a part of the university since its inception in 1923. Initially, the rangeland was used for field trips and natural history studies, then periodically from about 1960 through 2000, cattle were grazed on the area. The rangeland is now recognized as one of the most important native shortgrass prairie sites remaining in the Lubbock area. Numerous research projects are being conducted on the site by professors and graduate students from Texas Tech. Public schools and conservation groups conduct field trips to the site to observe wild animals and conduct educational programs about the ecology of the Southern High Plains.

The 50 acre Texas Tech Equestrian Center, located approximately 7 miles south-west of campus on County Road 1500, is home to multiple equine activities including the Equestrian Team, Horse Judging Team, Ranch Horse Team, Rodeo Team and the Therapeutic Riding and Therapy Center. The facility offers an indoor arena with seating for approximately 700 people, two warm-up arenas, as well as four larger event arenas. The Center has 180 indoor stalls for use in events and for student and outside public to board their horses. The facilities are also available for public and private events.

Texas Tech University Research Farm—Pantex

The College of Agricultural Sciences & Natural Resources operates an agricultural farm at Pantex, located 12 miles east of Amarillo. This farm consists of 5,770 acres of deeded land and an agricultural use permit on an additional 5,304 acres controlled by the Department of Energy. The farm serves as a valuable resource for agricultural research and education, adding strength, flexibility, and prestige to the academic programs at Texas Tech.

Transportation and Parking Services

All vehicles parked on campus must have a valid Texas Tech ePermit. Students living off campus may purchase a permit for a commuter parking lot or garage that is valid weekdays from 7:30 a.m. to 5:30 p.m. Students living on campus may purchase a permit for their residence hall parking lot that is valid 24 hours a day, seven days a week. Permits are available on a first-come, first-served basis. Transportation and Parking Services uses license-plate recognition to monitor campus parking, so students receive no physical permits.

By using “My Parking Account” on the Transportation and Parking Services website (www.parking.ttu.edu), viewers can access and update account information, register motor vehicles and bicycles, purchase a permit, and explore other ways to simplify their on-campus parking experience. The website also provides maps, citation appeals procedures, traffic and parking regulations, and other useful information.

A free on-campus Motorist Assistance Program is available 24 hours a day for anyone who runs out of gas, needs a battery boost, needs a car door unlocked, or has a flat tire on campus. Call 742.6277 (MAPP). Other programs, events, and citation dismissal opportunities available to students are detailed online.

To contact Transportation and Parking Services, call 742.7275 (PARK) or visit Room 145 of the Administrative Support Center, 407 Flint Ave., from 7:30 a.m. to 8 p.m. Monday through Friday.

TTU Worldwide eLearning

Texas Tech University offers multiple certificate programs, bachelor's degrees, and graduate degrees at a distance. These degree programs are delivered through a variety of modalities, including synchronous or asynchronous web-based instruction, as well as interactive video conferencing. Instructional technology available to faculty and students includes:

- Blackboard learning management system (TTU Worldwide eLearning 806.742.7227 or blackboard@ttu.edu)
- Confluence wiki (TTU IT Division – Technology Support Department 806.742.1650)
- Computer-based training – business, financial, and technology skill development for online learners (www.cbt.ttu.edu, TTU IT Division – Technology Support Department, 806.742.1650)
- SharePoint enterprise services – document collaboration, submission (TTU IT Division – Technology Support Department, 806.742.1650)
- Online accessibility information (www.ttu.edu/accessibility)

The Office of the Provost works with Texas Tech colleges and departmental leaders on the development of new, online and distance degree and certificate proposals. TTU Worldwide eLearning is responsible for compliance activities for federal and state regulations as well as accreditation activities related to online and distance learning.

Faculty who are developing or instructing courses in online formats are supported through resources within their respective college or school; the Teaching, Learning, and Professional Development Center (806.742.0133); the Information Technology Division (806.742.5151 or 806.742.1650); and TTU Worldwide eLearning (806.742.7227). For more information about online and distance learning, visit the TTU Worldwide eLearning website (www.elearning.ttu.edu) or contact Dr. Melanie Hart (melanie.hart@ttu.edu or 806.742.2184) in the Office of the Provost or Dr. Justin Louder (justin.louder@ttu.edu or 806.742.7227) with TTU Worldwide eLearning.

TTU Regional Sites

The Office of the Provost coordinates all programs offered at regional sites in Collin College (McKinney), El Paso, Fredericksburg, Highland Lakes (Marble Falls), Hill College (Cleburne), Junction, and Waco.

Programs at these sites provide distance students with opportunities to earn undergraduate and graduate degrees with a blended delivery of face-to-face, interactive video-conferences, and online classes. Students may complete their degrees without the need to relocate or travel long distances from their homes and work.

Texas Tech partners with regional community colleges for lower-division coursework and offers upper-division courses to complete a bachelor's degree at the TTU regional sites. Graduate degrees are offered through participating colleges at Texas Tech.

Students pursuing degree programs at TTU regional sites are held to the same entrance requirements as students at the Lubbock campus. Courses, curriculum, and graduation requirements at each site meet the same standards as those in Lubbock.

For more information about the various TTU regional sites, visit www.elearning.ttu.edu/regional or contact Dr. Melanie Hart (melanie.hart@ttu.edu), 806.742.2184.

University Libraries/Special Collections

Ranked among the top third of academic research libraries nationally, Texas Tech University Libraries serve as a vital partner with students and faculty in their learning endeavors. The University Libraries' system is comprised of: (1) University Library, (2) Southwest Collection/Special Collections Library, (3) Architecture Library, and (4) the University Press. The University Library is a patent and trademark depository and is one of two regional depositories for U.S. government documents in Texas. The central focus of the Texas Tech University Libraries is to make available 2.75 million physical volumes, electronic resources, special collections and archives, and to offer services to students and faculty that enable academic and research success.

The University Library is open more hours than any other building on campus (24/5 each semester with special 24/7 hours

during final exam periods), and provides online access to more than 100,000 online journals, newspapers, and periodicals, more than 200,000 e-books, 400 databases, and 1 million architecture and art digital images via www.library.ttu.edu. The University Library is the center of academic, social, and intellectual discovery on (and off) campus. Librarians offer personalized assistance for research and reference needs in person, by phone, via e-mail, or through the Ask-A-Librarian chat service. Every major has its own Personal Librarian who can be found at <http://guides.library.ttu.edu/>. The Library's award-winning Document Delivery service will obtain materials not owned by the Libraries for students and faculty and will hold and/or deliver them upon arrival.

The main floor of the University Library contains Group-Works stations – interactive group study environments enabled by the latest digital equipment. The Library houses the most computer stations on campus, each equipped with the full and latest versions of the Microsoft Office Suite, Adobe Creative Suite (Photoshop, Illustrator, InDesign, etc.), AutoCAD, and other project/product and publishing tools.

In the basement of the University Library, a state-of-the-art recording studio provides a free facility to all students and university employees for practice, performance, podcasts, music, theater, and oral presentations. On the second floor, the Digital Media Studio (DMS) and 3D Animation Lab provide access to the latest Macintosh and PC software, including industry-standard design, video editing, and 3D art, modeling, and animation software. Digital cameras, high-definition digital camcorders, Go Pro cameras and mounts, more than 5,000 American and international film and movie DVDs, and music and audio books on CD are all available for checkout from the DMS.

The university offers a 1 credit-hour course (LIBR 1100) to convey effective library research methods and strategies for scholastic success.

The Architecture Library is located on the ninth floor of the Architecture Building. Its collection includes materials on architecture, design, urban planning, and landscape architecture, as well as an image library of digital collections on architecture, art, and design. The Architecture Library's services include reference, reserve, instruction, and circulation. For hours and more information, visit <http://library.ttu.edu/arch/index.php>.

The Southwest Collection/Special Collections Library (SWC/SCL) includes the Southwest Collection; the University Archives; Rare Books; the James Sowell Family Collection in Literature, Community and the Natural World; the Archive of Turkish Oral Narrative; and the Crossroads of Music Archive.

The Southwest Collection is the regional repository for historical information pertaining to West Texas and the Southwest. The SWC/SCL collects and makes available for research more than 1,800 collections of personal papers; more than 5,000 hours of oral history interviews; noncurrent business and institutional records; and a non-circulating library of Texana, West-

ern Americana, maps, periodicals, photographs, newspapers, interviews, films, videotapes, and microfilm.

The University Archives serves as the institutional memory for Texas Tech University by collecting, preserving, and making accessible to researchers such materials as administrative and faculty records, publications, photographs, memorabilia, and video and audio recordings. These materials document the legal, historical, fiscal, administrative, and intellectual aspects of the university, as well as the cultural and social aspects of student life.

Consisting of some 38,000 volumes, Rare Books is a rich resource for research. Its holdings provide a wide breadth of materials, including rare and early printed books and maps; artists' books; and limited edition, illustrated and finely bound books. Areas of strength include the history of science and medicine, European and American literature, book history and book arts, Russian and Eastern European history and culture, Mesoamerican and illuminated Medieval manuscript facsimiles, and Greek and Roman classical authors.

The James Sowell Family Collection in Literature, Community and the Natural World contains the personal papers of award-winning contemporary American writers whose work deals with the natural world, the significance of communities, and questions of social justice. In addition to published books, materials available for research include correspondence, drafts of manuscripts, research notebooks, diaries, calendars, photographs, and film. A complete list of writers in the Sowell Collection can be found at www.swco.ttu.edu/Sowell/SowellCollectionSWC.php.

The Archive of Turkish Oral Narrative is a research facility devoted to the study of Turkish folktales and related narrative forms: folk history, legends, folk minstrelsy, and myths. A comprehensive view of Turkish culture can be found at <http://aton.ttu.edu>.

The Crossroads of Music Archive is quickly becoming the premier music archive in Texas. The university is the only state institution actively pursuing musicians and their associates to collect and preserve the state's vast musical heritage. Additionally, the archive is working outside the state to obtain important music collections that have been overlooked.

All materials may be used by both the university community and the general public for research or reference. The SWC/SCL is located north of the University Library. Reading Room service is provided during regular semesters from 9 a.m. to 5 p.m. Monday, Wednesday, and Friday; 9 a.m. to 7 p.m. Tuesday and Thursday; and 9 a.m. to 1 p.m. on Saturday during the fall and spring semesters. All hours are subject to change; please call to confirm hours. Inquiries and donations are welcome. Tours are available.

Contact: 806.742.3749 or <http://swco.ttu.edu>

Texas Tech University Press (TTU Press) has been the book publishing arm of Texas Tech University since 1971 and a member of the Association of American University Presses since 1987. The mission of TTU Press is to disseminate the fruits of research and scholarship by publishing, in accordance with rigorous peer review, works that compel

scholarly exchange and that entertain and enlighten the university's broadest constituency throughout the state, the nation, and the world.

Texas Tech University Press publishes up to 20 new titles each year. With approximately 400 titles in print, the University Press' published subject areas range from natural history and the natural sciences, biography and memoir, to all aspects of the Southwest, the Great Plains, and the American West. The University Press also publishes young adult and children's titles and an annual poetry selection. In addition to books, TTU Press offers merchandise, including a calendar, note cards, and prints featuring historic Texas Tech and regional images from the University Archives at the SWC/SCL. For more information and to order, visit www.ttupress.org or call 800.832.4042.

University Student Housing

The Texas Tech residence hall system includes a variety of living options and provides convenient and affordable housing for over 8,000 students. Learning Communities provide students with the opportunity to live with others of similar academic interests.

Residence Halls

The Carpenter/Wells Complex is a coed, suite-style residence hall, offering three-bedroom townhouses and four-bedroom flats along with a limited number of two-bedroom units predominately to men and women of sophomore or higher classification. The Leadership Development Center (LDC) serves as a commons building, featuring a computer lab and several study lounges. Students share a suite with other students of the same gender.

Gordon Hall is a coed, suite-style residence hall that houses the Transfer Connection Learning Community. Students in the hall share a suite with students of the same gender only.

Murray Hall is a coed, suite-style residence hall. The Business, returning Honors and Terry Scholars learning communities are located in Murray Hall near several engineering buildings. Murray Hall is open year-round to provide residents a location where they may live continuously throughout their academic career.

Talkington Hall is a coed, suite-style residence hall. The Commons, a two story, 20,500-square-foot dining facility, is located in the complex. Students share a suite with students of the same gender.

The West Village is a coed, apartment-style residence hall offering one-bedroom, two-bedroom and four-bedroom units. Students over 21 years of age may live in West Village B (West Village Graduate), and students of sophomore or higher classification may live in West Village A (West Village Upperclass). Amenities include washers and dryers in the one-bedroom and two-bedroom apartments and limitless laundry lounges with free WiFi for the four-bedroom apartments. Each apartment includes a living room, a full kitchen (refrigerator, microwave oven, burner cook-top, and oven), private bedrooms and two bathrooms.

Ethernet computer connections are provided in each room. All halls have WiFi throughout the buildings. Other services include basic cable television service with Showtime, limitless laundry rooms, study lounges, and in-hall 24-hour professional office.

An experienced and trained staff of Residence Life Coordinators, Graduate Hall Coordinators, and Community Advisors manage each residence hall. Each residence hall office provides assistance to residents with concerns, including maintenance requests, room and roommate assignments, and resource information.

The interests of students living on campus are promoted through the Residence Halls Association and individual hall governments. Each hall government sponsors social, cultural, educational, and recreational activities.

On-Campus Housing Requirement

On-campus housing for administration, faculty, and other university employees generally is not provided. Special permission may be granted in exceptional circumstances.

On-campus housing for married couples or individuals with children is not provided.

Registered sex offenders and students convicted of a felony are not permitted to live in university-owned housing. Information submitted is subject to verification.

In support of the Strategic Plan of Texas Tech University, the university requires enrolled first-year students to live in the university residence halls. Institutional research suggests that students who live on campus are significantly more inclined to remain in college and achieve higher GPAs in comparison to students living off campus. Compliance with the university housing policy is a condition of enrollment, as set forth in the Student Handbook and the Undergraduate and Graduate Catalog and approved by the Board of Regents. Subject to verification and authorization by University Student Housing, students who meet one or more of the exemption criteria may be given permission to live off campus prior to moving in. A list of exemptions can be found at www.housing.ttu.edu/exemptions.php.

In conjunction with the university's support of academic integrity, evidence of deliberate falsification of information, data, or any materials submitted, or providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement will be grounds for disciplinary action. Such action may include, but is not limited to, revocation of a previously approved exemption, restitution of up to a semester's room and dining plan fees, or probation, as determined by the Department of Student Judicial Services and in accordance with the Code of Student Conduct of Texas Tech University.

Students sign a University Student Housing and Hospitality Services Contract for the summer session or the academic year (fall and spring semesters). Any student wishing to move from the residence halls should consult the University Student Housing and Hospitality Services Contract for the provisions applicable to cancellation of the contract. Signing a lease for

off-campus housing does not relieve the student of contractual obligations that may have been assumed with the university for housing in the residence halls. It is the responsibility of the student to comply with all provisions of the contract.

It is the responsibility of the student to update any incorrect information, regarding place of residence, with the Office of the Registrar.

No exemptions will be approved once the student has moved into the residence halls.

Vietnam Center and Archive

Texas Tech University established the Vietnam Center in 1989 with the missions of funding and guiding the development of the Vietnam Archive and encouraging continued study of all aspects of the American Vietnam experience. The center provides a forum for all points of view and all topics related to Southeast Asia, particularly America's involvement in the region before, during, and since the Vietnam War.

The Vietnam Archive collects and preserves materials and artifacts focusing on the men and women who directly participated in wartime events. This includes people from the United States as well as from all participant nations. Located in the Special Collections Library, the Vietnam Archive currently contains approximately 20 million pages of material, making it the largest repository of Vietnam War related materials outside the U.S. federal government.

In addition to documents, artifacts, and related items, the Vietnam Archive includes a dynamic oral history project, a library of more than 14,000 books, and an unrivaled microfilm/microfiche collection. The Vietnam Archive microform collection comprises material from all the U.S. presidential administrations involved in Southeast Asia from World War II to 1975 and contains a comprehensive collection of other government agency and military branch records. This collection also includes one of the largest French Indochina and Vietnamese newspaper collections in the country.

To ease the burden of researching these vast holdings, the Vietnam Archive has developed one of the largest online document retrieval systems in the nation. Created in 2001, The Virtual Vietnam Archive now provides access to more than 3 million pages of materials, all of which are accessible free of charge through the Internet. These online materials include documents; photographs and slides; and thousands of maps, audio recordings, oral history interviews, films, and more. The Vietnam Archive adds approximately 150,000 new pages of digital material online each year.

In addition to the Vietnam Archive and its component projects, the Vietnam Center also administers a number of special projects and events, including scholarships for Texas Tech students, annual conferences and symposia, and numerous other projects and publications. The Vietnam Center website is www.vietnam.ttu.edu.

4 Office of the Provost

Administration

The Office of the Provost and Senior Vice President is charged with developing, implementing, and reviewing academic policies and programs. The Provost serves as the chief academic officer of the university. The office coordinates academic deans and directors and informs and advises the President on academic matters. The office is responsible for academic personnel and budgetary matters, including support areas such as the Libraries; the Graduate School; the Teaching, Learning, and Professional Development Center; eLearning and Academic Partnerships; International Affairs; Institutional Effectiveness; University Programs; College Readiness and Success; the Museum of Texas Tech University; the Humanities Center; the National Ranching Heritage Center; The Remnant Trust; TTU Press; and Official Publications. The Division of Student Affairs also reports to the Provost.

Academic Structure

The principal administrative officer of each of the colleges and schools of the university is the dean. Faculty are assigned to each college and school except the Graduate School. The Colleges of Agricultural Sciences and Natural Resources, Arts and Sciences, Education, Engineering, Human Sciences, Media and Communication, and Visual and Performing Arts are organized into instructional departments or divisions administered by chairpersons. The organizational pattern for the Rawls College of Business includes areas of instruction. The College of Architecture, Honors College, and School of Law are organized as single units.

Department chairpersons and area coordinators are recommended by the dean of the appropriate college and appointed by the Provost. They serve in their administrative roles without tenure and at the discretion of the dean. The dean reviews chairpersons annually.

Each department chairperson and area coordinator, in cooperation with the faculty, is responsible for supervising the activities of the department, developing curriculum, advising students, preparing department budget requests, evaluating the performance of the faculty and staff on an annual basis, recommending tenure and promotion, recommending merit increases and post-tenure reviews, and initiating appointment recommendations (OPs 32.03, 32.06, 32.32).

Provost's Council

The Provost's Council serves as a policy-forming body and makes recommendations on university matters. The Provost's Council provides leadership in all areas of academic interest in the university.

Membership on the Council is composed of the Provost; the Vice Presidents for Research and for Administration and Finance; deans; presidents of the Faculty Senate and Staff Senate; and the Vice Chancellor for Institutional Advancement. Vice Provosts are ex-officio members.

Academic Council

The Academic Council serves in an advisory capacity to the Provost on matters related to academic policies and procedures. The council considers requests for changes to existing or the addition of new degree programs and recommends course additions, changes, and deletions. The council also considers matters of enrollment management, recruitment and retention, off-campus and distance education, core curriculum, faculty development, and academic services.

The Academic Council is composed of the Senior Vice Provost, Vice Provosts, Associate Vice Provosts, the Vice President of the Faculty Senate, associate deans from each school and college and the Libraries, the Registrar, the directors of Institutional Research and Official Publications, and a representative from the Student Government Association. Directors of various academic support offices and programs also attend council meetings.

Faculty Ombuds

The Office of the Faculty Ombudsperson acts as an independent, impartial, confidential, and informal resource for faculty who are dealing with any work-related difficulty including interpersonal conflict or academic or administrative concerns. The faculty ombudsperson advises both the Provost and the President of the Faculty Senate on matters concerning faculty welfare.

Faculty Senate

The Faculty Senate is composed of senators representing the voting faculty of Texas Tech University. The voting faculty are those who have completed at least one year in a full-time appointment in a tenure-track or tenured position, including librarians and archivists who hold appointments that make them eligible for tenure. Membership of the Faculty Senate includes one senator for each twenty voting faculty members or fraction thereof from each college or school, but not fewer than two senators, and nine additional senators at-large. Members may not hold administrative positions higher than department chair. The Senate elects a president, vice president, and secretary from its membership to serve terms of one year.

The Faculty Senate acts on behalf of the faculty and serves as an advisory body to the President of the university and may consider all matters of university concern. Any member of the university community may bring a matter of university concern to the attention of the Senate. The Senate may make recommendations to the President of the university concerning the academic functions of the university, academic freedom, and other matters pertaining to the welfare of the university, particularly those of special interest to the faculty. If the President of the university chooses not to follow a recommendation of the Faculty Senate, the President shall inform the Senate in writing of the reasons and, on request of the Senate, the President shall meet with the Senate for discussion of the matter.

The Texas Tech University Faculty Senate is a member of the Council of Faculty Governance Organizations.

Graduate Affairs

The Vice Provost for Graduate and Post-Doctoral Affairs and Dean of the Graduate School is responsible for coordinating graduate admissions, programs, advising, and events of Texas Tech University. The Graduate School administers policies related to graduate faculty, graduate students, and post-doctoral fellows, and provides professional development opportunities for graduate students and post-doctoral fellows.

Graduate Faculty. Graduate Faculty are responsible for the graduate instruction of the university. Members participate in all phases of the graduate program, assist in determining policy, and elect members to the Graduate Council. Membership is a means of recognizing faculty members for scholarly activities, creativity, direction of graduate research and study, and other contributions to the graduate programs of the university.

University-wide criteria for graduate faculty membership are: (1) Possession of the terminal academic degree in the field or recognition for substantive and distinctive contributions to the discipline involved. (2) Evidence of current interest and

involvement in scholarly research and/or creative productivity. (3) Successful experience in the teaching, counseling, and/or direction of students at the graduate level.

Graduate Council. The Graduate Council, assisted by the graduate faculty, is responsible for formulating the policies of the Graduate School and the requirements for graduate degrees. These policies are administered by the Graduate Dean.

The Graduate Council is composed of ten members elected by the graduate faculty and two members appointed by the Graduate Dean, with representation from each college, plus one graduate faculty member chosen by the Faculty Senate to represent that body. The Graduate Dean is ex officio chairperson of the council; associate and assistant deans are ex officio and nonvoting members as is the Provost or a designated representative, the Dean of Libraries, and a representative from the Health Sciences Center.

Elective members serve three years and are not eligible for immediate reelection unless they have been chosen to fill an unexpired term. Appointive members serve two years. By a system of rotation, some new members join the council each year, replacing those whose terms have expired. The President of the Graduate and Professional Student Association serves as a nonvoting representative of the graduate students.

University Councils and Committees

Standing councils and committees are appointed to serve the needs and interests of Texas Tech University. These bodies, most of which have faculty, student, and administrative representation, are an important element in the effective functioning of the institution. The collective ability, knowledge, and competency of council and committee members are an invaluable resource to the administration. By their membership on university councils and committees, faculty members participate in and contribute substantially to the activities and operations of the university, especially in academic affairs.

Councils and committees are advisory bodies, unless specifically charged with other responsibilities. It is not intended that they assume the authority and responsibility assigned to offices within the administrative structure of the university. Ideas and suggestions from these bodies are, however, of great value to administrators in their continuing efforts to improve operations of the institution and in broadening the base for decision making. In addition to contributing to the orderly and objective administration of the university, councils and committees afford the members an opportunity to participate in the governance process, to enhance their personal and professional growth, and to broaden their knowledge of the operations and activities of the institution.

Details of the councils and committees are contained in the Directory of Standing Councils and Committees, which is

available online at www.depts.ttu.edu/provost/councilscmtes/index.php. The directory should be consulted for the latest and most accurate information on councils and committees because membership, responsibilities, and administrative procedures are subject to change. Each entry in the directory specifies how a council or committee membership is determined.

In addition, the Faculty and Staff Senates have standing committees, but they are not standing committees of the university. They are listed below as a matter of information and for convenience of reference by the faculty and staff.

Faculty Senate Standing Committees

- Faculty Senate
- Academic Programs Committee
- Administrator Evaluation Committee
- Budget Study Committee

- Committee on Committees
- Faculty Status and Welfare Committee
- Nomination Committee
- Study Committee A
- Study Committee B
- Study Committee C

Staff Senate Standing Committees

- Bylaws and Constitution Committee
- Communications and Public Relations Committee
- Elections and Nominations Committee
- Executive Board
- Grievance Committee
- Issues Committee
- Scholarship Committee
- Technology Committee
- OP Review Committee



5 Research

The Office of the Vice President for Research provides oversight and management of all research functions at Texas Tech. The office is a resource to all faculty members and offers services for every step of the research process, from finding funding to taking a technology to market.

Office of Research Services

This office supports the university's research mission by providing centralized services for submission of proposals and negotiation and acceptance of grants, contracts and cooperative agreements for sponsored projects. Sponsored projects may be funded by public or private sources and may involve research, instructional and engagement/service activities.

The Office of Research Services (ORS) is responsible for: proposal submission; proposal budgeting; sub-contracting; contract negotiation; extensions; reporting; faculty training; and some post award processes.

Office of Research Development

The Office of Research Development works with TTU researchers to form new interdisciplinary research working groups and foster collaborations on campus, across the country and internationally. The office also manages limited submissions for the university. It works with new faculty to identify tailored grant competitions, encourage engagement in collaborative opportunities, and connect with tools and resources in the OVPR.

Office of Research Commercialization

The Office of Research Commercialization (ORC) helps move research discoveries from the university laboratory to the marketplace. ORC services include identifying commercially viable inventions, providing technology assessments, protecting intellectual property with patents and copyrights, leveraging marketing and industry connections to translate research, providing licensing and legal services.

Innovation Hub at Research Park

The Innovation Hub at Research Park is Texas Tech's center for entrepreneurialism and innovation.

The Hub connects entrepreneurs, with Texas Tech and Texas Tech University Health Sciences Center in Lubbock faculty and students to enable collaboration in launching new ventures that develop our intellectual property and to foster public-private partnerships between Texas Tech and industry that builds our technology base and the economic strength of our region as a public good.

The Hub is home to a number of programs and facilities to assist entrepreneurs bring their ideas to market, including the Texas Tech Accelerator, Hub Camp and iLaunch competition.

Responsible Research

Responsible Research supports Texas Tech's research compliance program in all research and teaching laboratories and studios as well as responsible conduct of research and research ethics.

Texas Tech encourages all faculty, students and staff to participate in discussions and training about responsible conduct of research (RCR). A variety of training opportunities are available to all members of the Texas Tech community.

Investigator Financial Disclosure – Federal regulations require that Texas Tech have policies and procedures in place to ensure that employees disclose any significant financial interests that may represent an actual or potential conflict of interest in relationship to externally sponsored projects. All investigators need to annually disclose significant financial interests with Texas Tech.

Human Research Protection Program – The Human Research Protection Program (HRPP) is the office that coordinates with the Texas Tech University Institutional Review Board (IRB). All research involving human subjects at Texas Tech must be reviewed by the IRB.

Animal Care Services – The Animal Care Services (ACS) office is charged with providing for the physical and psychological well-being of animals used in research and teaching. The office also aids investigators in obtaining and properly using animals. ACS maintains responsibilities in animal procurement, animal housing and daily care, the provision of veterinary care, health surveillance and preventative care, assisting investigators and their staff with animal procedures, and the care, maintenance and replacement of equipment and facilities.

Environmental Health and Safety – Environmental Health and Safety provides assistance and consultation about minimizing hazards and risks in labs, studios and field sites as well as offering a variety of safety training.

Export Control – Faculty, staff and students at Texas Tech will likely, at one time or another, intersect with federal regulations that impose access, dissemination or participation restrictions on the transfer of items and information regulated for reasons of national security, foreign policy, anti-terrorism or non-proliferation. In these situations, the Texas Tech community is dealing with US export control regulations. The Texas Tech Operating Policy for Export Control establishes policies for federal laws and regulations governing the export of information, products, and technology.

University Recognized Research Centers and Institutes

The intent of a university recognized research center/institute as an approved organizational unit of the university is to facilitate activities for faculty, staff, and students in the pursuit of excellence and achievement in research, scholarship, and creative activity. University recognized research centers and institutes provide stimulating and organized opportunities to enhance research particularly of an interdisciplinary nature as well as instruction and engagement/outreach beyond what is possible from traditional academic units. Each university recognized research center/institute should conform to university policies as well as to state regulations and statutes.

General guidelines for determining whether a unit should be titled an institute or a center are as follows:

- A research center is composed of faculty and potential staff and students who declare a shared technical interest and pursue shared research, instruction and/or engagement/outreach that involve common activities.
- A research institute is broader and more complex than a research center and may be a collection of centers.

Formal proposals for establishing a university recognized research center/institute should be initiated through the Office of the Vice President for Research according to guidelines established in OP 74.14. A strategic plan for the proposed research center/institute must be clearly aligned with a college or university strategic plan.

Centers/institutes operating solely within an academic department or college may be established by the respective dean. See www.depts.ttu.edu/vpr/researchers/centersinstitutes.php for a comprehensive list of centers and institutes. Those spanning colleges are organized by the VPR's office with Board of Regent's approval and report to the Office of the Vice President for Research.

Research Advisory Council

The Research Advisory Council serves in an advisory capacity to the Vice President for Research on research-related matters. Upon request of the vice president, the committee provides advice and input on such matters as university research policy, research goals, and improving the research climate.

The Research Advisory Council is composed of the Associate Vice Presidents for Research; the Associate Dean for Research from each college, the law school, and the libraries; and a representative from university-supported multidisciplinary centers and institutes. In addition, ex-officio members include the Dean of the Graduate School; the Executive Vice President for Research of the Texas Tech University Health Sciences Center; a representative of the Office of the Provost; a representative of the Faculty Senate; a representative of the Office of Sponsored Programs Accounting and Reporting; and senior members of the Office of the Vice President for Research.



6 Faculty Affairs

Academic Year

The academic year for faculty begins on the date designated for faculty to report for duty for the fall semester (usually the third week of August) and concludes the Monday after spring commencement. This is the duty period that all faculty members appointed on a nine-month basis are expected to observe. The first pay period begins on September 1 and the last pay period ends on May 31. Faculty on nine-month appointments may choose to have their nine-month salary divided into twelve equal payments. Faculty members may receive appointments for summer teaching at the discretion of their department chairperson and dean of their respective colleges, when salary resources are available and enrollment demand is sufficient.

Academic Freedom

Institutions of higher education exist for the common good. The common good depends upon a free search for truth and its free expression. Hence, the faculty member must be free to pursue scholarly inquiry without undue restriction and to voice and publish conclusions concerning the significance of evidence considered relevant. The faculty member must be free from the corrosive fear that others, inside or outside the university community, because of their differing view, may threaten the faculty member's professional career or the material benefits accruing from it (www.aaup.org/aaup).

Each faculty member is entitled to full freedom in the classroom in discussing the subject taught. Each faculty member is also a citizen of the nation, state, and community, and when speaking, writing, or acting as an individual citizen, must be free from institutional censorship or discipline.

Recent experience at several U.S. universities indicates that, from time to time, an allegation of misconduct in research or scholarly activity may be made against a member of an institution's faculty. If such an allegation were made at Texas Tech University, the allegation would be dealt with according to OP 74.08.

Academic Integrity

It is the aim of the faculty of Texas Tech University to foster a spirit of complete honesty and a high standard of integrity. The attempt of students to present as their own any work that

they have not honestly performed is regarded by the faculty and administration as a serious offense and renders the offenders liable to serious consequences, possibly suspension.

The instructor in a course is responsible for initiating action for dishonesty or plagiarism that occurs in his or her class. In cases of convincing evidence of or admitted academic dishonesty or plagiarism, an instructor should take appropriate action. Before taking such action, however, the instructor should attempt to discuss the matter with the student. If cheating is suspected on a final exam, the instructor should submit a grade of X until a reasonable attempt can be made to contact the student, preferably within one month after the end of the semester. See OP 34.12 and the section on "Academic Dishonesty" in the Code of Student Conduct for more information (www.depts.ttu.edu/studentconduct/academicinteg.php).

"Scholastic dishonesty" includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, and any act designed to give unfair academic advantage to the student (such as, but not limited to, submission of essentially the same written assignment for two courses without the prior permission of the instructor) or the attempt to commit such an act.

"Cheating" includes, but is not limited to, the following:

- Copying from another student's test paper.
- Using materials during a test that have not been authorized by the person giving the test.
- Failing to comply with instructions given by the person administering the test.
- Possessing materials during a test that are not authorized by the person giving the test, such as class notes or specifically designed "crib notes." The presence of textbooks constitutes a violation only if they have been specifically prohibited by the person administering the test.
- Using, buying, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, test key, homework solution, or computer program.
- Collaborating with or seeking aid or receiving assistance from another student or individual during a test or in conjunction with an assignment without authority.
- Discussing the contents of an examination with another student who will take the examination.

- Divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to or kept by the student.
- Substituting for another person, or permitting another person to substitute for oneself to take a course, a test, or any course-related assignment.
- Paying or offering money or other valuable thing to, or coercing another person to obtain an unadministered test, test key, homework solution, or computer program, or information about an unadministered test, test key, homework solution, or computer program. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
- Taking, keeping, misplacing, or damaging the property of the university, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.

“Plagiarism” includes, but is not limited to, the appropriation of, buying, receiving as a gift, or obtaining by any means material that is attributable in whole or in part to another source, including words, ideas, illustrations, structure, computer code, other expression and media, and presenting that material as one’s own academic work being offered for credit. Any student who fails to give credit for quotations or for an essentially identical expression of material taken from books, encyclopedias, magazines, Internet documents, reference works or from the themes, reports, or other writings of a fellow student is guilty of plagiarism.

“Collusion” includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of the rules on scholastic dishonesty.

“Falsifying academic records” includes, but is not limited to, altering or assisting in the altering of any official record of the university, and/or submitting false information or omitting requested information that is required for or related to any academic record of the university. Academic records include, but are not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar. A former student who engages in such conduct is subject to a bar against readmission, revocation of a degree, and withdrawal of a diploma.

“Misrepresenting facts” to the university or an agent of the university includes, but is not limited to, providing false grades or resumés; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual; or providing false or misleading information in an effort to injure another student academically or financially.

Instructor Sanctions. If academic misconduct is determined by the instructor, a failing grade shall be assigned to either the assignment in question or to the course grade. When a student is given a failing grade in a course as a result of academic misconduct, the instructor shall report in writing to the instructor’s department chair the facts of the case and the action to be taken against the student. The chair shall provide a copy to the student, to the academic dean (and the Graduate Dean in the case of graduate students) and to the Office of Student Conduct.

Grade Appeal Procedure. The Grade Appeal Procedure may be used to appeal a failing course grade, but not a failing grade given for a class assignment. The disciplinary penalty of a grade of F shall not be implemented until the disciplinary procedure of grade appeal process has been exhausted. A student may continue the coursework until a final decision is made.

Repeated Academic Misconduct. In cases of repeated violations, either the instructor (through the department chair and/or academic dean) or the academic dean may refer the case to the Office of Student Conduct for further disciplinary proceeding.

School of Law. Law students are subject to discipline procedures as described in the Honor Code of the School of Law.

Academic Regulations

Regulations concerning admission, registration, grading practices, class attendance, the university calendar, and other similar matters are stated in the current *Undergraduate and Graduate Catalog* (www.depts.ttu.edu/officialpublications/catalog/). Faculty members are advised to consult the catalog in order to become familiar with those regulations.

Information concerning admission of graduate students is contained in the Graduate School section of the catalog. Additional information may be distributed as needed by memoranda or letters.

Adoption and Sale of Textbooks and Other Required Course Materials

By statute, all textbooks and other required course materials shall have been ordered and made available for student purchase at least 30 days prior to the first class day of the semester. It is university policy that orders of required course materials be placed with the campus bookstore, which, by contractual agreement, will then inform the other bookstores in Lubbock so that students will have options where to physically purchase their textbooks. Further, the Texas Tech campus bookstore price-matches online textbook retailers for textbooks in print.

Texas Tech University encourages faculty members to publish textbooks and other professional works. Such textbooks may

be used by the author or by other faculty members in their classes if the textbook has been printed by a recognized and reputable publishing house at its own risk and expense, has been made available for open sale, and has been approved for classroom use by a committee of the department. Such approval must be made in writing and is to be secured annually.

Educational material in any form, which is to be sold for use in class or in laboratory work, must be approved by a departmental committee. Such material is to be made available to students through an established bookstore or copying service. A member of the faculty or staff may not have any financial interest in, or receive any financial compensation from, the sale of such material. Under no circumstances shall money be paid by a student to a teacher or instructor for any instructional material.

A committee shall be appointed by the Faculty Senate to render an advisory opinion or to hear any appeal lodged with the provost by either faculty, administrator, or student, concerning any alleged conflict of interest from the sale of textbooks or other materials (OP 30.18).

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) requires that universities, and all faculty and staff therein, make reasonable accommodation for all students with disabilities in all programs and activities, both academic and nonacademic. If such reasonable accommodation is denied to any disabled student, the institution may be held in violation of the law.

It is advisable that you ask in each first class session that students who may need learning accommodations identify themselves to you (privately after class or during your office hours) and indicate to you whether they have secured official documentation from Student Disability Services for any special accommodations you will need to make for them during the semester (for example, extended time examinations). Examples of how this may be done are included below. While students with disabilities are always told to notify their professors, some may be reluctant to do so. An example for a statement in class would be: "I would appreciate hearing from anyone who has a documented need for special accommodations. We will be able to work out whatever arrangements are necessary. Please see me after class or during my office hours."

Faculty are not allowed to provide accommodation for a student's disability needs unless the student provides official documentation of a disability for which the accommodation requested is appropriate, as indicated in a Letter of Accommodation (LOA) from the Office of Student Disability Services. While such documentation should ideally be provided at the beginning of the semester, accommodation requests can be submitted at any time during a semester. The

accommodations begin on the date the letter is signed by both the instructor and the student and are NOT retroactive.

No further substantiation of disability should be required of the student. Students presenting verification other than the LOA should be referred to Student Disability Services for the appropriate documentation. No requirement exists that accommodation be made prior to completion of the approved university process.

Faculty should be aware of the related student grievance process as detailed in the *Student Handbook*.

Faculty can train in disability awareness and accommodation procedures. Student Disability Services also provides a comprehensive faculty guide to working with students with disabilities (www.depts.ttu.edu/sds/facultyresources/index.php).

Keep in mind that the purpose of classroom accommodation is to eliminate the competitive disadvantage caused by the disability itself. Students with disabilities should be expected to do the same quality of work and the same quantity of work as every other student. It is the method by which this is accomplished that is sometimes different.

To assist the university with maintaining ADA compliance, faculty are required, per OP 34.22, to insert the following into each course syllabus:

Any student who, because of a disability, may require special arrangements in order to meet the course requirements should contact the instructor as soon as possible to make any necessary arrangements. Students should present appropriate verification from Student Disability Services during the instructor's office hours. Please note instructors are not allowed to provide classroom accommodations to a student until appropriate verification from Student Disability Services has been provided. For additional information, you may contact the Student Disability Services office in 335 West Hall or 806.742.2405

Appointments

Original appointment to the faculty of Texas Tech University is confirmed by an official letter from the department chair, school director, or area coordinator, or dean, which sets forth the regular and standard conditions of employment, including salary and period covered, and is conditional on criminal background clearance and on receipt in the Provost's office of all official baccalaureate, master's, and doctoral transcripts, a CV, and proof of authorization to work in the United States. Special provisions and conditions, if any, are included with the letter. The Provost will then send a letter constituting the formal and official offer of appointment. Notification will be given of subsequent changes in rank or salary (OP 32.17).

Awards and Honors

Awards and honors are made to faculty through selection by the Honors and Awards Council, the Texas Tech Association of Parents, Mortar Board and Omicron Delta Kappa, Faculty Development Leave Committee, Research Council, Alumni Association, the Teaching Academy and deans. Among these awards are Spencer A. Wells Faculty Award, Hemphill Wells New Professor Excellence in Teaching Award, Bernie E. Rushing Jr. Faculty Distinguished Research Award, Faculty Distinguished Leadership Award, Faculty Recognition Award by Mortar Board and Omicron Delta Kappa, President's Excellence in Teaching Award, President's Academic Achievement Award, President's Book Award, President's Commercialization Award, Alumni Association New Faculty Award, Excellence in Equity Award, and the Teaching Academy's Departmental Excellence in Teaching Award. The Texas Tech University System Chancellor's Council offers the Distinguished Teaching Award and the Distinguished Research Award.

The Offices of the Provost and the Vice President for Research encourage faculty to apply for various prestigious national awards through the Targeted External Awards for Faculty initiative (www.depts.ttu.edu/vpr/award-ops/major-ext-awards.php). These particular awards, when received, garner high recognition nationally and internationally for the individual faculty recipient, his or her colleagues, and Texas Tech University.

Civility in the Classroom

Texas Tech University is a community of faculty, students, and staff that enjoys an expectation of cooperation, professionalism, and civility during the conduct of all forms of university business, including the conduct of student–student and student–faculty interactions in and out of the classroom. Further, the classroom is a setting in which an exchange of ideas and creative thinking should be encouraged and where intellectual growth and development are fostered. Students who disrupt this classroom mission by rude, sarcastic, threatening, abusive or obscene language and/or behavior will be subject to appropriate sanctions according to university policy. Likewise, faculty members are expected to maintain the highest standards of professionalism in all interactions with all constituents of the university (www.depts.ttu.edu/ethics/matadorchallenge/ethicalprinciples.php).

Commencement

Commencement ceremonies are scheduled three times each academic year. The December ceremony honors fall graduates. The May commencement honors spring graduates, and the August ceremony honors those students who complete their degree requirements during the summer. Faculty members are encouraged to participate in commencement

ceremonies. The Convocations Committee coordinates commencements and is a very popular service opportunity for many faculty.

Communicable and Transmittable Disease Control in the Employee Workforce

Texas Tech University is committed to providing fair and equal employment opportunities for all individuals, including those who have been exposed to communicable and/or transmittable diseases. The university is also committed to providing a safe workplace for all employees and a safe environment for its students which meets or exceeds federal, state, and local regulations.

The university is legally and ethically required to refrain from releasing any information pertaining to a person diagnosed as having a serious medical illness. Knowledge of any person so affected will be confined to those persons with a direct need to know.

This policy applies to all areas of the university and personnel administration including, but not limited to, hiring, job assignment, opportunities for training and development, pay, benefits, promotions and demotions, layoffs and terminations, and standards of personal conduct.

The following definitions apply:

- **Communicable Disease**—A disease easily spread by casual contact and which poses a threat to other employees and/or to students.
- **Transmittable Disease**—A disease not easily spread by casual contact but which may be blood borne, transmitted sexually or through other bodily fluids, or transmitted in other ways so as to pose only a limited threat to other employees and/or students.
- **Noncommunicable Disease**—A disease not considered transferable from person to person so as to pose no threat to other employees and/or students.

An employee who is a victim of a communicable or transmittable disease as determined by medical certification may elect to utilize sick leave, vacation leave, and temporary disability leave without pay benefits in accordance with normal university policies (OP 70.01) and/or family and medical leave policies (OP 70.32).

An employee who is a victim of a communicable or transmittable disease which poses a threat to other employees or students may be required by the applicable administrative officer to utilize additional sick leave, vacation leave and/or leave without pay benefits until such time as the threat is removed. The employee may also be required by the university to obtain a medical certification that he/she does not represent a threat to other employees or students prior to being permitted to return to work at the discretion of the applicable administrative officer.

The employee may also be reassigned to other work or to other work areas in order to reduce or remove the threat posed to other employees or students.

Each case will be evaluated on the basis of that particular case taking into consideration the desires and rights of the employee, the safety of the workplace, and the needs of the university.

An employee who is a victim of a noncommunicable disease as determined by medical certification may elect to use sick leave, vacation leave, family and medical leave, and temporary disability leave without pay benefits in accordance with normal university policies. Such employees may be permitted to work as long as they are able to work a regular schedule and fulfill the duties and responsibilities of their position in (OP 70.24).

Conflict of Interest and Ethics Code

By state law, no officer or employee of a state agency shall have any direct or indirect interest, financial or otherwise, or engage in any business transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties in the public interest. The full text of this law may be found in Texas Government Code, Section 572.001 (Vernon, 1994); (OP 10.11).

Holding Non-Elective Offices and Multiple State Employments.

In November 1967, the voters of Texas approved an amendment to the Texas Constitution that would allow “non-elective state officers and employees to serve in other non-elective offices or positions under this state or the United States ...if the offices or positions are of benefit to Texas or are required by state or federal law, and there is no conflict of interest with the original office or position...” (Art. 16, Sec. 40-Texas Constitution). Notification of such appointments should be made in writing and submitted through administrative channels for Board of Regents’ approval before the faculty member accepts (OP 32.07, OP 70.15).

Sponsored Research. In response to federal requirements, the university has established a policy on conflicts of interest in sponsored research. The policy requires that any faculty or staff member listed as an investigator on a proposal disclose any significant financial interests, including interests of their spouse and dependent children, that would reasonably appear to be affected by the research or educational activities proposed for funding, or any significant financial interest in an entity whose financial interest would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor (OP 10.20, OP 74.17).

Consulting or Outside Employment

It is desirable that the faculty be composed of persons with such competence in their fields that their service in a profes-

sional capacity will be sought outside the university. Hence, a faculty member may, with prior approval of administrative authorities, do outside work for pay during the months of regular employment, not to exceed 10 hours per week. However, such outside work must not interfere with normal duties, including those extra responsibilities expected of all faculty members. Therefore, the amount of time involved and absence from the campus while rendering outside services are of primary concern.

Outside employment must be compatible with the interests of the institution and of such a nature that it will not impair the usefulness of the individual as a teacher and scholar.

Details regarding consulting or outside employment are covered in OP 32.07.

Correspondence Requiring Official Action

Correspondence requiring official action goes from the faculty member to the department chairperson or school director for transmittal to the academic dean, to the Provost, and to the office of the President. Routine correspondence (such as requests for information of general interest) is normally routed only to the person designated to take the action requested. No correspondence of a personal nature should be transmitted on university letterhead.

Day(s) of No Classes

During the day(s) of no classes before final examinations, no university activities may be scheduled without prior approval by the Provost’s office. These include study periods, make-up examinations, or any other activity that would interfere with the individual study time available to students.

Emeritus Appointments

The Board of Regents has established the following policy with respect to emeritus appointments. The title “Emeritus” may be conferred as recognition for long and faithful service, or for very distinguished service to the institution. Members of the faculty with rank of professor or associate professor at retirement may be given emeritus appointments provided they have completed at least 10 years of service at Texas Tech University or have been recommended on the basis of “very distinguished service.”

Administrative officers in major positions at the time of retirement from administrative duties may be considered for emeritus appointments. Emeritus appointments are strictly honorary and without stipend. Each such appointment shall be subject to approval by the Board of Regents upon recommendation by the President with concurrence by the Chancellor (OP 10.07; Section 04.01.2, Regents’ Rules).

Endowed Chairs and Designated Professorships

Designated academic positions are one means the university uses to honor certain faculty assignments. Designated positions affirm the importance of an area of scholarship and inquiry. They give the university the ability to attract and retain scholars of extraordinary talent. Policies and procedures related to establishing endowed chairs and professorships are in OP 02.08 and OP 32.22.

Horn Professorships. Horn Professorships—the highest honor the university may bestow on members of its faculty—are granted to professors of international or national distinction for outstanding teaching, research, or other creative achievement. The number awarded is not limited, nor is any attempt made to maintain any fixed ratio between colleges or departments. The first four appointments were made in 1967 and were named in honor of Texas Tech's first president, Paul Whitfield Horn. Currently, the base salary of an appointee is increased by not less than \$8,000, with a discretionary account provided in the amount of \$20,000 per year.

Faculty Enrollment in Courses

Full-time members of the faculty and staff of Texas Tech may enroll for courses by permission of the department chairperson concerned. In registering for graduate work, they become subject to the usual regulations of the Graduate School. However, members of the faculty who hold rank higher than instructor at Texas Tech are not normally eligible to pursue a graduate degree program at this institution; exceptions require prior approval of the college dean.

Faculty members enrolling for course work are exempt from payment of nonresident tuition. Families of faculty members who work half-time or more pay resident tuition.

Faculty Responsibility

Conduct of University Members. Colleges and universities that are tax-supported must function in accordance with the public trust, and the actions by faculty, staff, and students within them must be consistent with the execution of that trust.

Texas Tech University is a publicly supported institution that is obligated to provide instruction in higher education; to advance knowledge through scholarship and research; and to provide related services to the community, the state, and the nation. As a center of learning, the university has the obligation to maintain conditions that are conducive to freedom of inquiry and expression in the maximum degree compatible with the orderly conduct of its functions. The responsibilities of the university dictate, to a major extent, the responsibilities of the individual faculty member. The faculty member is properly concerned with the whole process of education

and is aware of the responsibilities of the university in a free society. Responsibility is assumed for performing several essential functions: teaching, research, university service, professional service, and community service.

Teaching. As a teacher the faculty member has responsibilities to students, to a discipline, to a profession, and to the university. These responsibilities entail facilitating the intellectual and emotional growth of students, encouraging free inquiry in the classroom, and striving to create and maintain a climate of mutual respect that will enhance the free interplay of ideas. A faculty member has a responsibility to recognize the varying needs and capabilities of students and to make every effort to assure that evaluations of students' work reflect the students' level of achievement. The faculty member as a teacher also has the responsibility to uphold the highest scholarly standards and encourage respect for such standards in the classroom; to engage in a continual and critical study of the subject matter of one's discipline; to ensure that class presentations contain the most current and useful knowledge and that the course being taught is consistent with the course of study outlined by a department or college; and to recognize the responsibilities of a teacher as a counselor and devote a reasonable portion of time aiding, guiding, and counseling students outside the classroom. Finally, the faculty member has a responsibility to strive to maintain those skills and values that ensure the continuation of free and open inquiry.

Research, Creative and Scholarly Activity. Through research and scholarly activity, a faculty member grows intellectually, stimulates students' learning, and adds to the accumulated knowledge of a discipline. A faculty member should strive constantly to contribute to the growth and understanding of knowledge in one's particular field through creative research and scholarship. The faculty member has an additional responsibility to share the results of research by disseminating them to students, colleagues, and professionals in one's discipline and to the public.

University Service. A faculty member has a responsibility to participate in the various activities, programs, and functions related to the enhancement of the university, such as participating in the formulation of academic policies, service on university committees, and accepting other assignments.

Professional Service. Within one's field of competence and as time and resources permit, the faculty member has a responsibility to respond to requests for advice and aid and to participate in the activities of one's profession. The faculty member should exercise care to avoid infringement upon obligations and responsibilities to the university.

Community Service. As a member of a community, the faculty member has the same obligations and responsibilities as those incumbent upon other members of the community to contribute to the effective functioning of the community. Such services should be consistent with regulations of the university and the state.

In the case of both professional and community service, the faculty member should exercise discretion in distinguishing between acts carried out or statements made as an individual or a professional and those carried out or made as a representative of the university (OP 32.06).

Drug-Free Workplace. It has long been the policy of the university to maintain a drug-free workplace as exemplified by Section 03.02.1i Regents' Rules, approved May 11, 2001. Furthermore, the Drug Free Schools and Communities Act Amendments of 1989—changed to the Clery Act—require that the university review each year the laws pertaining to the Students Right to Know-Clery Act and determine the information required for compliance (OP 76.02). The Campus Safety website (www.safety.ttu.edu) will include a statement of TTU's policies regarding a drug-free workplace.

Employee Assistance Program. The university offers counseling through the Employee Assistance Program (EAP) to assist employees and their family members with personal problems such as substance abuse, emotional stress, trauma, divorce, parenting problems and financial problems. The EAP provides counseling and assessments by licensed professional counselors. Texas Tech employees are entitled to five (5) free counseling sessions (individual, couple, or family) per academic year. Daytime and evening appointments are available. When necessary, the employee or family is referred to the most appropriate service available at the least cost. The EAP is located at the Texas Tech University Health Sciences Center. To use the EAP, call 806.743.1327. Additional information is available on the EAP website (www.eap.ttuhs.edu).

Sexual Harassment. A basic objective of the university is to provide an environment in which faculty, staff, and students may pursue their careers and studies with a maximum of productivity and enjoyment. Behavior or conduct that interferes with this goal is not to be condoned or tolerated.

It is the policy of the university to maintain a work place and a learning environment free of sexual harassment and intimidation. Harassment of students on the basis of sex is a violation of Section 106.31 of Title IX of the Education Amendments of 1972. Harassment of Texas Tech University employees on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 and the Texas Commission on Human Rights Act. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, participation in a university-sponsored educational program or activity, or in return for a grade or other consideration;
- Submission to or rejection of such conduct by an individual is used as the basis for an academic or employment decision affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work perfor-

mance or of creating an intimidating, hostile, or offensive working or educational environment.

All students, employees, and third parties are strongly encouraged to promptly report any incidents of sexual misconduct to the university Title IX coordinator, Title IX deputy coordinators, or Office of EEO (see OP 40.03 for contact information). Any faculty member, staff member, or student may pursue a grievance within the procedures outlined in OP 40.03 without fear of reprisal, stigma, or threats if a complaint is filed in good faith.

In conducting an investigation, the right to confidentiality, both of the complainant and of the accused, will be respected.

Pursuant to Article IX, Section 123.5 of the General Appropriations Act, Texas Tech is implementing EEO-Sexual Harassment training for each new benefits-eligible employee whose first day of work was after December 31, 1997. This is required training. Supplemental training for all employees (faculty and noninstructional staff) will be required biennially.

Faculty–Student Conflict of Interest

The university is responsible for ensuring the integrity of the roles of faculty and students during the period of graduate or undergraduate enrollment and protecting them from conflict of interest. Faculty must avoid academic supervisory, teaching, or evaluative relationships with students that pose significant conflicts of interest from the standpoint of personal or professional connections. Such connections might include husband-wife or other affectional liaisons, supervisor-employee relationships, or parent-child relationships. The appearance of a conflict of interest should be avoided. OP 32.33 sets forth details of procedures that are to be followed in this regard.

Faculty Workload

The faculty workload policy adopted by the Board of Regents conforms to the regulations of the Texas Higher Education Coordinating Board and the legislature. The current policy is set forth in OP 32.18. In summary, the policy indicates that faculty members in their normal academic assignments are expected to carry out a number of essential functions, including the teaching of organized classes; academic advising and counseling; supervising practica, internships, and clinical teaching; directing individual study, theses, and dissertations; developing curricula; researching in scholarly areas; and serving related institutional and public entities. Teaching load is but one aspect of faculty workload.

Responsibilities for assigning appropriate workloads shall rest with the department chairpersons and deans. Assignments are reviewed at the Provost level, monitored for compliance and equity, and reported to the President and Board of Regents each term (OP 32.18).

Final Examinations

The official university policy on final examinations is as follows (OP 34.10):

- Five days are to be scheduled for final examinations at the end of each long semester. Summer term final examinations are scheduled for two days.
- A 2.5 hour period of time is to be available for administering individual final examinations. Within the time period, instructors may limit the time of a given exam by prior announcement.
- Individual faculty members determine whether a final examination or some other summary submittal or performance is appropriate for the course being taught, unless there is a departmental exam for the course. Departmental objectives, student welfare, and faculty responsibilities should be considered in reaching this decision.
- Individual faculty members decide whether student exemptions from a final examination are appropriate.
- All faculty members giving final examinations adhere to the printed scheduled time unless granted permission to deviate from the official time by the departmental chairperson and the dean. Final examination schedules are available on the website www.depts.ttu.edu/officialpublications/class_schedule/final_exams.php.
- Examinations other than bona fide make-up examinations are not to be given during the last week of classes or during the day of no classes. Courses wherein lab examinations and design studio reviews are normally scheduled the week prior to finals are excluded from this policy. Days of no classes are study days, and no class review sessions or similar classes may be scheduled then or during final exams except with permission of the Office of the Provost.

Grade Records

Grade records should be retained for a minimum of five calendar years. Grade records are defined as grade books, computer and noncomputer-generated grade sheets, and other such materials that permit a reconstruction of a student's graded performance in a course. Grade records are not limited to the final grades submitted at the end of a semester. The need to retain grade materials for at least five years is based on the statutory Records and Retention Schedule maintained by the Southwest Collection/Special Collections Library as referenced in OP 10.10.

Chairpersons and division directors must collect grade records, or copies of grade records, from instructors who retire or who otherwise leave the university. Each college will determine how materials are to be stored and, in general, how the process will be monitored.

Holding Public Office

The Board of Regents does not undertake to determine whether an employee or a member of the faculty of the institution shall become a candidate for, or shall accept, an elective, full-time public office.

A faculty member or staff employee may accept a public office or membership on the governing board of a school district, city, town, or other local governmental district provided no salary is received by virtue of such office. A faculty member or staff employee must maintain as a priority the full and complete performance of her or his assigned duties while holding such office. Acceptance of an additional position that pays a salary, per diem or benefits and in instances when the two positions are such that they cannot be held at one time by the same person will automatically be considered as a resignation of employment with Texas Tech University (OP 32.07 and OP 70.15). See Texas Constitution, Art. 16, Sec. 40.

Leaves of Absence

It is a policy of the university to grant travel leaves to members of the faculty and staff to attend conferences and professional meetings when such attendance will enhance the prestige of the university and contribute to the professional development of the individual and to the advancement of knowledge within his or her professional field.

Request for such leaves should be initiated at the departmental level well in advance of the date of departure. If approved by the department chair, such requests are forwarded through normal channels to the President for action. All requests for leaves should be filed as early as possible prior to the departure date.

Only in rare instances should applications be submitted for absence during critical periods of operation of the university. Critical periods are those during which the responsibilities of the position are particularly involved. The beginning or close of any semester or term or at any time when reports are customarily due are examples of critical periods.

Development Leave. Faculty Development Leaves are provided by legislative action "designed to enable the faculty member to engage in study, research, writing, and like projects for the purpose of adding to the knowledge available to himself, his students, his institution, and society generally" §51.102, Education Code. The Provost annually makes notification of the number of leaves to be available and procedures for selection of such leaves. The Faculty Development Leave Committee screens applications and makes recommendations to the Provost.

Sick Leave. A regular faculty member shall, without deduction in salary, be entitled to sick leave subject to the conditions listed in OP 32.11.

Malingering and other abuses of sick leave shall constitute grounds for dismissal from university employment. A Sick Leave Pool is maintained to benefit regular employees who suffer catastrophic injuries or illnesses. Refer to OP 70.01 for details.

Exceptions to the amount of sick leave an employee may take may be authorized by the President on an individual basis after a review of the merits of each particular case. Requests must be made through administrative channels to the Provost and then to the President.

The proper reporting and accounting for sick leave is mandated by the legislature (OP 32.11).

Modified Instructional Duties. Although not a provision for leave, per se, the Modified Instructional Duties Policy (MIDP) is designed to offer eligible faculty a modified workload that supports work-life balance and provides flexibility in the teaching obligations of faculty who experience a significant life event. These significant life events include, but are not limited to, serious personal illness, caring for a newborn infant or a newly adopted infant or child, and/or illness or injury to one's immediate family members (see OP 32.35 for details and procedures).

Misconduct in Research by Faculty

Recent experience at several United States universities indicates that from time to time an allegation of fraudulent conduct in research or scholarly activity may be made against a member of an institution's faculty. Such allegations normally have accused the individual of data falsification or fabrication, improper manipulation of data, plagiarism, or other misrepresentations of research findings, including falsifying the research record on any document submitted to the university for purposes of faculty evaluation or to represent the faculty member's research record to outside agencies. Fraudulent conduct in research and scholarship is totally antithetical to accepted academic procedures.

If an allegation of misconduct in research or other scholarly activity is made against a member of the Texas Tech University faculty, staff, or student body, the allegation shall be dealt with through a two-step process. In the first step the dean of the college or school in which the faculty or staff member is appointed or in which the student is enrolled shall initiate an inquiry. The inquiry shall consist of information gathering and initial fact finding to determine whether an allegation of misconduct warrants an investigation. The dean shall report the results of the inquiry to the Associate Vice President for Research. If the finding of the inquiry is that an investigation is warranted, the Associate Vice President for Research shall initiate the second step, which shall be an investigation. The investigation shall be conducted by an ad hoc committee of five persons. If the committee determines that disciplinary action is warranted, the committee shall recommend to the Associate Vice President what action should be taken (OP 74.08).

Nepotism

All appointments will be made on the basis of qualifications and suitability of the appointee, subject to applicable statutes and the provisions of Section 03.01.8, Regents' Rules and OP 70.08. No persons related to an administrator within a prohibited degree shall be eligible for initial appointment to a position in an area of responsibility over which the administrator has appointive authority, in whole or in part, regardless of the source of funds from which the position's salary is to be paid. Exceptions to this restriction on the initial appointment of a person will be made only by the Board of Regents upon recommendation of the President and the Chancellor and then only when the administrator in question does not directly supervise the person to be appointed. If the appointment, reappointment, reclassification, reassignment, or promotion of an employee places the employee under an administrative supervisor who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the employee shall become the responsibility of the next higher administrative supervisor. These provisions shall apply when two employees marry and one spouse becomes the administrative supervisor of the other. All instances in which an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree will be reported to the Board of Regents as an information item (OP 70.08; Section 03.01.1, Regents' Rules).

Off-Campus Student Trips and Activities

OP 79.13, Policy for University-Related Travel by Motor Vehicle, governs the use of motor vehicles in any activity related to the academic research and/or administrative responsibility of the department involved. This policy relates to travel undertaken by students to a university-related activity located more than 25 miles from the university. It applies to travel undertaken by registered student organizations.

Registered student organizations are free to make such off-campus trips as are deemed worthwhile by the membership and sponsors of the organization. Students and their parents should understand that participation in such off-campus trips and activities is at the student's own risk. If personal injury or accident should occur to students or other persons during such activities, Texas Tech will assume no responsibility, financial or otherwise.

Faculty and staff sponsors and organization officers are urged to take all possible precautions to ensure the safety and well-being of all persons participating in the off-campus activity. The questions of financial liability for accident or injury and appropriate insurance coverage should be specifically identified by each group making an official off-campus trip as being the responsibility of each individual student.

Special instruction fees may offset the cost of travel for activities specially related to instruction for a course.

There is no official registration procedure for official off-campus trips, and there are no official excused class absences for students who participate in off-campus trips by student organizations. Students will be responsible for making their own individual arrangements with instructors for classwork missed while participating in an off-campus trip. Instructors will be free to set their own requirements for classwork missed under such circumstances; they must grant students an opportunity to make up all course work missed while participating in an off-campus trip. Each student traveling to participate in a university-related activity must execute the Student Activity Release Form prior to the activity (OP 79.13).

The university provides an optional group accident and health insurance plan for students, with enrollment during registration for the fall and spring semesters. Also available is a very economical trip insurance plan for student groups and their faculty or staff sponsor. Insurance application forms may be obtained by the sponsor at the Contracting Office. Trip insurance may also be purchased from private insurance companies (OP 34.06).

Office Hours

Each faculty member should maintain scheduled office hours as directed by the dean of the college and/or the chair of the individual department. Schedules should be posted and made available to students.

Operating Policies and Procedures

The Texas Tech University Operating Policy and Procedure system (OPs) was developed to standardize university-wide policies and procedures and to provide a consistent and coherent method of defining university policies. The system is intended to:

- Provide a university-wide pattern of developing policies and procedures.
- Outline a standard format for policies and procedures.
- Provide a rapid means of identification of policies and procedures.
- Facilitate continuity regardless of changes in personnel assignments.
- Ensure the periodic review and updating of all university-wide operating policies.

Texas Tech OPs are subordinate to higher authorities, including federal law, rules and regulations; state law, rules and regulations; and policies, procedures, rules and regulations of the TTU Board of Regents.

Should a conflict occur between policy and/or procedure of an OP and any other written or oral policy or procedure developed by any university department, the policy and/or procedure of the OP will prevail. The TTU OP Manual can be seen at www.depts.ttu.edu/opmanual.

Political Activity

As a citizen, an employee of Texas Tech University has the same rights and responsibilities of free speech, thought, and action as any other American citizen.

As an educated person and an employee of the State of Texas, a faculty member should remember that the public may judge the profession and the university by his or her utterances. Hence, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, should emphasize that he or she is not an institution spokesperson, and should be mindful of the best interests of the institution.

An instructional staff member has a binding obligation to discharge instructional and other duties. Performance of these duties may be impaired by private activity requiring a large portion of time and energy. As a person of judgment and mature perspective, the teacher will not allow an interest and participation in public political affairs to be so consuming that work and influence will suffer as a teacher in the university. The classroom and the student have the first call on the instructor's time and interest. These are considered primary responsibilities. The teacher is entitled to freedom in the classroom in discussing the subject but should be careful not to introduce into the teaching controversial matters that have no relation to the subject.

The Board of Regents may compel a faculty member or staff employee to take a leave of absence without pay while campaigning for any other public office and may terminate employment upon acceptance of such an office. The above regulations shall not restrict the acceptance of appointments or offices of a temporary or part-time nature for which the teacher is prepared to render exceptional service, which will not involve him or her in direct relationships with the university or make him or her a partisan in matters that have university implication and that will not interfere with normal university duties.

Nothing in these regulations shall be construed as abridging the rights of citizenship guaranteed citizens of Texas and of the United States under the state and federal constitutions. When university employees appear at the polls in any capacity, they will do so as private citizens acting under their constitutional rights, and not as representatives of the university.

Instructional staff and other employees of the university should take an interest in public affairs. They should exercise their right to vote and to work for good government.

This policy is intended to safeguard the freedom of speech, thought, and action of university teachers and employees and to avoid impairment of the significant contributions they are capable of making toward improved local, state, and federal government (OP 32.07).

Post-Tenure Review

Each faculty member who is tenured or who receives an academic promotion at Texas Tech University will receive a comprehensive performance evaluation no more often than once every year, but no less often than once every six years after the date the faculty member was granted tenure or received an academic promotion. Standardized procedures developed by a committee of the Faculty Senate and the Office of the Provost and approved by the Board of Regents may be found in OP 32.31. Comprehensive performance evaluations do not preclude the usual annual performance evaluations of faculty, as provisioned in OP 32.32. Annual evaluations remain a regular function for all faculty, regardless of rank or years in service.

Posting of Student Grades

Posting of student grades poses several legal problems for the university. Texas Tech policy is that no grades should be posted at any time. However, classes with several hundred students enrolled must have test grades returned during the semester, which may be impossible on an individual basis. In these cases, if the department chairperson grants permission, grades may be posted by randomly generated identification numbers without student names, social security numbers, or Banner R numbers. Furthermore, students may receive grades before they are mailed by the Registrar if they have provided the professor a signed statement with preferred email address or a self-addressed envelope.

Failure to follow this policy could provide a basis for successful litigation in the future. Posting no grades is the safest course of action for protection of student privacy (OP 34.12).

Private Use of University Property

By state law university property may not be used for the private benefit of members of the faculty and staff. Particular care must be taken that state-owned vehicles are used only for university business and that proper records are kept of such use (OP 10.11, OP 61.01, OP 63.08).

Promotion and Salary Increases

All salary increases for faculty shall be on a merit basis unless otherwise mandated by the legislature and shall be based on quality teaching, scholarly activity, and other contributory activities as part of faculty responsibilities. The procedure for merit salary increases is set forth in the prevailing instructions from the Office of the Provost and/or the Vice President for Administration and Finance/CFO for budget preparation.

It is the responsibility of the department chairperson or school director to recommend salary rates and merit increases. Each faculty member is required to provide an annual report on his work to the department chairperson or

school director for use in consideration of a merit increase (OP 32.08).

Religious Holy Days

Faculty. A regular faculty member shall, without deduction in salary, be entitled to absence for observance of Religious Holy Days subject to the following conditions:

- “Religious Holy Day” means a holy day observed by religion whose places of worship are exempt from property taxation under Section 11.20, Tex. Tax Code Ann§11.20 (Vernon 2001).
- A faculty member who is absent from work for the observance of a religious holy day and gives proper notice of that absence shall not be discriminated against or penalized.
- Proper notice shall be provided by the faculty member to the chairperson of the department before the observance. This notice shall consist of a listing of religious holy days to be observed during the semester.
- Notice shall be in writing and shall be personally delivered to the chairperson of the department, receipt therefore being acknowledged and dated by the chairperson, or by certified mail, return receipt requested, addressed to the chairperson.
- The chairperson will attempt to provide class coverage from among regular faculty of the department or area.
- Advance written notice, if needed, shall be provided in advance to all students whose class would be canceled due to the faculty member’s absence (OP 32.12).

Students. A student shall be allowed to observe Religious Holy Days without penalty, subject to the following conditions:

- “Religious Holy Day” means a holy day observed by religion whose places of worship are exempt from property taxation under Section 11.20, Vernon’s Texas Codes Annotated, Tax Code.
- A student may be excused from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused for this purpose may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused.

Salary Payment

Faculty members on nine-month contracts receive four and one-half months’ salary for each semester. Faculty members have the option of receiving nine equal payments beginning on the first working day of October or of receiving the same amount divided into 12 equal monthly payments.

Salary checks are issued monthly, on the first working day of each month. These may be picked up at the Payroll Department or, if requested, payments will be electronically deposited in the faculty member’s bank account.

Salary for summer sessions is likewise paid at the first of the month. For the first term, a check for a full month's salary will be received on the first working day of July; a check for a half month's salary will be received on the first working day of August. For the second term, there will be a check on the first working day of August for a half month's salary; a check for a full month's salary will be received on the first working day of September.

Hourly employees are paid biweekly with checks ready for distribution every other Wednesday.

Security Control of Keys

All key issues will be made by the university lockshop, 110 Physical Plant Building. A valid Key Issue Request form approved by the appropriate official should be submitted to the lockshop by campus mail or in person between the hours of 7:45 a.m. and 4:45 p.m. A minimum of 24 hours should be allowed for locksmiths to complete the request. When keys are ready for issue, lockshop personnel will notify the department. Since a signature is required on the Key Issue Request form, the person to whom the keys are issued will need to pick them up personally. Making or duplicating keys is prohibited.

Small Classes

Small organized classes may be taught only within certain limitations. Ordinarily, undergraduate courses taught as organized classes must include at least ten undergraduate students and graduate classes must include at least five students as of the 12th class day.

The Provost will approve or disapprove the proposed offering of small classes according to conditions stated in the policy, will monitor the offerings, and will provide reports in accordance with state requirements (OP 36.07).

Smoking

To provide for the health and safety of students, faculty, and staff, the university has enacted a policy designed to control fire hazards and assure a smoke-free environment in all academic and administrative facilities. In the interest of providing such a smoke-free environment, smoking is prohibited in all campus academic, administrative, and athletic facilities. OP 60.15, "Smoke-free Environment," details exceptions and procedures of this policy.

Student Disability Services

See section, Americans with Disabilities Act (ADA), on page 31.

Student Health Services

Student Health Services is a primary care clinic staffed with licensed physicians, nurses, nurse practitioners, health educators, and support staff that provide care for illnesses and injuries, as well as mental health issues. Student Health Services is located in the Student Wellness Center at the corner of Main and Flint on the west side of the campus. Services are available by appointment by calling 806.743.2848. Appointment hours are 8:30 a.m. to 6 p.m. weekdays.

Students generally pay a medical services fee that entitles them to access clinic and pharmacy services. A valid Texas Tech ID is required to access the clinic services. More than 200 primary care appointments are available each day. A student who is unsure about a medical issue or problem may call 806.743.2860 and speak confidentially to the triage nurse. If all appointments are filled for the day, the triage nurse will advise on care until the student can be seen. Students are not given excuses for missed classes or exams due to a clinic visit. Students experiencing a lengthy illness that may affect their academic performance may consult their Student Health Services physician about obtaining a letter explaining the situation.

In accordance with state law, a student's medical information is kept completely confidential and cannot be released to anyone, including parents and/or guardians, without the student's written permission unless otherwise authorized by law. Student Health Services brochures are available in several locations on campus.

Contact: 806.743.2860, www.depts.ttu.edu/studenthealth.

Student Organization Advisors

Organizational and personal leadership development are central objectives to the university's co-curricular student activities programs, which subsequently promote and cultivate academic excellence. To facilitate this educational process and to ensure the responsible functioning of registered student organizations, the university requires each organization to have a full-time faculty or staff advisor.

The organization selects an advisor who then serves in that capacity for as long as is mutually agreeable. The advisor is encouraged to attend meetings and events to ensure adherence to guidelines for registered student organizations, including university policies and procedures as stated in the Student Affairs Handbook.

In addition to serving as a knowledgeable campus and community referral and resource, the advisor assists in organizational development, including membership recruitment, programmatic planning and implementation, and monitoring and authorizing financial accounts.

Throughout the year programs will be offered dealing with advisors' roles and responsibilities; however, questions or concerns may be directed to the Center for Campus Life, 228 Student Union, 806.742.3621.

Summer Appointments

With rare exceptions, faculty are appointed on a 9-month basis, September through May. Summer appointments are based upon summer instructional needs as determined by the department chair and/or college dean. Summer employment is considered a supplemental appointment and is not guaranteed.

Tenure Policy and Standards

Tenure applies to faculty whose appointments specified having a tenured or tenure-track position. For up-to-date information regarding promotion and tenure policies, see OP 32.01, Promotion and Tenure Standards and Procedures.

Travel Reimbursement

Policies governing reimbursement for travel are found in the state regulations and in the Texas Tech University ("TTU") Operating Policies and Procedures (OP 79.08).

Travel Application – an electronic document used to encumber expenses and request approval for travel in advance of the trip. See OP 79.04, Application for Official Travel, for additional information.

Travel Voucher – An electronic document used to request reimbursement for travel expenses incurred during the discharge of official state business.

Online Travel System – An electronic program used to enter travel applications, travel vouchers, travel receipts and supporting documentation.

Financial Manager – has unlimited account approval authority (up to the budgeted amount for that FOP), based on the organization code.

Traveler – TTU employees authorized to travel for official business.

Designated Headquarters – The area within the boundaries of the city in which a state employee's place of employment is located.

State Appropriated Funds – TTU funds 11xxxx-14xxxx. State appropriated funds starting with 13 do not permit travel.

Institutional Funds – All TTU funds except 11xxxx-14xxxx, including sponsored projects (TTU funds 21, 22, and 23, - unless limited by a sponsoring agency).

TTU may pay or reimburse a travel expense only if the purpose of the travel clearly involves state business and is consistent with TTU's legal authority. A Travel Voucher must explain the nature of the official state business conducted and specify the benefit that TTU gained from the travel. Travel expenditures are generally paid on a reimbursement basis. Approval, in the form of an official leave request, must have the signature of the traveler and the direct supervisor of the traveler. The financial manager of the funding source will be provided informational notices of the travel expenses after the Travel Application and Travel Vouchers are submitted.

Prior to travel the traveler must obtain approval for the travel from an immediate or delegated supervisor by submitting a Travel Application at least two weeks prior to departure. All international travel (including Canada and Mexico) by TTU employees or students on TTU business requires Office of International Affairs (OIA) approval. 1. Applications for International should be submitted at least thirty (30) days prior to departure. Once the travel application is submitted, OIA will receive email notification and will approve via the comments section in the Online Travel System. In order to comply with federal export control regulations, the following is required on the International Travel Application:

- A list of all destinations;
- Destination/contact names;
- Destination affiliations; and
- Business equipment/supplies that will be taken with the traveler.

The Fly America Act mandates the use of U.S. flag air carriers when travelling internationally on federal funds (funds starting with 21). Waiver information, certified air carriers, and additional information is available at www.depts.ttu.edu/procurement/resources/training-and-work-aids/. TTU is participating in the Texas State Travel Management Program (<https://comptroller.texas.gov/purchasing/programs/travel-management/>). Certain airline fares, contract hotel rates, and a credit card program have been contracted by the Texas Comptroller of Public Accounts Office. Vehicle rental rates were established through University of Texas Alliance and may be accessed through the Online Travel System under Help >> Links >> TTU Rental Car Rates.

Reimbursement of travel expenses may be obtained by completing an online Travel Voucher. The completed voucher and required supporting documentation must be submitted electronically to the Travel Services Office within thirty (30) days after completion of the trip or within fifteen (15) days if a Transportation Request or Advance was processed. The voucher must be approved by the traveler's supervisor. Travel applications, transportation requests, and travel vouchers must be completed in the Online Travel System.

In accordance with IRS regulations, any travel voucher not submitted to the Travel Office 60 days past the trip end date will be taxable to the traveler. The Travel Office will submit the taxable expense to Payroll and Tax Services.

At this time the following regulations are in effect:

- Original receipts are required for airfare, car rental, lodging, and registration fees.
- If the lodging receipt reflects double occupancy, the traveler is entitled to reimbursement of the single rate or one-half of the rate if the room is shared with another traveler. All required receipts must indicate that the charges have been paid in full.
- Lodging and meals are limited to the per diem rate for each locality as published by the U.S. General Services Administration. If the city or county is not listed, the per diem is the standard rate for lodging and meals. The per diem rates change annually (October) and should be verified prior to each trip. Per IRS guidelines, meal and lodging expenses are allowable only for travel with an overnight stay.
- International travel (includes Canada and Mexico) may not be reimbursed using state appropriated funds (finds starting with 11, 12, 13, or 14). Travelers may claim actual expenses for international meals and lodging costs with itemized receipts, or they may claim per diem for meals. Meal and lodging reimbursements for international travel are limited to the rates set forth by the U.S. Department of State. Expenses will be converted to U.S. amounts for reimbursement based on the date of the expense.
- A traveler is entitled to be reimbursed for mileage incurred by personal vehicle to conduct business. The reimbursement may not exceed the product of the actual number of miles traveled for business and the maximum mileage reimbursement rate. Travelers are required to select the most cost effective means of transportation. Reimbursements for personal mileage may not exceed the cost of a contracted rental vehicle. There is a tool in the Online Travel System under Help >> Links>> Mileage Calculator that helps you make this determination. Travel outside of the Texas/New Mexico/Oklahoma area by personal vehicle must be compared to what airfare would have cost at least 30 days in advance of travel. If the actual mileage reimbursement would be less than the cost of the average coach airline fare, or rental vehicle, the maximum that can be claimed is actual mileage.
- Transportation Requests are designed to assist travelers who do not have a state travel card to pay for their major transportation costs. Qualifying travelers may request a Transportation Request on the travel application. If approved, the cost of the airline ticket will be charged to Travel Services' credit card, and the traveler will not have to pay that expense.
- TTU may advance funds for travel expenses to a traveler only if the expenses are incurred during travel that requires an overnight stay outside the traveler's designated headquarters. Advances will not be approved to any traveler owing money to TTU or Citibank for a previous trip.

- Texas Administrative Code (TAC), Section 20.413, requires a state travel credit card to be used for all travel expenditures when using state-appropriated funding. Any allowable travel related expense not purchased with a state travel card will require institutional fund unless limited by a sponsoring agency.

Use of University Buildings and Grounds

Reservations must be made for the use of buildings and grounds under the control of the university. Faculty and staff may make requests to use campus grounds or academic space through Operations Division Planning and Administration. Requests for reservations will be granted according to the priorities of the designated area (OP 61.02).

Visiting Speakers

The Board of Regents of Texas Tech University respects the rights of the faculty and the student body of Texas Tech to have full freedom in the discussion and presentation of all information and issues. This includes the right to invite off-campus speakers whose ideas and views differ from those of the Board, its individual members, the Chancellor or the President of Texas Tech, or another officer or employee of the university. The Regents' Rules direct each component institution of the Texas Tech University System to develop "policies necessary for the administration of free speech activities, including placing reasonable restrictions upon the time, place, and manner of on-campus speech." The authorization for all on-campus speakers is under the direction of the president of the university. OP 30.13 is Texas Tech University's policy on visiting campus speakers, and applies to all persons who wish to speak within the physical confines of the university except a regular employee, student, or member of the Board of Regents of the TTU System.

Access to speak within the physical confines of Texas Tech University will be denied to anyone who is likely to advocate (1) lawlessness or disregard for the laws of this country or the state, (2) any change to the laws of this country or state by other than constitutionally or statutorily prescribed processes, or (3) the violent overthrow of the government of the country or the state. The speaker's past performance will be considered in determining his or her likely conduct or speech at Texas Tech.

Arrangements for the payment of professional fees and expenses for speakers must be made through administrative channels in advance.

7 Benefits and Services

Credit Union

Employees of TTU and TTUHSC can join Texas Tech Credit Union. Members enjoy perks such as free cash-back checking, 2% APY savings, state-of-the-art Online and Mobile Banking, free Bill Pay, Direct Deposit, instant-issue debit cards, and over 25,000 free ATMs. The credit union also offers new and used vehicle loans, personal loans, mortgage loans, and low-rate credit cards. There are two locations on campus: 1802 Texas Tech Parkway and Room #1A98 at the Health Sciences Center. A third branch is located at 4005 98th Street. For more information, visit TexasTechFCU.org or call 806.742.3606.

Holiday and Sick Leave

Holidays. The Texas Legislature sets the number of holidays to be observed each year by state employees. The university observes the same number of holidays as other state agencies. The holiday schedule is adjusted each year by the Board of Regents to permit efficient academic scheduling.

Sick Leave. Regular full-time faculty members accrue 8 hours sick leave per month. The accrual for part-time faculty members is proportional to their FTE. Faculty members must submit leave reports via web time entry for all sick leave taken if the absence occurred during the normal workday for regular employees, even if no classes were missed. See OP 32.11 for Faculty Sick Leave Policy.

Group Insurance

Texas Tech University participates in the State of Texas Employees Group Insurance Benefits Program. The Employees Retirement System (ERS) is the state agency that administers this program.

Health Insurance Coverage. Each full-time benefits eligible employee is automatically covered for employee-only medical, \$5,000 term life, and \$5,000 accidental death and dismemberment (AD&D) insurance at no cost to the employee. Eligible dependents may be covered with the employee paying 50 percent of the dependent cost. Part-time benefits eligible employees pay 50 percent of the premium for the employee-only coverage and 75 percent of the cost for dependent coverage. The amount contributed by the university toward the employee's health insurance is subject to change by the Texas Legislature. New employees are eligible

the first day of the month following 60 days of employment. Employees are enrolled in HealthSelect, a self-funded managed care plan that offers network and non network benefits.

Secondary Option for Health Coverage. Consumer Directed Health Select is available to employees who are not eligible for Medicare. The plan is made up of a high-deductible health plan (HDHP) that offers network and non-network benefits and a health savings account (HSA). The amount of premium contributed by the university is the same percentage as HealthSelect.

Both health insurance plans utilize the same network of doctors.

For more details on the premiums and benefits provided refer to www.ers.texas.gov.

Enrollment in health insurance is not required in order to enroll in the optional coverages listed below. Premiums for optional coverages are fully paid by the employee through payroll deduction.

Dental Coverage. Benefits eligible employees have a choice between two dental plans. The dental health maintenance organization plan is a DHMO and provides benefits when the employees utilize the DHMO network of dentists. The State of Texas Dental Choice Plan does not restrict the dentist an individual can use; however, the benefits are greater if the individual selects and sees a dentist from the plan's provider network. Enrollment must be completed during the first 31 days of employment or during annual enrollment. The full premium for dental coverage is paid by the employee through payroll deduction. For more details on the premiums and benefits provided by these choices refer to www.humanadental.com/ers.

The State of Texas Dental Discount Plan is a discount program for dental services. Under this plan, participating dentists have agreed to accept a discounted fee from participants as payment-in-full for dental services performed. For more details about this coverage please visit www.txdental-discount.com.

Optional Term Life Insurance. Benefits eligible employees may elect term life coverage with AD&D with options of one, two, three, or four times annual salary not to exceed \$400,000 (three or four times salary requires evidence of insurability). Enrollment must be completed during the first 31 days of employment. Subsequent application for enrollment will be

subject to satisfying evidence of insurability. For more information refer to www.ers.texas.gov.

Dependent Term Life Insurance. Benefits eligible employees may elect \$5,000 term life insurance with \$5,000 AD&D for all eligible dependents. Benefits are payable to the employee. Enrollment must be completed during the first 31 days of employment. Subsequent application for enrollment will be subject to satisfying evidence of insurability. For more information refer to www.ers.texas.gov.

Voluntary Accidental Death and Dismemberment (AD&D). Benefits eligible employees may elect additional accidental death and dismemberment coverage between \$10,000 and \$200,000 in increments of \$5,000. This plan also provides an option for dependent coverage based on a percentage of the employee's coverage. Enrollment must be completed during the first 31 days of employment or during annual enrollment. For more information see www.ers.texas.gov.

Short-Term (STD) and Long-Term (LTD) Disability Coverage. Benefits eligible employees may elect STD and/or LTD to provide income replacement upon becoming totally disabled and unable to work. The maximum month salary available for insuring is \$10,000. STD and LTD benefit payments are offset by any disability benefits received from other sources (such as Social Security, Workers Compensation, and retirement disability benefits). Enrollment must be completed during the first 31 days of employment. Subsequent application for enrollment will be subject to satisfying evidence of insurability. For more information see www.ers.texas.gov.

Vision Insurance. Benefits eligible employees may elect vision insurance through Superior Vision Service, Inc. Vision insurance allows employees to visit eye care providers and purchase eye glasses or contact lenses at a discounted rate. Enrollment must be completed during the first 31 days of employment or during annual enrollment.

Other Insurance

Workers' Compensation Insurance (WC). WC is regulated by the state of Texas and may provide medical and income benefits for injuries and occupational illnesses that arise out of the course and scope of employment. This program is available to all employees whose names appear on the payroll. The Texas Tech University System Office of Risk Management (TTUSORM) is the point of contact for all employees. Timely reporting and submission of associated documentation is the responsibility of the employee and employee's supervisor. TTUSORM will report to the State Office of Risk Management, the state agency that administers the program. The Texas Department of Insurance Workers' Compensation Division promulgates rules and regulations governing WC (OP 70.13).

Automobile Liability Insurance. The university maintains an automobile liability insurance policy to cover university-owned or leased vehicles. Employees who must operate such vehicles or rented vehicles as a part of their assigned duties

must be designated "approved" by The Texas Tech University System Office of Risk Management (OP 79.13 and 80.07). Additional information is available through the Texas Tech University System Office of Risk Management.

Legal Liability Insurance. In litigation against the university and any employees sued for acts within the course and scope of their employment, the Office of the Attorney General provides a defense. In those cases, indemnity is provided to the employees pursuant to state law. The university does not purchase general liability insurance. For any questions, please contact the Office of General Counsel.

Unemployment Compensation Insurance (UCI). Each employee in a position not requiring student status as a condition of employment is covered by the Unemployment Compensation Insurance Program. Through the UCI program, an employee may be eligible for weekly benefit payments during a period of unemployment which occurs through no fault of the employee.

An employee of the university cannot be paid UCI benefits for any week of unemployment that begins during the period between two regular academic terms, or which begins during an established vacation period or holiday recess, if the employee worked the first of such terms or work periods and has a reasonable assurance to work in the second of such terms or periods.

TEXFLEX Programs (IRS Section 125 Cafeteria Plans)

Premium Conversion. All benefits-eligible employees enrolling in the insurance program are automatically enrolled in premium conversion. Insurance premiums, with the exception of dependent life, term life, LTD and STD, and AD&D are deducted from pay on a pre-tax basis, before federal income and social security taxes are calculated. The result is that employees save money on taxes and receive more take-home pay. Premium conversion prevents employees from adding, dropping, increasing, or decreasing any group insurance coverage during the plan year unless a qualifying life event (QLE) occurs. QLE's include things such as marriage, divorce, birth, death, and loss of other coverage. Employees have 30 days from any qualifying life event to change/modify insurance coverage. For more information refer to www.ers.texas.gov.

Flexible Spending Account – Health Care (FSA-Health). A benefits eligible employee may elect to contribute as little as \$15 per month (\$180 annually) or as much as \$2,650 per year to a FSA-Health. This contribution is deducted from pay on a pre-tax basis resulting in more take-home pay for the employee. The FSA-Health can then be used to pay for health care expenses not covered by insurance such as, eyeglasses, co-payments for physician and dental visits. Reimbursement accounts, by federal law, have a "use it or lose it" provision which necessitates caution in estimating reimbursable

expenses for the plan year. The plan allows for a \$500 roll-over from the previous plan year. For more information refer to www.ers.texas.gov.

Flexible Spending Account – Dependent Care (FSA-Dependent Care). A benefits eligible employee may elect to contribute as little as \$15 per month (\$180 annually) on a pre-tax basis to a FSA-Dependent Care. The maximum contribution for the plan year is \$5,000 per family (\$2,500 if married but filing separately). FSA-Dependent Care can be used to save money on a dependent child's daycare or after-school care (until age 13) or dependent care for an adult family member. FSA-Dependent Care may save more money in taxes than the Child Care Tax Credit; however, it depends on your income.

Reimbursement accounts, by federal law, have a “use it or lose it” provision which necessitates caution in estimating reimbursable expenses for the plan year. For more detailed information refer to www.ers.texas.gov.

Limited Flexible Spending Account (LFSA). A benefits eligible employee may elect to contribute on a pre-tax basis to a LFSA when they are enrolled in Consumer Directed HealthSelect, the high-deductible health plan. This account lets you set aside money for on a limited basis, to pay for dental and vision expenses only. Reimbursement accounts, by federal law, have a “use it or lose it” provision which necessitates caution in estimating reimbursable expenses for the plan year. For more detailed information refer to www.ers.texas.gov.

Health Savings Account (HSA). The HSA is part of the Consumer Directed HealthSelect. It helps employees save money to prepare for out-of-pocket costs. Limits for contributions are set annually by the IRS and depend on single or family coverage enrollment in Consumer Directed HealthSelect. Employees must be enrolled in Consumer Directed HealthSelect to open an HSA. Funds deposited into an HSA do not have a “use it or lose it” provision. The funds are accessible to the employee year after year for medical or dental expenses, even upon changing of employment.

Recreational Sports

The recreational facilities and programs of the university are available to faculty members who purchase a membership from the Department of Recreational Sports. Facilities include the Student Recreation Center, Aquatic Center and Leisure Pool. There are eight lighted tennis courts, a one-mile track, and athletic fields surrounding the Recreation Center.

The Robert H. Ewalt Student Recreation Center has 242,000 square feet of activity and recreational space, making it one of the largest student recreation centers in the nation. The building includes seven basketball/volleyball courts; an indoor soccer arena; a free weight room; 105 cardio machines; a selectorized machine weight room; and a four-lane, 1/8 mile elevated jogging track. Also available are three fitness/dance studios, a 53-foot high climbing center, an outdoor pursuit's center, eleven racquetball courts, a spin

room, a fitness/wellness center, locker rooms and equipment check-out.

The Aquatic Center is an indoor 50-meter swimming facility that is open during the cool weather months. A 65,000-square foot outdoor leisure pool allows for great outdoor swimming opportunities during warm weather months. Included in this facility are lap lanes, a 645-foot lazy river, wet deck sunning areas, water basketball and volleyball areas, a diving board and drop slide, as well as food options with Sam's Place Poolside. Semester or annual passes can be purchased.

Programs include intramural competition, adult fitness classes, adventure trips, biking and many noncredit recreational instructional classes and clinics. Personal training and licensed massage therapy are available in the Fitness/Wellness area throughout the year. In addition, Recreational Sports offers youth swimming instruction and a youth sport camp during the summer for staff members and their families on a fee basis.

Retirement

Each regular employee of the university at the time of employment is required as a condition of employment to be a member of the Teacher Retirement System (TRS). An Optional Retirement Program (ORP) is available in lieu of TRS for full-time faculty and certain executive management, professional, and administrative employees. Contributions to TRS and ORP are on a tax-deferred basis.

Teacher Retirement System (TRS). The TRS is a traditional defined benefit state retirement program in which investment risks are absorbed by the state. Contributions go into a large trust fund that is managed by knowledgeable professionals with a prudent, yet very successful investment strategy. This type of plan provides stability and does not require any investment decisions by the individual members. Retirement benefits are based on legislatively determined formulas.

State law requires both the employee and the state to make contributions based on a percentage of the employee's salary. State contribution rates are established biennially by the Texas Legislature and may fluctuate over time. For more information on the TRS, refer to www.trs.texas.gov. For a comparison of ORP and TRS refer to the benefits link at www.depts.ttu.edu/hr/EmpBenefits/Retiring/Retirement-Plans.php.

Optional Retirement Program (ORP). ORP is an individualized defined contribution plan in which each participant selects a variety of investments such as annuity contracts or mutual funds with an authorized company. Because participants manage their own personal investment accounts, ORP entails more individual risk and responsibility than that associated with TRS membership. Benefits are a direct result of the amounts contributed and any return on the investments selected by each participant.

Upon termination of employment from Texas public higher education, ORP participants with more than one year of participation retain control over all investments (both employee and employer contributions). Participants who terminate with one year or less of initial participation forfeit employer contributions made during that term of employment. State law requires both the employee and the state to make contributions based on a percentage of the employee's salary. State contribution rates are established biennially by the Texas Legislature and may fluctuate over time.

An employee must exercise an option to participate in the ORP within 90 days following the date of eligibility. If no election is made within the 90 days, the employee will be deemed to have chosen membership in TRS. This decision is irrevocable.

For more information refer to OP 70.07, Optional Retirement Program. For a comparison of ORP and TRS visit the Texas Higher Education Coordinating Board at www.thechb.state.tx.us.

Old-Age Survivors Insurance Program (OASI) (Social Security). Unless visa exempted or student status exempted, each employee of the university is required to participate in the Federal OASI Program. The payroll deduction is based on a percentage of salary. The employee's and employer's portion and the maximum covered wage are subject to change by the Social Security Administration. For information regarding OASI benefits, refer to www.ssa.gov.

Supplemental Retirement Programs

In addition to participation in the Teacher Retirement System or the Optional Retirement Program, employees of Texas Tech are eligible to set aside additional amounts of salary, up to certain limits, without paying current income tax on those amounts. This income tax deferment is available under the Tax Sheltered Annuity Program, 403(b) and the Deferred Compensation Program (457). Participation in these programs is voluntary, and employees may elect to participate in either or both programs. There is a ROTH option available under both the 403(b) and 457 plan. These programs are offered as a supplement to the retirement benefits provided by the Teacher Retirement System or the Optional Retirement Program. The institution does not make contributions to these accounts.

For more information on the TSA program, refer to OP 70.09, Tax Deferred Account Program, at the website www.depts.ttu.edu/opmanual and the benefits link on the retirement program website at www.depts.ttu.edu/hr/EmpBenefits/Retiring/RetirementPlans.php.

Employees can enroll in the Texa\$aver plan to have payroll deductions up to specified limits on a tax-deferred basis under IRS 457. Empower Retirement currently serves as the third-party administrator for the program. Refer to the Texa\$aver link at www.texasaver.com for more information.

Employees can enroll in the optional 403(b) plan on-line at: www.myretirementmanager.com/?ttu.

Ticket Privileges

Athletics. Benefits eligible full-time faculty and staff are eligible to receive a 20 percent discount on season tickets (up to six per sport) in football, baseball, and men's and women's basketball. Interested persons may contact the Athletic Ticket Office at 806.742.TECH.

Music, Dance, Art Exhibits, Lectures and Theatre. The School of Music presents faculty and student concerts and recitals and a series of guest performances throughout the year. Faculty and their families are invited. There is normally no admission charge. However, some special events are ticketed. Call 806.834.4829 for information. The School of Theatre and Dance offers a season subscription to its Mainstage season that is a 50 percent savings over individually priced tickets. For ticket reservations, pricing, and ticket information, call the Texas Tech University Theatre Box Office at 806.742.3603. The School of Art features programs of exhibitions, speakers, symposia and workshops offering hands-on experience with working professional artists. These are normally open to the public and free of charge. Call 806.742.3826 for additional information. To schedule an exhibition group tour, call 806.742.1947 or email landmarkarts@ttu.edu.



8 Emergency Procedures

The Emergency Communications Center at emergency.ttu.edu. This is a public website to inform the Texas Tech University community about what to do in advance of, during, and after an emergency.

Additionally, Texas Tech University employs the latest technology to alert all faculty, staff and students in the event of a significant emergency on campus. The TechAlert! Emergency Communications System is an externally hosted service through which critical information and updates are sent via voice, text, email, social networks, websites and digital signage across campus.

All faculty, staff and students are automatically enrolled with their eRaider email address and the primary phone number listed in their personnel or registration records. The system accommodates three additional numbers with options for text messages and TDD/TTY for the hearing impaired. All members of the Texas Tech community should keep their information updated by going to the website emergency.ttu.edu or clicking on the Emergency Communications Center link on www.ttu.edu. The information is secure and will never be used by Texas Tech University for any reason other than emergency alert notifications.

Any emergency can be reported by dialing 911 from on-campus Lync phones.

In case of a fire, the respective department chairperson and the dean's office should be notified after the fire has been reported. Fire extinguishers are placed in all buildings in convenient locations on all floors. Evacuation routes are posted on the fire hose cabinets and elsewhere. For urgent facility maintenance requirements, call Building Maintenance and Construction at 806.742.3301 during regular working hours. If repair is needed immediately, call after normal hours.

Warning and Alert Systems

The university maintains several warning and alert systems for use in the event of major storms or other disasters. The National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce provides continuous broadcasts of the latest weather information from the National Weather Service. Taped weather messages are repeated every two to three minutes and are revised hourly. When circumstances warrant, specially designed warning receivers (weather alert radios) can be activated. The weather alert radios sound an alarm indicating that an emergency exists, alerting the listener to turn the receiver up to an audible volume. Personnel in departments where the weather alert radios are located are expected to convey the message received to all other people in the area or building.

Various sirens located throughout the campus are activated whenever the campus is in imminent danger. Persons should immediately seek shelter upon hearing the siren. University police car sirens and loudspeakers will be used to broadcast alerts and instructions. In the residence halls, fire alarm bells (with a sound distinctly different from that used for fire evacuation procedures) and public address systems (where available) will be used to signal persons to take cover immediately. Tests of the various warning and alert systems are conducted each semester and are publicized online in advance of the tests.

If a tornado warning is issued or a tornado is sighted, the following actions should be taken: seek inside shelter, preferably a tornado cellar, steel-framed or reinforced-concrete structure (including all major university buildings); evacuate upper floors of all buildings; seek shelter in an interior hallway and stay away from windows; lie flat on the floor and use tables, mattresses, or blankets for cover; if caught in open country, lie face down in the deepest depression available such as a ditch, culvert, or ravine. Emergency preparedness guidelines and homeland security information is available at <http://emergency.ttu.edu>.

9 Financial Exigency Plan

Preamble

The Declaration of Financial Exigency is the most drastic action a university can take to preserve its role, scope, and mission. It is not entered into until all other measures have been thoroughly considered.

Owing to the seriousness of financial exigency, the faculty and the administration must be jointly involved in the decisions to salvage the institution. This policy is designed to bring these two constituencies together to face financial straits in a rational atmosphere of mutual trust and common concern for the university. The emergency action called for by a budgetary crisis must be grounded in the purpose of the university. Therefore, the formal statement of Texas Tech University's mission will be the guiding principle throughout this plan.

Part I—Definitions

As used in this document:

Mission Statement. As a public research university, Texas Tech advances knowledge through innovative and creative teaching, research, and scholarship. The university is dedicated to student success by preparing learners to be ethical leaders for a diverse and globally competitive workforce. The university is committed to enhancing the cultural and economic development of the state, nation, and world.

Financial Exigency means that the financial position of the university as a whole, demonstrated by competent evidence, is such that the financial resources of the university, including all funding sources (specifically recognizing that all funds are not equally transferable for all uses), are insufficient to support existing academic programs to the extent that the university is unable to finance the full compensation of both all tenured faculty and all other faculty until the end of their appointment, including timely and proper notice. A legislative mandate reducing salaries across the board will not trigger declaration of financial exigency. Academic programs reduced or eliminated for academic reasons shall not be included within the scope of this definition. Reorganization shall not be included in this definition unless it results in the layoff of tenured faculty and is motivated by financial exigency. A financial exigency will last no longer than twelve months unless renewed by the same procedures outlined in this document.

Financial Exigency Advisory Committee, hereinafter called FEAC, is a committee composed of the Provost, Senior

Vice President for Administration and Finance, president of the Faculty Senate, a dean chosen by the Dean's Council, and three tenured faculty members selected by the Faculty Senate. The Director of Human Resources and the president of the Student Government Association shall be non-voting members. The chair will be selected from the above group by the President of the university prior to the first meeting.

Program Evaluation Review Committee, hereinafter called PERC, is a committee composed of the dean of each academic college or school; a faculty representative from each academic college or school to be elected by the voting faculty of the college or school; the president of the Faculty Senate; an elected representative from the Horn Professors; the Provost, who shall serve as chairperson; and the Senior Vice President for Administration and Finance, who shall serve ex officio.

Academic Unit is a basic faculty group that recommends an individual be hired in the first instance and votes to recommend promotion and tenure of an individual at the beginning stage of the tenure process.

Working day is defined as a university calendar working day.

Part II—Declaring a Financial Exigency

Upon anticipating a financial exigency as defined above, the President shall notify the faculty and staff of the pending financial exigency and convene the Financial Exigency Advisory Committee (FEAC).

FEAC shall investigate and document all aspects of the university's financial condition and recommend whether a financial exigency should be declared. Views on the financial problems of the university will be sought from the administration, faculty, staff, and students. The committee will:

1. Review resource management efforts to date and their impact on the financial position and programs of the university.
2. Consider alternative options to save resources and evaluate the potential impact the option will have on finances and programs.
3. In this review and consideration of alternative, FEAC shall determine whether:
 - A. Administrative expenses and positions that are not absolutely necessary to the academic functioning of the university have been reduced or eliminated.

- B. All activities that do not directly support the academic function of the university but which utilize resources directly or indirectly have been reduced or eliminated.

FEAC shall file a report within the time frame directed by the President.

The President shall make a report to the Board of Regents regarding the financial exigency and submit the written report of FEAC to the Board of Regents. The Board of Regents shall make the final decision regarding financial exigency. If the Board of Regents declares a state of financial exigency, each faculty member, academic unit, college or school, and administrator shall be responsible for executing the following procedures fairly and equitably.

If time permits, the declaration of financial exigency by the Regents will be required prior to the activation of Part III of this plan. If time does not permit, the President, after the filing of the FEAC report and after consultation with the Board of Regents, may immediately activate Part III of this plan.

Part III—Development of the Financial Exigency Plan

A. Preliminary Administrative Actions

The President shall initiate the process for meeting the financial exigency by sending written notice to the dean of each college or school who in turn will notify each academic unit, attaching thereto the FEAC report, the President's recommendation and the Board of Regents' statement declaring the exigency. The President shall simultaneously convene the Program Evaluation Review Committee (PERC).

The Provost will advise each college or school of the tentative monetary amount by which its budget will be reduced. The dean of each college or school will establish criteria for budget reduction and set a tentative monetary allocation for each academic unit and explain that this allocation may increase or decrease depending on the outcome of the process followed in Sections B, C, and D. These preliminary determinations of monetary amounts or allocations shall not prejudice or preempt the process to be followed in Sections B, C, and D. It is understood that the actions described in Sections B and C below will occur simultaneously.

B. Academic Unit Actions

The head of the academic unit (senior faculty member, chair, area coordinator, director, or dean) shall immediately send a copy of the President's notice and the college plan when it becomes available to each faculty member in the unit and advise the faculty that a copy of the financial exigency report is available for inspection by individual faculty members. Each academic unit will, within the time limit designated by the dean, develop and present to the dean a written plan to accomplish the reduction. Each such plan shall include the following information:

The plans will detail the specific steps to accomplish any reduction, which might include the possible merger, suspension, or elimination of specific programs and which support the university's mission. The plans will indicate any reasons (including documentation) for deviating from the order for layoffs noted below. Acceptable reasons include but are not limited to extraordinary distortion of the unit's academic program, affirmative action policy, or academic excellence.

If necessary, the plans will identify the faculty members in the academic unit to be laid off according to the following order: first, personnel in non-tenure-track positions shall be laid off on the basis of rank, then time in rank. Second, nontenured personnel in tenure-track positions shall be laid off according to the following basis: first, rank; second, time in rank; and then time in tenure tracks at Texas Tech University. Finally, tenured personnel shall be laid off according to the following basis: first, rank; second, time in rank with tenure; and then total time with tenure at Texas Tech University. Those having lower rank or shorter terms will be laid off before those having higher rank or longer terms.

When faculty members are equal in all considerations, the academic unit in deciding who will be identified for layoff must consider the needs of the institution, the faculty members' capabilities and qualifications for teaching in multiple disciplines, and the lengths of their service at this university.

Any faculty member identified for layoff shall receive a copy of the academic unit's plan and shall have seven working days to respond to the plan after receipt of formal notification. The faculty member shall submit to the appropriate dean a written and documented argument against the layoff. The identified faculty member shall be advised of this right and the right to request a hearing as set out in Part IV.

C. The College or School Actions

The dean of each college or school shall appoint a representative advisory committee of faculty members whose positions are not likely to be identified for layoff to assist in developing a comprehensive plan to meet the financial exigency for the college or school. This advisory committee shall take into consideration the plans of the academic units, the maintenance of a strong multidisciplinary program of academic excellence in the college or school, affirmative action, and cost effectiveness.

This Committee may recommend to the dean the reallocation of faculty positions and the mergers, suspensions, or elimination of entire programs or academic units in the college or school as long as the actions are supported by good reasons and are well-documented. The Committee shall present its recommendations to the entire college faculty.

The dean shall make preliminary decisions after consulting with this Committee and shall notify faculty members identified for layoff by the college or school process who were not identified by the academic unit process. These faculty members will be allowed to transfer to other units in which positions have become available if the faculty member's

seniority and qualifications permit. A faculty member identified for layoff by the college or school process shall have seven working days to respond after receipt of formal notification by submitting an argument and documentation against the planned layoff. A faculty member so identified shall also be advised of the right to request a hearing as set out in Part IV.

The dean shall be responsible for the final preparation of the plan within the time directed by the President and shall submit it and the advisory committee's evaluation of that plan to the PERC. The dean's plan shall consider the factors in paragraph one of Section C and the plan will be supported by good reasons and documentation. The plan must define actions that will meet the goals of the college or school for budget reduction and include ranked priorities for restoring programs, academic units and positions with a written and documented argument for each.

D. Program Evaluation Review Committee (PERC) Actions

The PERC or subcommittees thereof shall review each dean's plan for overall acceptability, compliance with affirmative action standards and goals, and assurance that fair and equitable procedures were followed. Within three working days after receipt of the deans' plans, the PERC shall certify the deans' plans as acceptable according to the criteria or remand a plan (or plans) to the particular college or school for correction or supplemental documentation. A remanded plan shall be returned by the college or school within one working day with the appropriate corrections or supplemental documentation. The Committee shall again review such corrected or supplemented plan and certify it with such exceptions as needed.

The PERC shall consolidate the information in the plans and construct a profile of that part of the university which would remain and that part of the university which would be eliminated or modified. This profile shall be disseminated throughout the university community.

The PERC shall prepare a final report which shall include a summary of the deans' plans, faculty responses, the profile of the university after the proposed cuts, and recommendations and modifications by the PERC based upon the priorities set out in the deans' plans, faculty responses, individual hearing committee results, and compliance with affirmative action standards and goals. However, in preparing this report the PERC is to be aware that the overriding consideration is the mission of the university. The report will be sent by the Provost to the President. After reviewing the report, the President will make an independent assessment of its strengths and weaknesses regarding the long-range goals of the university and then submit the report and his or her recommendation to the Board of Regents for final action and implementation.

Part IV—Individual Faculty Rights

After a financial exigency has been declared, a faculty member identified for layoff shall be given notice of the terms thereof and shall have the opportunity to provide a written and documented argument against the layoff to the dean of the college for the dean's action and final consideration in accordance with Part II.

The faculty member identified for layoff may, in addition, request a hearing before a three-member faculty committee. This request shall be made within seven working days after the notice of layoff is given. The request shall state the reasons why the faculty member should not be laid off and shall state the name of the faculty member the aggrieved party wants to appoint to hearing panel.

If a hearing is properly requested, a three-member faculty committee shall be appointed as follows and in the following order: a member of the committee shall be appointed by the aggrieved faculty member; a member of the committee shall be appointed by the dean of the college or school; and then a member of the committee, who shall serve as the chair, shall be selected by the two other members from a list of those elected to service on the tenure-hearing panel. The chair shall not be from the same college or school as the identified faculty member. At least one of the committee members should be from the academic unit of the aggrieved faculty member. No member of the committee may be a faculty member identified for layoff at the time of appointment.

The hearing will be conducted in accordance with guidelines issued by the Provost and university General Counsel. Due process will be provided as required by the nature of the factual issues in dispute. If the layoff is based on the application of neutral principles set forth in III.B., then the minimal process outlined in this section applies; if, on the other hand, the layoff resulted because of individualized assessments and comparisons, such as those also specified in III.B., then a more formal proceeding on the record with cross-examination will be required. The aggrieved faculty member may have the assistance of counsel. The hearing panel shall meet, receive evidence in any form, summarize the evidence, and make recommendations to the Provost within seven working days after the panel is appointed. A copy of the summary and recommendations shall be given to the aggrieved faculty member and to the dean of the college or school. Either may respond with a written commentary sent to the Provost within three days after the hearing panel's recommendations have been forwarded.

The decision of the Provost is final and, if possible, should be made before the PERC submits its final report as set out in Part III, Section D.

Prior to laying off the identified faculty, the Provost shall make every effort to place the laid-off faculty members elsewhere in the university system. The alternatives will include retraining as well as assignment to another suitable position within the university for which the individual is qualified by background, training, and experience. The Provost shall also set up a center for counseling faculty, helping them seek jobs and advising them of their legal and economic rights.

The position of a faculty member who has been laid off may not be filled by any other person for three years unless the laid-off faculty member has been offered reinstatement and reasonable time to respond, not to exceed thirty days.

Laid-off faculty members will be awarded all benefits provided by law. To the extent possible, other severance benefits and privileges will be provided. Additional consideration shall be given to the maintenance of the individual's professional status.

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Appendix I: Operating Policies and Procedures



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 02.08: Operation and Maintenance of Endowment Funds

DATE: December 2, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to set forth definitions and to outline and establish policies and operating procedures pertaining to the endowment funds of Texas Tech University.

REVIEW: This OP will be reviewed in April of even-numbered years by the Vice Chancellor for Institutional Advancement (VCIA), the Texas Tech University Chief Financial Officer (TTU CFO), and the Texas Tech University System Vice Chancellor and Chief Financial Officer (TTUS CFO).

POLICY/PROCEDURE

1. Policy Statement

The Board of Regents of the Texas Tech University System (TTUS) recognizes that all great institutions of higher education possess a large endowment and in order for Texas Tech University (TTU) to achieve the high standards of which it is capable, the total endowment must be vastly increased. To that end, the Board of Regents has established the number one development priority to be that of building the TTU endowment funds.

2. Definitions

Endowment Funds

Endowment funds are resources of the TTUS that are invested over the long term with the purpose of producing earnings. Endowments generally arise through gifts from donors and/or other external sources. Endowment funds may be classified further as:

a. Permanent Endowments

Permanent endowments are assets designated by the donor (or other external party) to be held in perpetuity. The corpus of these endowments may never be spent and expenditures must be made in accordance with the endowment agreement.

b. Term Endowments

Term endowments are established when the donor specifies that the endowment shall terminate following a particular date or event and that the corpus of the endowment may be expended in accordance with the endowment agreement. Until the passage of the specific

date or event, term endowments operate in a manner similar to permanent endowments, with expenditures from the interest earnings made in accordance with the endowment agreement.

c. Quasi Endowments

Quasi endowments are established when the Board of Regents of the TTUS or the Board of Directors of Texas Tech Foundation, Inc. ("TTFI"), with formal action, set aside certain institutional funds to be maintained as endowments.

d. Funds Held in Trust by Other

"Funds Held in Trust by Other" is the classification for endowments where the corpus is managed and invested by a third party and the earnings are distributed back to the institution.

3. Types of Endowments

a. Faculty Support

(1) Endowed Chair

The minimum donation to establish an endowed chair will vary by unit and type of research. The dean will consult with the Provost/Senior Vice President (PSVP) and the VCIA before determining the amount requested for the establishment of a chair in various programs. Recruitment and retention of top faculty engaged in intensive laboratory research require higher levels of support.

Minimum endowment levels are:

(a) \$1,500,000 for selected chairs; and

(b) \$1,000,000 for other chairs.

The donor is allowed to name an endowed chair in the college or program of choice. Subject to criteria set forth by the donor, the spendable income is typically used to supplement the chair holder's salary, as well as provide additional income to reasonably compliment the chair holder's work, including items such as the purchase of special publications, the hiring of graduate students to assist the chair holder in research projects, the involvement of post-doctoral students in the particular discipline, and other expenses that directly support the teaching or research of the chair holder. Without the prior approval of the President, no more than fifty percent (50%) of the prior fiscal year's distributions may be used as salary for the individual holding a chair. For each exception granted, written approval from the President must be obtained each fiscal year by the college or program.

(2) Endowed Professorship

The minimum donation to establish an endowed professorship will vary by unit and type of research. The dean will consult with the PSVP and the VCIA before determining the amount requested for the establishment of a professorship in various

programs. Recruitment and retention of top faculty engaged in intensive laboratory research require higher levels of support.

Minimum endowment levels are:

- (a) \$1,000,000 for selected professorships; and
- (b) \$500,000 for other professorships

The donor is allowed to name an endowed professorship in the college or program of choice. Subject to criteria set forth by the donor, the spendable income is used like the spendable income for an endowed chair, except that the spendable income is utilized more frequently for the supplementation of salaries and less frequently for other purposes available through an endowed chair. Without the prior approval of the President, no more than fifty percent (50%) of the prior fiscal year's distributions may be used as salary for the individual holding a professorship. For each exception granted, written approval from the President must be obtained each fiscal year by the college or program.

(3) Endowed Deanship, Department Chair, or Director

The minimum donation to establish an endowed deanship, department chair, or director is \$2,000,000. Subject to criteria set forth by the donor, the spendable income is used to recruit and retain outstanding leaders by providing funds to support their salaries and to fund the pursuit of their professional goals and the development of the unit. Without prior approval of the President, no more than fifty percent (50%) of the spendable income may be used as salary for the individual holding an endowed deanship, department chair, or director. For each exception granted, written approval from the President must be obtained each fiscal year by the college or program.

(4) Endowed Lectureship

The minimum donation to establish an endowed lectureship is \$250,000. The spendable income is used to support honoraria, publicity, and other expenditures incurred in bringing distinguished leaders to lecture on campus.

(5) Endowed Faculty Development Fund

The minimum donation to establish an endowed faculty development fund is \$250,000. The interest earnings are used to support professional and leadership development of faculty.

(6) Research Endowment

The minimum donation to establish a research endowment is \$200,000. Endowed research positions are to support research in particular academic areas or topics specified by the donor and agreed upon by the respective academic dean and the PSVP.

b. Student Support

(1) Presidential Scholarship Endowment

The minimum donation to establish a presidential scholarship endowment is \$150,000. Presidential scholarships are awarded to outstanding entering freshmen based on academic achievement.

(2) Chancellor's Graduate Fellowship

The chancellor's graduate fellowships are established to provide stipends to outstanding students. The minimum endowment level is \$125,000.

(3) Honors Scholarship Endowment

The minimum donation to establish an honors scholarship endowment is \$125,000. Honors scholarships are awarded to outstanding entering freshmen on the basis of academic achievement.

(4) University Scholars Scholarship Endowment

The minimum donation to establish a university scholars scholarship endowment is \$100,000. University scholars scholarships are awarded to outstanding entering freshmen on the basis of academic achievement.

c. Other

(1) Library Book Endowment

The minimum donation to establish a library book endowment is \$100,000. The spendable income will be utilized to purchase books, subscriptions, databases, and professional journals in a particular area as designated by the donor.

(2) Minimum Level Endowment

The minimum donation required to establish an endowment at Texas Tech University is \$25,000. This revisions only applies to endowments established on or after the date the revised operating policies become effective.

(3) Auxiliary Programs

The minimum donation required to establish an endowment within the National Ranching Heritage Center, the Museum at Texas Tech University or the Vietnam Center and Archive (the "Auxiliaries") Is \$10,000.

(4) Exceptions

Exceptions may not be made to the minimum levels without the prior written approval of the President, Texas Tech University Chief Financial Officer, the Vice Chancellor for Institutional Advancement and the Texas Tech University System Vice Chancellor and Chief Financial Officer (TTUS CFO).

4. Procedure for Establishment

a. Accepting New Endowments

Prior to acceptance, the Office of Institutional Advancement and TTFI legal counsel will review all requests to ensure the minimum threshold levels and other applicable criteria are met specific to the type of endowment being requested. The various types and applicable features of TTU/TTFI endowments are outlined above.

All endowments to TTU/TTFI must be made in compliance with applicable federal and state laws, and after acceptance by the institution, must be used as designated by the donor in the endowment agreement.

b. Establishing New Quasi Endowments

Quasi endowments are established when the Board of Regents of the TTUS or the Board of Directors of TTFI, with formal action, set aside certain institutional funds to be maintained as endowments. The formal action by the board will specify the use of the corpus and spendable income and set other terms and conditions relating to the fund. The Board of Regents or the Board of Directors may change the terms and conditions of the endowment or terminate the endowment by formal action. If terminated, the corpus of the endowment is returned to the original source of funding.

In Section 4 of the LTIF Investment Policy Statement, the board delegates to the Chancellor or the Chancellor's designee the authority to establish quasi endowments less than \$250,000.

c. Unrestricted Gifts

Any gift of \$100,000 or more that is unrestricted by the donor as to use or purpose will be placed in a quasi-endowment in accordance with *Regents' Rules*, Investment Policy Statement, Long Term Investment Fund, Sections 2 and 3 upon appropriate action by the Board of Regents of the TTUS or the Board of Directors of TTFI. Any unrestricted amount of less than \$100,000 but not less than \$10,000, upon recommendation by the President, will be placed into a quasi-endowment upon action by the Board of Regents or the Board of Directors.

d. Endowment Agreements

The Office of Institutional Advancement will coordinate with the donor and academic department contact (if applicable) to establish the endowment agreement. All applicable TTU/TTFI policies and internal procedures should be considered when developing the endowment agreement to ensure acceptable spending criteria is established and to prevent any unnecessary burdens in ongoing administration of the endowment funds.

e. Endowments Invested in the Long Term Investment Fund (LTIF)

Section 6.1 of the LTIF Investment Policy Statement for TTUS requires that the Vice Chancellor for Institutional Advancement ensure there are no donor-imposed restrictions preventing endowment funds from being deposited to the LTIF.

Restrictions by the donor on investment by TTU or TTFI outside the mission or current programs of TTU or any deviation from investment policy regarding LTIF shall not be honored without prior approval of the TTUS CFO and subsequently by the Board of Regents of the TTUS or the Board of Directors of TTFI.

All endowment funds invested in the LTIF will be subject to an investment management fee in accordance with Section 09.02, *Regents' Rules*.

5. Request by Donor to Modify Endowment

Generally, the terms and conditions relative to a completed endowment agreement may not be modified. However, it is recognized that donors of endowment funds, on occasion, have requested and directed that the usage or purpose of their endowment be changed if mutually agreeable with TTU and, if applicable, TTFI. All such requests must be made in writing by the donor and delivered to the Office of Institutional Advancement. All written requests to modify endowment agreements are also subject to the following approval requirements:

- a. Principal amount of endowment less than \$25,000 - President approval required
- b. Principal amount of endowment more than \$25,000 – Approval from the Board of Regents of the TTUS or the Board of Directors of TTFI required. The Office of Institutional Advancement will be responsible for preparing and presenting the agenda item to the appropriate governing board.

Submission of a written request to modify shall not automatically result in presentation of such request to any of the above noted reviewing parties

6. Administration

- a. Establishing Fund Manager Authority
 - (1) Endowment fund financial manager responsibility will be assigned to the vice president, the PSVP, dean, or equivalent level unless otherwise specified by the donor. The TTUS CFO will be the fund financial manager on all quasi-endowments.
 - (2) Operating fund (i.e., spending fund) financial manager responsibility may be delegated; however, the endowment fund financial manager responsible for such delegation is fully responsible for ensuring the proper use of funds and substantiation of expenses.
- b. Recording Endowment Earnings

During setup of the new permanent endowment fund, a separate operating fund (i.e., spending fund) will be established to receive 100 percent of the endowment earnings and to provide for the accounting of allowable expenditures. Any exception to this policy must be approved by the VCIA and terms of such exception must be managed and adhered to by the appropriate vice president, dean, or equivalent.

- c. Financial Management and Compliance
 - (1) Fund managers are responsible for ensuring expenditures from operating funds are in

compliance with the terms and conditions of the endowment and all applicable federal, state, and university policies.

- (2) Fund managers are responsible for addressing and correcting all non-compliant expenditures.
- (3) Expenses incurred for endowment purposes should be charged, whenever practical, directly to the applicable endowment spending fund. Pooling or aggregating funds from different endowments should be avoided.
- (4) Excessive accumulation of endowment income should be avoided. Fund balances will be deemed excessive when the balance is greater than the previous two years distributions.
- (5) Questions regarding the interpretation or scope of the terms and restrictions of an endowment should be directed to the Director of Endowment Compliance for TTUS who will involve legal counsel as necessary.

d. Reporting

- (1) Annual budgets will be submitted on each endowment operating fund as directed in the annual instructions for submitting budgets.
- (2) A report on spending funds with excessive balances may be provided to the respective board, Chancellor, President, VCIA, PSVP and/or dean, as appropriate. The accumulation of excessive balances in endowment spendable funds should be based upon established academic and research plans.
- (3) The Office of Institutional Advancement provides donors with an annual performance report of the endowment and the various fund balances. Some gift agreements also require TTU and/or TTFI to provide additional reports regarding the specific use of the spendable funds.
- (4) All other reporting should be coordinated through the Texas Tech University System Office of the Treasurer.



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 10.07: Emeritus Appointments

DATE: August 8, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to provide an orderly process for emeritus appointments, as authorized in the *Regents' Rules*.

REVIEW: This OP will be reviewed in March of every fourth year by the Senior Vice Provost with substantive revisions presented to the Provost and Senior Vice President and the President by March 15.

POLICY/PROCEDURE

The President will present annually to the Board of Regents recommendations for emeritus appointments. Nominations of individuals who meet the prerequisites listed below, as outlined in Section 04.01.2, *Regents' Rules*, Emeritus Appointments, should be sent to the President, through channels, by January 1 for his consideration for subsequent recommendation to the Board of Regents.

- a. The title "Emeritus" may be conferred as recognition for long and faithful service or for very distinguished service to the university.
- b. Members of the faculty with the rank of professor or associate professor at retirement may be given emeritus appointments, provided they have completed at least ten years of service at the university or have been recommended on the basis of "very distinguished service."
- c. Administrative officers in major positions at the time of retirement from administrative duties may be considered for emeritus appointments.
- d. Emeritus appointments are strictly honorary and without stipend.
- e. Each such appointment shall be subject to approval by the board upon recommendation of the President, with concurrence by the Chancellor.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 10.10: Records Retention

DATE: June 17, 2015

PURPOSE: This Operating Policy/Procedure (OP) defines the steps involved in the legal destruction of records that have ceased to have sufficient value to warrant retention.

REVIEW: This OP will be reviewed by the university archivist of Texas Tech University in May every four years with substantive revisions forwarded through the senior vice provost to the provost/senior vice president.

POLICY/PROCEDURE

1. Yearly, an appointed individual in each department should review records on hand to determine whether departmental documents should be retained or destroyed.
2. The department shall comply with the *Texas Tech University Records Retention Schedule* (see attachment) prepared by the Texas Tech University System and approved by the State and Local Records Management Division of the Texas State Library. The retention times apply to the master copy, as provided in Chapter 441, Texas Government Code. These include paper, micro-media, electronic records, or other material that is involved in the transaction of official state business. The convenience copy should not be kept any longer than necessary.
3. Master copy refers to the one original or "master" version of a document. Convenience copy refers to all duplicate copies of a document. Convenience copies can be disposed of at any time and should not be kept longer than the record copy's retention time.
4. The retention time of a record applies regardless of the record's format, be it electronic, micro-media, or paper.
5. Master copies of records de-accessioned, disposed of, or destroyed shall be listed on a records disposition log. The department should retain a copy of this disposition log for the appropriate time as listed on the university's records retention schedule. Currently, this is 10 years.
6. Once a record's retention time has expired and it is no longer needed, the record should be disposed of in the appropriate manner. Records with no personal or confidential information can be recycled or thrown away. Records containing personal or confidential information, such as social security numbers and grades, should be shredded.
7. The assigned individual responsible for destroying the records should observe the destruction process to completion.

8. Records listed on the university's records retention schedule as "archival" have potential historical value and should be transferred to the University Archives for review. The university archivist will make the final decision on whether to keep or dispose of the record.

[Attachment: Texas Tech University Records Retention Schedule](#)

**LYNN WHITFIELD - ASSOCIATE ARCHIVIST
2-8675**

To access this attachment, go to the following website:

<http://www.swco.ttu.edu/recordsmanagement/rrs.html>



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 10.11: Ethics Policy

DATE: February 29, 2008

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to publish the ethics policy for faculty and staff as required by the Texas State Legislature and adopted by the Board of Regents at the August 11, 1995 meeting. The principles and guidelines contained in this policy apply to all persons employed by Texas Tech University without regard to rank or position, length of service, or past performance.

REVIEW: This OP will be reviewed in June of even-numbered years by the vice chancellor/general counsel with recommended revisions forwarded to the president.

1. Introduction

It is important that the people of the state of Texas have complete confidence in the integrity of their public servants. This need is especially critical in the area of state-supported higher education. The responsibility for education and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles. The principles and guidelines contained in this policy shall apply to all persons employed by any component institution, agency, or service of TTU regardless of rank or position. If a topic also has been addressed in other policy statements or manuals of TTU, the procedures and statements contained therein are hereby reaffirmed and made a part hereof for all purposes. Specifically, TTU OPs should be referenced for further information and/or greater specifics. References of the term "TTU employees" throughout these documents include all persons employed by TTU.

2. Standards of Conduct

TTU officers and employees should not:

*** Government Code 572.051**

- a. Accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows, or should know, is being offered with the intent to influence the officer's or employee's official conduct;
- b. Accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of the official position;
- c. Accept other appointments or any employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of official duties;
- d. Make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or

- e. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed official duties in favor of another.

3. **Principles of Ethical Behavior**

** Regents' Rules, 03.01.2*

TTU officers and employees shall:

- a. Put forth honest effort in the performance of their duties;
- b. Not make unauthorized commitments or promises of any kind purporting to bind TTU or any component institution of the TTU System;
- c. Not use their public offices for private gain;
- d. Act impartially and not give preferential treatment to any private or public organization or individual;
- e. Protect and conserve public property and shall not use it for anything other than authorized activities;
- f. Promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;
- g. Adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, physical or mental disability, Vietnam-era, or special disabled veteran status; and
- h. Endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the TTU system.

4. **Conflict of Interest**

** Government Code 572.001(a); Regents' Rules, 03.01.3*

It is the policy of the state of Texas that state officers and employees may not have direct or indirect interests, including financial and other interests, engage in business transactions or professional activities, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officer's or employee's duties in the public interest.

5. **Travel**

** TTU OP 79.01*

A state agency (TTU) may pay or reimburse a travel expense only if the purpose of the travel clearly involves state business and is consistent with the agency's legal authority. The travel voucher must specify the nature of the official state business conducted, including the persons contacted, if applicable, and specify the benefit that the state gained from the travel.

A state agency shall minimize the amount of travel expenses paid or reimbursed by the agency. The agency shall ensure that each travel arrangement, including meals, lodging, transportation and incidental expenses, is the most cost-effective considering all relevant circumstances. To reduce travel expenditures, an agency shall use interactive television, videoconference technology and telephone conferences to the greatest extent possible.

A state agency shall instruct its state employees about the State of Texas Travel Allowance Guide, the Travel Regulations Act, and the travel provisions of the General Appropriations Act. A state agency's failure or inability to instruct a state employee, however, does not excuse or justify the employee's failure to comply with applicable laws or rules.

Trips off campus for employees shall be made only after obtaining appropriate approval by the appropriate designated administrative officials, in accordance with established procedures and when the trip contributes to the mission of the university.

Employee travel may not interfere with the primary academic or administrative responsibilities of the traveler.

6. **Benefits, Gifts, and Honoraria**

***Texas Penal Code, as amended through the 78th Legislative Session (2003), and Ethics Advisory Opinion (issued by the Texas Ethics Commission)**

A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare a TTU employee has a direct and substantial interest [PC 36.01(3)].

- a. Bribery: No TTU officer or employee may solicit, offer, or accept any benefit in exchange for their decision, opinion, recommendation, vote, or other exercise of official power or discretion (PC 36.02; EAO 130). A benefit that is otherwise allowed by TTU policy is nevertheless prohibited if it is offered in exchange for official action.
- b. Prohibited Benefits: A public servant who exercises discretion in connection with contracts, purchases, payments, claims, and other pecuniary transactions of government commits an offense if he or she solicits, accepts, or agrees to accept any benefit from any person against any person the public servant knows is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving a TTU officer or employee's discretion [PC 36.08(d)]. The prohibition does not apply to:
 - (1) Gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient [PC 36.10(a) (2)];
 - (2) A fee prescribed by law to be received by a public servant or any other benefit to which he or she is lawfully entitled or for which he or she gives legitimate consideration in capacity other than as a public servant [PC 36.10(a) (1)];
 - (3) A gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 572 of the Government Code [PC 36.10(a) (5)]; and
 - (4) Items having a value of less than \$50, not including cash or negotiable instruments [PC 36.10(a) (6)]. A TTU officer or employee who receives an unsolicited benefit that he or she is prohibited from accepting by law may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes [PC 36.08(i) PC 36.08(d); PC 36.10(b); EAO 130].
- c. Food, Lodging, Transportation, and Entertainment Received as a Guest: A public servant may accept food, lodging, transportation, or entertainment from persons or entities he or she knows or reasonably should know, are interested in or likely to become interested in a

contract, purchase, payment, claim, decision, or transaction involving the exercise of the public servant's discretion only if the public servant is a "guest" as defined by Texas law [PC 36.10(b)]. A public servant is a "guest" if the person or a representative of the entity providing the food, lodging, transportation, or entertainment is present at the time the food, lodging, transportation, or entertainment is received or enjoyed by the public servant [PC 36.10(b); EAO 130]. Public servants are required to report any such benefits valued at over \$250 on their annual disclosure statements filed with the Texas Ethics Commission [PC 36.10(b); EAO 130].

- d. **Benefits from Friends, Relatives, and Associates:** Public servants may accept benefits from personal friends, relatives, or business associates with whom they have a relationship independent of their official status, so long as the benefit is not offered in exchange for official action or decision [PC 36.10(a) (2); EAO 130].
- e. **Awards:** Public servants may accept plaques and similar recognition awards. *Ethics Advisory Opinion 36 issued by the Texas Ethics Commission.
- f. **Honoraria:** Public servants may not solicit, accept, or agree to accept an honorarium in consideration for services they would not have been asked to provide, but for their official position or duties [PC 36.07(a); EAO 17, 19]. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services [PC 36.07; EAO 19]. However, they may accept the direct provision of or reimbursement for expenses for transportation and lodging incurred in connection with a speaking engagement at a conference or similar event [EAO 17]. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted [EAO 17]. Participation by a public servant must be more than merely perfunctory [PC 36.07(b)].

7. **Political Activities**

*** Appropriations Act as passed by the 78th Legislature (2003) and Texas Government Code, as amended through the 78th 2003 Legislative Session**

- a. **Use of TTU Funds or Property**
* **TTU OP 65.06, 70.31**

No public servant shall expend or authorize the expenditure of any TTU funds for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure.

- b. **Political Contributions**

Unless prohibited by state law, public servants may make personal contributions to candidates for office and political organizations.

8. **Use of Authority**

*** Texas Penal Code, as amended through the 78th Legislative Session (2003)**

- a. **Misapplication of Property**

It is a violation of state law for a public servant, acting with the intent to obtain a benefit or with intent to harm another, to intentionally or knowingly misapply any thing of value belonging to the government that comes into a public servant's custody or possession by virtue of his or her office [PC 39.02(a)(2)].

b. **Misuse of Official Information**

It is a violation of state law for a public servant if, in reliance on information to which he or she has access in an official capacity and which has not been made public, he or she (1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; or (2) speculates or aids another to speculate on the basis of the information (PC 39.06).

9. **Sexual Harassment**

* **TTU OPs 10.09 and 70.31; 42 United States Code § 2000e-2**

- a. It is the policy of the public servant to maintain a workplace environment that is free of sexual harassment and intimidation.
- b. It is a violation of Title VII of the Civil Rights Act of 1964 to engage in sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, participation in a university-sponsored educational program or activity, or in return for a grade or other consideration;
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for an academic or employment decision affecting such individual; or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive working or educational environment.

10. **Nepotism**

* **Government Code 573.041; TTU OP 70.08**

Employees are prohibited from employing, hiring as an independent contractor, appointing, voting for, or confirming the appointment of any person related to such employee within the third degree by consanguinity (blood) or within the second degree by affinity (marriage) when the salary or compensation for such person is to be paid from public funds.

Relatives within the third degree by consanguinity include the employee's parent, child, sibling, grandparent, grandchild, great grandparent, great grandchild, aunt, uncle, nephew, and niece. Relatives within the second degree by affinity include the employee's spouse; the spouse's child parent, sibling, grandparent, and grandchild; and the spouses of the employee's child, parent, sibling, grandparent, and grandchild. In addition, employees may not take such action on behalf of any individual who is related to any employee within such degrees. These prohibitions do not apply if the person who is related to the employee has been continuously employed in the office or position for at least 30 days prior to appointment or employment of the employee [Government Code 573.062(2)(A)]. If the related person continues in such a position, the employee may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the related individual if that action applies only to that individual and is not taken regarding a bona fide class or category of employees [Government Code 573.062(b)].

11. Affirmative Action*** TTU OP 40.01**

TTU officers and employees will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, physical or mental disability, Vietnam-era, or special disabled veteran status. TTU personnel will take affirmative action to provide a nondiscriminatory application process. Such action shall include, but not be limited to the following employment transactions: upgrading, demotion, or transfer; recruitment or recruitment advertising; lay-off or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship.

12. Private Use of University Facilities, Equipment, Supplies, and Services Prohibited***TTU OPs 48.04, 61.01, 61.02, 61.39, 63.08, 67.01, 70.31, and 80.07**

- a. It is the intent of the Texas Constitution and the Board of Regents that university facilities, equipment, supplies, and services are to be used only for duly authorized university purposes. Accordingly, the use of university-owned resources or resources for which the university has acquired stewardship responsibilities in which title is vested to others including, but not limited to, buildings, equipment, materials, supplies, telephones, utilities, and services of university personnel for personal purposes, is prohibited. Furthermore, equipment the university owns or is responsible for shall not be removed from the university premises.

See OPs 61.01 and 63.08 for procedures for the removal of an item of university equipment from university property to an employee's personal residence or other like property to accomplish university work on business at home.

- b. Services of Personnel
*** TTU OP 61.01**

The use of university personnel for personal work is strictly prohibited. This work includes, but is not limited to, typing and secretarial services on personal and/or private consulting correspondence, running personal errands, and other like personal services.

13. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 10.20: Conflict of Interest and Commitment Policy

DATE: October 17, 2013

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to provide guidelines on Texas Tech University's (TTU) and the Texas Tech University System's (TTUS) conflict of interest policies and to protect the ethical and civic responsibilities of TTU and its mission. While this OP is not meant to take the place of any existing policies, in the event of a conflict between this policy and any other OP relating to conflicts of interest or commitment, this OP shall prevail.

REVIEW: This OP will be reviewed in September of odd-numbered years by the Office of the President with substantive revisions presented to the president.

POLICY/PROCEDURE

1. Policy Statement

- a. Employees of Texas Tech University ("institution" or "TTU") are entrusted with protecting the safety and welfare of the public's trust. It is state law that the institution's employees may not have direct or indirect interests, including financial and other interests, engage in business transactions or professional activities, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the employee's duties to the institution or the public interest. Employees shall avoid acts that are improper or give the appearance of impropriety. The principles and guidelines contained in this policy shall apply to the institution's employees, regardless of rank or position. (See Texas Government Code Chapter 572 and Section 03.01, *Regents' Rules*.)
- b. All employees are expected to (1) abide by the institution's conflict of interest and commitment policies and standards; (2) fully and continually disclose professional and relevant personal activities and relationships that create a conflict of interest or commitment; (3) remedy conflicts of interest or commitment and/or comply with any management or monitoring plan prescribed by the institution; (4) remain aware of the potential for conflicts of interest and commitment; and (5) take initiative to manage, disclose, or resolve conflicts of interest or commitment as appropriate.

- c. All senior administrators have the responsibility to understand and implement this policy including, as necessary, the adoption of specific procedures for their respective schools and departments in furtherance of and in accordance with this policy.

2. Definitions

- a. *Benefit*: A benefit is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare an institution employee has a direct and substantial interest. (Section 03.01.4, *Regents' Rules*.) Pecuniary gain or advantage includes monetary, financial, or economic gain or advantage.
- b. *Business*: Any company or corporation, any partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, trust (business, real estate, estate planning, or otherwise), enterprise, or any other legal entity whether organized for profit or not-for-profit, including any entity controlled by, controlling, or under common control with any such entity, but excluding TTUS or any of its constituent entities.
- c. *Conflict of Commitment*: A conflict of commitment refers to a situation where an employee engages in external activities, either paid or unpaid, that interfere with his/her obligation and responsibilities to the institution. Employees should evaluate and arrange their external interests in order to avoid conflicts of commitment that would compromise their ability to carry out their obligations to the institution.
- d. *Conflict of Interest*: A conflict of interest refers to a situation in which an employee's financial, professional, or other personal considerations may directly or indirectly affect, or have the appearance of affecting, the employee's judgment in exercising any duty or responsibility, including the conduct or reporting of research, owed to the institution.
- e. *Consensual Relationship*: A consensual relationship is a mutually acceptable, intimate, romantic or sexual relationship between two or more Employees and/or students.
- f. *Employee*: An employee is anyone who receives a W-2 from the institution, including temporary, part-time, or full-time faculty, residents, and staff who receive payment from the institution.
- g. *Family Member*: For purposes of this policy, it includes the employee's:
 - Spouse, stepchildren, spouse's parents, children's spouses, step-parents, ex-stepchildren, and ex-spouses;
 - Spouse's siblings, grandparents, grandchildren, sibling's spouse, step-grandparents and grandchild's spouses;
 - Parent or child;
 - Siblings, grandparents, and grandchildren;
 - Great-grandparents, great-grandchildren, uncle, aunt, nephew, and niece; and

- Household members and domestic partners.

See OP 70.37 relating to research conflicts of interest regarding the definition of family member for purposes of that policy.

h. *Financial Interest:* A financial interest includes, but is not limited to:

- Anything of monetary value including, but not limited to, salary or other payments for services, fees, honoraria, gifts, or other in-kind compensation, whether for consulting, membership on a board of directors or advisory board, or any other purpose such as partial, interim, or milestone payments.
- Intellectual property rights including, but not limited to, patents, copyrights, and royalty income or the right to receive future royalties under a patent or other intellectual property rights, whether pursuant to a license or otherwise.
- Ownership and equity interests or entitlement to such interests in a publicly or non-publicly traded business including, but not limited to, stock, stock options, partnership interests, and convertible debt. It does not include interests in publicly-traded diversified mutual funds or similar investment vehicles where the individual investor has no direct control over the selection of holdings.

What must be disclosed as either a significant or material financial interest will be governed by the particular policy governing that area.

i. *Health Care Vendor:* A health care vendor is any individual or company that sells or markets health care services or items to the Institution and/or its patients, including, but not limited to pharmaceutical companies and their representatives, device or durable medical equipment (DME) manufacturers and their representatives, and equipment and/or service providers, and their representatives.

j. *Material Financial Interest:* Pursuant to Section 03.04.2, *Regents' Rules*, and [Texas Government Code § 572.005](#), a financial interest is presumed to be material if it entails:

- Any ownership or investment interest in a business (including stock, options, a partnership interest, or any other ownership or investment interest) valued at more than \$10,000, except equity in a publicly traded company amounting to less than 10 percent ownership interest in the company;
- A controlling interest in a business;
- Receipt of non-dividend compensation (including salary, consulting fees, royalty payments, or other remuneration) of more than \$10,000 in any 12-month period in the past three years, or the expectation of such compensation in the future;
- Any ownership interest, exclusive of personal residence and furnishings, in real property, personal property, intellectual property, or any other interest valued at \$10,000 or more;

- A position of real or apparent authority in an outside entity such as director, officer, trustee, partner, agent, controlling shareholder, shareholder with more than 10 percent voting interest, or a direct or indirect participating interest in any shares, stock or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains of the entity involved; or
 - Any position as an employee of the entity involved.
- k. *Outside Employment:* Pursuant to Section 03.07.1, *Regents' Rules*, outside employment means any compensated service or employment by an entity, other than the TTU System, of an institution employee.
- l. *Significant Business or Financial Interest:* On occasion, there may be a reference to significant financial interest as opposed to a material financial interest. In those instances, see section 3.g. as well as OP 70.37.

3. **Conflict of Interest Guidelines**

Conflicts of interest can arise under many circumstances. Employees shall not use their public offices for private gain and shall act impartially, not giving any preferential treatment to any private or public organization or individual. (Section 03.01.2.c. and d., *Regents' Rules*)

Employees should not:

- Accept other appointments or any employment or compensation that could reasonably be expected to impair their independent judgment in the performance of official duties; or
- Have personal investments that could reasonably be expected to create a substantial conflict between the employees' private interest and the public interest.

See Texas Government Code § 572.051(a)(3) and (4).

a. **University Administration**

The administration of the institution can present the potential for conflicts of interest. Employees with administrative responsibilities must take particular care to avoid relationships in which financial interests or personal interests conflict with the institution's interests and create the potential for inappropriate factors to be considered in administrative decisions. In particular, those who have institutional duties involving: the procurement, exchange, or sale of goods, services, or other assets; the negotiation or formation of contracts or other commitments affecting the assets or interests of the institution; the making of hiring decisions; the handling of confidential or privileged information; the provision of patient or client services; the conduct of sponsored research and the handling of any research results or resulting transfer of technology; or the rendition of professional advice to the institution must be particularly conscious of potential conflicts of interest or the appearance of conflicts of interest.

b. Business Relationships

In general, when employees or their family members have financial interests in a business or are involved in a business as an owner, operator, or executive officer, they must be alert to the possibility that a conflict of interest may arise if the business has a relationship with the institution. If the enterprise does business with the institution or proposes to do business with the institution, the employee is required to disclose that fact. Employees may not review, approve, or administratively control contracts or business relationships when the contract or business relationship is between the institution and a business in which the employee or his/her family member has a material financial interest.

This section is not intended to apply to the adoption of textbooks, software, or other teaching aids written by faculty members or their family members for use in their own course of instruction, which is addressed in OP 30.18.

c. Use of Private Consultants

Any employee who has actual knowledge that a family member is seeking a consulting relationship with the institution shall disclose the relationship to the department seeking the consultant's services and the institution's procurement and/or contracting department.

Likewise, entities or individuals who seek to provide consulting services to the institution shall be required to disclose any family member relationship to the institution and the department receiving the services.

Approval of consulting agreements must be in accordance with Section 07.12, *Regents' Rules*.

d. Benefits, Gifts, and Honoraria

(1) General Concept

No benefits, gifts, or accommodations of any nature, including unrestricted grants, may be solicited, offered, or accepted by the institution or its employees when to do so would place them in a prejudicial or compromising position, interfere in any way with the impartial discharge of their official duties to the institution, interfere with the exercise of their official powers, result in performance of official duties in favor of another, or reflect adversely on their integrity or the institution (see Section 03.01.1.a. and e., and Section 03.01.4.)

All gifts given in support of an institutional mission must be directed through the Office of Institutional Advancement.

There are limited situations where employees may accept gifts and benefits without violating conflict of interest rules. These include acceptance of:

- Gifts or other benefits from family, friends and business relationships unrelated to their official status with Institution and not offered in exchange for official action or decision (see Section 03.01.4.d, *Regents' Rules*);

- A fee prescribed by law to be received by public servants or any other benefit to which the employee is lawfully entitled for which they give legitimate consideration in a capacity other than as a public servant;
- A gift, award, or memento from a lobbyist who is required to make reports under Texas Government Code, Chapter 305 (see Section 03.01.4.b, *Regents' Rules*);
- Plaques and similar recognition awards; and
- Items having a value of less than \$50, not including cash or negotiable instruments (see Section 03.01.4.b.(4), *Regents' Rules*).

However, even in the situations set forth above, the employee may be required to disclose such gift or benefit as required by federal or state law or institutional policy.

Furthermore, and notwithstanding the \$50 limit above, because of certain federal laws that more closely regulate allowable activities between health care providers and health care vendors, health care providers and their staff may not accept gifts or benefits of any amount from health care vendors (see 42 USC §1301 et seq.).

An employee who receives an unsolicited benefit that he or she is prohibited from accepting may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes (see Section 03.01.4.b, *Regents' Rules*).

(2) Food, Lodging, Transportation, and Entertainment

Generally, employees may accept food, lodging, transportation, or entertainment from those who may be interested in or become interested in a contract, purchase, payment, claim, decision, or transaction involving the exercise of that employee's discretion, only when the person or representative of the entity providing the food, lodging, transportation, or entertainment is present at the time the food, lodging, transportation, or entertainment is received or enjoyed by the employee (see OP 10.11 and Section 03.01.1.c, *Regents' Rules*). Any such acceptance of food, lodging, transportation, or entertainment must be for the benefit of the institution.

Employees who file annual disclosure statements with the Texas Ethics Commission pursuant to Texas Government Code § 572.021 or institutional policy are required to report any such benefits valued at over \$250 received in a year, in the aggregate. Employees who do not file an annual disclosure statement must report such benefits to their immediate supervisor.

Employees may never accept gifts or entertainment from health care vendors and may only accept food, lodging, and transportation from health care vendors under limited circumstances (see 42 USC § 1301 et seq.).

(3) Honoraria

Employees may not solicit, accept, or agree to accept an honorarium in consideration for services they would not have been asked to provide but for their

official position or duties as an employee of the institution. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. This provision does not prohibit an employee from accepting payment for providing services if the individual was asked to provide the service or services because of his or her expertise and not because of his or her official status as a TTU employee. Employees may accept the direct provision of or reimbursement for expenses for transportation and lodging incurred in connection with a speaking engagement at a conference or similar event. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted. Participation in the event by the employee must be more than perfunctory. Legitimate and significant services must have been provided for the payment received (see Section 03.01.4.f, *Regents' Rules* and Texas Penal Code §36.07).

e. Use and Appropriation of Institution Assets

Employees shall protect and conserve the institution's property and shall not use it for anything other than authorized activities (see Section 03.01.2, *Regents' Rules*).

The institution possesses both tangible and intangible assets that are state property. These assets include buildings, personnel, equipment, patents, copyrights, technology, trademarks, and work products, confidential and privileged information, as well as the institution's reputation and prestige. As custodian of these assets, employees owe a fiduciary duty to the institution to act in accordance with applicable institutional policies and procedures regarding the proper expenditure of the institution's funds, as well as the use and control of institutional assets. Employees are always expected to protect the best interests of the institution pertaining to its assets.

Conduct constituting the misappropriation or unauthorized use of the institution's assets in connection with any external activity is prohibited, including implying sponsorship or endorsement by the institution or otherwise trading on the reputation or goodwill of the institution. For purposes of this policy, "external activity" is not intended to prohibit incidental personal use of university library facilities or office equipment, including standard computer equipment provided by the university to the employee. Mere identification of the institution as one's employer and of one's position at the institution is permitted, provided that such identification is not used to imply the institution's sponsorship or endorsement.

f. Adoption and Sale of Textbooks and Related Materials

The university encourages faculty members to publish textbooks and other professional works. There is no prohibition against the use of such textbooks in classes taught by the faculty member or author, provided the textbook has been printed by a recognized and reputable publishing house at its own risk and expense, made available for open sale, and approved for such use by a textbook committee appointed by the department or area head (see OP 30.18).

g. Research Activities

Conflicts of interest in research involve situations in which financial, professional, or other personal considerations may compromise or have the appearance of compromising an individual's judgment in the design, conduct, or reporting of research. The bias that may

result from such conflicts of interest may affect not only the collection, analysis, and interpretation of data but also the hiring of staff, procurement of materials, subcontracting, clinical referrals, sharing of results, choice of protocol, statistical methods, use of human participants, or otherwise influence the course or outcome of a research project.

Employees of the institution may not review, approve, or administratively control contracts, grants, clinical trials, or other research collaborations when such contract, grant, clinical trial, or other collaboration pertains to a research project involving the institution and a business or intellectual property in which the employee or a family member has a significant financial interest as defined by the institution's policy (OP 70.37) when the employee or family member is an employee or owner of the business and directly involved with activities pertaining to the research project.

Absent compelling circumstances, employees may not conduct or control research if they have a significant business or financial interest in the sponsor of the research or any technology that could be affected by the outcome of the research. This presumption against research by financially interested employees may be rebutted by compelling circumstances that are reviewed in advance by the appropriate research conflict of interest committee or other appropriate review authority.

No research with human subjects that involves a conflict of interest may receive final approval from the Institutional Review Board until the conflict of interest is addressed under applicable policy (see OP 74.09).

For research regulated by federal or state agencies, there may be conflict of interest requirements that apply to the sponsor of the study and/or the investigators. Employees of the institution shall comply with all applicable regulatory requirements pertaining to conflict of interest whether the employee is the investigator or the sponsor or both.

Texas Tech University encourages research as a part of its core mission and anticipates that some research will result in innovations of potential commercial value. This policy is not intended to alter the policies and procedures that create specific incentives for creators of innovations of commercial potential to share in the revenue realized from such innovations (see Chapter 10, *Regents' Rules*).

Every employee participating or involved in research on behalf of the institution is responsible for learning and complying with all applicable policies and procedures.

h. Health Care Vendor Conflicts of Interest

Conflicts of interest in healthcare industry sponsored activities involve situations in which financial, professional, or other personal considerations may compromise or have the appearance of compromising an individual's judgment in the provision of patient care, procurement, or other professional activities. The bias that may result from such conflicts of interest may affect procurement of equipment, clinical referrals, choice of treatment, or otherwise influence the provision of patient care or the execution of one's professional duties. As such, employees shall not accept gifts or other benefits from health care vendors, except as allowed by the institution's policies (see 42 USC § 1301 et seq.).

i. Intellectual Property Rights

While it is the policy of the TTUS Board of Regents to encourage scholarly activity without regard to potential gains from royalties and other forms of income, employees are subject to their obligations and those of TTUS under grants, contracts, and research agreements with governmental agencies and sponsors. Additionally all intellectual property will be handled in accordance with the institution's policies to avoid conflicts of interests (see Chapter 10, *Regents' Rules*).

j. Academic Supervisory, Teaching, or Evaluative Relationships

Employees shall avoid academic supervisory, teaching, or evaluative relationships with staff or other employees that pose actual or perceived conflicts of interest. If questions arise as to the propriety of such relationships, the department chair or appropriate dean or vice president shall develop a management plan (see OP 32.33).

Employees must not direct or serve on committees that evaluate other employees where such service would pose a conflict of interest. Such committees include periodic staff evaluations, promotion, or other employment decisions or actions and annual, third year, or tenure evaluations.

k. Activities Related to Students

It is the institution's policy that employees with direct teaching, training, supervisory, advisory, or evaluative responsibility over students recognize and respect the ethical and professional boundaries that must exist in such situations.

An employee may not assign students, postdoctoral fellows, or other trainees to institution projects sponsored by any business if the employee or his/her family member has a material financial interest in the business. An employee may not assign students or permit students to participate in any consulting relationship in which the employee or a family member has a material financial interest.

An immediate supervisor in a non-institution employment relationship should not direct a student's research nor permit the enrollment of the student in her/his courses or other organized instructional activity, except for a research or teaching assistantship or a situation in which a student serves as a grader for another course taught by an employee.

Employees must not direct or serve on committees that evaluate a family member. Such committees include thesis, dissertation, or preliminary, comprehensive, or qualifying examination committees, or other periodic evaluations. Students should not enroll in courses offered by their parents, spouses, or others with whom they have a consensual relationship.

Deans and department chairs have the responsibility for protecting the interests of students, postdoctoral fellows, and trainees who may be directly or indirectly involved in a conflict of interest situation related to an employee or family member with a material financial interest in the situation. Students, postdoctoral fellows, and other trainees should not be permitted to participate in consulting activities if the terms and conditions of those activities would prevent them from meeting applicable degree or training requirements. Students, postdoctoral fellows, and other trainees involved in any conflict of interest situation should be informed of

the conflict of interest, the existence of a management plan, and that their concerns, if any, can be discussed with the appropriate institution official.

Faculty shall not charge a fee for tutoring any student enrolled in the faculty member's classes or engage in other activities that present the appearance of a conflict of interest (see OP 32.06).

l. Consensual Relationships – Faculty and Students

Consensual relationships are prohibited between faculty and:

- Students in the faculty member's class;
- Students with whom the faculty member has a supervisory or instructional connection; or
- Students with whom the faculty member is in a position of perceived authority.

Should such a relationship develop, the faculty member has the obligation to disclose the existence of the relationship to his or her immediate supervisor, cease the relationship, and cooperate in making alternative arrangements for teaching, training, advising, or supervising the student involved. Pre-existing consensual relationships of this nature shall be disclosed to and managed by the faculty member's chair, dean, and provost, as applicable (see OP 32.33).

m. Employment Relationships and Activities Related to Family Members

Employees shall avoid employment, supervisory, or evaluative relationships with other employees or prospective employees that pose actual or perceived conflicts of interest. Whenever an appointment is made, either on a full or part-time basis, it shall be made on the basis of the qualifications and suitability of the appointee, subject to applicable statutes and the institution's policies (see Section 03.01.8, *Regents' Rules*).

No family member related to an administrator shall be eligible for initial appointment to a position over which that administrator has appointment authority, regardless of the source of funds from which the position's salary is to be paid, unless the Board of Regents approves such appointment and the administrator has no supervisory authority over the family member (see Section 03.01.8, *Regents' Rules*).

No employee may approve, recommend, participate, or otherwise be involved in the appointment, reappointment, promotion, salary, supervision, or other employment action of a family member (see Section 03.01.8, *Regents' Rules*, and OP 70.08).

4. Conflict of Commitment Guidelines

A conflict of commitment relates to an individual's distribution of effort between employment or faculty appointment at the institution and commitment to external business activities or employment, external professional activities, or personal activities. It is possible to have a conflict of commitment even if the individual does not receive compensation for the external activity. External activities may include outside employment, involvement with professional societies, participation related to review panels, professional meetings, community service, conferences, consulting, other professional activities, and business activities related to outside entities including start-up companies.

It is the policy of the institution that all full-time employees shall devote their primary professional activities, time, and energy to their position for the institution. Faculty employees with appointments of less than 12 months shall devote their primary professional activities, time, and energy to their position for the institution during the period of their appointment. Part-time employees shall devote their primary professional activities, time, and energy to their position while performing duties for the institution. An employee's primary responsibility is the full and complete execution of all assigned duties, the fulfillment of professional obligations not ordinarily reduced to written assignment, and maintenance of current professional skills.

Outside employment must be compatible with the interests of the institution and TTUS and of such a nature that it will not detract from the effectiveness and performance of the employee (see Section 03.07.1, *Regents' Rules*, and OP 70.15).

An employee shall not engage in any external activity that the employee might reasonably expect would require or induce him/her to disclose confidential information acquired by reason of his/her employment at the institution (see Section 03.01.1.(b), *Regents' Rules*).

An employee shall not engage in any external activity that could reasonably be expected to impair the employee's independent judgment in the performance of his/her official duties for the institution (see Section 03.01.1.(c), *Regents' Rules*).

Although a specific work-week may not be defined for full-time exempt employees, whether faculty or staff, it is expected that such positions constitute a full-time obligation during the period of their appointment and that, with the exceptions explicitly permitted by the institution's policies on external activities, they will not engage in other employment (see Section 03.07. 2, *Regents' Rules*).

All employees shall disclose and discuss with their supervisor any external activities that could create a conflict of commitment or the appearance of a conflict of commitment to ensure proper management of any potential conflict.

External activities must be arranged so as not to interfere with the employee's commitments to the institution. External activities must not discredit the institution nor compromise any intellectual property of the institution. Employees should periodically re-examine the nature and extent of their external activities and conscientiously avoid engaging in activities that constitute conflicts of commitment.

Employees who are members of their school's income plan are required to follow the plan bylaws regarding income-generating activity.

External activities of employees must not detract from primary responsibilities and must not require such extensive absence so as to cause the employee to neglect his/her institutional obligations during the period of their appointment. In the case of faculty, such obligations include, but are not limited to, instructional obligations, research obligations, and availability to students and colleagues.

Individual schools and departments may implement more specific procedures and require additional information in furtherance of this policy (see OP 70.15).

5. Disclosure

a. Duty to Disclose Internally

In order to identify and review actual or perceived conflicts of interest or commitment, employees must disclose in advance all external activities and financial interests that create or have the appearance of creating conflicts of interest or commitment to their supervisor or the appropriate institutional officials as outlined in policy. The supervisor or the appropriate institutional officials will review the disclosures to determine whether a conflict of interest or commitment exists and what conditions or restrictions, if any, should be imposed in order to manage, reduce, or eliminate the conflict of interest or commitment. The supervisor or the appropriate institutional official shall document any such disclosure and/or related decisions.

Such disclosures shall be sufficiently detailed and timely as to allow accurate and objective evaluation prior to making commitments or initiating activities that create conflicts of interest or commitment. Each employee has an obligation to cooperate fully in the review of the pertinent facts and circumstances. Individual schools and departments may implement more specific procedures and require additional information in furtherance of this policy.

Certain activities on behalf of the institution may involve more specific procedures with respect to disclosure of conflicts of interest or commitment because of governmental or legal requirements. Anyone involved with sponsored research or the development and licensing of intellectual property under the auspices of the institution is responsible for complying with all applicable procedures.

b. Duty to Disclose Externally

Employees shall comply with financial disclosure requirements of any governmental, accreditation, or other self-regulatory agency.

Additionally, disclosures of actual or perceived conflicts of interest or commitment shall be made to publications and journal editors when research manuscripts are submitted and to the audience during any oral presentation of research.

The Office of the President is available as a resource for questions involving the institution's policies and procedures and for guidance on any issues related to the disclosure process.

c. Annual Disclosure Process

In addition to the duty of advance disclosure discussed above, executive administrators, as defined in Section 03.04, *Regents' Rules*, and others, as required by policy, shall provide a written disclosure of situations or relationships that create or have the appearance of creating a conflict of interest or commitment upon initial employment and annually thereafter. The president shall identify those who must annually disclose who must include faculty and staff in student financial aid, procurement, contracting, commercialization/technology, and regulatory oversight committees dealing with commercial sponsors. Individuals who must disclose must also provide updated disclosures throughout the year if changes in circumstances arise that either (1) create a new conflict of interest or commitment, or (2) change or eliminate a conflict of interest or commitment previously disclosed. While the disclosure statements will be considered confidential, the information may be released in accordance with and as required by federal, state, or local law or court order.

6. Conflict Committees

a. TTUS Institutional Conflict of Interest Committee

In the event of an institutional conflict of interest involving any component of TTUS, an ad-hoc Conflict of Interest Committee shall be convened by the TTUS general counsel.

(1) Duties and Responsibilities

The committee is responsible for reviewing all conflict of interest cases involving the institution as a party.

This committee shall:

- Conduct a thorough review of each case brought before it;
- Approve or deny the proposed activity and develop an appropriate management plan to address any conflicts; and
- Report annually to the Board of Regents Audit Committee through the Office of Audit Services, summarizing the matters considered during the year by the committee and their resolution(s).

(2) Composition

The TTUS general counsel shall appoint members with expertise relevant to the matter under review by the committee.

b. The Institution's Conflicts of Interest/Commitment Committee (Non-Research)

(1) Duties and Responsibilities

The president shall establish a standing Conflicts of Interest Committee. This committee shall:

- Serve as a resource on individual conflict of interest or commitment matters not otherwise addressed by the institution's research conflict of interest committee (OP 70.37) or other established review procedures;
- Conduct a thorough review of conflict of interest or commitment matters brought before it;
- Approve or deny the proposed activity and develop an appropriate management plan to address any conflicts; and
- Report annually to the Board of Regents Audit Committee through the Office of Audit Services, summarizing the matters considered during the year by the committee and their resolution(s).

The committee shall also maintain an ongoing awareness of procedures, practices, and standards and laws with regard to conflicts of interest with a view to assuring consistency with the terms of this policy. It shall carry on whatever dialogue is necessary with deans and directors or administrative officers to insure that its knowledge is sufficiently current and complete. It shall also ensure that a proper balance is maintained between confidentiality and its operations and standards.

(2) Composition

This committee shall consist of representatives appointed by the president in consultation with the Faculty Senate with respect to faculty matters or in consultation with other relevant bodies regarding other matters from relevant areas across the institution, such as faculty, legal, finance, administration, or compliance. The president shall appoint the chair of the committee. The committee shall appoint at least one member with specialized knowledge in any area under review by the committee.

7. **Oversight and Resources**

The president shall ensure education is provided to new employees and that there are annual communication and/or awareness activities.

Employees may find additional information regarding conflicts of interest for state employees and/or obtain an opinion from the [Texas Ethics Commission](#).

Employees should report any violations of this policy or related conflicts of interest policies through the TTUS Compliance Hotline, either toll free at 1-866-294-9352 or [online at https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=12414](#).

8. **References**

a. Texas Statutes

- Texas Government Code 572
- Texas Penal Code § 36.07

b. Regents' Rules

- Chapter 03, *Regents' Rules*
- Chapter 10, *Regents' Rules*
<http://www.texastech.edu/bor/rules.php>

c. Conflict of Interest and Ethics Code

http://www.depts.ttu.edu/officialpublications/facultyHB/FacultyAffairs_C-D.php# Ethics

d. TTU Conflict of Interest OPs

OP 10.11, Ethics Policy

<http://www.depts.ttu.edu/opmanual/OP10.11.pdf>

OP 30.18, The Adoption and Sale of Textbooks and Related Materials
<http://www.depts.ttu.edu/opmanual/OP30.18.pdf>

OP 32.07, Other Employment, Faculty Consulting, and Public Offices
<http://www.depts.ttu.edu/opmanual/OP32.07.pdf>

OP 32.25, Tutoring for Payment
<http://www.depts.ttu.edu/opmanual/OP32.25.pdf>

OP 32.33, Faculty, Staff, and Student Conflict of Interest
<http://www.depts.ttu.edu/opmanual/OP32.33.pdf>

OP 34.03, Student Grade Appeal
<http://www.depts.ttu.edu/opmanual/OP34.03.pdf>

OP 64.07, Graduate Student Appeals
<http://www.depts.ttu.edu/opmanual/OP64.07.pdf>

OP 70.10, Non-Faculty Employee Complaint Procedures
<http://www.depts.ttu.edu/opmanual/OP70.10.pdf>

OP 70.15, Multiple and Other Employment
<http://www.depts.ttu.edu/opmanual/OP70.15.pdf>

OP 70.31, Employee Conduct, Discipline, and Terminations
<http://www.depts.ttu.edu/opmanual/OP70.31.pdf>

OP 70.37, Disclosure of Significant Business or Financial Interests that may Represent Conflicts of Interest
<http://www.depts.ttu.edu/opmanual/OP70.37.pdf>

OP 72.03, Conflicts of Interest Relating to Purchasing, Payments, and Contracts
<http://www.depts.ttu.edu/opmanual/OP72.03.pdf>

OP 72.17, Services of Independent Academic Personnel
<http://www.depts.ttu.edu/opmanual/OP72.17.pdf>

OP 74.02, Conduct of Research and Scholarly Activity
<http://www.depts.ttu.edu/opmanual/OP74.02.pdf>

OP 74.04, Intellectual Property Rights
<http://www.depts.ttu.edu/opmanual/OP74.04.pdf>

OP 74.08, Allegations of Misconduct in Research or Scholarly Activity
<http://www.depts.ttu.edu/opmanual/OP74.08.pdf>

e. Operating Policies and Procedures Website

<http://www.depts.ttu.edu/opmanual>

f. Faculty Handbook Website

<http://www.depts.ttu.edu/officialpublications/facultyHB/general.php>

g. Federal Regulations

- National Institutes of Health Financial Conflict of Interest Regulations
<http://grants.nih.gov/grants/policy/coi>
- National Science Foundation Conflict of Interest Policies for Grantees
http://www.nsf.gov/pubs/manuals/gpm05_131/gpm5.jsp
- USDA National Institute of Food and Agriculture:
<http://www.csrees.usda.gov/about/glossary.html> (see Conflict of Interest)



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 30.13: Visiting Speakers

DATE: October 10, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure that all employees associated with Texas Tech University comply with a single philosophy and procedure in the consideration and use of visiting speakers.

REVIEW: This OP will be reviewed in April of odd-numbered years by the Senior Vice Provost with substantive revisions presented to the Provost and Senior Vice President.

POLICY/PROCEDURE

Section 08.08, *Regents' Rules*, requires each component institution of the TTU System to develop “policies necessary for the administration of free speech activities, including placing reasonable restrictions upon the time, place, and manner of on-campus speech.”

The authorization for all on-campus speakers will be under the direction and responsibility of the President of the university. The following policy statement is in accordance with Section 08.08, *Regents' Rules*, regarding on-campus speakers.

1. This policy applies to all persons who wish to speak within the physical confines of Texas Tech University unless such person is a regular employee or student of the TTU system. Members of the Board of Regents are also exempt from the application of this policy.
2. No individual or group shall be denied the right to speak within the physical confines of Texas Tech University solely because the views sought to be advocated differ from those of the Board of Regents, its members, the Chancellor, the university President, or another officer or employee of the university.
3. Access to speak within the physical confines of Texas Tech University shall be denied to those who are likely to advocate:
 - a. Lawlessness or disregard for the laws of the United States or the state of Texas;
 - b. A change to the laws of the United States or the state of Texas by other than constitutionally or statutorily prescribed processes; or
 - c. The violent overthrow of the government of the United States or the state of Texas.

In determining the likely conduct or speech of the proposed speaker, consideration shall be given to past performance of the proposed speaker.

Information about requesting space to host a speaker event may be obtained on the [Events FAQ page](#). Arrangements for the payment of professional fees and expenses for speakers must be made through administrative channels in advance. Payment usually is made through a *Check Issuance Request* for professional services. These forms are available from Accounts Payable. If expenses involve petty cash, receipts are essential.



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 32.18: Academic Workload Calculation

DATE: August 11, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish rules for calculating the statutory workload of faculty in order to comply with Sections 51.402 and 51.403 of the Texas Education Code. This OP is a mechanism for ensuring that each faculty member meets the statutory teaching load minimum.

REVIEW: This OP will be reviewed in April of odd-numbered years by the Office of the Provost and Senior Vice President with substantive revisions presented to the Provost and Senior Vice President (PSVP) by May 31.

POLICY/PROCEDURE

1. The workload of faculty members encompasses a variety of teaching, research, technology transfer, and service activities. Teaching load, the number of credit hours taught or equivalent duties assigned to a faculty member, is but one aspect of faculty workload. In carrying out their responsibility to distribute workload, unit heads (chairpersons or comparable academic administrators) and deans must assign teaching loads such that:
 - a. Overall workloads are distributed as equitably as possible and in a fashion that is consistent with the unit's mission;
 - b. The university meets its instructional obligations for both undergraduate and graduate programs;
 - c. Each faculty member meets statutory minimum teaching load requirements; and
 - d. Faculty participation in research, technology transfer, and service is accommodated.
2. In compliance with Sections 51.402 and 51.403 of the Texas Education Code, the minimum teaching load for faculty members paid 100 percent from funds appropriated for instructional purposes is equivalent to 18 semester credit hours of instruction in organized undergraduate and/or graduate classes each nine-month academic year. For purposes of this document, 18 semester credit hours of organized undergraduate and/or graduate instruction equals 18 hours of teaching load credit.
3. For faculty members with less than full-time appointments from funds appropriated for instructional purposes, the minimum teaching load is proportionally less. When more than one instructor teaches a single course, the teaching load credit will be apportioned according to the effort expended. Normally, extended learning courses, freshman seminar courses, and other courses compensated outside regular faculty salary are not counted as part of a faculty member's minimum teaching load. Credit for teaching in summer sessions that is uncompensated by funds

appropriated for instructional purposes will be applied to the following academic year.

4. A reduced teaching load may be granted if classes do not materialize because of insufficient enrollment and when additional classes or equivalent academic work cannot be assigned to the faculty member. This exception will not be made for any particular faculty member in successive years.
5. The responsibility for assigning teaching duties rests with unit heads and deans. The Office of the PSVP monitors these assignments for compliance and equity and provides appropriate reports in accordance with state requirements and the *Regents' Rules*.
6. In calculating teaching load, the equivalencies in the following section will be applied. Normally, a faculty member paid by funds appropriated for instructional purposes will comply with the statutory teaching load requirement by serving as the instructor of record for four or more organized courses in an academic year. In no case, however, will a faculty member paid full-time from funds appropriated for instructional purposes teach fewer than two organized courses in an academic year without the approval of the PSVP.

7. **Equivalencies**

*** In accordance with Section 04.06, *Regents' Rules*, October 9, 2015**

- a. One semester credit hour of organized graduate instruction is equal to **1.5** semester credit hours of organized undergraduate instruction.
- b. Teaching load credit for a large class that requires extensive grading and evaluation of student work is equal to the number of semester credit hours of the course weighted as follows: **1.1** for 60-69 students, **1.2** for 70-79 students, **1.3** for 80-89 students, **1.4** for 90-99 students, **1.5** for 100-124 students, **1.6** for 125-149 students, **1.7** for 150-174 students, **1.8** for 175-199 students, and **1.9** for 200-249 students. Unit heads will review classes with more than 250 students enrolled for possible additional teaching load credit.
- c. Teaching load credit for courses designated as writing intensive is equal to the number of semester credit hours of the course weighted as follows: **1.1** for 15-19 students and **1.2** for 20 or more students.
- d. One class contact hour of laboratory or discussion section teaching (e.g., science and engineering laboratories and performance classes subject to minimum student enrollment requirements) in courses scheduled to meet more hours per week than the semester credit hour designation of the course is equivalent to **.67** teaching load credits. If a course is a combined lecture/laboratory class that includes a laboratory for which no separate registration is required, the load credit will be assigned in the same manner as specified in this policy for lecture classes and laboratories.

One class contact hour of professional studio (*professional* as defined by state of Texas professional licensure requirements), subject to the minimum student enrollment requirements, in courses scheduled to meet more hours per week than the semester hour designation of the course is equivalent to **.75** teaching load credits.

- e. One class contact hour of teaching in one-on-one, private-instruction performance or activity courses, which are not subject to minimum enrollment requirements (e.g., studio courses), is equivalent to **.5** teaching load credits.

- f. Faculty members developing courses primarily for electronic delivery, as part of the normal teaching load, will be granted teaching load credit equal to the course semester credit hours for one semester before the course is to be delivered. The first semester the course is taught by electronic means, faculty members will receive teaching load credit that is **1.5** times the semester credit hours of the course. Faculty will receive normal workload credits for the second and subsequent offerings of these courses.
- g. One semester credit hour of organized instruction in a Texas Higher Education Coordinating Board designated field-based course is equal to **1.5** teaching load credits.
- h. Teaching load credit for doctoral dissertation direction will be granted to graduate student committee chairpersons on the basis of **.33** of the semester credit hour enrollment in their dissertation courses or, at the discretion of the unit head, on the basis of **1** credit per doctoral student. Teaching load credit for master's thesis direction will be granted to graduate student committee chairpersons on the basis of **.2** of the semester hour enrollment in their thesis courses or, at the discretion of the unit head, on the basis of **.6** credits per master's student. Normally, no more than six teaching load credits per semester can be counted toward the statutory teaching load through chairing dissertation or master's committees. This credit may be increased to nine hours with the approval of the line dean and the dean of the Graduate School.
- i. Teaching load credit to members of thesis and dissertation committees will be granted (in addition to any directed study credits for which the student is appropriately enrolled) on the basis of **.5** credits per student to be awarded once per student after the student files the *Statement of Intent to Graduate*.
- j. Teaching load credit for individual instruction classes (e.g., individual research projects, student teaching supervision, clinical or intern supervision) will be granted on the basis of **.3** of the course semester credit hour designation for individual graduate instruction and **.2** of the course semester credit hour designation for individual undergraduate instruction per student enrolled. In no case will individual instruction in a single course generate more teaching load credits than if the course were taught as a regularly scheduled, organized class.
- k. Teaching load credit will be granted to a faculty member for coordinating several sections of a single course and/or supervising teaching assistants or graduate part-time instructors who are in charge of a course on the basis of **.2** teaching load credits per section coordinated and/or supervised up to a maximum of **three** teaching load credits.
- l. When a faculty member is responsible for developing a new course (lecture, laboratory, studio, etc), one additional teaching load credit will be assigned in the first semester the course is taught. Additional teaching load credits, up to a total of **two**, may be granted upon approval of the unit head.
- m. When a faculty member is teaching a course (lecture, studio, etc.) that the he or she has not taught in the last five years, **.5** additional teaching load credits will be assigned in the semester that the faculty member resumes teaching the course.
- n. A new tenure track faculty member, in the first two years of teaching, will be given **three** teaching load credits per semester for faculty development.

- o. Teaching load credit may be granted for a faculty member who is a department chairperson, area coordinator or head of a comparable unit, up to a maximum of **six** hours of teaching load credit.
 - p. Up to **three** teaching load credits per semester may be granted, with prior approval of the line dean, to faculty members for significant administrative responsibilities, for significant academic advisement, and for duties associated with appointment as an associate chairperson or other non-teaching academic service to the department.
 - q. Up to **three** teaching load credits per semester may be granted, with prior approval of the line dean, to a faculty member who is engaged in significant, peer-reviewed research or service such as development of a major research proposal (e.g., an interdisciplinary proposal or one involving several co-principal investigators) or an equivalent effort in unfunded research, leadership in a major professional organization, editorship of a professional journal, service as president of the Faculty Senate, chairing university committees, service as director of a university-sponsored center or institute, development of a significant interdisciplinary program, or a major teaching-related professional development activity.
 - r. With the approval of the president, limited teaching load credit may be granted to carry out major responsibilities, not covered above, that are performed in the best interest of the institution's instructional programs as determined by the president. Teaching load credit granted by the president of the university for such purposes is limited to one percent of the total semester credit hours taught at the university during the previous year.
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TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 30.19: Texas Tech University Press

DATE: October 24, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define the purpose, responsibilities, structure, and procedures of Texas Tech University Press (TTUP) and to specify the role and function of the TTUP Editorial Committee.

REVIEW: This OP will be reviewed in August of every even-numbered year by the Director of Texas Tech University Press and the Dean of the University Libraries with substantive revisions presented to the Provost and Senior Vice President. This OP will be reviewed again in 2018.

POLICY/PROCEDURE

1. Purpose

As the official publishing authority of the university, TTUP assists the university in advancing knowledge and disseminating that knowledge to other members of the scholarly community and to the general public.

2. Responsibilities

In fulfilling its mission, TTUP has a primary obligation to ensure the accuracy, quality, and appropriateness of works issued under its imprint. It is responsible for the development of a list of titles that reflects not only the research and educational strengths of the university but, also, the highest standards maintained by legitimate university presses.

In addition to fulfilling its scholarly function, the press must perform as a responsible business entity and exercise sound fiscal management, both on a short-term basis and from a strategic perspective: the press must make continual efforts not only to maximize its sales revenues but, also, to augment its funding base by a variety of means.

To this end, the press publishes a number of commercially viable titles with broader popular appeal. Revenues deriving from these titles and from the development of endowments, title subsidies, and other sources of funding enable the press to continue its scholarly publishing activities by subvening the publication of the results of highly specialized research.

Also to this end, when a proposed project does not fit within TTUP's established list but is nonetheless of scholarly merit and reflects the research and educational strengths of the university, TTUP may present such project(s) to the Editorial Committee for inclusion in a secondary imprint, Toreador Publishing. This secondary imprint's scope will be to house open access projects and service projects for the Texas Tech University community. Any

publications included in this secondary imprint will be consistent with TTUP's primary obligation of ensuring accuracy, quality, and appropriateness of its works, and will, on a per project basis, be subject to appropriate peer review or other external vetting, as well as to approval by the Editorial Committee or a subcommittee appointed by the Editorial Committee. This secondary imprint must follow responsible business practices and exercise sound fiscal management.

3. Structure

The governance of Texas Tech University Press is the responsibility of its Director, who is appointed by the Dean of the University Libraries in consultation with the Editorial Committee.

4. Procedures

TTUP ensures that all manuscripts considered for publication are reviewed by qualified external referees, edited, and returned to the author for revision, when necessary. More detailed statements of editorial policies and procedures for the several categories of publications are available from the press.

5. The TTUP Editorial Committee

The charge of the TTUP Editorial Committee is to assist the Texas Tech University Press in ensuring the quality of the scholarly books and journals issued under the press imprint. The committee's primary function is to certify that those titles represent the best and most important results of original scholarly pursuits.

This committee shall also aid and advise the Dean of the University Libraries and the Director of the press in the formation of general editorial policy and in the development of the character and nurturance of the press.

a. Duties and Responsibilities

As an advisory and a policy committee concerned with the intellectual and scholarly development of the press, the Editorial Committee has the following major duties:

- (1) To assist the Director and staff in establishing and maintaining sound publishing policies for the press by representing the point of view of the scholarly community. The committee is, therefore, involved in such issues as the development of the subject areas published and the consequent evolution of the character of the press. The committee considers and approves or disapproves manuscripts proposed by the press editors.
- (2) To serve as a medium of communication between the faculty and the press, providing accurate information about TTUP and bringing criticisms, suggestions, and other advice to the press from the faculty.
- (3) To provide periodic assessment of the activities of the press and to share these opinions with the Director. The committee will provide written reports to the Dean of the University Libraries upon request.

- (4) To support and encourage the Director and staff of the press in all aspects of publishing, which requires an influx of enthusiastic, enlightened, and constructive counsel on a continuing basis.
- (5) To assist the Dean of the University Libraries, should it become necessary, in search, screening, and selection of a Director of the press.

The committee is not an administrative body and has no part in the relationship of the press Director to the Office of the Dean of the University Libraries. It is not, except in general and indirect ways, involved with fiscal matters, which are the province of the press and the Dean of the University Libraries.

b. Membership

The Editorial Committee is comprised of representatives of (1) those academic areas in which TTUP has an active publishing interest, (2) other university entities with which the press shares publishing interests and goals. Because these areas evolve and are refined on a continuing basis, the composition of the committee will reflect that evolution and refinement. Members should be selected based on their expertise and likelihood to contribute to the committee's work.

The committee membership is comprised of the following individuals:

- (1) Two voting ex officio members and one non-voting ex officio member:
 - Dean, the University Libraries (chair)
 - Executive Director, the Museum of Texas Tech
 - Director, the University Press (non-voting)
- (2) A minimum of six members appointed from the university system community

c. Appointment

- (1) Appointments will be made upon recommendation by the Director of the press in consultation with the Dean of the University Libraries.
- (2) The term of membership of appointed members shall be three years. Members may be reappointed by their respective deans in consultation with the Dean of the University Libraries.

d. Operating Procedures

- (1) The Dean of the University Libraries shall serve as Chair of the Editorial Committee and shall consult the Director of the press in setting the agenda for each meeting. In the absence of the Dean of the University Libraries, the Executive Director of the Museum of Texas Tech University will chair the committee.
- (2) The frequency of committee meetings shall be determined by the Chair in consultation with the Director of the press.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.01: Promotion and Tenure Standards and Procedures

DATE: July 11, 2012

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define university-level standards and procedures concerning promotion and tenure. All faculty being considered for promotion and tenure are to be evaluated using the version of OP 32.01 effective on the date of hire, unless they elect to be evaluated using the current version of the policy (subject to the provisions of sections 6.a. and 9. herein).

REVIEW: This OP will be reviewed in November of odd-numbered years by the senior vice provost with recommended revisions presented to the provost and senior vice president (PSVP) by December 15. Any change in this OP must be conducted in accordance with section 9 herein.

POLICY/PROCEDURE

A university is a community of scholars whose members are engaged in the discovery, evaluation, transmission, and extension of knowledge. As such, they must be free to search for and express the truth as they find it, whether in the classroom, research/creative activity, or service as members of the community, and regardless of their tenure status. They must also be free from undue constraints, whether imposed from inside or outside the university.

Faculty members' privileges imply correlative responsibilities. In addition to maintaining standards of competence, particularly those relating to scholarship and teaching ability, faculty members are responsible for maintaining the proper attitude of objectivity, industry, and cooperation with their associates within the university. It is a faculty member's professional responsibility to contribute productively throughout his or her academic career.

As persons of learning, faculty members should remember that the public may judge their profession and institution by their utterances and other actions. They should, thus, at all times be accurate, exercise appropriate restraint, show respect for the opinions of others, and exercise every effort to make clear that, as individuals, they do not speak for the institution.

Members of the faculty who are employed in a full-time tenure-track position with Texas Tech University are covered by this OP. The tenure policy does not apply to strictly administrative positions, non tenure-track positions, or part-time appointments. Approval of continuing appointment of persons holding full-time instructional positions that do not acquire tenure is described in OP 32.34. The terms and conditions of every full-time tenure-track faculty appointment shall be stated in the faculty member's letter of appointment and should be in the possession of both the university and the faculty member at the time of initial employment. These terms and conditions shall include departmental guidelines, college guidelines, guidelines for third-year review procedures, and this OP.

OP 32.01

Texas Tech University has adopted a statement of ethical principles (Attachment A) that calls on all members of the university community to accept responsibility for promoting shared ethical principles. All academic appointments and tenure judgments and recommendations rest upon honest evaluation of the faculty member's performance of his or her teaching, research and creative activity, and service responsibilities. Consistent with OP 40.01 and OP 10.12, such judgments and recommendations are to be made without regard to race, religion, gender, sexual orientation, age, national origin, or disability, as defined by the Americans with Disabilities Act, as amended.

In keeping with the mission of the university, tenure and promotion of quality faculty are essential values and processes in strengthening academic quality and reputation. Tenure and promotion also incentivize the university's strategies to promote excellence in teaching, expand and enhance research and creative scholarship, and to further notable outreach and engagement.

1. Concept and Purpose of Tenure

- a. Academic tenure is designed to assure the faculty freedom in teaching, research, opinion, and full participation as citizens in the community. The purpose of academic tenure at TTU is also to retain a body of faculty best qualified to help develop and execute the core university mission of advancing knowledge and educating students. The purpose of promotion at TTU is to recognize and reward faculty with records of sustained professional accomplishment that contribute to that mission. TTU is committed to retaining and promoting faculty whose work achieves a high standard of excellence and who demonstrate through the performance of their duties a commitment to professionalism and to the core university mission. The university receives guidance from the AAUP *Statement on Professional Ethics* (<http://www.aaup.org/AAUP/pubsres/policydocs/contents/statementonprofessionalethics.htm>) adopted in 1966, in determining standards for professionalism, and from the AAUP *Statement of Principles on Academic Freedom and Tenure* (<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>), adopted in 1940, in ensuring traditional safeguards for academic freedom.
- b. Academic tenure has been adopted so that Texas Tech University may have the benefit of the competent and honest judgment of its faculty. Tenure recognizes the professional status of university faculty and assures that tenured employment may be terminated only for adequate cause (see OP 32.02 Faculty Non-reappointment, Dismissal, and Tenure Revocation).
- c. Tenure aims at the retention, encouragement, and promotion of the ablest and most promising faculty.
- d. Tenure may normally be obtained only after a period of probationary service. After tenure is granted, the burden of proof rests upon the university when it wishes to dismiss a tenured faculty member.

2. Procedures for Admission to Tenure

- a. All departments shall have in place procedures for a third-year review for each untenured faculty member, which is to include a written assessment and recommendation regarding the faculty member's progress toward tenure and promotion.

- b. A faculty member must complete a reasonable probationary period before acquiring tenure in the university. The maximum probationary period for admission to tenure is the same for all tenure-track ranks. Before the end of a six-year probationary period at Texas Tech University, a tenure-track assistant, associate, or full professor, librarian, or archivist must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the seventh, terminal year.
- c. Computation of the maximum probationary period begins based on the written terms and conditions indicated in the faculty member's letter of appointment to a tenure-track rank. Probation is not reduced by previous non-tenure-track appointments or by promotions made during that period.
 - (1) The probationary period for admission to tenure shall begin in September of the calendar year in which the appointment is made.
 - (2) After the probationary period begins, all time accrued in full-time service at Texas Tech University in a tenure-track rank will be counted in the probationary period. If extenuating circumstances, as judged by the PSVP, justify a suspension of the tenure probationary period causing the years included not to be sequential, a request for an extension of the probationary period may be made to the PSVP. The request will be initiated by the faculty member, reviewed and commented upon by the department/division chairperson and college dean, and forwarded to the PSVP for a decision.
- d. Exceptions to tenure timeline
 - (1) In exceptional cases, associate professors, librarians, and archivists, and full professors, librarians, and archivists may be hired with tenure when the traditional tenure review procedure precedes the appointment.
 - (2) Faculty members who are promoted in rank shall not thereby acquire tenure unless the normal tenure review procedure has been completed.
 - (3) Tenure may be awarded prior to completion of the full probationary term, although a positive third-year review is strongly encouraged. A faculty member may request early tenure consideration prior to completing the full probationary period without prejudice for later reconsideration. For an early tenure bid, the faculty member's record of accomplishment at Texas Tech University on the standard criteria set by the department and college for admission to tenure is to be the equivalent or more than would be expected at the completion of a full probationary period.
- e. The faculty member has primary responsibility for preparation and submission of a dossier by the start of the sixth year of the probationary period, with guidance provided by the department chairperson, designated representative, or departmental committee (see Attachment B). Material submitted to the PSVP shall be limited to the designated format and should consist of no more than 20 pages, exclusive of all letters, annual reports, curriculum vitae, and department and college guidelines, which must be included in the package or submitted electronically. Any changes in the designated format (Attachment B) must be distributed to the deans by the PSVP no later than April 15 of the year in which the affected candidates are preparing their dossiers.

- f. A common format for promotion and tenure dossiers (Attachment B) shall be used to assure fairness in the decision-making process. As promotion and tenure require that a person's professional record and contributions be reviewed, the format calls for information on educational background, previous academic and professional experience, teaching and advising responsibilities, research and scholarly contributions, service and engagement activities since the most recent promotion or tenure decision. Some departments or colleges may wish to add other special categories for review at those levels. A copy of the dossier, either paper or electronic, shall be made available for review by the voting faculty within the department.
- g. Primary responsibility for the evaluation of the academic qualifications of candidates for tenure rests with the faculty. When the organizational structure permits, four sequential levels exist in the tenure review process. (Note: Colleges and schools may be organized by departments or divisions or function as a single unit. In this OP, "department" and "chairperson" will be used to refer to the basic academic unit of a college and that unit's administrative head.) The tenure review levels include:
 - (1) Evaluation by the department, which includes a vote by the tenured faculty, and a recommendation by the chairperson, who does not attend or participate in the faculty vote;
 - (2) Two events occur at the college level: first, a review by the college tenure committee, which provides a recommendation to the dean; and second, a letter of recommendation provided by the dean, who does not attend or participate in the department faculty vote, nor participate in the vote of the college tenure committee.
 - (3) Review by the PSVP, which includes review and a vote by the dean of the Graduate School, except for candidates from the School of Law, and, at the PSVP's discretion, review and a vote by the vice president for research, and review, but not votes, by faculty members of the provostial staff. In any such deliberations, the greatest possible weight should be accorded to the department's and dean's assessments of the candidate, whose assessments should have carefully considered the faculty's evaluation of the candidate. Any decision to overturn a departmental or college vote by the PSVP should only be made after further consultation with the affected dean or chairperson.
 - (4) Review by the university president, who makes recommendations for tenure through the chancellor to the Board of Regents. The action of the Board of Regents awards faculty members tenure.

3. Procedures for Promotion

- a. Promotion from assistant to associate professor, librarian, or archivist normally occurs at the same time as the decision on tenure and follows the same procedures. Only faculty at a higher rank may participate in any promotion vote during the department or college review process.
- b. Promotion from associate to full professor, librarian, or archivist generally follows the same procedures as for promotion to associate, except that only faculty at the higher rank may participate in any vote during the department or college review process.

4. General Criteria for Promotion and Tenure

Academic promotion and tenure are awarded to faculty who make continuing contributions in the areas of teaching, research and creative activity, and professional service, any of which may include outreach or engagement. While promotion and tenure determinations are separate and distinct, similar standards and procedures apply to both. The preservation of quality requires that all persons recommended clearly satisfy the general criteria presented herein. The relative weight given to each of the three components and specific criteria will depend on the standards in the individual disciplines as expressed in the departmental promotion and tenure standards, which must conform to documented college and university standards.

a. Teaching

Teaching includes activities that contribute to student learning. Evaluation of teaching shall include effectiveness of course content and delivery, student learning outcomes, and demonstration of up-to-date knowledge of the candidate's discipline. In some instances, teaching may be indirect, primarily in support of student learning activities. Faculty members also influence teaching by designing courses and curricula. Textbooks, articles and other contributions to creative pedagogy, and innovative instructional materials, including documentation related to service-learning outcomes, may be considered contributions to teaching. Leading students on studies abroad is another contribution to teaching. In addition, faculty members influence teaching in less tangible, but no less decisive ways, through activities such as counseling students.

Detailed and specific evidence of effective teaching shall be included in the dossiers of faculty members being recommended for promotion and tenure. Each department is to apply its documented procedures for peer evaluations of teaching to each tenure-track faculty member at least annually. Candidates for promotion should also be provided peer evaluations of teaching in, at latest, the semester prior to application for promotion. Evidence in the dossier should be limited to a one-page summary of peer evaluations and student evaluations for each year of service since appointment or previous promotion. The department chairperson, in consultation with the candidate, shall provide the summary of teaching effectiveness, including involvement in graduate education, as applicable. Faculty colleagues should be asked to evaluate the objectives, methods, and materials of courses designed and/or taught by the individual as part of summative peer evaluation. Charts, graphs, portfolios, and other data may be included in appendices and subsequently removed by the dean before submission to the PSVP.

b. Research and Creative Activity

Faculty are expected to contribute directly to the enhancement and expansion of Texas Tech University's research and creative scholarship. Research and creative activity serve to advance the discipline or the state of the art. Evidence of research and creative activity includes print or electronic publications, non-print presentations, funded grant applications and reports, patents and other intellectual property, curatorships, and artistic productions and performances. Textbooks and innovative instructional materials having significant value beyond this campus may be considered contributions to research and creative activity.

The dossier of an individual should provide substantiating evidence of quality submitted by appropriate observers within and outside the university, such as appraisal of the candidate's

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books or artistic performances. Outside reviewers who work in the same or a closely related field, and who have an objective expertise to evaluate the faculty member, shall be selected by the chair in consultation with the faculty member. Wherever appropriate, at least three of the reviewers should be from TTU's national or international peer institutions or aspirational peer institutions. Candidates must disclose which letters come from reviewers with whom they have a relationship that might raise a potential conflict of interest, such as collaborators, coauthors, former professors, or students. The total number of letters is not restricted.

c. Professional Service

Faculty members are expected to make professional contributions through service to the department, college, university, discipline at large, and, as appropriate, to the broader community. These contributions to outreach and engagement may include discipline-related activities in service to the immediate community, to the state and region, and to society at large, as well as service in one's department and across the university as advisers, committee members, task force members, workshop and symposium participants, international development grant participants, and similar types of activities.

Participation in the activities of professional societies and organizations, especially through service in leadership roles, is a strong indication of professional commitment. Contributions through presentations and consultative services are regarded as further evidence of professional reputation. Such service and activities may include paid (compensated) as well as unpaid work on behalf of the profession.

5. Standards for Academic Ranks

Each department and college may have requirements defined for each rank that exceed those of the university. The minimum university requirements for each tenure-track academic rank are as follows:

a. Assistant Professor/Librarian/Archivist

In a tenure track, normally, one is appointed as an assistant professor. This initial appointment requires completion of the terminal academic degree (or its equivalent) defined by the department, as appropriate for the position to be held by the candidate, and an ability to teach effectively. Promise of growth in teaching, research and creative activity, and service are also necessary.

b. Associate Professor/Librarian/Archivist

Promotion from the rank of assistant professor to associate professor, and a tenure decision at this level, requires:

- (1) A demonstrated record of effectiveness as a teacher at Texas Tech University;
- (2) A record of peer-reviewed publication and/or peer-reviewed creative activity that has contributed to the discipline or field of study, to the candidate's intellectual and artistic development, and to the quality of the department;

- (3) Generation of external funding, or earnest effort to do so, according to departmental tenure guidelines and commensurate with terms of the faculty member's letter of appointment;
- (4) A record of engagement of undergraduates or graduate students in research, scholarship, and creative activity in disciplines where such efforts are specified by departmental tenure guidelines;
- (5) A record of professional service that meets departmental tenure guidelines; and
- (6) Promise of growth in teaching and research or artistic and creative activity.

c. Professor/Librarian/Archivist

For promotion to the highest academic rank or a tenure decision at this level, the candidate's academic achievement and professional reputation should be superior and should have resulted in national and/or international recognition. This rank can be earned only by the faculty member who has demonstrated continued growth in, and has a cumulative record of, teaching effectiveness, substantial peer-reviewed publication and/or peer-reviewed creative activity, external funding of scholarship (for those disciplines where such funding is available and expected), engagement of undergraduates or graduate students in research, scholarship, and creative activity, support for those students (for those disciplines where such support is expected), and professional service, which may include outreach and engagement.

6. Decision-Making Procedure

a. Review by the Department

Recommendations for promotion and tenure originate with the department. Each department will develop written procedures to be utilized in promotion and tenure considerations. Each department will also develop specific written standards for promotion to each professorial rank that reflect its mission and, at the same time, meet university criteria. These procedures and standards must have the approval of the dean and the PSVP. Subsequent changes in approved standards or procedures must be similarly approved. After the department, the dean, and the PSVP have ratified written standards, the primary responsibility for evaluating individual promotion and tenure requests in terms of those standards will be assigned to the faculty in the department in which the request is made. If changes are made to a department's promotion and tenure standards and procedures, or a candidate moves to another department, the candidate may choose to use either the new standards and procedures or the ones in effect when hired (if being considered for associate rank) or those in effect when the candidate was last promoted (if being considered for promotion to full professor).

- (1) Department procedures shall identify the nature and composition of promotion and tenure committees. Procedures must allow for a formal vote of appropriate faculty members. The faculty vote should be strongly considered throughout the promotion and/or tenure process. Each department shall determine in advance its voting criteria, subject to adhering to university guidelines, and the college of which the department is a part must approve these criteria. Faculty votes shall be unsigned. Voting faculty should be made aware that written ballot comments will become part of the promotion/tenure dossier. Written ballot comments are encouraged because of insights

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they provide to the pattern of voting and to peers' considerations of the candidate's record. The chairperson and one other individual shall count the ballots and certify the vote in writing. Faculty members holding ranks equal to or higher than that to which the person desiring promotion aspires shall constitute the eligible voters, whether or not these individuals are tenured.

- (2) The candidate shall prepare, in cooperation with the designated department representative or committee, the formal promotion and tenure dossier. Once the dossier has been submitted for consideration in the department, no further information should be added to the dossier, other than that required by department and collegiate procedures with regard to recommendations by review committees, department chairpersons, or the dean. Each dossier shall contain a signed statement by the candidate indicating that the candidate has reviewed all contents of the dossier as prepared for submission to the dean and the department/college committee.
- (3) In transmitting a recommendation to the dean, a department chairperson must indicate who has been consulted, the form of the consultation, the faculty vote, the vote of any departmental committee charged with the recommendation, and the chairperson's own vote, positive or negative (the department chairperson may not abstain). The recommendation of the department chairperson will be provided to the candidate at the time it is forwarded to the dean. Faculty members may then request without prejudice, in writing, that their dossiers be withdrawn from further consideration, in which case the dossiers will not be forwarded.
- (4) At Texas Tech University, it is not possible to hold different academic ranks in different departments. Therefore, for a faculty member who holds budgeted joint appointments in two academic departments, the recommendation for promotion and tenure must be a joint submission of both departments concerned, and the promotion and tenure recommendation shall be considered positive only if both departments make positive recommendations. Recommendations must be processed according to the regular procedures of both departments. It is incumbent upon the chairpersons of both departments to ensure initiation of the review process.
- (5) If a faculty member holds less than a half-time appointment in one department and more than a half in another department, the recommendation will be made by the department where the major responsibility lies. It is the primary department's responsibility to originate consideration and to inform the secondary department of its intent. For these unequal joint appointments, recommendations must be processed according to the regular procedures of both departments. However, while the secondary department must process the candidate according to its normal procedures, the outcome of its deliberation will be provided to the primary department. The primary department shall take into consideration the secondary department's opinion and shall include it as part of the dossier. These specifications apply to all joint appointments, whether or not the salary is divided by source.
- (6) In addition to the required consultation with faculty members of senior rank within the department and the joint consideration of joint appointments, originating departments are urged to consult with other individuals who may have special knowledge of the performance of candidates and to solicit letters from such persons. Examples of such persons include faculty members from other departments if candidates under

consideration have taught a number of students from those departments, served on committees in those departments, or engaged in interdisciplinary teaching or research with members of those departments. It is also appropriate to solicit letters from administrative officers in various parts of the university concerning service by the candidate. Any such written correspondence is to be part of the dossier as prepared for submission to the dean and reviewed by the candidate.

- (7) The majority of comments related to a candidate's credentials should come from qualified persons outside Texas Tech University. Letters from reviewers shall be solicited by the chairperson or designated representative and become a part of the candidate's dossier. The reviewers shall be selected by the chair in consultation with the candidate. Reviewers shall be asked to comment on the quality of published research or creative activity of a candidate, on service to professional or other organizations, on the candidate's teaching, or on relevant matters within their competence to judge. Reviewers should not be asked simply "Does this individual merit promotion?"

All letters solicited from within or outside the university shall be included in the dossier so that review bodies may have access to all relevant information. Prospective reviewers shall be informed that the letters become a component of the dossier.

- (8) A department may have too few voting-eligible faculty to provide sufficient review. In such cases, the department chairperson, in consultation with the dean, should seek the advice of an existing executive committee or other college-wide body, or may appoint an appropriate advisory committee for review of a specific case. The composition of the committee and its recommendations must be reported in the dean's recommendation to the PSVP.

b. Review by the College or School

- (1) It is the responsibility of the dean to recommend either positively or negatively on all promotion and tenure recommendations forwarded by department chairpersons. The dean shall forward to the PSVP all dossiers and recommendations together with a statement indicating the reasons for each recommendation. In all cases, information regarding the dean's recommendation will be provided to the department chairperson and the candidate. A candidate for tenure and/or promotion may then request in writing that the dossier be withdrawn from further consideration, in which case the dossier will not be forwarded, without prejudice.
- (2) In the process of reviewing the recommendation, the dean will seek formal advice of an executive committee or other appropriate college-wide committee. In making a recommendation to the PSVP, the dean will specify the nature of the report and the vote of the committee.

c. Review by the Provost and Senior Vice President

It is the responsibility of the PSVP to receive dossiers and recommendations regarding promotion and tenure, to review them with respect to the department, college or school, and university standards, and to approve or disapprove all recommendations received.

A review and vote by the dean of the Graduate School will be included at this stage in the decision-making process, except for candidates from the School of Law. At the PSVP's

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discretion, review and a vote by the vice president for research and review, but not votes, by faculty members of the provostial staff may also be included. The PSVP will meet with each collegiate dean and discuss that dean's recommendations. The PSVP will subsequently transmit dossiers and recommendations to the president.

d. Review by the President

It is the responsibility of the president to receive all recommendations regarding promotion and tenure from the PSVP, to review them, and to approve or disapprove the recommendations. After the review, the president will meet with the PSVP and discuss the recommendations. The approved recommendations will thereafter be transmitted to the chancellor for review of the recommendations, and then to the Board of Regents for final consideration.

7. **Documentation**

a. Materials to be provided by the Candidate to the Academic Unit

- (1) Appropriate supporting materials that cannot be provided from academic unit files;
- (2) All materials required by the academic unit's procedural guidelines, and in particular, each of the candidate's annual faculty reports with chairperson's assessments, and a report of the third-year review in the case of probationary assistant professors; and
- (3) Summaries of research and creative activity, including external funding activity, professional service, and, in consultation with the unit head, summaries of teaching effectiveness. The teaching summary should clearly delineate contributions to graduate education (if applicable) such as teaching of organized graduate courses, chairing or memberships on thesis and dissertation committees, mentoring individual graduate students, and similar activities.

b. Materials to be provided by the Department Chairperson to the Dean

- (1) A separate letter concerning each candidate giving the following information:
 - (a) Chairperson's recommendation with evaluation of the candidate's teaching effectiveness, research and creative activity, and professional service;
 - (b) The summary vote of appropriate faculty members;
 - (c) The summary vote of any departmental committee making recommendations to the chairperson; and
- (2) Another section that includes the unsigned ballot comments, separated from the ballots.
- (3) A file concerning the candidate containing letters or memoranda of advice, opinion, evaluation, or recommendation. Chairpersons should prepare a summary of the qualifications and purpose for selection of each individual from whom a letter has been received, and must disclose which, if any, of the reviewers have had a personal relationship with the candidate (e.g., collaborator, coauthor, former professor, or

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student). This information shall be submitted along with the letters. Departmental procedures for soliciting letters shall be included in the written procedures for promotion and tenure developed by the unit.

- (4) Complete dossier of the candidate organized in the specified format (Attachment B). Copies of publications, works of art, etc., should be included only if specifically requested by the dean. Copies of these materials will not be forwarded to the PSVP unless requested.
- (5) It is the responsibility of the department to clarify, when appropriate, why the candidate is uniquely qualified for promotion or tenure, i.e., to reflect any circumstances that are not readily apparent.

c. Materials to be Supplied by the Dean to the Provost and Senior Vice President

- (1) A cover letter summarizing collegiate procedures;
- (2) A letter of recommendation by the department chairperson for each candidate;
- (3) A letter of recommendation by the dean for each candidate, including the department vote; and/or
- (4) Recommendations of any college-wide review committee, including the summary vote of each such committee; and
- (5) The dossier of each candidate, excluding appendices, but including letters solicited by the chairperson.

8. Appeal of Decision Not to Recommend Tenure

Faculty who contend they have been denied the recommendation for tenure or promotion improperly or unfairly due to (a) considerations that violate academic freedom; (b) constitutionally impermissible reasons; or (c) significant noncompliance with the university's established standards or procedures may address their concerns to the Tenure Advisory Committee through the PSVP, who shall forward them to chair of the Tenure Advisory Committee. The composition and responsibilities of the Tenure Advisory Committee and the Hearing Panel procedures are those set forth in OP 32.02, Faculty Non-reappointment, Dismissal, and Tenure Revocation, Section 2.(b)(3).

9. Policy Revision and Implementation

Under the statutory authority of the state of Texas, the Board of Regents has the sole authority to revise this tenure policy. Proposal of revisions is the joint responsibility of the PSVP and the Faculty Senate in accordance with the principle of shared governance. In addition to the regular reviews, the Tenure Advisory Committee, the Faculty Senate, or other academic groups may submit proposals for revision at any time. Proposals approved by the PSVP will be reviewed by the Faculty Senate. If the Faculty Senate approves the proposed revisions but judges that they represent significant changes to the intent, standards, or procedures of the policy, the Faculty Senate shall present them to the voting faculty for consideration. In this process, the voting faculty* will vote for approval or disapproval of the proposals. If approved by a majority of those

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voting, the proposals shall be forwarded by the PSVP to the president for his/her review. If the president approves the proposed revisions, they will be forwarded to the chancellor and then to the Board of Regents for consideration. Proposed revisions that are not deemed by the Faculty Senate to require a faculty vote shall be sent directly from the PSVP to the president. If the president approves them, the president will take the recommendations to the chancellor and then to the Board of Regents. (*All tenured or tenure-track faculty on full-time appointments who have completed a residence of at least one year at this university.)

The revised policy is to be implemented immediately upon approval by the Board of Regents. Faculty members being considered for promotion or tenure will have the opportunity to choose to be evaluated under the policy in effect on the date of their hire (if being considered for promotion to associate professor) or the date of their last promotion (if being considered for promotion to full professor) or the current policy (see Attachment B). The tenure of faculty members who have attained tenure under prior versions of this policy at Texas Tech University continues. This policy shall not be applied in derogation of any faculty member's contract rights as set forth in the faculty member's letter of appointment.

10. Related Operating Policies

OP 32.02, Faculty Non-reappointment, Dismissal, and Tenure Revocation
OP 32.06, Faculty Responsibility
OP 32.17, Faculty Appointments and Titles
OP 32.34, Approval of Faculty in Non-tenure Acquiring Ranks

Attachment A: Texas Tech University Statement of Ethical Principles

Attachment B: Promotion and Tenure Dossier Format

Texas Tech University Statement of Ethical Principles

Attachment A, pg. 1
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Texas Tech University Statement of Ethical Principles

“DO THE RIGHT THING”

Texas Tech University is committed to the values of mutual respect; cooperation and communication; creativity and innovation; community service and leadership; pursuit of excellence; public accountability; and diversity.

— 2005 Texas Tech University Strategic Plan

Texas Tech University is committed to being an ethical institution. In recognition of the rights and inherent dignity of all members of the Texas Tech University community, the university is committed to supporting the following principles and to protecting those rights guaranteed by the Constitution, the laws of the United States and the state of Texas, and the policies adopted by the Board of Regents. As members of the Texas Tech community, faculty, students, staff, administration, and all stakeholders accept responsibility for abiding by and promoting the ethical principles of the university described below. Although legal behavior and ethical behavior overlap in many areas, they are quite distinct from each other. While we follow legal requirements, an ethical institution goes beyond them to achieve the following values.

Mutual Respect

Texas Tech University is committed to an open and diverse society. Each member of the Texas Tech community has the right to be treated with **respect** and dignity. This right imposes a duty not to infringe upon the rights or personal values of others. Professional relationships among all members of the Texas Tech community deserve attention so that they are not exploited for base motives or personal gain.

Cooperation and Communication

Texas Tech University is committed to the promotion of professional relationships and open channels of **communication** among all individuals. The university will publish and disseminate in a timely manner its values, policies, procedures, and regulations, as well as any other information that is necessary to protect and educate all members of our community. We encourage and provide opportunities for the free and open exchange of ideas both inside and outside the classroom. While the free expression of views in orderly ways is encouraged, personal vilification of individuals has no place in the university environment.

Creativity and Innovation

Texas Tech University is committed to ethical institutional programs that meet the teaching, research, and service objectives of each discipline and department, to policies that are consistent with those objectives, and to a working and learning environment that encourages active participation. Such exemplary environments often challenge existing worldviews, requiring trust in the process of discovery and the acceptance of uncertainty and ambiguity within ethical parameters. The university supports all its members in life-long learning—a process that is both challenging and rewarding—and encourages **creative** and **innovative** means to achieve this goal through both opportunities and incentives.

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Community Service and Leadership

Texas Tech University is committed to ethical **leadership** practices at all levels and to our tradition of **community service**, both within the university community and in our relationships with the greater community. We strive for exemplary professional and **community service** through research, creative works, and service programs that extend beyond the university environment. We strive to provide excellent service in a caring and friendly environment and encourage such involvement in the community by all faculty, students, staff, and administration.

Pursuit of Excellence

Texas Tech University is committed to achieving **excellence** in all aspects of its community. We expect this in the expertise and performance of our faculty, staff, and administration, as well as the continuing education of our students. A high standard of professionalism, including opportunities for professional contact and continuous growth, is expected of our faculty, students, staff, and administrators. The university is committed to academic integrity and to the effective and just implementation of a system designed to preserve and protect it. The university intends to be a model of **excellence**, following best practices in its professional work, displaying the highest standards in its scholarly work, and offering venues to showcase national and international examples of achievement.

Public Accountability

Texas Tech University is committed to transparency in governance, personal responsibility, and both individual and organizational integrity. Being responsible requires us to be thoughtful stewards of our resources—**accountable** and respectful to ourselves, to each other, and to the publics we serve. A sense of institutional and public responsibility requires careful reflection on one's ethical obligations and the duty to respect commitments and expectations by acknowledging the context and considering the consequences, both intended and unintended, of any course of action. We promptly and openly identify and disclose conflicts of interest on the part of faculty, staff, students, administration, and the institution as a whole, and we take appropriate steps to either eliminate such conflicts or ensure that they do not compromise our procedures and values. When we make promises, we must keep those promises. We strive to do what is honest and ethical even if no one is watching us or compelling us to “do the right thing.”

Diversity

Texas Tech University is committed to the inherent dignity of all individuals and the celebration of **diversity**. We foster an environment of mutual respect, appreciation, and tolerance for differing values, beliefs, and backgrounds. We encourage the application of ethical practices and policies to ensure that all are welcome on the campus and are extended all of the privileges of academic life. We value its cultural and intellectual **diversity** because it enriches our lives and the community as a whole, promoting access, equity, and excellence.

Promotion and Tenure Dossier Format

Attachment B, pg. 1
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Last Name

First Name

Middle Name(s)

Consideration for: Tenure _____ Promotion _____

Candidate elects to be evaluated by the following tenure policy (select one):

_____ **Tenure policy in effect at time of hire**

_____ **Tenure policy in effect at time of last promotion (promotion dossiers only)**

_____ **Tenure policy that is currently in effect**

RECOMMENDATIONS

EVALUATOR	TENURE	PROMOTION
Department Committee (ballot count)	Approve _____ Disapprove _____ Abstention _____	Approve _____ Disapprove _____ Abstention _____
Department Chairperson (signature)	Approve _____ Disapprove _____	Approve _____ Disapprove _____
College or School Committee (ballot count)	Approve _____ Disapprove _____ Abstention _____	Approve _____ Disapprove _____ Abstention _____
Dean of College or School (signature)	Approve _____ Disapprove _____	Approve _____ Disapprove _____
Dean, Graduate School (signature)	Approve _____ Disapprove _____ Abstention _____	Approve _____ Disapprove _____ Abstention _____
Provost & Senior Vice President (signature)	Approve _____ Disapprove _____	Approve _____ Disapprove _____
President (signature)	Approve _____ Disapprove _____	Approve _____ Disapprove _____

GENERAL INFORMATION

1. Dossiers should be submitted electronically according to instructions provided by the Provost's office.
2. The vita should include the chairperson's ratings of publications, exhibits, or performances adjacent to each item. Only those items since the candidate's most recent promotion at TTU need to be rated.
3. Include copy of the candidate's original letter of hire that set forth TTU's expectations for the faculty member.
4. Copies of the candidate's annual reports with chairperson's assessments and the report of the third-year review should be provided. Just the annual reports and assessments as of the most recent promotion should be provided for cases that are promotion only.
5. Solicited or unsolicited letters should be included in the submission to the dean and the provost/senior vice president (PSVP). Letters from individuals outside the university are required (see OP 32.01 section 4.b.). Unit heads should provide information on the qualifications to judge the candidate's work for each person who provides a letter.
6. Only one submission regarding departmental and collegiate procedures should be included for each department and college.
7. Format of the submission to the PSVP

The dossier should be submitted as an electronic file with the following sections:

- a. Dean's letter
- b. Chairperson's letter. If a department or area tenure and promotion review committee provided written recommendations to the faculty and/or chairperson, that committee's report should follow the chairperson's letter.
- c. Vita with chairperson's rating of publications and creative activity
- d. Letters from external reviewers
- e. Basic information, to include the faculty member's original letter of hire
- f. Applicant's summary of teaching effectiveness
- g. Applicant's summary of research and creative activities
- h. Applicant's summary of service activities

- i. Faculty annual reports with chairperson's assessments, including third-year review where applicable.

DEAN'S EVALUATION

Dean's Recommendation:

The dean should submit in this section of the dossier a letter to the PSVP indicating the basis of the recommendation for the candidate. At the time the dossier is submitted to the PSVP, the candidate should also be provided information regarding the dean's recommendation.

(At this stage, only summary data should be submitted to the PSVP on student and peer evaluations, etc. Research and creative activity should be rated in the vita, but examples, publications, slides, etc. should not be forwarded unless requested.)

ACADEMIC UNIT EVALUATION

1. Department Chairperson's Recommendation:

The department chairperson should submit in this section of the dossier a letter to the dean indicating the basis of the recommendation(s) for the candidate. At the time the dossier is submitted to the dean, the candidate should also be provided information regarding the recommendation.

2. Departmental Procedures:

The department chairperson should submit to the dean and college committee tenure and promotion ballots and ballot comments for each candidate. The ballot comments should be separated from the ballots when submitted to the college.

SUPPORTING INFORMATION

1. Include a complete up-to-date vita with chairperson's rating of research and creative activity. After the applicant's submission to the department, the department chairperson must evaluate the reputation of the source publishing the results of the research, or standard for creative exhibition or performance, by placing a number in the left-hand margin of the curriculum vita. The chairperson may use additional sheets for notes and explanations if necessary. Include only publications or activities that have occurred since the last promotion. Only the applicant's summary and vita with chairperson's rating of publications or creative activity should be included for submission to the PSVP unless additional evidence is requested.

The scale is to be used for publications with the following definitions:

- 5 = Outstanding recognition in field, highly prestigious, refereed.
- 4 = Highly respected in field, refereed.
- 3 = Good reputation, selective in publication, refereed.
- 2 = Average, fairly easy to publish in, typically refereed.
- 1 = Below average publication, not discriminating on articles published.
- 0 = Not to be counted as publication.
- S = Special publication not ranked above.

2. Solicited and unsolicited letters of support, especially from outside the university, including information related to qualifications of the persons submitting letters to judge the candidate's work (see OP 32.01 section 4.b.).

3. Basic Information:

Original letter of appointment

- a. Date of employment
- b. Rank and title
- c. Highest degree
- d. Terminal degree for this position
- e. Special qualifications
- f. Experience in other institutions of higher education
- g. Nature of initial assignment
- h. Changes subsequent to employment:

Degrees completed:

University	Degree	Date Conferred
Promotions granted:		
(1) Date _____	from (rank) _____	to _____
(2) Date _____	from (rank) _____	to _____
(3) Number of calendar months from last promotion until beginning of this semester _____		

Attachment B, pg. 6
OP 32.01
7/11/12

Percent of time allocated to teaching, research, and service in current position:

___% Teaching ___% Research ___% Service

i. In support of this recommendation:

Percent of assignment to teaching (average for last 3 years): _____ %,
i.e., the portion paid from teaching salaries for the 9-month academic year

Teaching load last 4 semesters, excluding summer:

This Semester:			Last Semester:		
Course #	Credits	Enrollment	Course #	Credits	Enrollment
(1)			(1)		
(2)			(2)		
(3)			(3)		
(4)			(4)		
(5)			(5)		
Previous Semester:			Previous Semester:		
(1)			(1)		
(2)			(2)		
(3)			(3)		
(4)			(4)		
(5)			(5)		

Student advising activities and responsibilities:

For chairperson's response: Compared to other teaching assignments in the department, this applicant's load has been:

High _____ Average _____ Low _____

TEACHING EFFECTIVENESS

Summary evidence of teaching effectiveness prepared by the unit head in consultation with the applicant. Peer and student evaluation summaries are to be included.

RESEARCH AND CREATIVE ACTIVITY

Summary evidence of research and creative activity prepared by the applicant.

PROFESSIONAL SERVICE

Summary evidence of professional service prepared by the applicant.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.02: Faculty Non-reappointment, Dismissal, and Tenure Revocation

DATE: July 11, 2012

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to outline and ensure understanding of procedures concerning the non-reappointment and dismissal of faculty or tenure revocation of tenured faculty.

REVIEW: This OP will be reviewed in November of odd-numbered years by the senior vice provost with recommended revisions presented to the provost and senior vice president (PSVP). Any change in this OP must be conducted in accordance with section 5 herein.

POLICY/PROCEDURE

1. Involuntary Separation of Employment

There are three categories of involuntary separation of employment for faculty:

- a. Revocation of tenure, which is termination of a tenured faculty member's employment;
- b. Non-reappointment, which is the cessation of a non-tenured faculty member's employment at the end of the stated appointment period; and
- c. Dismissal, which is immediate termination for cause of a non-tenured faculty member's employment before the expiration of the stated appointment period.

2. Tenure Advisory Committee

- a. The Tenure Advisory Committee may consider matters referred to it by members of the university community pertaining to tenure or academic freedom. The committee reports to the president. If the president does not approve a recommendation of the committee, the committee shall be informed in writing of the reasons for disapproval within 10 business days. This timeline may be extended by the president, as deemed necessary, by informing the committee of the reason for the delay.
- b. The Tenure Advisory Committee shall consist of five full-time tenured faculty, none of whom has served in any administrative post at or above the level of chair of a department during the preceding five years, and two ex-officio, non-voting members who are the PSVP (or a designate appointed by the PSVP) and a dean selected by the Provost's Council. The faculty members will be elected at large by the voting faculty¹ (with nominations solicited and voting tallied by the Faculty Senate) for staggered terms of five years, with one

¹ The voting faculty consists of all tenured or tenure-track faculty on full-time appointments who have completed a residence of one year at this university.

membership position terminating August 31 of each year. No more than two faculty members elected from any college or school shall serve on the committee at the same time. No elected faculty member will be eligible for reelection to the committee until a period of one year has elapsed from the termination date of a prior term unless he or she was elected to serve less than two years of an unexpired term of a previous member. The dean member shall serve for three years but shall not be eligible to serve consecutive terms. The committee shall determine its own rules of procedure.

3. **Procedures for Tenure Revocation, Non-reappointment, and Dismissal Cases**

The procedures for dismissal described in this section do not negate the right of the president to suspend a faculty member from some or all duties when the president reasonably believes that the allegations, if true, create a likelihood of harm for persons or the university. The suspension shall be with pay until such time as the suspended faculty member has been accorded the procedural rights appropriate to his/her appointment type, as described in this section.

a. **Tenure Revocation**

Revocation of tenure, except by resignation, retirement, or under extraordinary circumstances because of demonstrable bona fide financial exigency, will be only for adequate cause shown with the burden of proof on the university.

Adequate cause for revocation of tenure must be directly and substantially related to the performance and/or fitness of faculty members in their professional duties and public trust to perform such duties as teachers and scholars.

The tenure revocation review procedures outlined in subsections (1) through (6) below apply to tenured faculty members. Reasons for a charge of tenure revocation may be brought by the faculty member's chairperson or area coordinator through the dean to the PSVP, or from the dean to the PSVP. If formal charges are to be filed, they will be filed by the president. The faculty member will be advised, in writing by the Office of the PSVP, of the proposed revocation of tenure and the basis/bases for it within 10 business days of the president's decision to file formal charges.

If a faculty member wishes to challenge the grounds for tenure revocation, the faculty member may do so utilizing the procedures specified below. The issue will be determined by an equitable procedure that affords protection to the rights of the individual and to the interest of the university. In cases where the respondent faculty member admits his/her conduct constitutes adequate cause, or does not choose to have a hearing, he/she may offer in writing his/her resignation, giving notice of resignation as early as possible to obviate serious inconvenience to the university, and so that department objectives and student needs are met.

- (1) Before the filing of tenure revocation charges, every reasonable effort shall be made to mediate and conciliate differences between the faculty member and the university. The chairperson of the Tenure Advisory Committee (or another member designated by the committee) shall make a rigorous attempt at confidential, equitable, and expeditious mediation.

If such attempted mediation has failed, and after the mediator has made a written report to the president and copied that report to the faculty member, a formal investigation shall be undertaken. Together, a member of the Tenure Advisory Committee who has been appointed by the chairperson of that committee and the PSVP (or his/her representative) shall conduct a thorough, confidential, expeditious review, which shall

be concluded within 30 business days, if possible. This review and the recommendations of the investigating team shall be considered by the president in determining whether to proceed with formal charges to dismiss the faculty member for cause.

In all cases of formal charges, the faculty member will be informed of the charges in writing by the Office of the PSVP, which, on reasonable notice, will be considered by a Hearing Panel convened by the president within 30 business days, if possible. In the event that a delay of an additional 30 days (maximum) is needed, the faculty member will be informed of the reason for the delay. The Hearing Panel will be made up of five members chosen by the Tenure Advisory Committee from a Tenure Hearing Committee, which is formed of twenty tenured faculty members who will be elected annually. Members of the Tenure Advisory Committee shall not be eligible for concurrent service on the Tenure Advisory Committee and the Hearing Committee.

- (2) The Hearing Panel shall be selected in this fashion:
 - (a) The Tenure Advisory Committee shall order the names of the members of the Tenure Hearing Committee by lot, assigning to them numbers one through twenty.
 - (b) Hearing Committee members deeming themselves biased shall remove themselves from the case.
 - (c) Either party in the dispute may strike no more than three names from those remaining on the list.
 - (d) The Tenure Advisory Committee shall designate the five with the lowest numbers remaining on the list to constitute the Hearing Panel.
- (3) The Hearing Panel will select a chairperson from its membership and may, if it chooses, request appropriate legal counsel from a member of the law school faculty or, if none is available, from a law firm of its choosing, provided that costs are affordable, but not from the Office of General Counsel.² The legal counsel will advise the Hearing Panel but will not vote.

The Hearing Panel may also consult with the general counsel of the university on technical or procedural questions not directly bearing on the merits of the case, if the panel considers such consultation appropriate and helpful.

- (4) The hearing will be private and confidential unless the faculty member elects to have a public hearing. The Hearing Panel shall determine procedures to be implemented in the hearing that shall afford both parties due process and fairness.

In every such hearing, the faculty member shall have the right to appear in person with legal counsel, retained by the individual, and to confront and cross-examine witnesses. The faculty member shall have the right to testify, but may not be required to do so, and may introduce in his/her behalf all evidence and material, written or oral, that he/she considers to be relevant or material to the case. Neither the Texas Rules of Civil Procedure nor the Texas Rules of Evidence shall apply to the hearing.

The university shall also have the right to legal counsel from the Office of General Counsel in the preparation and presentation of charges and will have the same rights in

² The State of Texas requires that employment of outside counsel must be approved by the State Attorney General.

the hearing as those accorded to the faculty member. An audio recording of the proceedings shall be made and delivered to the president for submission to the Board of Regents, and a copy of this audio recording shall be made available to the faculty member. The record will be transcribed only on the request of either the faculty member or the president at the expense of the requesting party.

- (5) The Hearing Panel, by a majority of its total membership, shall make written findings of fact on each charge and make specific recommendations with regard to each of the charges and the charges as a whole. The panel, by a majority of its total membership, may make supplementary suggestions it deems proper concerning disposition of the case. If minority findings, recommendations, or suggestions are made, they shall be similarly treated. The chairperson of the Hearing Panel shall deliver the findings, recommendations, and suggestions to the president, who shall transmit them along with his/her recommendations to the faculty member and to the chancellor, and then to the Board of Regents 30 days or more in advance of the date scheduled for formulation of the next Board of Regents meeting agenda.
- (6) The Board of Regents, by a majority of its total membership, shall approve, reject, or amend the findings, recommendations, and suggestions to the Hearing Panel based on the record. Any amendment or change of such findings, recommendation, or suggestions, and the reasons, therefore, will be stated in writing and communicated to the president who will transmit them to the Hearing Panel, which will then study any additional matters presented to it and, within 45 days, submit its recommendations to the president. If the Board of Regents then overrules the recommendations of the Hearing Panel, it will state its reasons for its actions in writing to the president, who will transmit the decision to the Hearing Panel. The president shall also notify the faculty member in writing of the board's decision within 30 business days, and this communication shall include the findings and recommendations of the Hearing Panel, as well as those of the board. The decision of the Board of Regents shall be final.

b. Non-reappointment and Dismissal of Non-tenured Faculty Members

The following procedures on non-reappointment and dismissal for cause apply to untenured tenure-track faculty members, and to non tenure-track faculty members who have served more than six full years and been granted continuing appointment status.

- (1) The university is not required to give an untenured tenure-track faculty member a reason for a decision of non-reappointment, though such notification may be given, except in cases where it would harm the university. However, each faculty member is entitled to see all of his/her personnel file and, at his/her expense, to obtain a copy of the information contained therein.
- (2) If an untenured tenure-track faculty member alleges that a decision not to reappoint him/her is:
 - (a) Caused by considerations that violate academic freedom;
 - (b) For constitutionally impermissible reasons; or
 - (c) Significantly noncompliant with the university's established standards or procedures; then

The allegation of improper rationale for non-reappointment, as set forth above, shall be given preliminary consideration by a faculty committee. The Tenure Advisory

Committee is responsible for appointing the faculty committee from within or outside its own membership and for its functioning.

If the faculty committee concludes that there is probable cause for the faculty member's allegation, the Tenure Advisory Committee shall notify the PSVP and form the Hearing Panel, and the matter shall be heard in accordance with the following procedures. The faculty member shall be responsible for stating the specific grounds on which the allegations were based, and the burden of proof will rest upon the faculty member. If the faculty committee concludes there is no probable cause for the faculty member's allegation, the process will end.

- (3) The Hearing Panel shall be selected in this fashion:
 - (a) The Tenure Advisory Committee shall order the names of the members of the Tenure Hearing Committee by lot, assigning to them numbers one through twenty.
 - (b) Hearing Committee members deeming themselves biased shall remove themselves from the case.
 - (c) Either party in the dispute may strike no more than three names from those remaining on the list.
 - (d) The Tenure Advisory Committee shall designate the five members with the lowest numbers remaining on the list to constitute the Hearing Panel.
- (4) The Hearing Panel will select a chairperson from its membership and may, if it chooses, request appropriate legal counsel from a member of the law school faculty or, if none is available, from a law firm of its choosing, provided that costs are affordable, but not from the Office of General Counsel.³ The legal counsel will advise the Hearing Panel but will not vote.

The Hearing Panel may also consult with the general counsel of the university on technical or procedural questions not directly bearing on the merits of the case if the Hearing Panel considers such consultation appropriate and helpful.

- (5) The hearing will be private and confidential unless the faculty member elects to have a public hearing. The Hearing Panel shall determine procedures to be implemented in the hearing, which shall afford both parties due process and fairness.

In every such hearing, the faculty member shall have the right to appear in person with legal counsel, retained by the individual, and to confront and cross-examine witnesses. The faculty member shall have the right to testify, but may not be required to do so, and may introduce in his/ her behalf all evidence and material, written or oral, that he/she considers to be relevant or material to the case. Neither the Texas Rules of Civil Procedure nor the Texas Rules of Evidence shall apply to the hearing.

The university shall also have the right to legal counsel from the Office of General Counsel in the preparation and presentation of charges and will have the same rights in the hearing as those accorded to the faculty member. An audio recording of the proceedings shall be made and delivered to the president, and a copy of this audio recording shall be made available to the respondent. The record will be transcribed only

³ The State of Texas requires that employment of outside counsel must be approved by the State Attorney General.

on the request of either the faculty member or the president at the expense of the requesting party.

- (6) The Hearing Panel, by a majority of its total membership, shall make written findings of fact on each charge and make specific recommendations with regard to each of the charges and the charges as a whole. The Hearing Panel, by a majority of its total membership, may make supplementary suggestions it deems proper concerning disposition of the case. If minority findings, recommendations, or suggestions are made, they shall be similarly treated. The chairperson of the Hearing Panel shall deliver the findings, recommendations, and suggestions to the president, who shall approve, reject, or amend them based on the record and then transmit them, along with his/her recommendations, to the faculty member and to the Hearing Panel. The decision of the president will be final.

4. Timelines for Notice of Non-reappointment

These notification timelines only apply to any notice of non-reappointment that is issued to untenured tenure-track faculty. They do not apply to dismissals issued to non-tenure-track faculty.

- a. Full-time faculty members in their first year with the university whose duties commence with the first semester of the academic year must be notified by the following March 1 if they are not to be reappointed.
- b. Full-time faculty members in their first year with the university whose duties commence after November 15 must be notified by the following April 15 if they are not to be reappointed.
- c. Full-time faculty members who are in their second year with the university and who are not to be reappointed shall be notified by December 15 of the academic year in which the appointment is to terminate.
- d. Full-time faculty members with more than two years with the university will be notified of non-reappointment by issuance of a terminal contract for one academic year.
- e. Full-time faculty members who hold a position by appointment for a fixed time period shall receive notice of non-reappointment in accordance with the terms of the appointment or in accordance with sections a., b., c., or d above.

5. Policy Implementation and Revision

This policy is to be implemented immediately upon approval by the Board of Regents. All tenured and tenure-track faculty members are subject to this policy's applicable provisions and procedures. Faculty members who have attained tenure under prior policies at Texas Tech University are governed by the tenure revocation policies in effect when they were awarded tenure. This policy shall not be applied in derogation of any faculty member's contract rights as set forth in the faculty member's letter of appointment, nor shall it be used to restrain faculty members in their exercise of academic freedom or constitutional rights.

Revisions to this policy may be proposed to the Board of Regents by the president upon concurrence of the chancellor. The Tenure Advisory Committee, the Faculty Senate, or other academic groups may submit proposals to the PSVP. Such proposals, regardless of their source, shall be reviewed and approved by the Tenure Advisory Committee and the Faculty Senate. Following this review, the Faculty Senate shall present approved proposals to the faculty for

consideration. In this process, the voting faculty⁴ shall be polled for approval or disapproval of the proposals. If approved by a majority of those voting, the proposals shall be forwarded by the PSVP to the president for his/her review and then, if the president approves, to the chancellor, and then to the Board of Regents for its consideration. Under the statutory authority of the state of Texas, the Board of Regents has the sole authority to revise this policy.

⁴ The voting faculty consists of all tenured or tenure-track faculty on full-time appointments who have completed a residence of one year at this university.



Texas Tech University

Operating Policy and Procedure

OP 32.03: Academic Deans, Associate or Assistant Deans, and Department Chairpersons

DATE: September 7, 2006

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define the responsibilities and promote understanding of the academic deans, associate or assistant deans, and department, division, or area chairpersons.

REVIEW: This OP will be reviewed in March of even-numbered years by the senior vice provost for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs (PSVPAA) by April 15.

POLICY/PROCEDURE

1. Appointments for academic deans, associate or assistant deans, and department, division, or area chairpersons follow the same procedure as appointments of professors being granted tenure at initial appointment, with the exception that the appointment of a department/division/area chairperson or an assistant or associate dean is initiated by the dean of the school or college involved. The PSVPAA initiates the appointment of a dean. Administrative appointments are held at the discretion of the immediate administrative supervisor of that assignment and may be terminated at any time.
2. In cases where the appointed dean departs or will be absent for an extended period (three months or longer), the PSVPAA will solicit nominations from the departing dean, department/division chairpersons, directors, area coordinators, and tenured faculty for persons to be considered for appointment as the interim dean or the acting dean. Preference will be given to nominees with administrative experience who can ensure effective administration of college functions until a permanent dean is appointed. The PSVPAA will interview up to three persons from the list of nominees who would be willing to serve. The PSVPAA will select an interim (or acting) dean from those interviewed. Before making the appointment, the PSVPAA will communicate the decision to the president, who will coordinate notification of the chancellor and the TTUS Board of Regents. The Office of the PSVPAA will then communicate the selection to the faculty, staff, and administrators of the college. Interim (and acting) deans serve at the pleasure of the PSVPAA.
3. The positions of academic dean, associate or assistant dean, and department, division, or area chairperson are defined below:
 - a. Academic Dean

The deans are the principal administrative officers of the colleges of Agricultural Sciences and Natural Resources, Architecture, Arts and Sciences, the Jerry S. Rawls College of Business Administration, Education, Engineering, Honors, Human Sciences, the Graduate

School, the School of Law, Visual and Performing Arts, and the libraries. The director of the museum is the principal administrative officer of the museum.

A dean's chief responsibility is the development, supervision, and operation of the academic programs of the college or school. The academic dean and staff serve as consultants on all academic matters such as course changes, choice of major, and degree requirements. Since all degrees given by Texas Tech University are granted through these colleges and schools, the respective dean and the faculty members of a specific college or school establish their own degree requirements. Deans serve in their administrative capacities without tenure and at the discretion of the PSVPAA. Each dean has an annual performance conference with the PSVPAA.

b. Associate and Assistant Dean

Associate and assistant deans aid in the administrative work of the colleges and schools. These individuals serve in their administrative capacities without tenure and at the discretion of the dean. Each associate or assistant dean is to report on her/his performance at least annually through a conference with the dean.

c. Department, Division, or Area Chairperson*

Instructional departments or areas are administered by chairpersons who normally are appointed for three-year terms by the PSVPAA on the recommendation of the dean of the appropriate college. The chairperson, in cooperation with the faculty, is responsible for supervising activities of the department/division/area, scheduling classes, assisting in faculty evaluations, preparing budget requests, initiating appointment recommendations, and developing the curriculum.

Each chairperson is to report on her/his performance at least annually through a conference with the dean.

These individuals serve in their administrative capacities without tenure and at the discretion of the dean. Before a chairperson's term expires, the dean initiates an extensive review with the faculty. Reappointments as chairpersons may be recommended

* The Jerry S. Rawls College of Business Administration is non-departmentalized and does not have departmental chairpersons. It is organized and functions under an area concept and, therefore, corresponding positions will be entitled "area chairpersons." The College of Education is divided into divisions with chairpersons of each division.



Texas Tech University

Operating Policy and Procedure

OP 32.04: Conduct of University Faculty

DATE: September 12, 2006

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to set forth the university policy regarding the conduct of university faculty.

REVIEW: This OP will be reviewed in May of even-numbered years by the senior vice provost for academic affairs with recommended revisions presented to the provost/ senior vice president for academic affairs (PSVPAA) by June 15.

POLICY/PROCEDURE

1. Colleges and universities that are tax-supported must function in accordance with the public trust and the actions by faculty, staff, and students within them must be consistent with the execution of that trust. **In accordance with Section 03.02.1, Regents' Rules*
2. The following offenses are hereby defined to exemplify and define actions that are in breach of that trust: **In accordance with Section 03.02.1, Regents' Rules*
 - a. Academic dishonesty such as giving or receiving aid on a test, examination, quiz, or other academic assignment;
 - b. Plagiarism;
 - c. Forgery, alteration, or unauthorized use of university documents, records, or identification materials;
 - d. Knowingly furnishing false information to the university;
 - e. The use of force or violence or other methods of obstructing the functions of the university, which include teaching, research, administration, public service, presentations by guest lecturers and speakers, and other authorized activities;
 - f. Physical abuse of any person on university-owned or controlled property or at university-sponsored or supervised functions or conduct that threatens or endangers the health or safety of any such person;
 - g. Theft of or damage to the tangible property of the university or of a member of the university community or campus visitor;
 - h. Unauthorized entry to or use of university facilities;

- i. Unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, or any substance the possession or distribution of which is regulated by federal or Texas law, except where the manufacture, distribution, dispensing, possession, or use are in accordance with the laws of each;
 - j. Lewd, indecent, or obscene conduct on university-owned or controlled property or at a university-sponsored or supervised function;
 - k. Failure to comply with the lawful directions of university officials where such directions are issued in the performance of their duties; and/or
 - l. Violation of other promulgated university policies or rules.
3. Each faculty, staff, and/or student employee is required to notify the university of any criminal drug conviction no later than five days after such conviction. ***In accordance with Section 03.02.2, Regents' Rules**
 4. Adjudication of a violation of the standards established in this policy will result in the assessment of a penalty ranging from an oral reprimand to separation from the university. *** In accordance with Section 03.02.3, Regents' Rules**
 5. Each employee of the university shall be required to abide by the terms of this policy as a condition of employment.
 6. Violations in any of the above areas should immediately be brought to the attention of the chairperson to whom the individual is responsible, the dean of the college, the senior vice president for academic affairs, and the PSVPAA. The appropriate administrator will then, along with the individual reporting the complaint, make a joint decision of how or if the matter should be pursued further. The next superior level of administrator will be fully informed of the allegation and the results of any further inquiry or required action.
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TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.06: Faculty Responsibility

DATE: May 4, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding and a standardized approach in the handling of faculty responsibilities.

REVIEW: This OP will be reviewed in April of even-numbered years by the senior vice provost with substantive revisions presented to the provost and senior vice president.

POLICY/PROCEDURE

1. Texas Tech University is a publicly supported institution that is obligated to provide instruction in higher education, to advance knowledge through scholarship and research, and to provide related services to the community, the state, and the nation. As a center for learning, the university has the obligation to maintain conditions that are conducive to freedom of inquiry and expression in the maximum degree compatible with the orderly conduct of its functions.

The responsibilities of the university dictate, to a major extent, the responsibilities of the individual faculty member. The faculty member is properly concerned with the whole process of education and is aware of the responsibilities of the university in a free society. Responsibility is assumed for performing several essential functions: teaching, research, creative activity, university service, professional service, and community service.

2. **Teaching**

As a teacher, the faculty member has responsibilities to students, to a discipline, to a profession, and to the university. These responsibilities entail facilitating the intellectual and emotional growth of students, encouraging free inquiry in the classroom, and striving to create and maintain a climate of mutual respect that will enhance the free interplay of ideas. A faculty member has a responsibility to recognize the varying needs and capabilities of students and to make every effort to assure that evaluation of a student's work reflects the student's level of achievement. The faculty member as a teacher also has the responsibility to uphold the highest scholarly standards and encourage respect for such standards in the classroom.

Teaching responsibility also includes regular conduct of classes at scheduled periods; faculty who occasionally cannot meet classes at scheduled periods because of professional responsibilities or illness should arrange for substitute instructors or alternative academic experiences. There is also the responsibility to engage in a continual and critical study of the subject matter of one's discipline to ensure that class presentations contain the most current and useful knowledge and that the course being taught is consistent with the course of study outlined by a department or college.

The faculty member also should recognize the responsibilities of a teacher as a counselor and devote a reasonable portion of time to aiding, guiding, and counseling students outside the classroom. Under no circumstances should a faculty member charge a fee for tutoring students enrolled in the faculty member's classes. Finally, the faculty member has a responsibility to strive to maintain those skills and values that ensure the continuation of free and open inquiry. Specifically, within the first week of the semester, faculty members must provide a course syllabus that includes:

- a. The course outline;
- b. The expected learning outcomes from the course;
- c. The methods of assessing those outcomes; and
- d. The criteria for grade determination.

Additionally, the faculty member should:

- a. Include in the course syllabus statements on university policy concerning academic honesty (OP 34.12), special accommodation for students with disabilities (OP 34.22), and student absence for observance of a religious holy day (OP 34.19);
- b. Provide feedback to students on their progress before the last day to withdraw from class;
- c. Check roll for the first two weeks of class and recommend that students not listed on the roll verify their registration; and
- d. Submit grades to the registrar on or before the due date.

3. Research/Creative Activity

Through research and creative activity, a faculty member grows intellectually, stimulates student learning, and adds to the accumulated knowledge of a discipline. A faculty member should strive constantly to contribute to the growth and understanding of knowledge in one's particular field through research, scholarship, and creative activity. The faculty member has an additional responsibility to share the results of study by disseminating it to students, colleagues, professionals in one's discipline, and to the public.

4. University Service

A faculty member has a responsibility to participate in the various activities, programs, and functions related to the enhancement of the university such as participating in the formulation of academic policies, serving on university committees, and taking part in other assignments.

5. Professional Service

Within one's field of competence, and as time and resources permit, the faculty member has a responsibility to respond to requests for advice and aid and to participate in the activities of one's profession. The faculty member should exercise care to avoid infringement upon obligations and responsibilities to the university.

6. Community Service

As a member of a community, the faculty member has the same obligations and responsibilities as those incumbent upon other members of the community. Such services should be consistent with regulations of the university and the state.

7. In the case of both professional and community service, the faculty member should exercise discretion in distinguishing between acts carried out or statements made as an individual or a professional and those carried out or made as a representative of the university.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.07: Other Employment, Faculty Consulting, and Public Offices

DATE: October 28, 2011

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish the university policy regarding other employment, faculty consulting, and the holding of public offices by university employees.

REVIEW: This OP will be reviewed in October of odd-numbered years by the senior vice provost with recommended revisions forwarded to the provost/senior vice president.

POLICY/PROCEDURE

1. Policy

- a. Outside Employment
Section 03.05, *Regents' Rules*

Outside employment is defined to be any compensated service or employment by any entity, other than the university, of a university employee.

The primary responsibility of university employees is the full and complete execution of all assigned duties, the fulfillment of those professional obligations not ordinarily reduced to written assignment, and the maintenance of current professional skills. Outside employment must be compatible with the interests of the university and of such a nature that it will not detract from the effectiveness and performance of the employee.

- b. Non-elective Offices
In accordance with Article 16, § 40 (c), *The Texas Constitution*, and Chapter 574, *Texas Government Code*

An employee may hold other non-elective offices or positions of honor, trust, or profit with the state of Texas or the United States, if holding other offices or positions is of benefit to the state of Texas or is required by state or federal law, and if there is no conflict between holding the office or position and holding the original office or position for which the employee receives salary or compensation.

Before an employee may accept an offer to serve in other non-elective offices or positions of honor, trust, or profit with the state of Texas or the United States, the employee must obtain from the appropriate administrative officials and the Board of Regents a finding that the requirements of this section have been fulfilled, including expected additional compensation to be received from such service. The finding of the Board of Regents shall be recorded in the official minutes of the meeting of the Board at which approval was granted.

An employee desiring to accept an offer to serve in other non-elective offices or in a position of honor, trust, or profit with the state of Texas or the United States should submit a letter of request through administrative channels for Board of Regents consideration.

c. Elective Offices

Employees may hold non-salaried public elective offices providing they meet their primary responsibilities to the university.

An employee who is elected or appointed to another position that pays a salary and the two positions are such that they cannot be held at one time by the same person, qualification and acceptance for the second position will automatically be considered as a resignation of employment with Texas Tech University.

d. Other University Employment

An individual in non-faculty status may be employed part time by two or more university departments provided the combined total of normally assigned hours of work does not exceed 40 hours per week (100 percent time) and all other conditions of employment are met.

A full-time employee employed to work in excess of 40 hours per week (100 percent time) must be compensated in accordance with normal overtime or additional compensation policies.

e. Faculty Consulting

It is desirable that the faculty be composed of persons with such competence in their fields that their service in a professional capacity will be sought outside the university. Hence, with prior approval of administrative authorities, a staff member may do outside work for pay during the months of regular employment. However, such work must not interfere with normal duties, including those extra responsibilities expected of all faculty members. Therefore, the amount of time involved and absence from the campus while rendering outside services are of primary concern. This ordinarily should not exceed ten hours per week.

2. **Procedure**

Each administrative officer shall be responsible for devising procedures and/or other appropriate methods for enforcement of this policy within individual areas of responsibility.

Attachment: Other Employment, Faculty Consulting, and Public Offices Form

Attachment A:

Other Employment, Faculty Consulting, and Public Offices Form (OP 32.07- Other Employment, Faculty Consulting, and Public Offices)

Faculty/Staff Name _____

Department/Unit _____ Rank _____

College/Unit _____

REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT. I hereby request approval of the following outside employment or consulting in which I wish to engage under the policy outlined by the Board of Regents of Texas Tech University:

Name of Firm cpf Type of Activity:

Approximate Number of Hours per Week

Maximum Number of Hours per Week

These activities will not interfere with my assigned duties at Texas Tech University, nor will they exceed an average of 10 hours per week. For cases in excess of 10 hours per week, I will seek additional approval.

Approved ___ with ___ without limitations:

Approved ___ with ___ without limitations:

Department Chair Date

Dean Date

Approved ___ with ___ without limitations:

Describe limitations on attached sheet.

Vice Provost Date

Please e-mail this form to Senior Vice Provost Rob Stewart at rob.stewart@ttu.edu, or mail the form to MS 2019. Please submit a copy to researchintegrity@ttu.edu, or mail to MS 1075.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.08: Faculty Salary Increases

DATE: September 17, 2007

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define the university policies relating to the handling of faculty salary increases.

REVIEW: This OP will be reviewed in October of odd-numbered years by the senior vice provost for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs (PSVPAA) by November 15.

POLICY/PROCEDURE

1. All salary increases for faculty, unless otherwise mandated by the legislature, will be on a merit basis and will be based on quality teaching, research productivity, and other contributory activities, including university community service. The procedure for merit salary increases is set forth in the prevailing *Budget Preparation Guidelines and Instructions for Instructional Departments*.
2. It is the initial responsibility of the department or area chairperson (where applicable) to recommend salary rates and merit increases. Their recommendations are, in turn, to be reviewed by the appropriate dean and the PSVPAA. Each faculty member is to provide annually a report on her/his work to the department or area chairperson for use in consideration of a merit increase. See *Annual Faculty Evaluation, Faculty Member's Statement* (Attachment A). The *Annual Faculty Evaluation, Chairperson's Assessment* (Attachment B) must be completed by January 31.
3. Faculty members who are part time or who are required to be students as a condition of employment may be paid according to a salary schedule established separate from the merit raises.
4. **Exceptions**
 - a. Faculty members who divide their time between teaching, administration, and/or other duties ordinarily will have their appointments prorated in increments of 50 percent, 33 ⅓ percent, or 25 percent in order to facilitate allocation of teaching loads. Assignments on other than these increments will require prior approval of the appropriate divisional vice president(s). Salary increases for these members will be established as follows:
 - (1) Salary increases for persons appointed 50 percent time or more as faculty will be determined by the faculty salary increase given.
 - (2) Salary increases for persons appointed less than 50 percent time as faculty will be determined by the non-faculty increase given. Individuals in this category will be eligible for university merit increase programs, and any increase granted as a result thereof will be matched by a corresponding faculty salary increase.

- b. Faculty members who divide their time between teaching and intercollegiate athletics are exempt from the provisions of Section 4.a above.

Attachment A: Annual Faculty Evaluation, Faculty Member's Statement

Attachment B: Annual Faculty Evaluation, Chairperson's Assessment

Annual Faculty Evaluation: (Date)
Faculty Member's Statement

Faculty Member

Department/Area

Indicate your major contributions in the areas of teaching, research, and other service in the university for the past calendar year. Add other information that you judge to be pertinent.

Return the completed form to your chairperson or area coordinator by (Date)

Teaching:

Research: List all proposals submitted and whether any funding was received.

Service:

Annual Faculty Evaluation: _____ (Date)
Chairperson's Assessment

Faculty Member

Department/Area

The chairperson/area coordinator is to review the statements made by the faculty member concerned and, using such other evidence as may be available, make an assessment of the faculty member's contributions for the past year.

This assessment is to be discussed with the faculty member concerned before this and the faculty member's statements are forwarded to the dean.

Chairperson/Area Coordinator



Texas Tech University

Operating Policy and Procedure

OP 32.11: Faculty Sick Leave

DATE: September 12, 2006

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding and a standardized approach to handling faculty sick leave in accordance with Chapter 661 of the Texas Government Code.

REVIEW: This OP will be reviewed in April of even-numbered years by the senior vice provost for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs (PSVPAA) by May 15.

POLICY/PROCEDURE

1. Definition of Regular Faculty Member

An employee with academic rank, paid to teach in full or in part from the line item "Faculty Salaries" for at least 50 percent time for at least four and one-half months per year, excluding students employed in positions that require student status as a condition of employment.

2. Policy

A regular faculty member shall be entitled to sick leave, without deduction in salary, subject to the following conditions:

- a. An employee will earn sick leave entitlement beginning on the first day of employment with the state and terminating on the last day of duty. Credit for one month's accrual will be given for each month or fraction of a month of employment with the state and will be posted to each employee's leave record on the first day of employment with the state and on the first day of each succeeding month of employment thereafter.
- b. Sick leave entitlement shall be earned at the rate of eight hours for each month or fraction of a month of employment for a full-time employee and accumulate with the unused amount of such leave being carried forward each month. Part-time employees shall accrue sick leave on a proportionate basis. Sick leave shall terminate on the last day of duty.
- c. Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty or when the employee is needed to care for and assist a member of her/his immediate family who is actually ill. For purposes relating to regular sick leave, immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption, or marriage, as well as foster children certified by the Texas Department of Family and Protective Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of regular sick leave. An employee's use of sick leave for family members not residing in that employee's household is strictly limited to the time necessary to provide care

and assistance to a spouse, child, or parent of the employee who needs such care and assistance as a direct result of a documented medical condition. An employee who must be absent from duty because of illness, injury, or pregnancy and confinement shall notify her/his supervisor or cause her/him to be notified of that fact at the earliest practicable time.

- d. To be eligible to take accumulated sick leave with pay during a continuous period of more than three working days, an employee who is absent due to illness, injury, or pregnancy and confinement shall send to the administrative head of her/his employing agency a doctor's certificate showing the cause or nature of the condition or some other written statement of the facts concerning the condition that is acceptable to such administrative head. It is within the discretion of the administrative head to require documentation concerning conditions resulting in absences of three working days or less.
- e. Upon return to duty after sick leave, the employee concerned shall complete, without delay, the prescribed application for sick leave and submit the same through proper channels to the appropriate approving authority for consideration.
- f. Faculty members at institutions of higher education must submit prescribed leave forms for all sick leave taken if the absence occurred during the normal workday for regular employees, even if no classes were missed.

3. **Procedures**

- a. A faculty member transferring between university departments or state agencies shall retain unused sick leave, provided service is uninterrupted.
- b. When an official university holiday occurs during a paid sick leave, the holiday shall not be charged against sick leave.
- c. Malingering and other abuses of sick leave shall constitute grounds for dismissal from university employment.
- d. In the event of a faculty member's death, one-half unused sick leave accumulation, not to exceed 336 hours, shall be paid to the estate as a death benefit.
- e. A faculty member terminated under a reduction-in-force shall have sick leave balance restored if reemployed by the state within 12 months after the end of the month in which state employment terminated.
- f. Absence of a faculty member because of illness ordinarily shall be defined in terms of half-day or whole-day units. Requests for a half-day of sick leave are to be made when the faculty members are not present during normal working hours at their normal duty station (office, classroom, laboratory, etc.) for a major portion of the half-day period. Illnesses of longer duration shall be reported in whole (eight hour) or whole and half-day (four hour) units.
- g. Absence from significant responsibilities outside the normal workday, such as teaching an evening class, should be levied against the half-day in which the absence occurred, but the faculty member shall not be charged with more than one day of absence for any calendar day period.
- h. The proper reporting and accounting for sick leave is mandated by the Texas Legislature.

4. **Exceptions**

Exceptions to the amount of sick leave an employee may take must be authorized by the president on an individual basis after a review of the merits of each particular case. Requests must be made through administrative channels to the PSVPAA and then to the president.

A statement of any such authorized exceptions or the reasons for them shall be attached to the agency's duplicate payroll voucher for the payroll period affected by such authorized exceptions.

5. **Sick Leave Pool**

- a. The sick leave pool established for employees of Texas Tech University is intended to provide for the alleviation of the hardship caused to an employee and the employee's family if a catastrophic illness or injury forces the employee to exhaust all leave time earned by that employee and to lose compensation from the state. (See OP 70.01 for additional information.)
 - b. An employee may voluntarily transfer not less than one day or more than three days of accrued sick leave to the sick leave pool per fiscal year. Transfers are made on an annual basis.
 - c. An employee is eligible to use time contributed to the sick leave pool if, because of a catastrophic injury or illness or a previous donation of sick leave time to the pool, the employee has exhausted all the sick leave time to which that employee is otherwise entitled. An employee may not draw time from the sick leave pool in an amount that exceeds the lesser of one-third of the total amount of time in the pool or 90 days.
 - d. The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the sick leave pool of Texas Tech University.
 - e. The president shall appoint a pool administrator to administer the university's sick leave pool who is authorized to adopt rules and to prescribe procedures relating to the operation of the sick leave pool.
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TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.12: Faculty Absence for Observance of Religious Holy Day

DATE: May 4, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding and a standardized approach to handling faculty absence for observance of a religious holy day.

REVIEW: This OP will be reviewed in April of even-numbered years by the senior vice provost with substantive revisions presented to the provost and senior vice president.

POLICY/PROCEDURE

1. Definition

Regular Faculty Member: An employee with academic rank paid to teach in full or in part from the line item faculty salaries for at least fifty percent of time or for at least four and one-half months per year, excluding students employed in positions that require student status as a condition for employment.

2. Policy

A regular faculty member shall be entitled, without deduction in salary, to absence for observance of religious holy days subject to the following conditions:

- a. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code §11.20.
- b. A faculty member who is absent from work for the observance of a religious holy day and gives proper notice of that absence will not be discriminated against or penalized.
- c. Proper notice should be provided by the faculty member to the department chairperson before the observance of the holy day. This notice will consist of a listing of religious holy days to be observed during the semester.
- d. Notice must be in writing and should be delivered personally to the chairperson of the department, with receipt of the notice acknowledged and dated by the chairperson, or by certified mail, return receipt requested, addressed to the chairperson.
- e. The chairperson will attempt to provide class coverage from among regular faculty of the department or area.
- f. Advance written notice, if needed, will be provided to all students whose class would be cancelled because of the faculty member's absence.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.17: Faculty Appointments and Titles

DATE: July 19, 2013

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding and a standardized approach to conferring faculty appointments and titles.

REVIEW: This OP will be reviewed in April of odd-numbered years by the senior vice provost with substantive revisions presented to the provost and senior vice president (PSVP).

POLICY/PROCEDURE

1. Titles

- a. The titles for tenure-eligible appointments to the faculty of Texas Tech University are Horn Professor, professor, librarian, or archivist, associate professor, librarian, or archivist, and assistant professor, librarian, or archivist. Titles for non tenure-eligible appointments to the faculty are professor of practice (at all professorial ranks), research professor (at all professorial ranks), research scientist, lecturer, and instructor. The teaching assistant title is a faculty title reserved for graduate students who serve part time in the instructional role.
- b. The titles for appointments to research roles are research scientist and research professor. These titles are reserved for non tenure-acquiring appointments.
- c. The terms *adjunct* and *visiting* are used with the appropriate faculty rank for non-continuing, non tenure-acquiring appointments. *Part-time* is used with the appropriate faculty rank for less than full-time academic appointments.
- d. Endowed chairs and professorships shall carry the designation in accordance with the conditions of the award.

2. The following definitions should be considered with respect to appointments:

a. Horn Professor

Horn Professorships, the highest honor the university may bestow on members of its faculty, are granted to professors in recognition of national or international distinction for outstanding teaching, research, or other creative achievement. The number is not limited and no attempt is made to maintain any fixed ratio among colleges or departments. See OP 32.09 for detailed information regarding appointment procedures.

b. Professor/ Librarian/Archivist

Individuals appointed to this rank meet the criteria for associate professors, librarians, or archivists and provide evidence of sustained achievement and productivity in the areas of teaching, research or creative activity, and service. These individuals should be outstanding teachers, contributing members of their disciplines, and provide substantial service to the institution. Criteria for appointment of professor, librarian, or archivist include maturity of thinking, demonstrated ability to communicate and inspire students and less experienced colleagues, continued respect of colleagues in their field of work, and evidence of ability for continued professional growth.

c. Associate Professor/Librarian/Archivist

The term *associate professor, librarian, or archivist* should reflect that the individual so appointed meets the criteria for the assistant professor, librarian, or archivist rank and, in addition, has demonstrated substantial achievement in teaching, research or creative activity, and service to the institution and the profession. The individual must have demonstrated the capacity for independent creative thinking and the willingness to participate as a respected colleague in deliberations concerning the department, college, and university.

d. Assistant Professor/Librarian/Archivist

The term *assistant professor, librarian, or archivist* is assigned to an individual employed full time. The individual ordinarily possesses the degree considered terminal for her/his field and has demonstrated prior experience in teaching, research or creativity, or the equivalent in professional accomplishment. This appointment anticipates distinct ability as a teacher with adequate educational and professional experience in the area(s) of specialization. Assistant professors, librarians, or archivists are expected to perform in the areas of teaching, research or creative activity, and service.

e. Assistant Professor of Practice, Associate Professor of Practice, and Professor of Practice

These appointments are subject to the following restrictions:

- (1) For individuals with exceptional backgrounds and achievement in academic, business, government, or other professional practice for a decade or more.
- (2) Primary responsibilities normally will be to teach in an area of expertise, mentor students in professional and career preparation, and liaise with professional contacts and entities on behalf of the department or program.
- (3) In some instances, there may be opportunities and expectations for these individuals to produce research, publications, or creative expressions relative to their professional expertise.
- (4) A master's degree in the discipline or the substantiated equivalent in professional experience is a qualification.
- (5) The positions will be for multi-year renewable appointments (e.g., 3-5 years) contingent on successful annual and cumulative performance appraisals and a majority affirmative vote of the academic unit. An academic unit, by a majority affirmative vote,

may recommend that a professor of practice be considered by the dean for continuing appointment upon six years of continuous full-time service in the appointment, in accordance with OP 32.34.

- (6) The positions may be eligible for graduate faculty status, subject to a majority affirmative vote of the academic unit, in accordance with OP 64.10, Section 4.b.

f. Instructor

Instructors may be either part-time or full-time faculty. The appointment as instructor designates a non tenure-acquiring role with primary duties in teaching. Graduate students ordinarily will not be appointed to this position unless they have completed all coursework for their degrees. When so appointed, they will be viewed as faculty rather than as students with regard to their responsibilities and enrollment restrictions.

g. Lecturer

Lecturers perform instructional duties, primarily the teaching of organized classes. They do not hold academic rank in another educational institution. The title indicates a non tenure-acquiring appointment.

h. Visiting Professor, Visiting Associate Professor, and Visiting Assistant Professor

These appointments are subject to the following restrictions:

- (1) The positions are of limited duration, usually one semester or one academic year. Extension of an appointment in a visiting position beyond one academic year requires permission from the PSVP.
- (2) Tenure or credit for service toward tenure is not acquired during the visiting appointment.
- (3) The level of visiting rank is based upon an evaluation of the level of responsibility to be assumed and should be supported by evidence of the level of experience and/or education required at another institution, in industry, or in a corporation or organization to support such rank.
- (4) The visitors are expected to perform instructional duties that include teaching one or more regularly scheduled classes, supervising graduate research projects, theses, or dissertations, participating regularly in team teaching projects, or combinations of the above.

i. Research Professor, Research Associate Professor, Research Assistant Professor, Research Scientist

Research professor, research associate professor, research assistant professor, research scientist, or comparable titles are special faculty titles and are to be assigned to individuals appointed, usually full time, to research positions. These appointments do not lead to tenure and are under the control of the PSVP.

j. Adjunct

The term *adjunct* is used to indicate that appointees, because of their expertise, will be called upon by Texas Tech University for their opinions on matters of importance. The rank at which the appointment is made is determined by an evaluation of the previous achievements of the appointee. Individuals who already hold a faculty appointment in one academic unit of the university typically are not eligible for an adjunct appointment in another academic unit; rather, adjunct appointments recognize persons with appropriate expertise from outside the university, including those associated with TTUHSC.

k. Joint

The term *joint* is used to indicate that appointees, because of their expertise, will serve as support faculty to another department in addition to the primary department in which they hold tenure or are on a tenure-acquiring track. Such appointments must originate in the department and proceed through the dean of the college, graduate dean, and PSVP for final approval. Although the joint appointment provides for listing the faculty members in the budgets of two departments, the faculty members usually are paid from the budget of the primary department.

Joint appointments may be terminated at any time through the channels used for the appointment. The *Electronic Personnel Action Form* (ePAF) will be used in such cases (see attachment).

l. Principal Investigator and Co-principal Investigator

When tenure-eligible faculty members are supported by research for a portion of their salary, that portion of the appointment shall carry the title “principal investigator” or “co-principal investigator.” This designation should also be used for summer appointments when appropriate.

3. Appointment of Faculty

- a. The request for appointment is initiated by the department chairperson/area coordinator and recommended by the dean of the instructional school or college and by the graduate dean. In the case of research personnel, the principal investigator recommends the appointment to the chairperson. At the time of appointment, official faculty transcripts, curriculum vitae, and proof of authorization to work in the United States must be sent with the ePAF to Human Resources. It is the responsibility of the department chairperson or area coordinator of the department/area to which the faculty member is appointed to obtain the transcripts and the vita from the faculty member. Official transcripts for all tenure-track and tenured faculty are required to be on file in Human Resources.
- b. Faculty appointments of individuals who have completed all requirements for the doctoral degree except the dissertation must be made in accordance with OP 32.28.
- c. The initiation of the appointment form (ePAF) is a culmination of the establishment of a position and search and selection procedures. Procedures for recruitment and selection of faculty members are detailed in OP 32.16. Initial appointment of all faculty, including

teaching assistants, must be accompanied by a *Certification of Faculty Qualifications* as specified in OP 32.36.

- d. Appointment to an academic position must be reviewed by the PSVP, who considers the recommendation of the dean of the instructional school or college involved. Approval by the PSVP of all conditions of employment (including start-up resources) is required.
- e. Appointment to a research position must be reviewed by the PSVP, who considers the recommendation of the instructional school or college involved.
- f. The PSVP approves non tenure-acquiring appointments after considering recommendations from the dean of the college or school involved.
- g. The initial appointment of a professor, librarian, or archivist or an associate professor, librarian, or archivist with tenure must receive the recommendation of the PSVP, received through designated university procedures for consideration of a faculty member for tenure. The president reviews the recommendation and, if he/she agrees, recommends the appointment with tenure to the Board of Regents. Only the Board of Regents may grant tenure.
- h. The PSVP will notify the appointee, the secretary of the Board of Regents, the chairperson, and the appropriate dean of the approval of faculty appointments.
- i. If the appointment is accepted, the Office of the PSVP shall send a copy of the ePAF to the appointee.
- j. When the account distribution section of the appointment form indicates that the appointee is to be paid from a research account, the Budget Office, upon receiving its copy of the appointment form, will make a copy of the form and send it to the Office of Research Services.
- k. In the case of a continuing appointment, reappointment will occur unless the appointee is notified of termination. Full-time faculty members who are not reappointed must be notified as outlined in OP 32.02, Faculty Non-reappointment, Dismissal, and Tenure Revocation.

4. **Non Tenure-acquiring Reappointments**

In the case of a non tenure-acquiring reappointment, an ePAF must be processed indicating reappointment for the new budgetary period.

Individual responsibilities are as follows:

- a. The signature of the principal investigator indicates that the research appointee is qualified to perform the duties required on the project involved and that the position has been approved at the designated salary level.
- b. The signature of the department chairperson requesting the appointment certifies that the appointee is fully qualified to hold the rank and perform the duties indicated and that the position has been approved in the budget. The chairperson further certifies that the appointment, if offered, will be accepted by the appointee at the rank, salary, and time indicated on the appointment form.

- c. The signature of the dean of the instructional school or college certifies that the recommended appointment does not exceed the number of authorized positions for the department concerned, nor for the funds budgeted. The dean further certifies approval of the rank and salary to be offered.
- d. The signature of the graduate dean certifies that the appointee is qualified to teach graduate level courses and to participate on graduate student committees if the appointment is for any of the professorial ranks. If the appointment is for a rank below that of assistant professor or a research appointment other than research scientist, the appointee is not to teach graduate level courses or to participate on graduate student committees, unless specifically approved by the dean of the Graduate School.
- e. The signature of the PSVP officially approves the appointment of academic personnel other than those acquiring tenure with initial appointment. In the case of academic personnel acquiring tenure with initial appointment, the signature of the PSVP serves as a recommendation to the president that the faculty member be approved for tenure. This signature also verifies that the position has been reviewed and approved for continuation or creation. Only the Board of Regents may grant tenure.
- f. The signature of the PSVP officially approves the appointment of research personnel or personnel appointments to sponsored projects.

[Attachment: ePAF \(Electronic Personnel Action Form\)](#)

Forms

Press **Ctrl-F** to find text on this page.

Use the **Search HR** box to the left to search the HR web site, including the contents of forms.

Hover your mouse pointer over links to OPs (Operating Policies) to display the OP's title.

Awards and Recognition

Reference: [OP 70.26](#)

[Bravo Board Nomination](#)

[Chancellor's Award of Excellence Distinguished Staff Award Nomination](#)

[Chancellor's Colonel Rowan Award for Execution Distinguished Staff Award Nomination](#)

[Guns Up Distinguished Staff Award Nomination](#)

[Masked Rider Distinguished Staff Award Nomination](#)

[Matador Distinguished Staff Award Nomination](#)

[President's Award of Excellence Distinguished Staff Award Nomination](#)

Complaints and Grievances

Reference: [OP 70.10](#) , [OP 70.28](#)

[Grievance](#)

[Statement of Employee Complaint](#)

Employee Change

[EOPS \(Employee One-Time Payment System\)](#)

[ePAF \(Electronic Personnel Action Form\)](#)

[IT Career Ladder Checklist](#) ([IT Career Ladder Development Plan](#))

[Miscellaneous Deductions](#)

[Name or SSN Change](#)

[New Position / Reclassification](#) ([Instructions](#))

Employment

Reference: [OP 70.08](#) , [OP 70.15](#) , [OP 70.20](#) , [OP 70.35](#) , [OP 70.41](#)

[Application for Multiple Employment Finding](#)

[Application for Waiver of Nepotism](#)

[Authorization for Criminal Record Check](#)

[Consent to Drug & Alcohol Testing](#)

[Employee Drug/ Alcohol/ Van Operator Screening - Guidelines and Authorization](#)

[Employee Extended Development Agreement](#)

[Employee Recruiting Checklist - Faculty/Staff benefits eligible positions](#)

[Employment Application](#)

[Employment History Verification](#)

[Exempt vs Non-Exempt Checklist](#)

[HIPAA Notice](#) (ERS)

[I-9 Employment Eligibility Verification](#) ([Completing the I-9 presentation](#))

New Hire Packet
Professional/Personal Reference Check

Financial

Reference: Payroll forms , Earning Code Definitions
EOPS (Employee One-Time Payment Systems)
ePAF (Electronic Personnel Action Form)
Miscellaneous Deductions

Graduate Student Employee Certification

Reference: OP 70.27
GPTI / TA Certification
Research Assistant Certification

Insurance

Reference: OP 34.24 , OP 64.11 , OP 70.05 , OP 70.13
Accelerated Life Insurance Claim (Minnesota Life)
Application to Request Continuation Coverage for a Disabled Child, at Age 26 and Over
Benefits Enrollment
Benefits Enrollment Information
Caremark Mail Service Order (Health Select)
Caremark Prescription Claim (Health Select)
Claim for Dismemberment Benefits
Health Claim (HealthSelect)
Dependent Child Certification
Disability Claim (Dearborn)
Evidence of Insurability (EOI) Disability (Dearborn)
Evidence of Insurability (EOI) Life Insurance (Minnesota Life)
Extended Life Insurance Benefit (EIB) Claim with Group Life Beneficiary (Minnesota Life)
GBP Supplemental Information
Group Life Insurance Conversion Application (Minnesota Life)
TexFlex Direct Deposit Authorization
TexFlex Enrollment/Change
TexFlex Health/Dependent Care Claim

Leave

Reference: OP 32.11 , OP 70.01 , OP 70.32 , OP 70.43 , OP 70.44 ,
OP 70.45 , OP 70.46
Adoption/Foster Care Placement Certification
Application for Family and Medical Leave
Application for Legislative Leave for Peace Officers
Application for Parental Leave
Break Request for Nursing Mothers

Certification for Serious Injury or Illness of Covered Servicemember for Military Family
Certification of Health Care Provider for Employee's Serious Health Condition (FMLA)
Certification of Health Care Provider for Family Member's Serious Health Condition (FMLA)
Certification of Physician or Practitioner for Parental Leave
Certification of Qualifying Exigency for Military Family Leave (FMLA)
Contribution to the Sick Leave Pool
Leave Without Pay
Physician Certification for Sick Leave Pool
Request for Sick Leave Pool for Catastrophic Conditions
Return from Leave Without Pay

Letters

Offer Letter

Performance Management

Reference: OP 70.12

Position Description (Instructions)
Performance Evaluation (Instructions , Coversheet)
Employee Self Assessment
Employee Performance Improvement Plan
Employee Corrective Action (Instructions)
Supervisor Referral for EAP

Retirement

Reference: OP 70.02 , OP 70.07 , OP 70.09

ORP Information Acknowledgement
ORP Salary Reduction Acknowledgment / Change of Company
ORP Transfer Request
TRS Eligibility Determination & Enrollment Authorization
TRS 6 - TRS Notice of Final Deposit and Request for Refund
TRS 15 - Designation of Beneficiary
TRS 28 - Election to Participate in Optional Retirement Program
TRS 358 - TRS Change of Address Notification
TSA Salary Reduction Agreement

Separation

Reference: OP 70.19 , OP 70.44

Application to Contribute Sick Leave to the Sick Leave Pool
Employee Exit Checklist
Lump Sum Vacation Certification
TRS 6 - TRS Notice of Final Deposit and Request for Refund
TRS 18 - TRS Request for Estimate of Retirement Benefits



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 32.18: Academic Workload Calculation

DATE: August 11, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish rules for calculating the statutory workload of faculty in order to comply with Sections 51.402 and 51.403 of the Texas Education Code. This OP is a mechanism for ensuring that each faculty member meets the statutory teaching load minimum.

REVIEW: This OP will be reviewed in April of odd-numbered years by the Office of the Provost and Senior Vice President with substantive revisions presented to the Provost and Senior Vice President (PSVP) by May 31.

POLICY/PROCEDURE

1. The workload of faculty members encompasses a variety of teaching, research, technology transfer, and service activities. Teaching load, the number of credit hours taught or equivalent duties assigned to a faculty member, is but one aspect of faculty workload. In carrying out their responsibility to distribute workload, unit heads (chairpersons or comparable academic administrators) and deans must assign teaching loads such that:
 - a. Overall workloads are distributed as equitably as possible and in a fashion that is consistent with the unit's mission;
 - b. The university meets its instructional obligations for both undergraduate and graduate programs;
 - c. Each faculty member meets statutory minimum teaching load requirements; and
 - d. Faculty participation in research, technology transfer, and service is accommodated.
2. In compliance with Sections 51.402 and 51.403 of the Texas Education Code, the minimum teaching load for faculty members paid 100 percent from funds appropriated for instructional purposes is equivalent to 18 semester credit hours of instruction in organized undergraduate and/or graduate classes each nine-month academic year. For purposes of this document, 18 semester credit hours of organized undergraduate and/or graduate instruction equals 18 hours of teaching load credit.
3. For faculty members with less than full-time appointments from funds appropriated for instructional purposes, the minimum teaching load is proportionally less. When more than one instructor teaches a single course, the teaching load credit will be apportioned according to the effort expended. Normally, extended learning courses, freshman seminar courses, and other courses compensated outside regular faculty salary are not counted as part of a faculty member's minimum teaching load. Credit for teaching in summer sessions that is uncompensated by funds

appropriated for instructional purposes will be applied to the following academic year.

4. A reduced teaching load may be granted if classes do not materialize because of insufficient enrollment and when additional classes or equivalent academic work cannot be assigned to the faculty member. This exception will not be made for any particular faculty member in successive years.
5. The responsibility for assigning teaching duties rests with unit heads and deans. The Office of the PSVP monitors these assignments for compliance and equity and provides appropriate reports in accordance with state requirements and the *Regents' Rules*.
6. In calculating teaching load, the equivalencies in the following section will be applied. Normally, a faculty member paid by funds appropriated for instructional purposes will comply with the statutory teaching load requirement by serving as the instructor of record for four or more organized courses in an academic year. In no case, however, will a faculty member paid full-time from funds appropriated for instructional purposes teach fewer than two organized courses in an academic year without the approval of the PSVP.

7. **Equivalencies**

*** In accordance with Section 04.06, *Regents' Rules*, October 9, 2015**

- a. One semester credit hour of organized graduate instruction is equal to **1.5** semester credit hours of organized undergraduate instruction.
- b. Teaching load credit for a large class that requires extensive grading and evaluation of student work is equal to the number of semester credit hours of the course weighted as follows: **1.1** for 60-69 students, **1.2** for 70-79 students, **1.3** for 80-89 students, **1.4** for 90-99 students, **1.5** for 100-124 students, **1.6** for 125-149 students, **1.7** for 150-174 students, **1.8** for 175-199 students, and **1.9** for 200-249 students. Unit heads will review classes with more than 250 students enrolled for possible additional teaching load credit.
- c. Teaching load credit for courses designated as writing intensive is equal to the number of semester credit hours of the course weighted as follows: **1.1** for 15-19 students and **1.2** for 20 or more students.
- d. One class contact hour of laboratory or discussion section teaching (e.g., science and engineering laboratories and performance classes subject to minimum student enrollment requirements) in courses scheduled to meet more hours per week than the semester credit hour designation of the course is equivalent to **.67** teaching load credits. If a course is a combined lecture/laboratory class that includes a laboratory for which no separate registration is required, the load credit will be assigned in the same manner as specified in this policy for lecture classes and laboratories.

One class contact hour of professional studio (*professional* as defined by state of Texas professional licensure requirements), subject to the minimum student enrollment requirements, in courses scheduled to meet more hours per week than the semester hour designation of the course is equivalent to **.75** teaching load credits.

- e. One class contact hour of teaching in one-on-one, private-instruction performance or activity courses, which are not subject to minimum enrollment requirements (e.g., studio courses), is equivalent to **.5** teaching load credits.

- f. Faculty members developing courses primarily for electronic delivery, as part of the normal teaching load, will be granted teaching load credit equal to the course semester credit hours for one semester before the course is to be delivered. The first semester the course is taught by electronic means, faculty members will receive teaching load credit that is **1.5** times the semester credit hours of the course. Faculty will receive normal workload credits for the second and subsequent offerings of these courses.
- g. One semester credit hour of organized instruction in a Texas Higher Education Coordinating Board designated field-based course is equal to **1.5** teaching load credits.
- h. Teaching load credit for doctoral dissertation direction will be granted to graduate student committee chairpersons on the basis of **.33** of the semester credit hour enrollment in their dissertation courses or, at the discretion of the unit head, on the basis of **1** credit per doctoral student. Teaching load credit for master's thesis direction will be granted to graduate student committee chairpersons on the basis of **.2** of the semester hour enrollment in their thesis courses or, at the discretion of the unit head, on the basis of **.6** credits per master's student. Normally, no more than six teaching load credits per semester can be counted toward the statutory teaching load through chairing dissertation or master's committees. This credit may be increased to nine hours with the approval of the line dean and the dean of the Graduate School.
- i. Teaching load credit to members of thesis and dissertation committees will be granted (in addition to any directed study credits for which the student is appropriately enrolled) on the basis of **.5** credits per student to be awarded once per student after the student files the *Statement of Intent to Graduate*.
- j. Teaching load credit for individual instruction classes (e.g., individual research projects, student teaching supervision, clinical or intern supervision) will be granted on the basis of **.3** of the course semester credit hour designation for individual graduate instruction and **.2** of the course semester credit hour designation for individual undergraduate instruction per student enrolled. In no case will individual instruction in a single course generate more teaching load credits than if the course were taught as a regularly scheduled, organized class.
- k. Teaching load credit will be granted to a faculty member for coordinating several sections of a single course and/or supervising teaching assistants or graduate part-time instructors who are in charge of a course on the basis of **.2** teaching load credits per section coordinated and/or supervised up to a maximum of **three** teaching load credits.
- l. When a faculty member is responsible for developing a new course (lecture, laboratory, studio, etc), one additional teaching load credit will be assigned in the first semester the course is taught. Additional teaching load credits, up to a total of **two**, may be granted upon approval of the unit head.
- m. When a faculty member is teaching a course (lecture, studio, etc.) that the he or she has not taught in the last five years, **.5** additional teaching load credits will be assigned in the semester that the faculty member resumes teaching the course.
- n. A new tenure track faculty member, in the first two years of teaching, will be given **three** teaching load credits per semester for faculty development.

- o. Teaching load credit may be granted for a faculty member who is a department chairperson, area coordinator or head of a comparable unit, up to a maximum of **six** hours of teaching load credit.
 - p. Up to **three** teaching load credits per semester may be granted, with prior approval of the line dean, to faculty members for significant administrative responsibilities, for significant academic advisement, and for duties associated with appointment as an associate chairperson or other non-teaching academic service to the department.
 - q. Up to **three** teaching load credits per semester may be granted, with prior approval of the line dean, to a faculty member who is engaged in significant, peer-reviewed research or service such as development of a major research proposal (e.g., an interdisciplinary proposal or one involving several co-principal investigators) or an equivalent effort in unfunded research, leadership in a major professional organization, editorship of a professional journal, service as president of the Faculty Senate, chairing university committees, service as director of a university-sponsored center or institute, development of a significant interdisciplinary program, or a major teaching-related professional development activity.
 - r. With the approval of the president, limited teaching load credit may be granted to carry out major responsibilities, not covered above, that are performed in the best interest of the institution's instructional programs as determined by the president. Teaching load credit granted by the president of the university for such purposes is limited to one percent of the total semester credit hours taught at the university during the previous year.
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TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.22: Selection of Endowed Chairs and Professorships

DATE: January 9, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding and a standardized approach in the selection process for endowed faculty positions.

REVIEW: This OP will be reviewed in October of even-numbered years by the Vice Provost for Faculty Affairs with substantive revisions forwarded to the Provost and Senior Vice President (PSVP) by November 15.

POLICY/PROCEDURE

1. Endowed Faculty Positions

a. Endowed Chair

An endowed chair is a named faculty position established by a donor or donors with a funded endowment of one million dollars or more. Chairs may be named for the donor or a person or other entity of the donor's choosing. A purpose of such a position is to provide a salary supplement, or in some cases an entire salary, from the earnings on the endowment sufficient to attract and retain faculty members of exceptional quality and significance in their fields. Other allowed uses of endowment earnings include support of the chair's research or creative activity.

b. Endowed Professorship

An endowed professorship is a named faculty position established by a donor or donors with a funded endowment of one million dollars or less. Endowed professorships may be named for the donor or a person or other entity of the donor's choosing. A purpose of such a position is to provide a salary supplement from the earnings on the endowment sufficient to attract and retain faculty members of exceptional quality and significance in their fields. Other allowed uses of endowment earnings include support of the professor's research or creative activity.

c. The qualifications and quality of faculty selected to hold endowed faculty positions directly affect the national and international reputation of Texas Tech University and the university's educational mission. Therefore, the President shall approve those faculty members to be granted endowed faculty positions upon recommendation by the PSVP.

2. Search, Selection, and Nomination Procedure

a. General

Documents associated with endowed faculty positions may establish selection criteria agreed to between the donor and Texas Tech University or the particular college in which the endowed position is established. It is Texas Tech policy to honor the intentions of the donor as agreed to in the endowing documents; however, as a matter of law, only an authorized university official can actually select a member of the university faculty.

b. External vs. Internal Selection Process

In preparing to fill a vacant endowed position, the dean of the college, in consonance with the endowing documents, may decide to limit the applicant search to external candidates or to internal candidates or may open the search to both internal and external candidates. In the case of an endowed chair, a dean considering limiting the search to internal candidates should first discuss her/his rationale for such a limitation with the PSVP.

c. Diversity and Equal Opportunity

Regardless of the selection process chosen, the college dean will ensure that the selection process encompasses both the law and the spirit of university diversity and equal opportunity policies as stated in [OP 32.16, Faculty Recruitment Procedure](#). The methodology used to comply with these policies will be sufficiently detailed in the packet the dean forwards nominating a person for approval by the PSVP and the President to allow them to accurately evaluate the openness and fairness of the selection process.

d. Procedure

- (1) To the extent not prohibited by law or university operating policies, colleges seeking to fill endowed faculty positions may initially follow those search and selection procedures appropriate to a particular college or academic field as guided by the endowing documents, if any. Whatever the procedure used, the goal should be to identify one or more persons whose qualifications and quality will bring significant distinction in terms of academic ability, scholarship, and overall contribution to the reputation and educational mission of Texas Tech University.
- (2) The names of the nominees selected by the college will be forwarded by the dean with her/his endorsement to the PSVP. The forwarded packet will include an explanation of the selection process used, including those methods employed to ensure equal opportunity as described in section 2.c above, and a description of the endowed faculty position, including the amount of the endowment and the prior holders of the position, if any. The packet will also include a complete dossier for the nominee or nominees and any other material or information deemed relevant to the selection process.
- (3) After receiving the nomination packet, the PSVP will appoint an ad hoc advisory committee to evaluate the nominee or nominees. The advisory committee may consist of five or seven persons, including at least one dean and one faculty member holding an endowed position. A member of the advisory committee may come from the nominating college. The PSVP will designate one member as chair. The purpose of the evaluation is to ensure that all persons selected for endowed faculty positions are

persons of academic and scholarly distinction who will bring both significant talent and significant credit to Texas Tech. If the person nominated is nominated to a position established in support of a university-wide theme of excellence, the committee will also make a recommendation concerning the ability of the nominee to contribute to that theme. Evaluation criteria the committee may consider include:

- (a) The publication of books, articles, reviews, works of art, and other evidence particular to the field of scholarly achievement. Publications shall be in scholarly journals or sources customary to the field of interest.
 - (b) Awards and prizes from professional organizations and foundations;
 - (c) Grants in support of research, study, or creative works;
 - (d) Offices and memberships held in learned societies;
 - (e) Papers read before learned societies;
 - (f) Lectures or performances delivered at other academic, industrial, or professional venues;
 - (g) Services such as expert, consultant, etc., to business, industry, governmental agencies, and educational organizations;
 - (h) Indicia of teaching distinction; and
 - (i) Examples of extraordinary service to the university or community.
- (4) Following full consideration of the nominee or nominees, including, if practical, a personal appearance before the committee, each member of the advisory committee will vote “yes” or “no” on each candidate. Based on the committee vote, the chair will list the candidates by order of the number of “yes” votes received and forward the vote tally and recommendation to the PSVP.
- (5) The PSVP will consider the recommendation and vote of the advisory committee and, following her/his own evaluation of the nomination packets, will recommend to the President whether or not the position should be offered to a nominee. The President will then approve the PSVP’s recommendation or direct another action.
- (6) The PSVP will inform the nominating dean of the President’s decision.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.25: Tutoring for Payment

DATE: June 17, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure that the integrity of the faculty and students is protected from misunderstanding regarding payment for tutoring of students.

REVIEW: This OP will be reviewed in August of even-numbered years by the Senior Vice Provost with recommended substantive revisions presented to the Provost/Senior Vice President by September 1.

POLICY/PROCEDURE

1. Background

Texas Tech University has the responsibility to protect the integrity of the roles of the faculty and students during the period of students' graduate or undergraduate enrollment in any university course. For purposes of this OP, "faculty" refers to all tenured, non-tenured tenure-track, and non tenure-track faculty, including instructors and teaching assistants.

2. Criteria

Faculty and teaching assistants must avoid charging a fee for tutoring any student enrolled in the faculty member's classes. The appearance of conflict of interest should be avoided; therefore, the department chair should be notified of any tutoring arrangement made by a faculty member/teaching assistant.

3. Procedure

- a. Tutoring for payment of any student registered in a faculty member's/teaching assistant's class is not allowed.
- b. Faculty members/teaching assistants may tutor students for pay if the student is not enrolled in any class for which the faculty member/teaching assistant is responsible as instructor, grader, discussion leader, etc.
- c. Students who wish to employ a tutor for payment should check with the department in which the class is offered in order to find acceptable tutors in that subject.
- d. Students are free to choose tutors as long as they are not enrolled in the tutor's classes.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.29: Faculty Development Leaves

DATE: June 24, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to provide a standardized approach for faculty development leaves of absence.

REVIEW: This OP will be reviewed in May of even-numbered years by the senior vice provost with substantive revisions presented to the provost and senior vice president.

POLICY/PROCEDURE

1. Sections 51.102 - 51.108 of the Texas Education Code provide for faculty development leaves of absence, and this OP conforms to the legislative directive.
2. The Board of Regents may grant a faculty development leave of absence for study, research, writing, field observations, or other suitable purposes to a faculty member within the constraints of the legislation.
3. A college Faculty Development Leave Committee shall serve in an advisory capacity to the college dean and prioritize applications from within each college. The chairperson and dean of the faculty member requesting a development assignment will complete the *Faculty Development Leave Rating Form*, Attachment B, and forward it with the application.
4. The university Faculty Development Leave Committee elected by the general faculty should receive applications by faculty members for faculty development leaves (see Attachment A). The committee reviews these applications and makes recommendations to the PSVP pursuant to published criteria for selection and announced availability of such leaves. The committee reviews criteria for selection and the extent of availability and makes appropriate recommendations.

The PSVP makes recommendations to the president, who then makes recommendations to the Board of Regents on which applications should be granted.

5. A faculty member is eligible by reason of service when that person has served as a member of the faculty of Texas Tech University for at least five academic years, two of which must have been consecutive. This service may be as an assistant, associate, or full professor, or an equivalent rank, and must be full-time academic duty, but need not include teaching. The faculty member must be tenured at the beginning of the leave in order to receive the leave. A second leave ordinarily will not be granted to the same faculty member within five years of the first leave.
6. Faculty development leave may be granted for either one academic year at one-half regular salary or for one-half academic year at full regular salary.

7. A faculty member on faculty development leave may accept a grant for study, research, or travel from any institution of higher education, from a charitable, religious, or educational corporation or foundation, from any business enterprise, or from any federal, state, or local governmental agency. An accounting of all grants shall be made to the PSVP by the faculty member and a copy will be sent to the granting body. A faculty member on faculty development leave may not accept employment from any other person, corporation, or government unless the governing board determines that it would be in the public interest to do so and expressly approves the employment.
8. Not more than 6 percent of the faculty members of the university may be on faculty development leave at any one time.
9. A faculty member on faculty development leave continues to be an active participant of the Teacher Retirement System of Texas or the Optional Retirement Program just as any other member of the faculty on full-time duty. Deposit and membership dues required to be paid to the Teacher Retirement System or the Optional Retirement Program, and any other amounts required or authorized to be conducted from the compensation paid any faculty member will be deducted from the compensation of those faculty members on leave.
10. A member of the faculty on faculty development leave is a faculty member for purposes of participating in the programs and receiving the benefits made available by or through the institution or the state to full time faculty members. Health insurance benefit premiums may be affected by selecting a full year's leave at half pay.
11. A member of the faculty on faculty development leave is a faculty member for purposes of participation in departmental business and may vote on such matters as hiring, tenure and promotion, etc.
12. Faculty of development leave shall not be penalized for the period of faculty leave in the calculations of service and teaching for the purposes of promotion, merit raises, or future duties.
13. Faculty returning from development leave must report to the college dean on the accomplishments of the leave.

[Attachment A: Faculty Development Leave Application Form](#)

[Attachment B: Faculty Development Leave Rating Form](#)

Faculty Development Leave Application Form

Requested by _____ Rank _____

Department / Area _____ College _____

Brief statement of the nature of the proposed leave:

1. **Employment at Texas Tech University**

- a. How many academic years have you been employed at TTU? _____
- b. Have you served as a member of the faculty for at least two consecutive academic years? _____
- c. Have you previously had a faculty development leave at TTU? _____
If yes, when? _____ Describe the results of your leave.

2. **Period for which leave and compensation are requested:**

- a. From (date): _____ To: _____

Note: A one-semester leave will be at full salary, while an academic year leave will be at one-half salary.

3. **Scholarly and Professional Activities** (identify any projects that have facilitated the development of skills related to the proposed leave)

Attach a brief, current vita as related to the project and, if not included in the vita, information about:

- a. Publication and creative activities
- b. Participation in international, national, and regional scholarly professional organizations
- c. Related professional experience (exclude material covered in another section)
- d. Honors, certificates, faculty fellowships, professional licenses, etc.

- e. Research grants and/or leaves received during the past five years and disposition of research conducted with the aid of these grants

4. **Project Information**

Using **no more than five (5) double spaced pages**, describe your project clearly, completely, and as concisely as possible. Your statement should cover the following points:

- a. General Statement of Development Project, Including Objectives (state how you and Texas Tech University will benefit from your activities)
- b. Related Development Work (in the discipline and/or by project personnel)
- c. Brief but Explicit Explanation of Intended Procedures to be Followed (include location of project, facilities to be used, and a schedule, when appropriate)
- d. Project Personnel other than the Applicant (describe responsibilities)
- e. Financial and Budgetary Matters (state origins and amounts of financial resources for the project)

5. **Assurances and Recommendations**

- a. Chairperson's/Coordinator's and Dean's Assurance
The chairperson/coordinator and dean shall complete the *Faculty Development Rating Form* to be forwarded with this application.

- b. Letters of Recommendation

Have at least two letters of recommendation, preferably from individuals outside Texas Tech University and not associated with the project, sent to the Office of the Provost and Senior Vice President.

6. **Terms of Leave**

The undersigned agrees to return to the employment of Texas Tech University for a period of at least one year following completion of this leave unless mutually agreed otherwise. In accordance with § 51.105 (b), Texas Education Code, the undersigned agrees not to hold employment (during the period of development leave) from any other person, corporation, or government unless the Board of Regents finds that it is in the public interest and that it otherwise meets requirements of law. It is understood that the leave of absence for faculty development will be subject to cancellation for violation of the conditions under which the leave was granted.

Date: _____ Signature of Applicant _____

Faculty Development Leave Rating Form

To be completed by the chairperson and dean of the faculty member requesting a development assignment.

Proposal of _____ Dept./Area _____

For the chairperson (omit if the applicant is the chairperson)

1. _____ The applicant meets the eligibility requirement.

_____ The proposal is acceptable for review based on the information requested in the application form.
2. Evaluation of the proposal in terms of the stated goals or purpose (including clarity, completeness, reality, and implication).
3. Evaluation of the probability that the experience outlined in the proposal will enable the applicant to achieve the ends originally stated (including nature of experience, quality of experience, time of experience, intensity of experience, and record of productivity).
4. Evaluation of the proposal in terms of the probable value of the achievement or improvement to the department, college, and university (including instructional in nature, broadly beneficial, growth oriented).

_____ I have elected to attach additional information regarding my evaluation of this project.
(Initial only if action is taken.)

Chairperson / Area Coordinator

Date submitted to Dean

For the dean:

- _____ I have read this proposal and support the belief of its author that it will make a significant contribution.
- _____ I have elected to attach additional information regarding my evaluation of this project.
(Initial only if action is taken.)

Dean

Date submitted to Senior Vice Provost



OP 32.31: Comprehensive Performance Evaluations of Tenured Faculty Members and Faculty Members Who Receive an Academic Promotion

DATE: June 26, 2000

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish uniform guidelines and procedures for comprehensive performance evaluations of tenured faculty members and faculty members who receive an academic promotion.

REVIEW: This OP will be reviewed by February 1 of every even-numbered year by the vice provost with recommendations for revision presented to the provost by March 1.

POLICY/PROCEDURE

1. Background

In accordance with VTCA, Education Code, § 51.942, and Section 04.04, *Regents' Rules*, "Guidelines for comprehensive performance evaluation of tenured faculty and faculty members receiving academic promotions," each faculty member who is tenured or who receives an academic promotion at Texas Tech University is subject to a comprehensive performance evaluation. The evaluation shall be conducted no more often than once every year, but no less often than once every six years after the date the faculty member was granted tenure or received an academic promotion. Notice of the comprehensive performance evaluation must be given no later than September 1, the evaluation to begin no earlier than February 1 and end no later than May 1, all of the same academic year. The initial evaluation shall be completed no later than January 1, 2004.

2. Procedures

Standardized procedures will be followed by each department, college, or school and shall be directed toward the professional development of the faculty member. These procedures include the following:

- a. The comprehensive performance evaluation is to be based on the professional responsibilities of the faculty member in teaching, research, service, and administration, when applicable, and includes peer review of the faculty member.
- b. The constitution of the peer review body and the precise form of the review shall be determined by the responsible academic unit in accordance with college or school guidelines and procedures agreed upon by a majority of the voting members of the faculty member's academic unit, approved by the academic dean, and in effect at the time the faculty member is given notice of his or her upcoming review.
- c. Annual performance reviews conducted under the terms of OP 32.32 for the period since the previous comprehensive performance review or promotion-tenure decision will comprise the primary element in the comprehensive review process. The faculty member may submit such

additional supporting documentation as he or she deems is relevant for the comprehensive performance evaluation.

3. **Due Process and Rights to Appeal**

The comprehensive performance evaluation process incorporates commonly recognized academic due process rights, as specified in the Texas Tech University tenure policy. Due process rights include notice of the timing, manner, and scope of the evaluation and, before a faculty member may be subject to disciplinary action on the basis of a comprehensive performance evaluation conducted under this policy, notice of specific charges and the right to a hearing on those charges. In all such cases, the burden of proof shall be on the university. In the case of a disputed peer review, the faculty member may request that additional reviews in writing be solicited from no more than three specialists in the faculty member's area of teaching and/or research who are not members of the academic unit. The outside reviewers will be selected by mutual agreement between the faculty member and the administrator of the academic unit responsible for the evaluation. The specialist reviews shall be included with the evaluation materials that are forwarded to the responsible academic dean, the provost, and the president and shall be considered in any administrative action that results from the comprehensive performance evaluation process.

4. **Actions**

A faculty member may be placed in a development program as specified in OP 32.32, Section 5, or other appropriate disciplinary action, or subject to revocation of tenure if incompetency, neglect of duty, or other good cause is determined to be present. If termination is recommended as a result of the comprehensive performance evaluation, the faculty member shall be given the opportunity of referral of the matter to a non-binding alternative dispute resolution process as in Chapter 154 of the Civil Practices Code or another agreed upon dispute resolution method. Termination will only be pursuant to conditions of the termination procedure specified in the Texas Tech University Tenure Policy Section VII, Termination Procedure, as printed in the 1996 edition of the *Texas Tech University Faculty Handbook* (also printed in the 1998 edition). (*Faculty Handbook*, August 1996 edition, page 68, Appendix A).

5. **Application**

The comprehensive post-tenure review process may not be waived for any tenured faculty member of Texas Tech University.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.33: Faculty, Staff, and Student Conflict of Interest

DATE: July 24, 2015

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure that the integrity of faculty/student roles is protected from conflict of interest.

REVIEW: This OP will be reviewed in February of odd-numbered years by the dean of the Graduate School and the senior vice provost with substantive revisions forwarded to the provost and senior vice president (PSVP)

POLICY/PROCEDURE

1. Background

Texas Tech University has the responsibility to protect the integrity of the roles of the faculty and students during the period of graduate or undergraduate enrollment in any university offering and involvement in other evaluation processes of the university.

2. Criteria

Faculty must avoid academic supervisory, teaching, or evaluative relationships with students, staff, or other faculty that pose significant conflicts of interest from the standpoint of personal or professional connections. Such connections might include husband/wife or other affectional liaisons, supervisor/employee relationships, or parent/child relationships. The appearance of conflict of interest should be avoided; the department chair should be consulted if questions arise.

3. Procedure

- a. Spouses, parents, or those involved in other affectional relationships must not direct or serve on committees that evaluate their partners, children, or other close relatives. Such committees include thesis, dissertation, or preliminary, comprehensive, or qualifying examination committees, periodic staff evaluations, or annual, three-year, or tenure evaluations.
- b. Students should not enroll in courses offered by their parents, spouses, or partners in affectional liaisons.
- c. An immediate supervisor in an employment relationship (except for a research or teaching assistantship or a situation in which a student serves as a grader for another course taught by a faculty member) should not direct a student's research nor permit the enrollment of the supervisee in her/his courses or other organized instructional activity.

4. **Exceptions**

- a. No member of the faculty who has held rank higher than instructor normally is eligible to pursue a graduate degree at Texas Tech; exceptions require prior approval of the dean of the appropriate college/school.
- b. Any exceptions should be approved and monitored by the chair of the faculty member's unit, unless the chair is involved; in case of involvement, the chair must refer the decision to the dean. If the dean is involved, the exception decision must be referred to the PSVP.

5. **Appeals**

- a. Faculty and Staff

In unusual circumstances, an appeal can be submitted to a committee consisting of the department chair, a representative of Human Resources, dean or dean's representative, and senior vice provost. This committee shall submit its recommendations to the PSVP who shall have final decision authority for exceptions.

- b. Graduate Student

In unusual circumstances, an appeal can be submitted to a committee consisting of the graduate dean or associate graduate dean, associate vice president for research, senior vice provost, one additional faculty member from the Student Affairs Subcommittee of the Graduate Council chosen by lot, and the student representative to the Graduate Council. This committee shall have final decision authority for exceptions.

- c. Undergraduate Student

In unusual circumstances, an appeal can be submitted to a committee consisting of the faculty member's dean, senior vice provost, student's dean (if different from faculty member's dean), Student Association president, dean of students, and the chair of the faculty member's department. This committee shall have final decision authority for exceptions.

- d. If a person is involved in an appeal, that person may not serve on the hearing panel named in sections 5.a or 5.b of this OP.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.38: Third-Year Review of Tenure-Track Faculty

DATE: August 17, 2018

PURPOSE: This Operating Policy/Procedure (OP) outlines the requirements and procedure for the third-year review of tenure-track faculty. The third-year review process is aimed at assisting tenure-track faculty toward successful tenure and promotion at Texas Tech University.

REVIEW: This OP will be reviewed in May of even-numbered years by the Senior Vice Provost with substantive revisions presented to the Provost and Senior Vice President (PSVP) by June 30. Any change in this OP must be conducted in accordance with section 5 herein.

POLICY/PROCEDURE

1. Departmental Level Evaluation

- a. Guidelines for reviewing the performance of tenure-track faculty in their third year are set by the departments. Departments are expected to develop their own specific criteria for faculty evaluation within the guidelines of the respective colleges and the university. While framing such criteria, faculty input needs to be requested, and tenured and tenure-track faculty will vote on guiding policies. Requirements may be changed based on the majority vote of tenured and tenure-track faculty in the respective departments. The guidelines approved by faculty will be reviewed by the deans of the colleges in October of even-numbered years and forwarded to the Office of the PSVP.
- b. Faculty under third-year review may choose to undergo evaluation based on newly changed requirements or based on the requirements in place at the time of hire.
- c. The timeframe for conducting the third-year review will be during the sixth long semester (spring term). If the candidate is hired at mid-year (November through May), the next fall semester will commence their first semester for purposes of the third-year review. The candidate will submit the third-year dossier by January 20th of the sixth long semester of service. The format of the dossier should generally follow that of the tenure and promotion dossier for the college, excluding external letters of evaluation. Reviews of the dossier will be completed and a formal recommendation from the dean of the college delivered to the candidate by April 15th of the spring term of the third year.
- d. The review begins during the first week in February of the sixth long semester of the faculty member's service at the departmental level with the help of a tenure and promotion

committee. In the case of departments that do not have a structured tenure and promotion committee, the chair or area coordinator may organize a third-year review committee. The committee should consist of a minimum of three tenured faculty members from the department. In situations where three tenured faculty members are not available in the department, the chair or area coordinator may, in consultation with the candidate and dean, appoint faculty members from other departments within the college. The regular tenure and promotion committee or the specially appointed committee will objectively evaluate the candidate's dossier, which will include annual evaluation materials and the chair's annual performance evaluations. To that end, as soon as it is available, but no later than the first week in February of the sixth long semester, the third annual performance review of the faculty member should be provided to the review committee to be considered as part of the third-year review dossier. The review of this complete dossier should be concluded by the last day of February of the sixth long semester. The committee will provide a written recommendation, which becomes part of the dossier to be forwarded to the candidate, tenured faculty of the department, and the chairperson.

- e. All tenured faculty in the department, excepting the chairperson, will cast secret ballots. Voting faculty are encouraged to provide feedback to the candidate towards career growth as expected by the respective departments and colleges and concerns, if any, as to the continuation of the faculty member in the department.
- f. The ballot question will be:
 - (1) Is the candidate making satisfactory progress towards tenure and promotion?
- g. A tenured faculty member at the departmental level will cast only one ballot during the entire third-year review process.
- h. The ballots will be tallied by the departmental tenure and promotion committee chairperson in the presence of another tenured faculty member. The outcome of the ballot along with written comments from the tenured faculty will be forwarded to the candidate and the chairperson of the department.
- i. The chairperson of the department will make an independent assessment of the candidate, which will be shared with the candidate, included in the dossier, and forwarded to the college for further evaluation. Departmental components of the process should be completed by March 15th of the sixth long semester.

2. College-Level Evaluation

- a. College-level peer evaluation of the third-year dossier will be conducted by the tenure and promotion committee of the candidate's college. This effort will be undertaken to ensure thorough evaluation of the candidate's contributions in the areas of teaching, research/creative activity, and service. As in cases of voting on tenure and promotion, a faculty member serving on a college-level tenure and promotion committee may have only one vote in consideration of a third-year review candidate from that committee member's home department. That vote will have been made at the department or faculty level, and the faculty member will be recused from the discussions and voting at the college level.
- b. For colleges without departmental structure, the Office of the PSVP will form a peer committee similar to the college-level peer evaluation committee. The PSVP will form the

committee of faculty peers with a maximum of five members considering the suggestions made by the candidate and the chairperson. The candidate and the chairperson can each suggest up to a maximum of four faculty peers in allied disciplines outside their college, which will be considered and not limited by the PSVP in forming the committee.

- c. The college-level committee will consider all the materials provided by the candidate, the tenured faculty votes, the tenured faculty comments, and the chairperson's independent evaluation and recommendation. This evaluation will be based on the criteria set by the respective departments and colleges and elected to be used by the candidate.
- d. The college-level committee will provide a written recommendation, which will be shared with the dean, the chairperson, and the candidate. The recommendation by the college committee will be part of candidate's overall dossier and should be completed by no later than April 1st of the sixth long semester.

3. Evaluation by the Dean

- a. The dean of the college will make an independent evaluation and provide a recommendation based on inputs received. A written recommendation from the dean informing about the outcome of the third-year review should be shared with the candidate and the department chairperson by no later than April 15th of the sixth long semester of service.
- b. The dean may recommend continuation, a program of remediation, or non-reappointment. In the case of a decision of non-reappointment, the candidate will be eligible for a terminal year of employment in the following academic year.

4. Appeal Procedure

- a. If the decision is made to issue a letter of non-reappointment, the candidate will be provided an opportunity to appeal the outcome directly to the Office of the PSVP. The candidate is expected to submit a written statement, which includes a clear reasoning for the appeal, by the last day of their sixth long semester of service. The appeal process will be governed by procedures set in [OP 32.02, Faculty Non-reappointment, Dismissal, and Tenure Revocation](#).
- b. The Office of the PSVP will evaluate the candidate's appeal in consultation with the parties involved in the review and any other advisors deemed appropriate. The Office of the PSVP will provide a written response to the appeal by no later than the end of the next fall semester.

5. Policy Revision and Implementation

Revisions to this OP may be submitted by any member of the faculty or administration at any time and will include review by the Faculty Senate pursuant to [OP 10.01, Operating Policy and Procedure Manual for Texas Tech University](#), as well as the Senior Vice Provost and the PSVP. When only minor revisions are made (e.g., changes in format, administrative titles, or numbers of other referenced OPs), the OP Office will notify the Faculty Senate of the revisions before the OP is published. Notification entails presenting wording of the revisions themselves to the Faculty Senate with enough time for their consideration and deliberation. The Faculty Senate, or a group representing the Faculty Senate, will respond to the revision with an acceptance, a rejection, or suggestions for changes in the revisions before they are finalized and implemented. Final approval will be made by the PSVP.

6. Other Related Policies

- [OP 32.02, Faculty Non-reappointment, Dismissal, and Tenure Revocation](#)
- [OP 32.20, Notice of Non Renewal for Non Tenured Tenure-Track Faculty and Non Tenure-Track Faculty](#)
- [OP 32.26, Faculty Departure Notification Procedure](#)
- [OP 32.31, Comprehensive Performance Evaluations of Tenured Faculty Members and Faculty Members Who Receive an Academic Promotion](#)
- [OP 32.32, Performance Evaluations of Faculty](#)
- [OP 32.34, Approval of Faculty in Non Tenure-acquiring Ranks](#)



Texas Tech University

Operating Policy and Procedure

OP 34.03: Student Grade Appeal

DATE: January 25, 2007

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding of the policy and procedures involved with handling student grade appeals.

REVIEW: This OP will be reviewed in March of even-numbered years by the senior vice provost for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs (PSVPAA) by April 15.

POLICY/PROCEDURE

1. Grade Appeals Policy

- a. The responsibility for determining all grades and for judging the quality of academic performance in a course rests with the instructor assigned to the course. A grade can be formally appealed only when there is demonstrable evidence that prejudice or arbitrary or capricious action on the part of the instructor has influenced the grade.
- b. Only letter grades used in calculating the grade point average may be appealed. The indications of "plus" or "minus" may not be appealed.
- c. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade.
- d. Only final course grades may be formally appealed to the responsible dean. If a student is suspected of cheating on a final exam, the faculty member should withhold the grade until the matter is resolved. When a faculty member determines according to Part II B 2 of the *Student Handbook* that academic dishonesty has occurred and assigns a grade of **F** for the course, the grade of **F** will stand as a final grade, notwithstanding a subsequent withdrawal from the course by the student. A faculty member shall notify the registrar of the intention to assign a grade of **F** for the course, in addition to the notifications of the department chairperson and the student's academic dean, as provided in Part II B 2 of the *Student Handbook*.
- e. Due process will be followed in all formal grade appeal procedures.
- f. A grade appeal may result in review of any or all aspects of a student's performance in a course.
- g. Processing formal grade appeals is the responsibility of the college that administers the course (Agriculture and Natural Resources, Architecture, Arts and Sciences, the Jerry S.

Rawls College of Business Administration, Education, Engineering, Honors, Human Sciences, Law, Mass Communications, and Visual and Performing Arts). The decision on a grade is the responsibility of the dean of the college that administers the course. For students in the Graduate School, that dean's decision will be forwarded to the dean of the Graduate School for final disposition.

2. Grade Appeals Procedures

- a. A student who believes that a received grade is incorrect should first discuss the grade with the instructor who assigned it.
- b. The student who is not satisfied with the outcome of this effort may contact the chairperson of the department/division/area in which the course was offered. (In the case of a cross-listed course, the chairperson of the department/division/area in which the instructor holds academic appointment should be chosen.) This contact, like that with the instructor, normally is informal, and the department/division/area chairperson may take what action is deemed advisable in attempting to resolve the issue. All parties concerned should make every effort to resolve the issue without going beyond this level.
- c. If the student still is not satisfied following these meetings and discussions and if the dispute is over a final course grade, then a formal grade appeal may be made to the office of the dean of the college administering the course. This appeal must be filed with the office of the dean using the Texas Tech University *Grade Appeal Form* (see attachment) within 45 days of the start of the next long semester after the term in which the grade was received. The appeal must include supporting information. After it is filed, it will be triplicated and sent to the student, the instructor, and the chairperson of the department/division/area involved.
- d. The dean of the college will request written information about the case from the instructor involved and will present the grade appeal and this information to the college grade appeals board, whose constitution is described below. This information will also be triplicated and sent to the student, the instructor, and the chairperson of the department/ division/area involved. The appeals board will examine the evidence and hold what hearings and meetings it deems necessary in order to make a recommendation in the case. Due process for all parties to the dispute will be followed in these proceedings. It is not necessary for the parties to appear unless requested by the appeals board, but parties have the right to appear if they wish to do so. The appeals board will give the dean a written recommendation as to whether the grade should be changed and, if so, to what other grade and will make any other recommendations that it deems advisable in the disposition of each specific case.

Board members who voted in favor of the board's decision must sign the recommendation; dissenting members may sign it if they wish.

- e. A college grade appeals board consisting of a voting chairperson, two other faculty members, and two students will be appointed by the dean to consider all grade appeals occurring during the academic year. Any member of the board who thinks that the professional or personal relationship with either party in a grade dispute would create a hindrance to objective judgment or a conflict of interest must recuse himself or herself and a replacement member for that appeal will be chosen by the dean.

The dean of the college or a designee may attend meetings of the appeals board and presentations of evidence to it. The dean may request presentations of evidence but must not

be present during the board's deliberation of its final recommendation. In a case involving a law student, the grade appeal process is as specified in the above procedures. In a case involving a student in the Graduate School, the appeal is processed through the college administering the course, with the grade decision being forwarded to the dean of the Graduate School for final disposition.

- f. Taking into account the recommendation(s) of the appeals board, the dean of the college administering the course will make a decision on the grade appeal and send it in writing to the student, the instructor, the chairperson of the grade appeals board, and the PSVPAA. If the student is in a different college from that of the appeal, the dean of the college administering the course will notify the student's dean.
- g. An appeal of the dean's decision may be made to the PSVPAA by either the student or the instructor, but only on the basis that due process has not been followed.
- h. A copy of this OP will be provided to each student initiating a grade appeal.

3. **Correspondence or Extension Courses**

The same procedure will be followed for correspondence or extension courses.

Attachment: Grade Appeal Form

TEXAS TECH UNIVERSITY

GRADE APPEAL FORM

Student Identification:

Name _____ Matriculation No. _____

Major _____ Classification _____

Lubbock Address _____ Telephone No. _____
(Street Address) (Zip Code)

Course Identification:

Dept. _____ Course No. _____ Section _____ Term _____

Instructor's Name _____ Grade Received _____

Have you discussed this case with the instructor? _____

Have you discussed this case with the department/division/area chairperson?* _____

I understand that this appeal may result in review of any or all aspects of my performance in the course. My statement and supporting evidence concerning the appeal are attached.

Signed _____
(Student) (Date)

* If needed, you may seek assistance from your department/division/area chairperson to prepare a grade appeal.



Texas Tech University Operating Policy and Procedure

OP 34.06: Sponsorship of Student Activities and Off-campus Trips

DATE: September 21, 2006

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to provide information regarding faculty sponsorship of student activities and off-campus trips.

REVIEW: This OP will be reviewed in March of even-numbered years by the senior vice provost for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs by April 15.

POLICY/PROCEDURE

1. Sponsor

- a. The sponsor of a student activity is selected by the organization from faculty or full-time staff members who have been employed by the university for at least one year. The function of the sponsor is to aid the organization in attaining its announced objectives, develop leadership within the membership of the organization, and aid the development of the individual member through constructive criticism and suggestion whenever the relationship makes this function possible. Responsibility rests with the organization to ask the sponsor's assistance in solving the problems and handling the business of the organization.
- b. The sponsor's attendance at the organization's meetings is desirable, though not mandatory. The sponsor frequently serves as chaperone at the organization's social events.
- c. The sponsor may call upon the Center for Campus Life for interpretations of university rules and policies regarding university organizations.

2. Off-campus Student Trips and Activities

- a. Registered student organizations are free to make such off-campus trips as are deemed worthwhile by the membership and sponsors of the organization. Students and their parents should understand that participation in such off-campus trips and activities is at the student's own risk. If personal injury or accident should occur to students or other persons during such activities, Texas Tech will assume no responsibility, financial or otherwise.

Faculty and staff sponsors and organization officers are urged to take all possible precautions to ensure the safety and well-being of all persons participating in the off-campus activity. Each group making an off-campus trip should identify specifically the questions of financial liability for accident or injury and appropriate insurance coverage as either the responsibility of each individual student or a responsibility that has been assumed by the group for that specific occasion.

- b. There is no official registration procedure for official off-campus trips, and there are no official excused class absences for students who participate in off-campus trips by student organizations. Students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip. Instructors will be free to set their own requirements for class work missed under such circumstances; they must grant students an opportunity to make up all course work missed while participating in an official off-campus trip.
- c. The university provides an optional group accident and health insurance plan for students, with enrollment during registration for the fall and spring semesters. Also available is a very economical trip insurance plan for student groups and their faculty or staff sponsor. The sponsor may obtain insurance application forms at the Contracting Office. Trip insurance also may be purchased from private insurance companies.

3. **Policy Concerning Student Releases and Medical Authorizations**

The following applies to travel undertaken by one or more students presently enrolled at Texas Tech to reach a university-related activity located more than twenty-five miles from the university. It applies to travel required by a registered student organization.

Each student who travels by motor vehicle (or any other form of transportation) to participate in a university-related activity, including, but not limited to, academically-related field trips, courses, competitions or contests, or non-academic activities such as those sponsored by Recreational Sports, must execute a copy of the Student Activity Release Form prior to such activities. That document follows this OP as an attachment. (Refer to OP 79.13 for additional information regarding university-related travel by motor vehicle, commercial carrier, and aircraft.) ***Board of Regents Meeting, December 13 – 14, 2001**

Attachment: Student Activity Release Form

Student Activity Release Form

I, _____, understand and agree that university-related activities of Texas Tech University involve certain known risks, including but not limited to, transportation accidents, personal injuries, and loss or destruction of my property. I understand and agree that Texas Tech University cannot be expected to control all of said risks. In consideration of the benefits I will receive through my participation in the activities of Texas Tech University, I hereby expressly and knowingly **RELEASE TEXAS TECH UNIVERSITY, ITS OFFICERS, AGENTS, VOLUNTEERS, AND EMPLOYEES FROM ANY AND ALL CLAIMS AND CAUSES OF ACTION I MAY HAVE FOR PROPERTY DAMAGE, PERSONAL INJURY OR DEATH SUSTAINED BY ME ARISING OUT OF ANY TRAVEL OR ACTIVITY CONDUCTED BY, OR UNDER THE AUSPICES OF TEXAS TECH UNIVERSITY, WHETHER CAUSED BY MY OWN NEGLIGENCE OR THE NEGLIGENCE OF TEXAS TECH UNIVERSITY, ITS OFFICERS, AGENTS, VOLUNTEERS, OR EMPLOYEES.**

I hereby give my consent for any medical treatment that may be required during my participation with the understanding that the cost of any such treatment will be my responsibility.

Further, I voluntarily and knowingly agree to HOLD HARMLESS, PROTECT, AND INDEMNIFY Texas Tech University, its officers, agents, volunteers, and employees, against and from any and all claims, demands, or causes of action for property damage, personal injury or death, including defense costs and attorney's fees, arising out of my participation in the activities of Texas Tech University, REGARDLESS OF WHETHER SUCH DAMAGES, INJURY OR DEATH ARE CAUSED BY MY OWN NEGLIGENCE, OR BY THE NEGLIGENCE OF TEXAS TECH UNIVERSITY, ITS OFFICERS, AGENTS, VOLUNTEERS, OR EMPLOYEES.

Texas Tech University shall notify me promptly in writing of any claim or action brought against it in connection with my participation in these activities. Upon such notification, I, or my representative, shall promptly take over and defend any such claim or action.

I HAVE READ AND UNDERSTOOD THIS DOCUMENT, AND MY SIGNATURE EVIDENCES MY INTENT TO BE BOUND BY ITS TERMS.

SIGNATURE: _____ **DATE:** _____
(PARTICIPANT)

If the participant is under 18, I am signing as a parent or guardian to reflect my agreement to indemnify (that is, protect by payment or reimbursement) Texas Tech University from any claim which may be brought by or on behalf of the participant, or any member of the participant's family, for injury or loss resulting from those inherent risks of the course, described above, and from the negligence of the participant or Texas Tech University.

SIGNATURE: _____ **DATE:** _____
(PARENT OR GUARDIAN)



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 34.10: Final Examinations

DATE: February 12, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding and standardized procedures concerning final examinations.

REVIEW: This OP will be reviewed in March of odd-numbered years by the Office of the Registrar and the Senior Vice Provost with substantive revisions presented to the Provost and Senior Vice President (PSVP).

POLICY/PROCEDURE

1. The "last week of classes" is defined as the last five weekdays or calendar class days prior to "individual study day" and the first day of final examinations, or the last two days in the summer session.
2. During the two long semesters, an "individual study day" will be scheduled before the first day of final examinations.
3. The final examination policy is as follows:
 - a. Five days are to be scheduled for final examinations at the end of each long semester – fall and spring. Two days are scheduled for finals at the end of each summer term.
 - b. A 2 ½ -hour period of time is to be available for administering individual final examinations. Within the time period, instructors may limit the time of a given exam by prior announcement.
 - c. Individual faculty members determine whether a final examination or some other summary submittal or performance is appropriate for the course being taught. Program objectives, student welfare, and faculty responsibilities should be considered in reaching this decision. Faculty members make the final decision about whether or not to give a final exam unless there is a departmental exam for that course, in which case the departmental exam will be given.
 - d. Individual faculty members decide whether student exemptions from a final examination are appropriate unless there is a departmental exam for that course, in which case the coordinator or faculty group overseeing the exam will be involved in determining the exemption.

- e. Final exam times are based on the credit-bearing portion of the course.
 - f. All faculty members giving final examinations must adhere to the printed scheduled time. Examinations will take place in the rooms in which the individual classes have been meeting unless a change is announced or a common final examination is given. A change in the final examination time or room assignment may only be made with the written approval from the department chair and dean of the college or school in which the course is taught. Classroom space desired for final examinations different from that assigned for class use during the semester should be requested in writing to the Assistant Registrar of Section Inventory in the Office of the Registrar at least 30 days prior to the first day of final exams that semester. Reservations are confirmed in writing by the Office of the Registrar. Approvals and justifications should be sent to the Office of the Registrar, and the request with the recommended accommodations will then be forwarded to the Senior Vice Provost for final approval.
 - g. Examinations, other than bona fide make-up examinations, are not to be given during the last week of classes. Lab examinations and design studio reviews normally scheduled the week prior to finals are excluded from this policy. For summer sessions, two days before final examinations will be set aside as days of no examinations, except for administering bona fide make-up or lab examinations.
 - h. No extracurricular activities may be scheduled within individual study days and the final examination period except on rare occasions for which certain exceptions can be made. Written exception requests with justifications should be submitted to the Assistant Managing Director of Events and Instructional Space Management in the Operations Division Planning and Administration office. If needed, the request will be forwarded to the Senior Vice Provost for final approval.
 - i. Days of no classes are designated as study days and no class review sessions, make-up exams, etc., may be scheduled then or during final exams.
4. A departmental exam, or common exam, covers several sections of the same course taught by different instructors for the purpose of establishing uniformity in test administration and scale of achievement. Departmental, or common exams, are scheduled through the Office of the Registrar using the following guidelines:
- a. Multiple section courses (courses with two or more sections in a semester) may schedule a common final exam with approval from the department or area head, dean, and the Senior Vice Provost. Approval should be sought prior to the start of the semester in which the common exam is to be scheduled to avoid potential conflicts in students' individual exam schedules and to optimize assignment of classroom space.
 - b. Multiple sections of a single course taught by the same instructor are not eligible to give common examinations unless they are among sections of the same course taught by more than one instructor.

- c. The same exam is to be given to all sections of the same course in the semester for which a common exam is scheduled for that course. (An exception could be an honors section of the course taught separately from the standard sections.)
 - d. Room assignments for common exams will be made according to the total number of students enrolled in the course for that term and not on a section-by-section basis. Requests for modifications or additions to room assignments for common exams must be submitted in writing to the Office of the Registrar for consideration at least 30 days prior to the first day of final examinations.
5. Off-time-cycle courses have final exams at the same time as the on-time-cycle course immediately preceding their class time. For example, a MWF 3:30 pm class will test at the same time as the MWF 3:00 pm classes. For more information regarding standard university time-start and time-stop cycles, refer to [OP 61.23, Use of University Classrooms and Academic Facilities](#). Courses that meet daily should use the final exam time slot dedicated to MWF classes. For example, if a class meets every weekday at 11:00 am, the class should use the exam time slot allotted to 11:00 am MWF courses and not to 11:00 TR courses. Departments should contact the Office of the Registrar for clarification regarding exam times or if conflicts are anticipated.
6. Instructors of sections taught exclusively online who wish to give a final exam should select a 24 hour period within the final exam week (excluding Sunday) in which to make the exam available. A period of up to 2 ½ hours will be used for timed exams.
7. Classroom doors must be unlocked by academic departments during final examinations, including Saturdays. Doors should be unlocked at least 15 minutes prior to the first exam time slot and should be locked at the conclusion of the last exam time slot.
8. There is no university policy that provides relief to students who have three or more examinations scheduled the same day; in that situation, students may seek the assistance of the course instructors, department or area head, and/or dean of the college. Students should check the Final Examination Schedule prior to registration in order to avoid an inconvenient overload during final exams.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 34.12: Grading Procedures, Including Academic Integrity

DATE: May 12, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to clearly articulate grading procedures.

REVIEW: This OP will be reviewed in March of even-numbered years by the Senior Vice Provost with substantive revisions presented to the Provost/Senior Vice President.

POLICY/PROCEDURE

1. Grades and their Interpretations

The instructor of record determines all grades for a course. The method of determining the grade will be included in the course syllabus presented to the students at the beginning of the semester. The grades used with their interpretations are: **A** = Excellent; **B** = Good; **C** = Average; **D** = Inferior (passing, but not necessarily satisfying degree requirements); **F** = Failure; **P** = Passing; **PR** = In Progress; **I** = Incomplete; and **W** = Withdrawal. The letter **R** designates a course repeated to remove an **I** for undergraduate courses only. The grades of **CR** (credit) and **NC** (no credit) are given in certain instances.

Instructors may choose to add a plus or a minus to the grade. These will be entered on the transcript but will not be used in the calculation of the student's cumulative grade point average.

The grade of **PR** is given only when the work in a course extends beyond the semester or term; it implies satisfactory performance. The grade of **PR** is not to be used for graduate students except for when a course spans multiple terms; e.g., Rawls College of Business working professional MBA courses.

The grades of **CR** (credit) and **NC** (no credit) are used primarily in thesis and dissertation courses, and in other instances deemed necessary by the academic unit; e.g., in the College of Education for student teaching.

The grade of **I** is given only when a graduate or undergraduate student's work is satisfactory in quality but, due to reasons beyond her/his control, course requirements have not been completed. It is not given in lieu of an **F**, **W**, **PR**, or **NC**. The instructor assigning the grade must stipulate in writing at the time the grade is given, the conditions under which the **I** may be removed and the specific date by which the make-up work is to be completed. The assigned work and a change of grade must be recorded within one calendar year from the date the **I** is awarded. Failure to do so results in an **F** for that course for graduate and undergraduate coursework. In rare cases, an extension may be approved and processed by filling out the same incomplete form. The **I** may be replaced by an **R** if the undergraduate course is repeated within one year (not available for graduate courses). The appropriate grade will be given for the

second registration. The incomplete (I) form should be initiated by the instructor of record [online](https://www.depts.ttu.edu/registrar/private/default.aspx) through the Office of the Registrar at <https://www.depts.ttu.edu/registrar/private/default.aspx>

Mid-Semester and Semester Grade Reports: Instructors of record shall post mid-semester grade reports for freshmen, student athletes, and undergraduate students in a negative academic standing. After mid-term grades are posted between the 34th and 40th class days, students can view the grades on Raiderlink (MyTech). At the close of each long semester and each summer term, final course grades are available on raiderlink.ttu.edu (MyTech).

Failure to meet certain university obligations may result in an administrative hold being placed on a student's access to such university procedures as registration, release of transcripts, and course add/drops. It is the student's responsibility to get the hold released, which can be accomplished by meeting the requirements of the department placing the hold.

Faculty members may not publicly post grades for any examinations, including final examinations, unless the department chairperson grants permission and a substantiated random identification procedure specifically without students' names, student IDs, and/or social security numbers is in place.

2. Dropping a Course

Students may officially drop a course through the 45th class day of a long semester or the 15th class day of a summer term and receive a drop grade indicator regardless of their progress in the class. All students who attend a Texas state institution of higher education are restricted to a maximum of six course drops during their undergraduate academic career. This includes all courses that were dropped at any Texas state institution of higher education the student has attended.

Undergraduate students who find it necessary to withdraw (drop to zero hours) from the university before the end of the semester will not have to use their state drop count for withdrawal.

3. Grade Changes

- a. Grade changes must be initiated by the instructor of record through the system provided by the Office of the Registrar. Justification for the change must be documented. Common justifications are completion of requirements satisfied for a previous "I", grading error, clerical error, etc.
- b. On the rare occasion when an instructor of record is unable to be reached after due diligent effort, a department chair may initiate a grade change on behalf of the instructor of record. This grade should not be in conflict of the instructor of record and may only be initiated after documentation of due diligent efforts to reach the faculty member.
- c. In the event of a successful grade appeal under [TTU OP 34.03, Student Grade Appeal](#) an academic dean may initiate an administrative grade change on behalf of the instructor of record by providing the outcome of the grade appeal as justification.

4. Texas Tech University Statement of Academic Integrity

Academic integrity is taking responsibility for one's own class and/or course work, being individually accountable, and demonstrating intellectual honesty and ethical behavior. Academic integrity is a personal choice to abide by the standards of intellectual honesty and

responsibility. Because education is a shared effort to achieve learning through the exchange of ideas, students, faculty, and staff have the collective responsibility to build mutual trust and respect. Ethical behavior and independent thought are essential for the highest level of academic achievement, which then must be measured. Academic achievement includes scholarship, teaching, and learning, all of which are shared endeavors. Grades are a device used to quantify the successful accumulation of knowledge through learning. Adhering to the standards of academic integrity ensures grades are earned honestly. Academic integrity is the foundation upon which students, faculty, and staff build their educational and professional careers. [Texas Tech University (“University”) Quality Enhancement Plan, Academic Integrity Task Force, 2010]

5. Academic Dishonesty Definitions

Students must understand the principles of academic integrity, and abide by them in all class and/or course work at the University. Academic Misconduct violations are outlined Part I, section B.1 of the [*Code of Student Conduct*](#). If there are questions of interpretation of academic integrity policies or about what might constitute an academic integrity violation, students are responsible for seeking guidance from the faculty member teaching the course in question.

Academic misconduct includes cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, violations of published professional ethics/standards, and any act or attempted act designed to give unfair academic advantage to oneself or another student. Additional information about academic misconduct is available in the Texas Tech University Handbook in Part II, section B of the Community Policies section in the [Student Handbook](http://www.depts.ttu.edu/dos/handbook/) at <http://www.depts.ttu.edu/dos/handbook/>.

a. Cheating

- (1) Copying from another student’s academic work, test, quiz, or other assignment
- (2) Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.
- (3) The use or possession of materials or devices during academic work, test, quiz or other assignment which are not authorized by the person administering the academic work, test, quiz, or other assignment.
- (4) Possessing, using, buying, stealing, transporting, selling, or soliciting in whole or in part items including, but not limited to, the contents of an unadministered test, test key, homework solution, or computer program/ software. Possession, at any time, of current or previous course materials without the instructor’s permission.
- (5) Obtaining by any means, or coercing another person to obtain items including, but not limited to, an unadministered test, test key, homework solution, or computer program/software, or information about an unadministered test, test key, homework solution, or computer program.
- (6) Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.
- (7) Substituting for another person, or permitting another person to substitute for oneself, in order to take a course, take a test, quiz, or other assignment or sign in/register attendance.
- (8) Taking, keeping, misplacing, damaging, or altering the property of the University or of another if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.

- (9) Falsifying research data, laboratory reports, and/or other academic work offered for credit.
- (10) Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.

b. Plagiarism

- (1) The representation of words, ideas, illustrations, structure, computer code, other expression, or media of another as one's own and/or failing to properly cite direct, paraphrased, or summarized materials.
- (2) Self-plagiarism, which involves the submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.

c. Collusion

The unauthorized collaboration with another individual to complete academic work, test, quiz, or other assignment, providing unauthorized assistance to another student, allowing another student access to completed academic work, and/or conspiring with another person to commit a violation of academic dishonesty.

d. Falsifying academic records

- (1) Altering or assisting in the altering of any official record of the University and/or submitting false information.
- (2) Omitting requested information that is required for, or related to, any official record of the University.

e. Misrepresenting facts

- (1) Providing false grades, falsifying information on a resume, or falsifying other academic information.
- (2) Providing false or misleading information in an effort to injure another student academically or financially.
- (3) Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance, and/or obtain an academic or financial benefit for oneself or another individual.

NOTE: Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses, family and personal emergencies, and signing into class and failing to remain the entire time.

f. Violation of Professional Standards

Any act or attempted act that violates specific Professional Standards or a published Code of Ethics.

NOTE: Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.

g. Unfair Academic Advantage

Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items a-f.

6. Academic Dishonesty and Instructor Responsibilities

Any person becoming aware of alleged violations of academic integrity should report the allegation to the instructor of record in the course. The instructor in a course is responsible for initiating action in each case of dishonesty or plagiarism that occurs in that class. The instructor should contact the [Office of Student Conduct](#) to discuss the nature of the violation and the student's record of academic integrity violations. Instructions for reporting allegations of academic dishonesty are available in Part I, section C of the [Code of Student Conduct](#). The instructor should attempt to discuss the matter with the student and receive a response from the student about the allegations. Then, the instructor may notify the student of possible academic sanctions including, but not limited to, assigning a paper or research project related to academic integrity, make-up assignment that is different than the original assignment, issue no credit for the original assignment, reduce the grade for the assignment and/or course, issue a failing grade on the assignment, and/or issue a failing grade for the course. The academic penalty will not be implemented or assigned until all disciplinary procedures are complete. All academic integrity violations should be referred to the Office of Student Conduct as a central clearinghouse of violations and for adjudication as a *Code of Student Conduct* violation where disciplinary sanctions will be assigned.

7. Academic Integrity Allegations and Withdrawal/Assignment of Grades

- a. If a student is referred to the Office of Student Conduct for an academic integrity allegation, the student may not drop the course until the academic integrity processes are complete. If a student drops or withdraws, the student will be reinstated to the course in question. A student should continue attending class and participating in course work until the disciplinary process is complete. If it is determined that the student was not responsible for academic integrity violations and/or the referring faculty member allows the student to withdraw from the course, the student may file a request with the Associate Vice Provost for Student Affairs for approval to drop the course or withdraw from the University retroactively.
- b. If a referring faculty member must submit a final course grade before an academic integrity violation allegation is resolved, the faculty member should leave the final grade blank, and notify the department chair and the student's academic dean. The involved student may be given a temporary grade of X by the Office of the Registrar, which does not affect the student's GPA, until the academic integrity adjudication process is complete. When the academic integrity adjudication process is complete, the final grade will be assigned through the completion of a grade change form by the instructor of record.

8. Academic Integrity Appeals

Appeals of Academic Integrity decisions are separate from the grade appeal process. The designated appellate officer in Academic Integrity cases is the Associate Academic Dean of the college where the student is enrolled or the Associate Academic Dean of the college housing the course where the violation occurred. In situations where the Associate Academic Dean

participated in the Hearing as the Student Conduct Officer/Investigator or Instructor of Record, the designated appeal officer is the Academic Dean. The appeals process related to academic integrity violations is detailed in Part I, section C.5 (Disciplinary Appeals Procedures) of the *Code of Student Conduct*.

9. Grading procedures in the School of Law are set forth in the School of Law's academic policies. For more information, please contact the School of Law's Associate Dean for Academic Affairs or the Assistant Dean for Academic Services. Law Students are subject to disciplinary procedures as described in the Honor Code for the School of Law as well as the TTU Code of Student Conduct.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 34.15: Grade Replacement Policy

DATE: August 11, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish procedures for replacement of a grade in a previous course with the grade in a subsequent course.

REVIEW: This OP will be reviewed in March of odd-numbered years by the Senior Vice Provost with substantive revisions presented to the Provost and Senior Vice President by April 15.

POLICY/PROCEDURE

1. Replacing a Grade

- a. After a Texas Tech University course has been retaken at Texas Tech, a student may apply to the registrar for grade replacement.
- b. The grade replacement is for the purpose of providing an adjusted grade point average. The most recent passing grade will replace all previous grades in that course. The cumulative adjusted GPA will be posted on the bottom of the transcript. A notation will indicate the original course(s) that is being replaced. The original grade and original cumulative GPA will remain. The cumulative GPA (not the adjusted GPA) will be used for honors designation.
- c. An application may be obtained and initiated by the student in the Office of the Registrar after the current semester academic procedures have been completed. The four parts of the form are for the dean's office, the student's academic home department, the student, and the original for the registrar. Students may apply after the passing grade is received in the replacing course.

2. Restrictions

- a. Students who attended Texas Tech prior to the fall 2004 term and who have not yet completed a degree may contact the registrar to inquire about grade replacement procedures.
- b. First-time freshmen and transfer students who entered Texas Tech in the fall of 2004 or thereafter will not be allowed to repeat a course in which he/she has earned a grade of C or above. When students repeat a course after having received a grade of D or F, they may repeat the course for credit only one time at the normal tuition rate. Students repeating a course more than once after having received a grade of D or F must pay an additional fee.

- c. A student placed on academic suspension or probation at the end of the semester will not be removed from suspension or probation on the basis of grade replacements that can be or are made after the semester grades are reported. However, a suspended student who attains an adjusted GPA of 2.0 or higher after official grades have been submitted and academic status has been determined may be allowed to attend Texas Tech upon appeal to the academic dean.
- d. Courses taken at other institutions may not replace Texas Tech University course grades.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 34.22: Establishing Reasonable Accommodation for Students with Disabilities

DATE: June 5, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to outline the procedures for establishing reasonable accommodation for students with disabilities.

REVIEW: This OP will be reviewed in August of even-numbered years by the Managing Director of Student Disability Services with substantive revisions forwarded to the Associate Vice Provost for Student Affairs and the Senior Vice Provost and final approval by the Provost and Senior Vice President.

POLICY/PROCEDURE

1. Background

The Americans with Disabilities Act (ADA) of 1990 (PL101-336) mandates equal opportunities for persons with disabilities in all public facilities, programs, activities, services, and benefits derived from them. Section 504 of the Rehabilitation Act of 1973 (PL93-112), as amended, mandates equal opportunity for qualified persons with disabilities in all programs, activities, and services of recipients of federal financial assistance. Both ADA and Section 504 are civil rights statutes that prohibit discrimination on the basis of disability, obligate colleges and universities to make certain adjustments and accommodations, and offer to persons with disabilities the opportunity to participate fully in all institutional programs and activities. Texas Tech University adheres to these regulations and the Texas Commission on Human Rights Act.

2. Faculty Notice

- a. Faculty members are required to insert the following statement into each course syllabus:

Any student who, because of a disability, may require special arrangements in order to meet the course requirements should contact the instructor as soon as possible to make any necessary arrangements. Students should present appropriate verification from Student Disability Services during the instructor's office hours. Please note: instructors are not allowed to provide classroom accommodations to a student until appropriate verification from Student Disability Services has been provided. For additional information, please contact Student Disability Services in West Hall or call 806.742.2405.

3. Eligibility and Procedures for Establishing Reasonable Accommodation

- a. A student must register with Student Disability Services and file appropriate documentation in order to be eligible for any disability benefits and services described in this operating policy.
- b. The university-approved mechanism for establishing reasonable accommodation is written

notification in the form of a Letter of Accommodation from Student Disability Services. The Letter of Accommodation indicates to faculty that the student has given proof of her/his disability and that the accommodation noted is considered appropriate and reasonable. No further proof of disability should be required of the student. Students presenting other kinds of verification should be referred to Student Disability Services for the appropriate identification. No requirement exists that accommodation be made prior to completion of the approved university process.

- c. Faculty members are not permitted to provide accommodations for a student's disability needs unless the student provides a *Letter of Accommodation* from Student Disability Services. Ideally, *Letters of Accommodation* should be presented to instructors at the beginning of the semester; however, *Letters of Accommodation* may be submitted at any point during a semester. If a *Letter of Accommodation* is presented after a semester begins, the accommodation applies only from the date presented to and signed by the faculty member until the completion of the semester. One week is considered a reasonable amount of time to allow the faculty member to implement the accommodation.

4. Procedures for Course Substitution in All Academic Areas

- a. The student must first register with Student Disability Services and be eligible for services based on the documentation submitted.
- b. Course substitutions will be considered on an individual basis using the following criteria:
 - (1) The documentation supports the student's request; and
 - (2) The course for which the substitution is being requested is not an essential element for the degree requirements of the program in which the student is enrolled.
- c. Once Student Disability Services determines that the documentation submitted does support a course substitution request, Student Disability Services will write a letter of recommendation for such request to the associate academic dean of the college in which the student is enrolled or her/his designee.
- d. If the course substitution request is granted, the dean or her/his designee and the student will meet to discuss options for course substitution. The nature of the substitution will be determined by the dean or her/his designee.

5. Course Load Reduction for Full-time Status Designation

- a. The student must first register with Student Disability Services and be eligible for services based on the documentation submitted.
- b. The student must provide documentation for the disability from a licensed professional, and the assessment report must indicate a recommendation of a reduced course load. This document will authorize the course load reduction. If the report does not contain a specific recommendation for the reduced course load, then a letter of support from the licensed professional who conducted the assessment must be submitted that specifically recommends a reduced course load.

- c. The Office of Student Disability Services will then write a letter of recommendation for the student to the associate academic dean of the college in which the student is enrolled or her/his designee.
- d. Students who drop below 12 hours will not be eligible for most federal financial aid but may be eligible for state and local assistance.

6. Service Animals, Service Animals in Training, and Assistance Animals

a. Service Animals

- (1) Individuals with disabilities may be accompanied by their service animals in all Texas Tech University buildings where members of the public or participants in services, programs, or activities are allowed to go. By law, a service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. In some cases, the university may permit miniature horses on campus on a case-by-case basis, consistent with applicable law.
- (2) The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such tasks include, but are not limited to, assisting an individual with low vision with navigation; alerting individuals who are hard of hearing to the presence of people or objects; pulling a person's wheelchair; or providing assistance with stability or balance to an individual with a mobility disability.
- (3) If an individual's need for a service animal and the qualifications of the animal are not obvious, the individual may be asked (a) whether the animal is required because of a disability; and (b) what work or task(s) the animal has been trained to perform.
- (4) Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the university's grounds and facilities where members of the public, participants in services, programs or activities, or invitees are allowed to go.
- (5) A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether unless the handler is unable, because of a disability, to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks. In either of those cases, the service animal must be under the handler's control by voice control, signals, or other effective means.
- (6) If a service animal is properly excluded under the foregoing provision, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.

- (7) The university is not responsible for the care or supervision of a service animal. If a person with a disability remains on the premises after his or her service animal is properly excluded, it is that person's responsibility to arrange for the animal's care and supervision.

b. Assistance Animals in University Housing

- (1) Federal law allows individuals with disabilities the presence of a broader range of animals ("assistance animals") in university housing as compared with the campus as a whole. By law, an assistance animal means any service animal, as defined above, as well as an animal needed for emotional support. An individual may keep an assistance animal as an accommodation in university housing if:

- (a) The individual has a disability;
- (b) The animal is necessary to afford the individual an equal opportunity to use and enjoy a dwelling; and
- (c) There is an identifiable relationship between the disability and the assistance the animal provides. Assistance animals are NOT allowed in any other university buildings.

- (2) Exceptions

The university may exclude an assistance animal from university housing if the animal is not housebroken; would cause substantial physical damage to the property of others or university facilities; would pose a direct threat to the health or safety of others; would fundamentally alter the nature of a program or activity; or is not being cared for by the individual. Students will be liable for damage caused by assistance animals in the same manner they are responsible for personal damages to university property.

- (3) Responsibilities of Individuals with Assistance Animals

The university is not responsible for the care or supervision of an assistance animal. Individuals with disabilities are responsible for the control of their assistance animals at all times and for ensuring the immediate cleanup and proper disposal of all animal waste. Individuals must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws, as well as the university's rules in lease provisions regarding vaccination, licensure, leash control, cleanup rules, animal health, and community relationships.

c. Service Animals in Training

- (1) State of Texas Law allows for Service Animals in Training to be permitted in the same areas where Service Animals are permitted. Students will be permitted to have Service Animals in Training by completing the following:
 - (a) Complete the Student Disability Services Verification Form for Service Animals in Training. This form does not register the student with Student Disability Services for classroom accommodations, but if the student wants

to apply for services, he/she can do so. This SDS Verification Form, along with documentation certifying the student as an approved trainer (#2), will be kept on file in the Student Disability Services Office.

- (b) Provide Student Disability Services a Certification of Training document. An *approved trainer* recognized by Texas Tech University is an individual who has been certified by an organization whose primary mission is to train service animals for people with disabilities. *If the student is not an approved trainer, the student must provide proof an approved trainer will be with the student and the dog while in campus buildings.*
- (c) Meet with Student Disability Services Staff to obtain approval for bringing a Service Animal in Training into campus buildings. A *campus building* is any building on campus, including housing facilities. During this meeting, SDS Staff and student will:
 - Review published ADA language that allows for the person to train the dog themselves but *does not* recognize service animals in training as a protected accommodation.
 - Review State of Texas statute that does allow service animals in training to access the same areas as Service Animals **as long as** they are accompanied by an approved trainer.
 - Review TTU's policy on what constitutes a recognized approved trainer.
 - Review TTU policy that Service Animals in Training must be identified by a vest or tag indicating they are in training, and must comply with and abide by the same University policies and procedures that any Service Animal or Assistance Animal follows. This includes the [Student Code of Conduct](#).
- (d) Housing Requirements – If the student resides in TTU Student Housing, then the Verification Form will be sent to Housing as well.

7. Temporary Accommodations for Students

- a. The Student Disability Services (SDS) Office offers a wide variety of services to students with temporary documented disabilities. Services are extended to students with temporary disabilities only for the duration of the functional limitations associated with their disability. In consultation with an SDS counselor, students granted temporary status will be provided appropriate academic accommodations, depending on limitations due to the temporary disability. Students will be responsible for requesting the letters of accommodation outlining the approved accommodations, as well as speaking to their instructors to set up the needed accommodations.
- b. The eligibility process is the same for a temporary disability as for permanent disability cases. A student must apply for services online and provide the necessary documentation to support their temporary disability. After reviewing

the student's application and documentation, an SDS counselor will meet with the student to determine appropriate academic services and accommodations dependent on temporary limitations the student has in the academic setting.

- c. Although temporary disability cases are generally short-term mobility issues, Student Disability Services will also grant temporary accommodations to a student if the student has no documentation, or is working to obtain updated or relevant documentation. In this instance, a student will be granted accommodations only for the semester in which the testing is being completed and updated documentation must be submitted by the end of the semester for accommodations to become permanent.
- d. Students provided temporary accommodation will have their file/case reviewed at the end of each semester. The individual SDS counselor assigned to the student will conduct an initial evaluation by contacting the student to confirm temporary status, substantiate further need of services, or to seek appropriate documentation. Once the initial review is complete, the SDS staff will meet with the student and complete the intake process to establish reasonable accommodations.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 36.07: Authorization for Small Classes

DATE: May 5, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure a complete understanding for policy on small classes by faculty, administration, and students.

REVIEW: This OP will be reviewed in April of even-numbered years by the senior vice provost with substantive revisions presented to the provost and senior vice president (PSVP).

POLICY/PROCEDURE

1. The offering of small classes (undergraduate-level courses with less than ten registrations and graduate-level courses with less than five registrations) is a matter of academic and economic concern and shall be engaged in only when appropriate justification is offered*. In keeping with legislative directives and guidelines approved by the Texas Higher Education Coordinating Board, organized small classes may be authorized if they meet the conditions stated below. ***In accordance with Texas Education Cod Sec. 51.403, and Section 04.10, *Regents' Rules***
2. The PSVP shall approve or disapprove the proposed offering of small classes, monitor the offerings, and provide reports in accordance with state requirements.
3. Small classes that meet the requirements of any one of the following conditions*, may be authorized to be taught if the course is: **In accordance with Section 04.10, *Regents' Rules**
 - a. Approved by the governing board of the university;
 - b. A required course for graduation (the course is not offered each semester or term and, if cancelled, may affect the date of graduation of those enrolled);
 - c. A required course for majors in this field and should be completed this semester (or term) to keep proper sequence of courses;
 - d. In a newly established degree program, concentration, or support area;
 - e. Part of an interdepartmental (cross-listed) course taught as a single class by the same faculty at the same station, provided the combined enrollments do not constitute a small class;
 - f. A first-time offering of the course;
 - g. Class-size limited by accreditation or state licensing standards;
 - h. Class-size limited by availability of laboratory or clinical facilities; or

- i. Voluntarily offered by a faculty member in excess of the institutional teaching load requirement and for which the faculty member receives no additional compensation.

Note: The guidelines for Section 3 notwithstanding, small classes require justification and approval by the PSVP before the third class meeting. Only rarely can small classes be allowed.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 40.02: Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws

DATE: May 26, 2016

PURPOSE: The university is an Equal Employment Opportunity (EEO) employer and ensures compliance with federal and state employment laws and regulations. In the event an individual believes his/her rights under these or other laws have been violated, this policy sets forth the procedures to address these concerns in a fair, equitable, and prompt manner.

REVIEW: This Operating Policy/Procedure (OP) will be reviewed in August of odd-numbered years by the managing director of the Office of Equal Employment Opportunity (EEO), the dean of students, and the assistant vice president for human resources with recommended revisions forwarded to the associate vice president for administration and chief of staff to the president.

POLICY/PROCEDURE

The university is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from any form of unlawful discrimination. The university is dedicated to fostering and supporting a culture of mutual respect and communication.

This policy applies to all university students and employees, visitors, applicants for admission to or employment with the university, as well as university affiliates and others conducting business on campus.

The university does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the university's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases.

Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which prohibits discrimination on the basis of sex in education programs or activities, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

The university expects all members of the University Community to comply with the law.

Members of the University Community who violate university policies and laws may be subject to disciplinary action, up to and including termination of employment, expulsion from the university, or being barred from university premises and events.

While sexual harassment, Sexual Misconduct, and sexual assault may constitute prohibited acts of discrimination, such complaints will be addressed through OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.

1. Definitions

For purposes of this policy, the definitions below apply.

- a. Employee – Any person who receives a W-2 or 1042-S from the university, including full- and part-time faculty, staff, and students.
- b. Harassment – Harassment based on a person's protected class under this policy is a form of discrimination. Unlawful harassment is verbal or physical conduct that shows hostility toward an individual based on or related to sex, race, national origin, religion, age, disability, sexual orientation, gender identity, genetic information, or other protected categories, classes, or characteristics and that:
 - (1) Creates an intimidating, hostile, or offensive working or educational environment;
 - (2) Has the purpose or effect of unreasonably interfering with an employee's or student's educational performance;
 - (3) Adversely affects an employee's employment opportunities or student's educational opportunities; and
 - (4) Is severe or pervasive.

Examples of inappropriate behavior that may constitute unlawful harassment include, but are not limited to:

- Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
 - Display of explicit or offensive calendars, posters, pictures, drawings, cartoons, screen savers, emails, internet, or other multi-media materials in any format that reflects disparagingly upon a class of persons or a particular person in a protected category;
 - Derogatory remarks about a person's sex, national origin, race, or other ethnic characteristics;
 - Disparaging or disrespectful comments if such comments are made because of a person's protected status;
 - Loud or angry outbursts or obscenities in the workplace directed toward another employee, student, customer, contractor, or visitor;
 - Disparate treatment without a legitimate business reason; or
 - Other threats, discrimination, hazing, bullying, stalking, or violence based on a protected category, class, or characteristic.
- c. Reporting Party – A person or entity (in the case of the university) who submits a complaint alleging a violation of this policy.

- d. Responding Party – Generally, the Responding Party is the person who is alleged to be responsible for the prohibited conduct alleged in a complaint.
- e. Sexual Misconduct – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, and any other form of sexual misconduct, sexual violence, or other misconduct based on sex. See OP 40.03 for matters concerning Sexual Misconduct.
- f. University Community – All faculty, staff, and students of and visitors to any university premises or university-affiliated activity.

2. Equal Employment Opportunity Office and Office of the Dean of Students

On behalf of the university, the Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) is designated to formally investigate reports or notices of discrimination and/or harassment by or against employees. Accordingly, employees, students, or third parties with a complaint against an employee should contact the Office of EEO.

CONTACT	PHONE	ADDRESS	EMAIL
Managing Director Office of Equal Employment Opportunity	806.742.3627	TTU Administration Building, Room 210 Office of Equal Employment Opportunity Texas Tech University System Box 1073 Lubbock, TX 79409	eeo@ttu.edu

Employees, students, or third parties with a complaint of discrimination and/or harassment against a student should contact the Office of the Dean of Students.

CONTACT	PHONE	ADDRESS	EMAIL
Office of the Dean of Students	806.742.2984	201 Student Union Texas Tech University Box 45014 Lubbock, TX 79409	deanofstudents@ttu.edu

In instances of complaints of gender discrimination only, persons may also contact the Title IX Coordinator.

CONTACT	PHONE	ADDRESS	EMAIL
TTU Title IX Coordinator	806.742.2121	TTU Administration Building Room 170	Ronald.phillips@ttu.edu
Ronald Phillips University Counsel, Texas Tech Office of the President		Office of the President Texas Tech University System Box 42005 Lubbock, TX 79409	—

3. General Provisions Relating to Employees

- a. While not appropriate, not all rude or offensive comments or conduct constitute unlawful discrimination or harassment.
- b. This complaint procedure is applicable to all employees, whether staff or faculty, who choose to complain about unlawful discrimination or other violations of the law that adversely affect their employment.
- c. All complaint investigations and procedures will be non-adversarial in nature and will be conducted in a fair and impartial manner. Language interpreters and other individuals intended to aid the employee in communicating will be permitted.

No university funds may be used to pay expenses for salary, travel, or per diem of a public employee engaged in the complaint process, nor may other university resources be used, except that an employee is allowed to take vacation leave or leave without pay subject to established university operating policies and procedures to engage in this activity.

- d. Relevant administrators will be notified of formal investigations. The Office of the Provost will be notified of any complaints involving faculty.
- e. Except as otherwise provided by university policy or written contract, employment at the university is governed by the employment at will doctrine. Employment is for an indefinite duration and can be terminated at any time, with or without cause and with or without notice, by either the university or the employee unless otherwise prohibited by law, university policy, or written contract. Nothing in this university operating policy and procedure constitutes an employment agreement, either expressed or implied, a contract, a contractual relationship, a guarantee of continued employment, or a property right.
- f. The filing of a complaint shall not affect the ability of the university to pursue disciplinary action or separation action for reasons other than the employee's filing of a complaint.
- g. A termination of employment cannot be the subject of a complaint unless the employee has reason to believe that the termination was prohibited by law. A violation of a

university policy alone does not necessarily constitute a violation of law or an action prohibited by law.

- h. Nothing in this policy shall prevent an employee from presenting a charge of discrimination or other complaint covered by this policy to an external agency, such as the Equal Employment Opportunity Commission or Texas Workforce Commission. However, if an employee files a complaint with an external agency, with the exception of a complaint of Sexual Misconduct, while the Office of EEO may continue its investigation, the internal process shall terminate and any response to the complaint will be made to the external agency and not to the employee.
- i. For complaints that do not involve discrimination, harassment, or protected status, see OP 70.10, Non-Faculty Employee Complaint Procedures, <http://www.depts.ttu.edu/opmanual/OP70.10.pdf>, or OP 32.05, Faculty Grievance Procedures, <http://www.depts.ttu.edu/opmanual/OP32.05.pdf>.

4. Employee Complaint Procedures, Including Student Employees

- a. Prior to filing a formal complaint, the employee should attempt to resolve the situation by addressing the Responding Party in an informal manner and in an atmosphere of mutual respect. However, in cases of Sexual Assault and Interpersonal Violence, as defined in OP 40.03, the foregoing provision does not apply (see OP 40.03). If the employee is not comfortable addressing that individual, the prospective Reporting Party may address concerns to his/her first or second level supervisor. If the situation is not resolved by informal means or if the employee is not comfortable with doing so, the employee may file a formal complaint. Informal resolution will not be used in complaints of Sexual Assault and Interpersonal Violence.

An employee may also consult with the Office of EEO to determine if he/she wishes to file a formal complaint. While an investigation is not normally initiated without a written complaint submitted by the employee, the Office of EEO or the university may take action as deemed appropriate by the office. Such action may include notifying key personnel with a need to know about the allegations, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility, informing the Responding Party of the university's non-discrimination policies, and educating departments and supervisors as needed on this and other policies.

- b. An employee having a complaint should submit a completed *Complaint of Discrimination* form, which is available on the university's Human Resources website at the following link: <http://www.depts.ttu.edu/hr/formsPolProc/forms.php>. Except as otherwise provided by university policy or law, this complaint should be submitted to the Office of EEO within 30 days from the date of the complained of action.

A written complaint shall contain:

- (1) A clear and concise statement of the complaint;
- (2) The date the incident took place;
- (3) The name and contact information of the Reporting Party, the Responding Party, and any witnesses;
- (4) The specific resolution sought by the employee; and
- (5) Additional relevant information to be considered in support of the complaint.

Any changes to the complaint must be in writing.

- c. Only one subject matter shall be covered in any one complaint.
- d. Once a signed complaint form is received by the Office of EEO, an investigation may be conducted by that office and the appropriate administrators.
- e. The investigation may consist of review of the complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. Each party will be given the opportunity to present his/her side and identify witnesses and other relevant evidence. The extent of the investigation and its procedures will be determined by and at the discretion of the Office of EEO. Any findings in the investigation will be based upon a preponderance of the evidence (i.e., whether the findings are more likely than not).
- f. Investigations will be completed as expeditiously as possible.
- g. After the investigation is complete, the Office of EEO will provide a written determination to the Reporting Party, the Responding Party, and to the appropriate department administrator.
- h. The findings of the Office of EEO are final.
- i. In the event of a finding of a violation of this policy or other violation of the law is made, appropriate disciplinary action will be taken as determined by the appropriate administrator. Disciplinary action may range from counseling up to and including termination. Termination procedures for tenured faculty will be conducted pursuant to OP 32.02.
- j. Any employee subjected to disciplinary action may appeal any such action, but not the findings of the Office of EEO, within the time periods and through the procedures established or faculty in OP 32.05 and for staff in OP 70.10. A copy of the appeal should be forwarded to the Office of EEO.
- k. Any disciplinary action taken in connection with a complaint filed pursuant to this policy shall be reported in writing to the Office of EEO at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via a copy of a counseling or other written disciplinary action, resignation, termination document, etc.
- l. At the conclusion of the investigation, the Reporting Party shall be advised that if the discrimination or unlawful activity persists the employee should contact the Office of EEO. Likewise, in the event the employee believes unlawful retaliation for filing a complaint has taken place the employee should contact the Office of EEO and/or file a complaint for retaliation.
- m. In the event of a finding of a violation of this policy, the Office of EEO will follow up with the Reporting Party within 60 days to ensure that the complained of behavior has ceased.

5. Complaints by Students or Involving Students

- a. If a student has a complaint of discrimination or harassment by another student, see Part I, Section C: Conduct Procedures for Students in the *TTU Student Handbook*. www.ttu.edu/studenthandbook.
- b. If a student has a complaint regarding discrimination or harassment involving a student organization, see Part I, Section D: Conduct Procedures for Student Organizations in the *TTU Student Handbook*. www.ttu.edu/studenthandbook.
- c. If a student has a non-employment based complaint of discrimination or harassment by an employee, the student should follow the processes outlined in Part II, Section C: Anti-Discrimination Policy in the *TTU Student Handbook*. www.ttu.edu/studenthandbook.
- d. Student employees having a complaint of discrimination or harassment in employment should follow the procedure set forth in the previous section of this policy.
- e. If an employee has a complaint of discrimination or harassment against a student, the employee should contact the Office of Student Conduct and/or file an incident report form, found at www.depts.ttu.edu/studentconduct.
- f. This policy does not apply to grade appeals, regardless of the basis of the appeal. All grade appeals will be handled pursuant to the university's grade appeal policy. See OP 34.03, Student Grade Appeal.

6. Complaints Involving Non-University Individuals

- a. If a non-university individual has a complaint of discrimination or harassment by a student or university employee acting in the scope of his or her employment, the individual involved may file a report with either the Office of the Dean of Students or the Office of EEO, and the university may investigate and take steps to address the situation.
- b. If a student or university employee has a complaint of discrimination or harassment by a non-university party that affects the student's educational environment or the employee's work environment, the individual may make a report to the Office of the Dean of Students or the Office of EEO. The university may conduct an inquiry and take action, if possible, to prevent further misconduct. However, the university's response may differ for complaints regarding third parties based on the level of control the university has over the third party. Even though the university's ability to take direct action against a third party may be limited, the university may take steps to provide appropriate remedies for the employee and, where appropriate, the broader University Community.

7. Retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education. The university will take appropriate steps to assure that a person who in good faith reports, complains about, or

participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the university using the same procedure outlined in this policy.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the university, or being barred from university premises and events.

8. Interim Measures

The Reporting Parties may request and the university may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. Appropriate university officials will decide if and what interim measures are necessary. Such interim measures may include, but are not limited to:

- Separating the Reporting Party's and Responding Party's academic or working situations;
- Forbidding contact between parties involved in a complaint;
- Suspending the right of the Responding Party to be present on campus or otherwise altering the university status of the Responding Party.

Other interim measures may be implemented depending upon the Responding Party's relationship with the University. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Reporting Party pursues formal university or criminal action.

9. Reporting Requirements

All employees who witness or receive a report of unlawful discrimination or other violations of the law have the obligation to report such actions to their immediate supervisor, the Office of EEO, the Texas Tech Police Department, or other appropriate law enforcement authority. A supervisor who receives a report of discrimination shall notify the Office of EEO of such report.

For reporting requirements relating to claims of Sexual Misconduct, see OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.

10. Confidentiality

The confidentiality of both the Reporting Party and the Responding Party will be honored by the university to the extent possible without compromising the university's commitment and obligation to investigate allegations of discrimination or violations of law, to protect the University Community, and to the extent allowed by law. The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding Party, may affect the integrity of the investigation.

11. Interference with an Investigation

Any person who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the university. Interference with an investigation may include, but is not limited to:

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;
- Removing, destroying, or altering documentation relevant to the investigation; or
- Providing false or misleading information to the investigator, or encouraging others to do so.

12. Training

All employees must attend EEO non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental EEO non-discrimination training every two years.

Employees are informed of the EEO policy through new employee orientation, EEO training sessions, this non-discrimination policy and other operating policies, and the placement of the EEO federal and state posters at various locations throughout the campus. Information about the Texas Tech EEO policy can also be obtained from Human Resources, at the Texas Tech University System EEO Office, at <http://www.texastech.edu/offices/equal-employment/>.

Students are informed of policies regarding non-discrimination at new student orientation and via the *Student Handbook* and other outreach, awareness, and educational programs offered by the university.

13. Authoritative References

- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Equal Pay Act
- Texas Labor Code Chapter 21
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act
- Rehabilitation Act of 1973
- Civil Rights Act of 1991
- Vietnam Era Veterans Readjustment Assistance Act of 1974
- Title II of the Genetic Information Nondiscrimination Act of 2008

14. Right to Change Policy

The university reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without notice to or consent of its employees.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 60.15: Smoke-free and Tobacco-free Environment

DATE: May 25, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to provide for the health and safety of students, faculty, and staff by controlling fire hazards, assuring a smoke-free environment in all academic and administrative facilities, and meeting the requirements of 25 Texas Administrative Code, §703.20.

REVIEW: This OP will be reviewed in September of even-numbered years by the Managing Director of Environmental Health and Safety with substantive revisions forwarded through the Associate Vice President for Research (Research Integrity) and the Senior Associate Vice President for Research (Research Services) to the Vice President for Research.

POLICY/PROCEDURE

1. In the interest of providing a smoke-free environment, smoking is prohibited in all campus academic, administrative, and athletic facilities.
2. Smoking areas must be located 25 feet from any facility with LEED designation and pedestrian entrance (ingress or egress) or public place. This includes any entryways or walkways leading to entrances.
3. There will be no smoking above the first floor of any building.
4. In the case of athletics, the prohibition applies to both indoor and outdoor facilities. Smoking is allowed in designated areas only.
5. All buildings that are under the control of the Housing and Residence Life and Hospitality Services are nonsmoking buildings, including the Student Union, all dining areas, and all areas of residence halls, including individual rooms.
6. The use of all tobacco products is prohibited by all employees and visitors in all buildings and structures where projects funded by the Cancer Prevention and Research Institute of Texas (CPRIT) are taking place as well as the sidewalks, parking lots, walkways, and attached parking structures immediately adjacent. A list of CPRIT projects and the facilities in which they are being conducted can be found on the website of the Office of the Vice President for Research.
7. Employees interested in tobacco use cessation services should contact the Office of Human Resources for information and referral.
8. Persons having reason to complain about violations of this policy should first seek resolution of the problem by asking the smoker(s) to comply voluntarily with this OP. If resolution of the

problem cannot be achieved by this means, a complaint should be made to the head of the unit or office of the shop manager. If the head of the unit is part of the smoking activity, the complaint should be made to the next level supervisor. Heads of units are advised that such complaints can be made without risk to student or employee evaluation.

9. When continued and/or obvious abuse of the policy is evident, appropriate actions will be taken by the following individuals to assure compliance.
 - a. The Division of Undergraduate Education and Student Affairs will be responsible for cases involving students.
 - b. The college dean will be responsible for cases involving faculty.
 - c. The appropriate vice president will be responsible for handling cases involving non-faculty employees.
 - d. The Chief of Police will be responsible for handling cases involving individuals who are not student, faculty, or staff of the university.
10. Electronic cigarettes will not be permitted other than in the areas already mentioned in this OP.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 61.01: Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited

DATE: November 14, 2017

PURPOSE: This Operating Policy/Procedure (OP) establishes the prohibition of the use of university facilities for private purpose.

REVIEW: This OP will be reviewed in September of odd-numbered years by the Managing Director of Procurement Services with substantive revisions forwarded to the Vice President for Administration & Finance and Chief Financial Officer.

POLICY/PROCEDURE

1. Article 16, Section 6 of the Texas Constitution provides that: "No appropriation for private or individual purposes shall be made." Article 8, Section 6 provides that: "No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law. . ." Section 03.02.1.h, *Regents' Rules* defines as a breach of public trust, "unauthorized entry to or use of (university) facilities" by faculty, staff, or students.
2. It is clear that it is the intent of the Texas Constitution and the Board of Regents that university facilities, equipment, supplies, and services are to be used only for duly authorized university purposes. Accordingly, the use of university-owned resources or resources for which the university has acquired stewardship responsibilities in which title is vested to others including, but not limited to, buildings, equipment, materials, supplies, telephones, utilities, and services of university personnel for personal purposes is prohibited.

3. Services of Personnel

The use of university personnel for personal work is strictly prohibited. This work includes, but is not limited to, typing and secretarial services on personal and/or private consulting correspondence, running personal errands, and other like personal services.

4. Use of Equipment

Equipment that the university owns or is responsible for shall not be used for personal purposes. University-owned or controlled equipment should not be removed from the university premises. In the event a tagged item of equipment is needed to be removed from university property to an employee's personal residence or other like property to accomplish university work on business "at home," then appropriate property custodian approval must be requested and obtained prior to removing the equipment from university premises. A copy of the request document with the property custodian approval must be filed with the Property Management department. Small, untagged items such as dictating equipment, calculators, and other like property used in "at home" university work and business are exempt from this provision. The form is available online:

<http://www.depts.ttu.edu/procurement/inventory/documents/Temporary%20Use%20Form.xls>.

5. Telephones

Directory Assistance, TEX-AN, WATS, and Direct Dial 1+ and 0+ personal calls are not authorized over university telephone system. Any person placing emergency directory assistance or long distance telephone calls over an official telephone will reimburse the university for the bill amount of the call plus applicable U.S. federal excise tax.

6. Use of Vehicles

As set forth in the Government Code, Section 2203.004, and Penal Code, Chapter 39, no state-owned vehicle will be used for personal reasons.

Misuse of a state vehicle is a state jail felony.

The use of a state vehicle to conduct personal business such as banking, shopping, transporting family members, or use in a parade of any kind requires complete written justification from the department head prior to such use. Further, vehicles will not be kept overnight at one's place of residence. Written justification requesting exception to the policy must be sent by the department head to the vehicle fleet manager for consideration. The request will then be forwarded to the president or her/his authorized representative for approval and signature. A fully executed copy of the justification will be forwarded to Vehicle Fleet Management, TTU – Physical Plant, MS/Box 43142.

7. Office Supplies

Office supplies are for business use only. Personal use of university supplies will be considered fraud and could be grounds for termination.

8. Persons required to reimburse the university for personal phone calls, copies, or supplies will do so by depositing the cost of the service or material, plus applicable federal excise or Texas sales taxes at the Financial Services Office. The cost of the services or materials will be credited to the FOAP that originally paid for the services or materials. Receipts for these reimbursements will be retained on file in the department records for one fiscal year after the fiscal year in which the deposit was made.
9. Any questions regarding this policy should be directed to the Managing Director of Procurement Services.



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 61.02: Use of University Grounds, Facilities, and Amplification Equipment

DATE: August 8, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish the approval process for the use of university grounds, facilities, and amplification equipment for faculty, staff, academic, and administrative departments. The *Student Handbook* governs use of space, facilities, and amplification equipment by students and student organizations.

REVIEW: This OP will be reviewed in July of each year by the Assistant Vice President for Operations, Provost and Senior Vice President (PSVP) and the Vice President for Administration & Finance and Chief Financial Officer (VPAF/CFO).

POLICY/PROCEDURE

1. General Policy

With the exception of free expression activities as outlined herein, the following policies shall apply to the use of university grounds and facilities.

a. Prioritization

Texas Tech University space and facilities are available according to the following priorities:

- (1) Regular institutional programs;
- (2) Programs sponsored and conducted by the TTU system and/or a component institution's academic and administrative departments or organizations that are affiliated with such departments; and
- (3) Activities that have as their purpose, service, or benefit to the TTU system community and that are sponsored by registered student organizations, or individual faculty, students, and employees.

b. Non-registered Student Groups or Off-campus Groups or Organizations

Except as specifically provided herein, Texas Tech University space and facilities are not available for use by non-registered student groups or off-campus groups or organizations.

2. Implementation

a. Attendance by Off-campus Groups at Sponsored Events

Off-campus persons may attend public functions on Texas Tech University property that are sponsored by or affiliated with a Texas Tech University department or registered student organization. There may be a charge for attendance at some functions.

b. Off-campus Group Guidelines

A department or registered student organization may not gain permission to use space or facilities on campus and then permit the space or facilities to be utilized by any other person, organization, or off-campus group. The penalty for violation of this provision may include forfeiture of the privilege of using Texas Tech University space or facilities for a period not to exceed one year.

c. Non-profit Organizations

Office space and other assistance including, but not limited to, utilities, telephone service, custodial service, maintenance, and use of Texas Tech services may be provided to non-profit organizations that exist for the purpose of supporting the educational undertaking of Texas Tech, and thereby serve a public purpose, and where the provision of this assistance is not otherwise prohibited by law. Organizations authorized for this support include, but may not be limited to:

- (1) Museum of Texas Tech University Association;
- (2) Ranching Heritage Association;
- (3) Texas Tech Alumni Association;
- (4) Texas Tech Parents Association;
- (5) Texas Tech Foundation, Inc.;
- (6) Texas Tech University Federal Credit Union; and
- (7) Texas Tech Physicians Association

d. Department of Athletics Facilities

Jones AT&T Stadium, Dan Law Field at Rip Griffin Park, R.P. Fuller Track, John Walker Soccer Complex, McLeod Tennis Center, Rocky Johnson Field, and other facilities under the control of the Department of Athletics are available for the following uses, but may not be limited to:

- (1) Department of Athletics events;
- (2) TTU band and spirit activities;

- (3) High School Band Day;
- (4) Texas high school all-star football games;
- (5) High school playoff games; and
- (6) Intramural playoffs between leagues

e. Expenses Incurred

Responsibility for expenses incurred for cleaning, provision for security officers, and any other expenses will be mutually determined by the Director of Athletics and the activity proposing to use the facility.

f. Approved Use

The Director of Athletics is responsible for determining whether use of the athletics facilities falls within the scope of the above policy.

3. Reservation Requirements

With the exception of free expression activities as outlined herein, reservations must be made for the use of certain space and facilities under the control of the university. This requirement applies to all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks). Requests for reservations will be granted according to the priorities of the designated area.

Requests to use university academic buildings should be made through Events and Instructional Space Management <http://www.depts.ttu.edu/odpa/spi/eism>. Requestors who wish to use facilities under the direction of the VPAF/CFO (e.g., Student Union, residence halls, Recreation Center, United Supermarket Arena, International Cultural Center, etc.) should apply directly to the facility director/manager.

Requests to use university grounds (any university property outside of the buildings) should be submitted on the proper forms to the Outdoor Events Coordinating Committee via Student Union & Activities at <http://www.depts.ttu.edu/sub/UniversityGrounds/Index.php>. See Attachment A for the request form.

University departments and/or registered student organizations co-sponsoring activities and events with an outside agency must schedule a meeting with the Outdoor Events Coordinating Committee and all co-sponsors prior to approval. The application should be submitted to Student Union & Activities.

The university reserves the right to refuse to honor contracts or agreements signed or pledged by departments, organizations, groups, or individuals for the use of university properties if the correct procedures for reserving such properties have not been followed. Without written permission from the Outdoor Events Coordinating Committee, departments, organizations, groups, or individuals may not contractually agree to rent, lease, or make available space inside any university facility if the planned event also takes place on university grounds.

If a special event will be taking place and food not provided by the university will be served, Environmental Health and Safety must be contacted to apply for a temporary food permit. There are guidelines and requirements one must follow in order to receive this permit. Contact Environmental Health and Safety at 806.742.3876 with any questions.

Requests for grounds use will be reviewed by the Outdoor Events Coordinating Committee, which is comprised of representatives from Events and Instructional Space Management; Texas Tech Police; Grounds Maintenance; Athletics; Recreational Sports; Transportation & Parking Services; Student Union & Activities; Office of Contracting; Environmental Health and Safety; TTUS Office of Risk Management; Hospitality Services; University Student Housing; Texas Tech Alumni Association; and any other department deemed appropriate by the PSVP, VPAF/CFO, and/or the Outdoor Events Coordinating Committee.

The task of the Outdoor Events Coordinating Committee is to research requests, determine if the use of the facilities is in accordance with university policy, and coordinate campus resources required for the requested activity. The Outdoor Events Coordinating Committee will use whatever resources are necessary to ensure that the use of the space is consistent with the mission of the university. All requests should be submitted on a *Grounds Use/Solicitation Request* form, which can be found online at <http://www.depts.ttu.edu/sub/UniversityGrounds/Index.php>. The applicant must sign all requests. Registered student organizations' applications must be signed by the applicant **and** by their faculty/staff advisor or department head.

Student Union & Activities, Events and Instructional Space Management, and the facilities manager/director of a specific building reserve the right to approve administratively, deny, or cancel grounds use requests for their respective areas of responsibility through consultation with various university departments or offices.

4. Procedures and Priorities for Designated Facilities

a. Student Union

Priority for use of space in the Student Union is given to programs and activities that are conducted by the various departments within the Office of the VPAF/CFO. Secondary priority is given to registered student organizations and university departments. Requests for the use of the Student Union must be made in the Student Union & Activities Office room 203.

b. Academic Buildings

Space in academic facilities must be reserved through the Office of Events and Instructional Space Management (<http://www.depts.ttu.edu/odpa/spi/eism/>). See [OP 61. 23, Use of University Classrooms and Academic Facilities.](#)

c. Residence Halls

Regularly enrolled students who live in the residence halls and participate in the residence hall governments have first priority for all residence hall facilities. Facilities also may be provided for individuals or groups whose activities are sponsored by or affiliated with a university organization. University departments or registered student organizations may use residence hall facilities during the summer for workshops, institutes, short courses, and

conferences. Requests for the use of residence hall space must be made to the Managing Director of University Student Housing.

d. Intercollegiate Athletic Facilities

Jones AT&T Stadium, Dan Law Field at Rip Griffin Park, R. P. Fuller Track, John Walker Tennis Complex, McLeod Tennis Center, Rocky Johnson Field, the Sports Performance Complex, and athletic practice fields are owned and maintained by the university for the primary use and benefit of the intercollegiate athletic programs of the university, of allied non-university athletic activities consistent with such programs, and of official academic events of the university. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Intercollegiate Athletics Office. Requests for use of any of these intercollegiate athletic facilities must be made to the Intercollegiate Athletics Office.

e. United Supermarket Arena

Space in the United Supermarket Arena is reserved through the office of the Assistant Vice President for Auxiliary Services and Managing Director of the United Supermarket Arena. Facilities available for lease within the United Supermarket Arena include the four meeting rooms in the City Bank Conference Center, the east side club, the arena concourse, the arena floor, and the arena bowl area. Registered student organizations receive a rental discount for use of the City Bank Conference Center meeting rooms. Texas Tech University commencement, Health Sciences Center commencement, Texas Tech University convocation, Texas Tech basketball and volleyball games, and major arena events such as concerts have priority in booking the United Supermarket Arena.

f. Museum and National Ranching Heritage Center

Grounds and facilities of the National Ranching Heritage Center (NRHC) may be used only for university and public educational, research, and entertainment purposes. No personal uses of facilities, equipment, or grounds are permitted. This restriction shall apply to all requests regardless of sponsorship (see [OP 61. 01, Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited](#), section 2).

Reservations for space and services may be made by university and civic groups, support groups, and other non-profit organizations, as they qualify under university, Museum, and NRHC policies. Specific rooms and areas of the Museum and the NRHC are designated for special events, meetings, catered meals, lectures, symposia, etc. The Museum and the NRHC may not appear to endorse any political party or cause, religious faith, or commercial product (see [OP 61. 01, Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited](#)).

Groups that reserve Museum or NRHC space will be responsible for the care of that space during the event and for cleanup afterward. Reparations for damage to the facility through negligence or abuse will be assessed to the responsible group. Caterers must comply with the rules and regulations established by the Museum, NRHC, and Texas Tech University. Caterers disregarding instructions given by authorized Museum, NRHC, or university personnel may be denied future access.

Specific areas of the Museum and NRHC grounds have been designated for outdoor activities. The Pitchfork Pavilion at the NRHC and the picnic areas at the Lubbock Lake Landmark Historical Park are designated for meals. Priority use of the Pitchfork Pavilion at the NRHC will be given to schoolchildren on prearranged tours during lunchtime. Cleanup is the responsibility of the school group using the facility. Reenactments (with or without costumes or other paraphernalia), games, and athletic activities are not permitted on Museum and NRHC grounds, except during Museum- and NRHC-approved, institutionally sanctioned special events.

All activities at the Museum and the NRHC require the presence of security personnel. No substitutions may be made for security staff, nor may staff members volunteer their services to serve in a security role (see [OP 76.03, Texas Tech Police](#)).

Vehicular traffic on the grounds of the Museum or the NRHC, other than on surfaced, public-access streets, is limited to sanctioned university activities unless otherwise approved by the directors. Public parking is permitted in designated lots. University parking stickers must be displayed on staff, faculty, and student vehicles (see [OP 78.01, Traffic and Parking Rules and Regulations](#) and [OP 61.18, Traffic and Parking Control Devices](#)). Alcoholic beverages are not permitted in or on the grounds of the Museum or the NRHC without special written permission from the Office of the President or the Office of the Chancellor. Requests for permission must be submitted to the Director of the Museum or the NRHC and will be forwarded for approval. Smoking and the other uses of tobacco products are not permitted in the Museum buildings, on the grounds of the NRHC, or within the fence of the Goodman Cotton Gin (see [OP 60.15, Smoke-free and Tobacco-free Environment](#)).

Live human-controlled animals, other than laboratory animals or service and security dogs, are not authorized in Museum buildings or on the grounds (see [OP 61.38, Animals in Texas Tech Buildings](#)). Laboratory animals may not be kept in the building beyond the immediate needs of research. Open flames, including pit fires, chimney or stove fires, flares, fireworks, kerosene heaters and lamps, candles, matches, etc., are prohibited on the grounds and in the Museum buildings unless approved by the President.

g. Recreation Facilities

The Robert H. Ewalt Recreation Center and all areas within, Aquatic Center, Leisure Pool, amphitheater, sand volleyball, recreation fields, and recreational tennis courts, are intended primarily for the student recreational and instructional use on an organized group and individual basis. Requests for the use of recreation facilities must be made to Recreational Sports.

h. International Cultural Center

The International Cultural Center (ICC) grounds and facilities may be used for university and public educational, research, and entertainment purposes. No personal uses of facilities, equipment, or grounds are permitted. This restriction shall apply to all requests, regardless of sponsorship (see [OP 61.01, Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited](#), section 2).

University and civic groups, support groups, and other non-profit organizations may make reservations for space and services, as they qualify under university and ICC policies. The ICC may not appear to endorse any political party or cause, religious faith, or commercial product (see [OP 61.01, Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited](#)).

Specific rooms and areas of the ICC are designated for special events, meetings, catered meals, lectures, symposia, etc. The events coordinator will act as the point of contact for all spaces and service reservations for the ICC. That office will maintain a list of available designated areas, make reservations for these events, keep records, and coordinate facility preparation activities. Resource encumbrance charges will be assessed to reserving groups to help defray costs for security personnel, equipment depreciation, and facility maintenance and preparation.

All before- and after-hour activities at the ICC will require the presence of security personnel or a member of the ICC staff. If an event has been approved for serving alcoholic beverages, ICC security must be present.

Groups that reserve the ICC space will be responsible for the care of that space during the event and for cleanup afterward. Reparations for damage to the facility through negligence or abuse will be assessed to the responsible group. Caterers must comply with the rules and regulations established by the ICC and [OP 72.05, Expenditures for Official Functions, Business Meetings, and Entertainment](#). Caterers disregarding instructions given by authorized ICC or university personnel may be denied future access.

Live human-controlled animals, other than laboratory animals or service and security dogs, are not authorized to be housed in the ICC or on the grounds. Open flames, including pit fires, chimney or stove fire, flares, fireworks, kerosene heaters and lamps, candles, matches etc., are prohibited on the grounds and in the ICC.

i. Visitors Center (West Hall)

The Visitors Center and its facilities may be used for university and public educational, research, and entertainment purposes. No personal uses of the facility are permitted. This restriction shall apply to all requests regardless of sponsorship (see [OP 61.01, Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited](#)).

University and civic groups, support groups, and other non-profit organizations may make reservations, as they qualify under university policies. The Visitors Center may not appear to endorse any political party or cause, religious faith, or commercial product (see [OP 61.01, Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited](#)). See Attachments B through G.

The Office of Admissions will act as the point of contact for reservations. Offices, organizations, or groups wishing to host an event in the Visitors Center must submit a *Special Event Proposal* at least 15 working days before the date of the proposed event. The rental fee for the Visitors Center is \$200. Additional charges may apply for events that are held before or after regular business hours. Host organizations must choose TTU's Hospitality Services for food and beverage service. The Office of Admissions must approve

any additional decorations for events. Groups that reserve the Visitors Center are responsible for providing any audio-visual equipment needed for their event. Events that occur before or after regular business hours or on weekends or holidays will require security through the Texas Tech Police. Special parking arrangements must be made through the Office of Transportation & Parking Services. The host organization is responsible for making all parking arrangements. Transportation & Parking Services may be reached by phone at 806.742.7275.

The Office of Admissions offers the presentation room (Room 101) on the first floor of West Hall for use by campus and other groups and organizations. The presentation room will only be available for use during normal business hours Monday through Friday 8 a.m. to 5 p.m. The presentation room seats 31-35 people theatre-style and has audio-visual equipment. Use of the presentation room does not require a fee, but a contract with signatures from a member of the group using the room and the director of the Office of Admissions must be filed when a reservation to use the room is made.

5. University Grounds Use

With the exception of free expression activities as outlined herein, university grounds are available for use only in accordance with the following policies and procedures:

- a. Selected grounds areas (other than those described above) are available for activities that are sponsored and approved by university departments, registered student organizations, or individual faculty, students, and employees. Academic use by departments and colleges has priority, and assignments may be changed or canceled if conflicts with regular academic programs develop.
- b. Individuals, registered student organizations, or departments desiring to use university grounds must apply for grounds use through the Student Union & Activities Office or at <http://www.depts.ttu.edu/sub/UniversityGrounds/Index.php>. The Outdoor Events Coordinating Committee must approve each use. As a general policy, recurring use assignments shall not be permitted.
- c. Registration for use of a university grounds area must be made at least six university working days before the intended use.
- d. Student Union and Activities and Events and Instructional Space Management will coordinate all grounds use/solicitation request applications and shall grant only grounds use/solicitation requests that are consistent with applicable university regulations and local, state, and federal law.
- e. A permit granting grounds use shall specify the boundaries of the area to be used, the date for which the use is approved, the time at which the proposed activity may begin, the time at which the reservation for the use expires, and any special provisions concerning the use of the space. No request will be approved for activities occurring during individual study days and/or final examination period.
- f. Individuals, departments, or registered student organizations using a designated area are subject to the following requirements:

- (1) Use of amplification equipment must comply with section 8 of these regulations;
 - (2) A structure may not be erected on campus grounds without prior written approval, which will include arrangements for cleaning up after the activity; and
 - (3) If any expenses will be incurred in the course of an event, the sponsor or co-sponsor will be required to supply a university account number before the activity can be approved by the Outdoor Events Coordinating Committee.
- g. Firearms, explosive weapons, and illegal knives are prohibited on university property unless pursuant to written regulation or written authorization. The use of ammunition is prohibited at all times. Any request for authorization to bring a weapon onto university property must be coordinated through the Texas Tech Police in conjunction with Student Union & Activities and/or Events and Instructional Space Management. The President or a designated representative shall grant final approval.
 - h. Individuals, departments, and registered student organizations desiring grounds use may be required to provide evidence of appropriate liability insurance in accordance with recommendations from the TTUS Office of Risk Management, the General Counsel's Office, other university departments, or others, as necessary, prior to approval from the Outdoor Events Coordinating Committee.
 - i. Participants in and/or sponsors for events may be required to sign a "Hold Harmless" release.
 - j. The sponsor should contact Environmental Health and Safety to make necessary arrangements for any event that includes concessions or a mobile concession stand. In order for any person, vendor, or organization to operate a temporary food service or mobile food service unit on Texas Tech property, the Environmental Health and Safety Department must issue a valid Temporary Food Service Permit, as outlined in [OP 60.18, Temporary Food Service Permit System](#).

6. Appeals of Grounds Use/Solicitation Request Denials

Faculty, staff, academic, and administrative departments whose requests for the use of campus grounds or non-academic facilities are denied may appeal in writing to the PSVP. Students and registered student organizations whose requests are denied may appeal to the Managing Director of Student Union & Activities, in accordance with the *Student Handbook*.

7. Sales and Service of Alcoholic Beverages

Alcoholic beverages may not be sold or served without special written approval from the Office of the President or the Office of the Chancellor. Requests for approval must be submitted on the *Sales and Service of Alcoholic Beverages Approval* form (Attachment B) to the coordinator of each facility and will be submitted to the Office of the President or Office of the Chancellor for approval prior to the event. The coordinator of the facility will be responsible for keeping all approvals on file for each event where alcohol is sold or served.

The requirements of this section apply to events where alcohol is paid for by the university or the TTU System, events where there is a cash bar, and events where alcohol is served on a complimentary basis.

A Sales and Service of Alcoholic Beverages Approval form should be submitted annually for the following venues that conduct regular catered events where alcohol may be sold and serviced

- a. Top Tier catered events hosted at McKenzie Market Alumni Center or Frazier Pavilion
- b. Department of RHIM events hosted at Skyviews Restaurant
- c. Troon Texas Holdings LLC (Rawls Golf Course)
- d. Any agreement to license the sale of alcoholic beverages by a third-party vendor at or in conjunction with any intercollegiate athletic event at a TTU facility shall be approved by the Board of Regents. Any other agreement to license sales of alcoholic beverages by a third-party vendor on a term or multi-event basis shall be approved by the President. Before the approval is granted, the president shall notify the Chancellor and the Board of Regents.

All events conducted on campus in which alcohol is provided must comply with this policy and [OP 72.05, Expenditures for Official Functions, Business Meetings, and Entertainment](#).

8. Freedom of Expression Activities and Forum Areas

Although the Texas Tech University campus is generally an open campus for purposes of student, faculty, and staff free expression activities, students, faculty, and staff are encouraged, and persons and groups not affiliated with the university are required, to use forum areas of the campus for free expression activities.

- a. The following are the forum areas, as currently defined at Texas Tech University. Each location is marked with a ground plaque that reads “Forum Area” and each may be used on a first-come, first-served basis.
 - (1) Southwest Collections - the outdoor gazebo and the concrete octagon surrounding it, which are located immediately east of the Southwest Collections building near the corner of 15th Street and Boston Avenue
 - (2) Engineering Key – the northern one-third of the grassy area of the Engineering Key from the diagonal sidewalk going north to the flowerbed, and bound by the street curbs on the east and west sides
 - (3) Student Union – the northeast corner of 15th Street and Akron Avenue
 - (4) Student Union/Library Plaza – the southern one-third of the plaza between the Student Union and the Library, described as follows:

From the southwest raised flowerbed in front of the Library on the west to the black brick border of the flowerbeds on the east, and from the black brick border that stretches from the Library steps to the flowerbed outside the Student Union west entrance (Starbucks) on the north, to the bollards on the south end
 - (5) The Media and Communication Building– the western one-half of the courtyard between the Media and Communication building and the Architecture building, as described by the midway sidewalk on the east to the inside of the Flint Avenue sidewalk on the west, and the sidewalks on the north and south sides

- (6) Urbanovsky Amphitheater – the Urbanovsky Amphitheater bound on the west by the second semicircular sidewalk, on the east by the inside of the sidewalk bordering Flint Avenue, and by the north and south sidewalks
- b. Students, faculty, and staff engaged in free expression activities on campus may be required to relocate in the following circumstances:
- (1) The location selected for the activity is inadequate for the purpose for which it will be used (either too close to buildings, not big enough for the event, etc.);
 - (2) The activity substantially interferes with either vehicular or pedestrian traffic;
 - (3) The activity blocks the ingress or egress to buildings;
 - (4) The space is not available due to a prior reservation;
 - (5) The activity conflicts with a previously planned university activity;
 - (6) The activity creates a sustained or repeated noise disturbance that substantially interferes with the normal activities of the university community;
 - (7) The activity presents an unreasonable danger to the health or safety of those involved or other individuals;
 - (8) The activity is prohibited by local, state, or federal law; or
 - (9) The activity prevents fire protection, law enforcement, or emergency medical service providers from accessing areas on campus.
- c. The activities listed below are not permitted. Students may be subject to discipline under the *Code of Student Conduct*, and faculty and staff may be subject to discipline pursuant to university policy for:
- (1) Activities that are illegal;
 - (2) Activities that deny the rights of other university students, faculty, or staff;
 - (3) Activities that substantially obstruct or restrict the free movement of persons on any part of the university campus, including the free entry or exit from university facilities;
 - (4) Activities that deny the use of offices or other facilities to university students, faculty, staff, or guests of the university;
 - (5) Activities that threaten or endanger the health or safety of any person on the university campus;
 - (6) Activities that include the use of obscenities, libelous statements, or “fighting words,” as defined by law;
 - (7) Activities that result in damage to or destruction of university property; or

- (8) Activities that attempt to prevent a university event or other lawful assembly by the threat or use of force or violence.
- d. Signs, banners, posters, and other displays used for expressive activities must be handheld and must remain in the hands of individuals engaged in the expressive activities at all times.

9. Use of Amplification Equipment

- a. Use of Amplification Equipment by Students, Faculty, and Staff for Freedom of Expression Activities

Students, faculty, and staff, and organizations consisting solely of members of these classes of individuals, may use amplification equipment for purposes of expressive activities in accordance with the following policies:

- (1) Use of Amplification Equipment in Forum Areas;

Students, faculty, staff, and organizations consisting solely of members of these classes of individuals, may use amplification equipment for freedom of expression activities within the designated forum areas from 8:00 a.m. to 5:00 p.m. Monday through Friday.

- (2) Use of Amplification Equipment in All Other Outdoor Areas;

Students, faculty, and staff, and organizations consisting solely of members of these classes of individuals, may use amplification equipment for freedom of expression activities in all other outdoor areas of the campus after 5:00 p.m. Monday through Friday.

- (3) Use of amplification equipment is subject to all rules concerning the time, place, and manner of freedom of expression activities and forum areas as set forth in section 7 of this policy;
- (4) Only handheld amplification devices are permitted;
- (5) No amplification of sound is permitted during the week prior to or the week of final exams;
- (6) The volume and direction of amplification equipment shall be controlled as not to interfere with classes in session, examinations, or other campus community activities; and
- (7) Use of amplification equipment shall not create a sustained or repeated noise disturbance that substantially interferes with the normal activities of the university community.

- b. Other Use of Amplification Equipment

The use of loudspeakers, any other type of amplification equipment (e.g., portable stereo devices, portable studios, etc.), or amplified musical instruments on university grounds by individuals other than students, faculty, and staff, or organizations consisting solely of

members of these classes of individuals, is by permission only. The use of amplification equipment by students, faculty, and staff, and organizations consisting solely of members of these classes of individuals, for any purpose other than expressive activities as set for in section 8.a above is by permission only.

- (1) Applications from individuals, departments, and organizations for permission to use amplification equipment must be made on the *Grounds Use/Solicitation Request* form provided by Student Union & Activities.
- (2) Applications must be submitted at least six university working days before the intended use.
- (3) The Managing Director of Student Union & Activities may prescribe rules concerning scheduling, maximum sound levels, location and direction of speakers, and other rules to facilitate the use of amplified sound to mediate any conflict with university functions, classes in sessions, examinations, other nearby activities, and the campus environment.
- (4) The use of amplification equipment for solicitation purposes must conform to all campus grounds use provisions as well as policies governing solicitation and commercial activities.
- (5) The use of such equipment or loudspeakers is not permitted in the vicinity of classrooms during regularly scheduled class hours without the written permission from Events and Instructional Space Management.
- (6) Sound equipment must not be disruptive and the volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus activities.
- (7) Special events, including, but not limited to, dances, pep rallies, ceremonies, or recreational activities that include the use of bands or amplification equipment may be held in approved locations only with prior approval of Student Union & Activities and Events and Instructional Space Management.
- (8) Outdoor dances utilizing sound amplification devices may only be held on Friday and Saturday nights, and must terminate by 1:00 a.m. Bands may use their own equipment at such dances.

c. Academic Use

- (1) The appropriate use of loudspeakers for official university activities inside academic buildings, or on the campus as a part of the academic instructional program, is determined and approved by the Office of the PSVP.
- (2) Permission for use of the victory bells or carillon bells in the towers of the Administration Building must be requested through the Office of the PSVP at least one university working day before the time of intended use. Use of the bells must not interfere with the normal functions and programs of the university. See [OP 30.21, Ringing Bells on Campus](#).

[Attachment A: Use of University Grounds Policy and Grounds Use/Solicitation Request form](#)
[Attachment B: Sales and Services of Alcoholic Beverages Approval form](#)

Texas Tech University
GROUND'S USE / SOLICITATION REQUEST

Return this form **no later than six university working days** prior to your event.
NOTE: You **Must** apply to use non-Forum Area space for free expression activities.

Date Received: _____

Meeting Date: _____

Registered SO: _____

CONTACT INFORMATION

Sponsoring Organization/Department: _____

Applicant Name: _____

Address: _____ City, State, Zip: _____

Day Phone: _____ Alternate Phone: _____

Email Address: _____

☐Grounds Use ☐Solicitation ☐Both **REQUEST INFORMATION**

Date(s) of Requested Use: _____

Requested

Location: _____

Beginning Time(s): _____ Ending Time(s): _____

Event Name: _____ Expected Attendance: _____

Purpose of Solicitation (if applicable): _____

Amount to be charged: \$ _____ per _____

Attached exact copy of T-shirt, hat, etc. design that will be used on items for sale or bring one for us to view.

For what purpose will the proceeds be used? _____

Activity Description (Please describe what you will be doing at the requested location. Add additional page if needed.)

Sponsoring Organization/Department/Student/Employee

The sponsoring organization agrees to abide by all pertinent University conditions and regulations pertaining to Grounds Use and/or Solicitation requests at Texas Tech University as highlighted in Part VII and/or Part VIII of the Student Handbook (view at www.studentaffairs.ttu.edu).

I, _____ certify on behalf of _____
that this Grounds Use/Solicitation Request meets the requirements of the Student Handbook, Part VII/Part VIII.

Applicant Signature

Date

Advisor Signature & Phone

Date

Return to: Student Union & Activities 203 Student Union (MS2031) Fax (806) 742-0655
Questions? Call (806) 742-3636

Grounds Use/Solicitation Request Review (office use only)

All for use of grounds will be reviewed weekly by the Outdoor Events Coordinating Committee, which reserves the right to approve, change, deny, or cancel requests through consultation with various TTU Departments/Offices and in accordance with TTU Operating Policy 61.02.

Approved ☐ Approved w/conditions ☐ Tabled ☐ Denied ☐

Decision Date: _____

Approval Conditions/ Reasons for Tabling or Denial:**Food**

- | | |
|---|--|
| <input type="checkbox"/> Temp. Food Permit - EHS Tim Riojas 2-3876
www.ehs.ttu.edu | <input type="checkbox"/> Drinks must be Coke products |
| <input type="checkbox"/> Plywood under grill | <input type="checkbox"/> Bring trash bags |
| <input type="checkbox"/> Dispose of coals off-campus | <input type="checkbox"/> Have water turned off for event |
| <input type="checkbox"/> Clean up after event | <input type="checkbox"/> Don't block walkway |

General

- | | |
|---|---|
| <input type="checkbox"/> <u>Tables</u>
SUB main office 2-3636
Signs must be attached or free standing | <input type="checkbox"/> <u>Run/Walks</u>
TTPD for assistance 2-3931
Use road markers- do not block street |
| <input type="checkbox"/> <u>Tents</u>
Charles Leatherwood
Grounds 2-3801 | <input type="checkbox"/> <u>Rec Center 2-3351</u>
For softball/volleyball fields,
gazebo, Urbanovsky, Sports fields |
| <input type="checkbox"/> <u>SUB</u>
West of Bookman (rain-north facade)
No signs on glass
Clean up after event | |

Merchandise

- ☐ Must have cash box
-\$100, & two attendants at all times

Parking

- | | |
|---|--|
| <input type="checkbox"/> Do not block handicap access | <input type="checkbox"/> Load/unload from curb |
| <input type="checkbox"/> No vehicles on grass/running track | |

*In accordance with TTU OP 61.02, **appeals** of Outdoor Events Coordinating Committee for faculty, staff, academic and administrative **departments** must be submitted to the **Office of the Provost** and for **registered student organizations** to the **Managing Director of the Student Union & Activities**.*

Department	Phone	MS	Signatures
Academic Support and Facilities	2-3658	2020	_____
Alumni Association	2-3641	5001	_____
Athletics	2-3355	3021	_____
Contracting	2-3841	1101	_____
Environmental Health & Safety	2-3876	1090	_____
Grounds Maintenance	2-3801	3144	_____
Hospitality Services	2-1966	2184	_____
Housing & Residence Life	2-1140	1141	_____
Recreational Sports	2-3351	2151	_____
Risk Management	2-0212	2003	_____
Student Union & Activities	2-3636	2031	_____
Texas Tech Police	2-3931	3041	_____
Transportation & Parking Services	2-3811	3161	_____



TEXAS TECH UNIVERSITY™

Sales and Services of Alcoholic Beverages Approval

This form serves to document the approval of sales and services of alcoholic beverages
on the Texas Tech University campus in accordance with Operating Policy 61.02

Name of the event:

Hosting department:

Department host:

Date(s) and time(s) of event:

Location of event:

Detailed description/business purpose of event:

Information about attendees:

Caterer:

For Alcohol Sales and Services:

I acknowledge:

Identification will be checked for all attendees

The caterer will provide the TABC certified bartender in compliance with OP 61.02

The caterer will provide the security services in compliance with OP 61.02

No alcohol will be served to anyone under the age of 21

I certify that to the best of my knowledge, the above information is complete and accurate. The coordinator of the facility will be responsible for keeping all approvals on file for each event where alcohol is sold or served.

Host Signature _____

Date_____

President's/Chancellor's Signature _____

Date_____



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 63.08: Property Management

DATE: June 25, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define the scope of property management at Texas Tech University System and Texas Tech University.

REVIEW: This OP will be reviewed in August of even-numbered years by the managing director of Financial Services & Tax (FST), the managing director of Procurement Services, and the chief of police with substantive revisions forwarded through the assistant vice president for financial & managerial reporting services to the vice president for administration and finance and chief financial officer and the university counsel.

POLICY/PROCEDURE

1. Background

As a state-supported educational institution, Texas Tech University System (TTUS) and Texas Tech University (TTU) must meet the requirements of the state Purchasing and General Services Act (Texas Government Code § 403.271 [a] and [b]) with regard to personal property and the Texas Capital Trust Fund (Texas Government Code § 403.271 [a] and [b] and § 2201.002) relating to real property. These requirements apply regardless of funding source.

Specific requirements for property purchased with federal funds can be found in OP 65.14, Federal Equipment. If the property was acquired with non-state fund sources or by donations, the requirements associated with those funds or donations must be met.

The inventory system is subject not only to these requirements, but also to those of the State Auditor's Office.

2. Definitions

- a. **Controlled Property**–The Comptroller of Public Accounts (CPA) has defined controlled property as certain property, which, due to the nature of the asset, is required to be managed by the state. Controlled property includes handguns and rifles regardless of acquisition cost and certain other property with an acquisition cost of \$500 to \$4,999. Please refer to Attachment K for a complete list of controlled property class codes.
- b. **Personal Property**–The CPA has defined personal property as all non-consumable property having an acquisition cost of \$5,000 or more or any property of the state of Texas, which, due to the nature of the asset, is required to be managed by the state.
- c. **Real Property**–The Texas Capital Trust Fund defines real property as land, land improvements, buildings, and building improvements.

- d. **Property Custodian**–The property custodian is an employee of TTUS or TTU to whom property has been assigned. The property custodian is responsible for the safekeeping of all property within the department and may be held financially responsible for the loss, damage, or misuse of university property. The property custodian is usually the department head, unless the responsibility has been delegated by the department head to another employee.
- e. **Property Manager**–The property manager is an employee in FST who has been designated as the property manager for TTUS and TTU and is charged with the responsibility of accounting for all institutional property to the CPA for the state of Texas.
- f. **Surplus Property**–Property that becomes surplus, obsolete, or uneconomically repairable will be disposed of under the control of the surplus property manager. Please refer to OP 63.07 for the policy and procedures regarding surplus property.
- g. **Surplus Property Manager**–The surplus property manager is an employee in Procurement Services who has been designated as the surplus property manager for TTUS and TTU and is charged with the responsibility for the disposal of surplus property in accordance with OP 63.07.

3. **Responsibility**

- a. **Property Manager**–Under the General Services Act, it is the responsibility of the property manager to account to the CPA for all TTUS and TTU personal property. The property manager is an employee within the FST department. To comply with State Property Accounting policies, Property Management is also responsible for conducting spot check audits or inventory reviews on all certified or uncertified inventories by organization. Organizations are randomly selected for this process. The audit will include verifying asset tag number, serial number, and room number where the asset is located.
- b. **Financial Services & Tax**–It is the responsibility of the Property Inventory group within FST to place a numbered inventory label that identifies controlled property or personal property as property of Texas Tech University and the state of Texas. If applicable, based on funding source, Property Inventory is responsible for placing an additional tag identifying assets as property of U.S. Government.
- c. **Department/Property Custodian**–Items of personal property are assigned to individual departments. The department head is usually the property custodian of personal property assigned to the department and is responsible for the safekeeping of the items. The CPA permits that a "custodian" may be designated for specific items of personal property who will then have responsibility to manage, control, and account for those items within his/her department.
 - (1) The property custodian must report to the property manager if new equipment has not been tagged within a timely manner. An email should be sent to property.management@ttu.edu.
 - (2) The property custodian must complete the *Temporary Use of Property Authorization Form* (Attachment D) and retain the completed form for his/her departmental inventory records. If the equipment is being loaned to another department, the equipment should be transferred to that department through the online inventory system. Return of the

equipment to the lending department should also be done through the online inventory system. If the equipment is being loaned outside of the state or country, the property custodian must submit the *Temporary Use of Property Authorization Form* to property.management@ttu.edu. Please refer to OP 61.01, Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited.

- (3) The property custodian must notify the property manager if an item is transferred from another institution or agency to the department so that the item may be added to the department's inventory. See section 4.b. below.
 - (4) The property custodian must notify the property manager if an item is fabricated on campus by the department so that the item may be added to the department's inventory. See section 4.b. below.
 - (5) The property custodian is responsible for tracking property costing less than \$5,000.00 and items not on the controlled asset list. If the property custodian desires to track these items with inventory tags, tagging can be requested from property.management@ttu.edu.
 - (6) The property custodian is responsible for certifying an annual inventory through the online Property Inventory System (www.fiscal.ttuhs.edu/propinv/).
- d. Procurement Services—It is the responsibility of Procurement Services to ensure proper coding of all purchases and payments meeting the definition in sections 2.a., b, or c above.
 - e. Institutional Advancement—It is the responsibility of the Office of Institutional Advancement to provide the property manager with the description, manufacturer, value, date of acquisition, and name of designated property custodian for all donated property so that the item may be added to the department's inventory. An email should be sent to property.management@ttu.edu.

4. Procedures

- a. Fixed Asset System—The Fixed Asset System is maintained by FST, Property Inventory group. The following data are included:
 - (1) Inventory Tag Number—The number assigned by TTU to the specific item;
 - (2) Description—Description of the item (e.g., computer);
 - (3) Model Number —Model of the item (e.g., Precision 390);
 - (4) Manufacturer—Manufacturer of the item (e.g., Dell);
 - (5) Serial Number—Serial number assigned by the manufacturer;
 - (6) Cost—Purchase price or other established value for the item, such as fair market value, at the time of donation;
 - (7) Date Acquired—Date purchased or otherwise identified as belonging to TTUS or TTU;

- (8) Department Org Code–Org Code for the department to which the item is assigned;
- (9) Building and Room Number–Location of item;
- (10) Custodian–Individual to whom item has been assigned;
- (11) Paid Account(s)–Account number(s) from which item was paid. This also includes grant/contract number of paid account (if applicable);
- (12) Purchase Order Number and Paid Voucher Number(s)–Number(s) assigned by the Procurement Services Department at the time of procurement and Banner reference number for invoice payments related to the purchase order; and
- (13) P-Card Purchases–Computers with a unit cost of more than \$500 are considered controlled assets by the state and must be properly tagged and tracked. These transactions must be processed in TechBuy. Under special circumstances, Procurement Services will make an exception and allow the purchase. Notification of the credit card purchase must be sent to property.management@ttu.edu. Computers costing less than \$500 will be allowed on the P-Card.

b. Additions to Fixed Asset System

(1) Purchases

If an item is purchased through TechBuy, the information required to add the item to the Fixed Asset System is provided by Procurement Services to FST.

(2) Transfers In

If an item is transferred from another Texas institution or Texas agency, the department receiving the asset must submit an *Inter-Agency Property Transfer Request* (Attachment F) to property.management@ttu.edu so that the item can be added to the Fixed Asset System.

Equipment Transfers in from the Following:

- Out-of-State College or University–Any university/college that is outside the state of Texas, such as Northeastern University, Stanford University, etc.;
- Private Institution–Any higher education institution within the state of Texas that is not part of the state system, such as Trinity University in San Antonio, Texas; or
- Non-Texas State Agency–Any state agency outside the state of Texas, such as New Mexico Health Department

Equipment transfers to Texas Tech University from any of the above require that the out-of-state college/university, private institution, or non-Texas state agency complete the *Out-of State, Private Institution, or Non-Texas State Agency Incoming – Property Transfer Receipt Form* (Attachment L) and submit it to Property Management for processing. Usually, these transfers are a result of a principle investigator (PI) coming to the university from another university, institution, or agency with equipment that is not received by the university Development Office. The property manager or a

designee must be made aware of any equipment transferred to the university if the transfer is not received through the university Development Office.

If there is a question whether the agency or institution is classified as one of the entities listed above, please contact the Property Management Office for assistance and clarification.

A written explanation for the transfer, along with any payments that will be received for the equipment, must accompany an *Out-of State, Private Institution, or Non-Texas State Agency Incoming – Property Transfer Receipt Form* and be sent to property.management@ttu.edu. A physical inventory must be completed by the department receiving the equipment before signing off on the property transfer receipt form.

Once completed with the required signatures and approvals and received by Property Management, Property Management will add the transferred equipment that meets the controlled or capitalized thresholds to the department's inventory listing. Property Management will also assign the appropriate tag numbers and tag the equipment that has been confirmed as received.

(3) Fabrication of Equipment

If an asset is fabricated on campus, the department must submit a *Fabrication of Equipment Authorization* (Attachment H) to property.management@ttu.edu so that the item may be added to the Fixed Asset System.

There are times when equipment needed for a project is not available or when it can be constructed for less than the cost to purchase the equipment. This practice is referred to as “fabrication of equipment.” When the equipment to be fabricated meets the criteria for capitalization (acquisition cost of \$5,000 or more and a useful life of at least one year) or as a controlled asset (defined in Attachment K), prior approval from the property manager for these projects is required, and an email should be sent to property.management@ttu.edu requesting approval. When purchasing the materials needed to fabricate equipment in TechBuy, complete the *Fabrication of Equipment Authorization* form and attach this form to your purchase requisition or reference the original purchase order if it is for a continued project. When purchasing materials needed to fabricate equipment with the procurement card, complete the *Fabrication of Equipment Authorization* form and send the form and a copy of the receipt/invoice to property.management@ttu.edu.

Account code 7J0060 should be used when the equipment to be fabricated meets the criteria for capitalization. This account code is not to be used for those projects that do not meet the criteria for capitalization.

(4) Donated Vehicles

Motor vehicles donated to the institution must comply with all the standards set forth in OP 80.07, Vehicle Fleet Management Program, and OP 02.03, Acceptance of Gifts and Grants from Private Philanthropic Sources. Acceptance of the vehicle is subject to approval by the Vehicle Fleet Management Office.

c. Deletions from Fixed Asset System

(1) Surplus Property

Transferring inventory items to surplus is done through the online property inventory system (<https://www.fiscal.ttuhsc.edu/propinv/>). Step-by-step instructions are provided in Attachment A. Please refer to OP 63.07, Disposal of Surplus, Obsolete, or Uneconomically Repairable Inventory.

(2) Missing or Stolen Property

- (a) Missing, Damaged, or Destroyed Property—Missing, damaged, or destroyed property should be reported immediately to property.management@ttu.edu by completing the *Request to Report Missing or Damaged Property Report* form (Attachment B). Misplaced property is not considered missing. All efforts should be made to determine that the equipment is actually missing. If missing property is a computing device, the institutional information security officer must be notified immediately. Missing property may be deleted only after that property is not found for a minimum of two physical inventories and/or two calendar years from the date that the property was reported missing. Damaged or destroyed property may be deleted immediately depending on the circumstances reported by the property custodian.
- (b) Stolen Property—Stolen property must be reported to Texas Tech Police Department immediately after the theft is noticed. If the stolen property is a computing device, the institutional security officer must be notified immediately. The *Request to Delete Stolen Property Report* (Attachment C) must be completed and sent with a copy of the police report to property.management@ttu.edu.

(3) Vehicles

If a university vehicle of any type is deleted from inventory, an email should be sent to property.management@ttu.edu and the Vehicle Fleet Management Office. Institution vehicles being disposed of as surplus property shall also comply with OP 80.04, Disposal of Motor Vehicles as Surplus Property. The *Request for Authority to Remove Vehicles from Department Inventory* form must be filled out and sent to Fleet Management. This form is found under OP 80.04.

(4) Items with Software and Data Files

Departments are responsible for software and data files on computing devices and equipment before they are transferred or surplused unless the software license is transferable. In the event that the computing device contains any confidential information in electronic media, the department is responsible to ensure that all electronic media is destroyed prior to being transferred or surplused.

d. Trade-in of Equipment and Vehicles

Equipment that has become inadequate for the needs of the department may be used as a trade-in toward the purchase of new equipment when the property custodian determines that

such action is in the best interest of the institution. The department must send an email to property.management@ttu.edu and the Vehicle Fleet Management Office (in cases of vehicle trade-ins) stating that the equipment will be used as a trade-in toward the purchase of new equipment. The amount allowed for the equipment used as a trade-in must be shown on the request to have the equipment deleted from inventory. The purchase order number that was used to order the new equipment and references the trade-in must be included in the deletion reason section. In the event the equipment is a computing device that contains confidential information in electronic media, the department shall destroy all electronic media before trade-in. Requirements for the replacement of equipment acquired with federal funds can be found in OMB Circular A-110 C.34(e).

If an institution-owned vehicle of any type is to be traded toward another vehicle and is to be deleted from inventory, the department making the trade will comply with the guidelines provided in OP 80.01, Painting University Vehicles and Equipment, OP 72.15, Purchasing/Leasing Motor Vehicles, and OP 80.07, Vehicle Fleet Management Program.

e. Property Transfers

Property that is surplus to a department or activity may be transferred to another TTU department through the online Property Inventory System at www.fiscal.ttuhs.edu/propinv. For an inter-agency transfer, the property custodian should prepare an *Inter-Agency Property Transfer Request* form (Attachment F) for transfers to another state agency and send it to property.management@ttu.edu.

The transfer will be made on a non-reimbursable basis unless the department originating the transfer makes prior arrangement with the recipient for reimbursement. Any proposed reimbursement arrangement, except directly between the losing and gaining accounts, must have the prior approval of the managing director of FST and the assistant vice president for financial & managerial reporting to ensure compliance with state rules and regulations. When a transfer to another state agency is to be made on a reimbursable basis, the managing director of FST and the assistant vice president for financial & managerial reporting will arrange for FST to handle the necessary billing.

If an institution-owned vehicle of any type is transferred to another department within the institution, the transferring department will provide a fully executed copy of the *Request to Transfer Vehicles between Departments* (Attachment E) to the Vehicle Fleet manager for approval. The transfer request must include justification and appropriate approvals as outlined in OP 72.15. Upon approval, the Vehicle Fleet manager will forward the request to property.management@ttu.edu. Non-approved requests will be returned to the department that originated the request with recommendations for disposal.

NOTE: Property purchased with federal funds may only be transferred or disposed of in accordance with O P 65.14, Federal Equipment.

f. Cannibalization of Equipment

In some instances, the benefits to the institution from cannibalization of obsolete equipment may outweigh the benefits that would otherwise be realized from the sale of the equipment or the transfer of the equipment to another department. In such cases, the department must contact property.management@ttu.edu. The equipment should not be dismantled prior to the approval of this request.

g. Changes

If any data in the Fixed Asset System is incorrect, changes can be made by the property custodians. Requests for assistance should be emailed to property.management@ttu.edu. Requests to add equipment that has been discovered should be made by completing a *Request to Add Property to Departmental Inventory that has been Discovered* form (Attachment G). Changes in location of equipment should be made by the property custodian through the online Property Inventory System at www.fiscal.ttuhs.edu/propinv.

h. Other Dispositions

If a department believes it has a need to dispose of an item in a manner that is not addressed in the items above, it must send an email to property.surplus@ttu.edu to determine the appropriate action.

5. Title to Equipment

a. Title

- (1) Title to purchased equipment vests in TTUS/TTU and the state of Texas. Refer to OP 65.14, Federal Equipment, for title regulations governing equipment purchased with federal funds.
- (2) Title to transferred equipment vests in TTUS/TTU and the state of Texas unless the former owner notifies the institution in writing of other arrangements or conditions upon accepting the equipment.
- (3) Title to loaned equipment does not vest in TTUS/TTU and the state of Texas.
- (4) Title to donated equipment vests in TTUS/TTU and the state of Texas by virtue of the fact that TTUS/TTU is a Texas state agency.
- (5) Title to equipment acquired/fabricated under a state or private grant vests in TTUS/TTU and the state of Texas unless the award terms and conditions state otherwise.
- (6) The presumption in all cases is that title vests in TTUS/TTU and the state of Texas unless explicitly stated otherwise by an authoritative source.

b. Disposition

- (1) If title vests in TTUS/TTU and the state of Texas and there are **no** sponsor (donor) regulations or advice pertaining to disposition of property:
 - (a) After the approval of the CPA (and the Department of Information Resources in the case of computer and telecommunications hardware and software), the item may be transferred to another agency of the state of Texas; or
 - (b) The item may be declared surplus and disposed of in accordance with OP 63.07, Disposal of Surplus, Obsolete, or Uneconomically Repairable Inventory.

- (2) If title vests in TTUS/TTU and the state of Texas and there **are** sponsor (donor) regulations or advice pertaining to disposition of property:
 - (a) After the approval of the CPA (and the Department of Information Resources in the case of computer and telecommunications hardware and software), the item may be transferred to another agency of the state of Texas;
 - (b) The item may be declared surplus and disposed of in accordance with OP 63.07; or
 - (c) The item may be disposed of in accordance with sponsor (donor) regulations or advice, provided TTU and the state of Texas are reimbursed at fair market value in proportion to the percentage of TTU/state participation in the acquisition cost.
- (3) TTU and the state of Texas have no control over loaned equipment other than stewardship responsibilities to protect such property from loss, damage, or unauthorized use. Disposition is completely at the discretion of the owner.

6. Private Use Prohibited

Equipment that the institution owns or for which it is responsible shall not be used for personal purposes. Institution-owned and controlled equipment should not be removed from the premises. In the event a tagged item of equipment needs to be removed from institution property to an employee's personal residence or other like location to accomplish work or business "at home," a *Temporary Use of Equipment Authorization Form* (Attachment D) must be completed and the department should retain the form for its departmental inventory records. For property that is removed out of the university, out of state, or out of the country, both the temporary custodian and the property custodian (department chairperson) must sign the *Temporary Use of Equipment Authorization*. In the event that the temporary custodian is also the department chairperson, the approval of the dean or the appropriate vice president/vice provost is also required. These forms must be sent to property.management@ttu.edu. All equipment that is university-owned or controlled must be tagged as property of the university before it can be removed from the university premises. When loaned equipment is returned to the department, notification should be sent to property.management@ttu.edu for removal of the loan status.

Please also refer to OP 61.01, Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited.

7. Annual Physical Inventory

State law requires that a complete physical inventory be taken each fiscal year. OMB Circular A-110 C.34(f)(3) requires the physical inventory requirement for equipment acquired with federal funds and federally owned equipment. This inventory will be taken by the property custodian using the most recent listing from the Fixed Asset System. The listing and instructions will be provided through the online Property Inventory System at www.fiscal.ttuhs.edu/propinv.

FST Property Management personnel will be available to assist and advise departments that encounter problems during the physical inventory.

8. Insurance

The institution does not insure against the loss or damage of most property. If insurance does not exist, departments must replace lost, damaged, stolen, or destroyed property from their own departmental funds. For high value items that need to be insured, submit an email to techbuy.purchasing@ttu.edu. The cost of insurance must be covered by the department.

9. Reports

External report requirements will be managed and coordinated between FST and SPAR.

10. Changes to Departmental Inventory

Changes to departmental inventories may be completed through the online Property Inventory System (www.fiscal.ttuhs.edu/propinv) or by use of the following forms. Instructions for completion of these forms are also included as attachments to this OP.

[Attachment A: Online Instructions for Moving Inventory Items to Surplus](#)

[Attachment B: Request to Report Missing or Damaged Property Report](#)

[Attachment C: Request to Delete Stolen Property Report](#)

[Attachment D: Temporary Use of Property Authorization Form](#)

[Attachment E: Request to Transfer Vehicles between Departments](#)

[Attachment F: Inter-Agency Property Transfer Request](#)

[Attachment G: Request to Add Equipment to Departmental Inventory that has been Discovered](#)

[Attachment H: Fabrication of Equipment Authorization](#)

[Attachment I: Request to Transfer Property to another Institution \(Outgoing\) \(see OP 65.14\)](#)

[Attachment J: Subcontractor Form \(See OP 65.14\)](#)

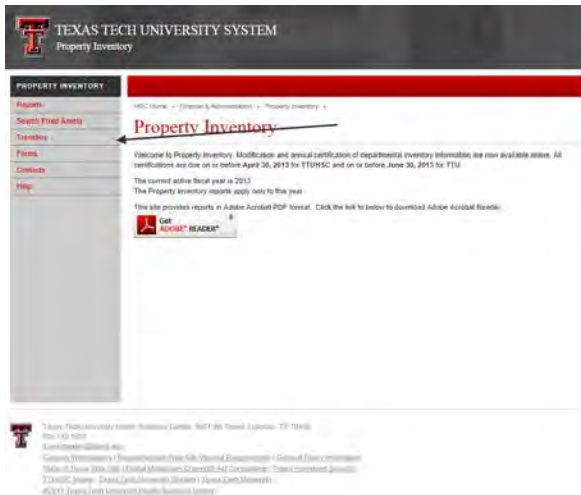
[Attachment K: Controlled Property Class Codes](#)

[Attachment L: Out-of-State University, Private Institution, or Non-Texas State Agency Incoming-Property Transfer Receipt Form](#)

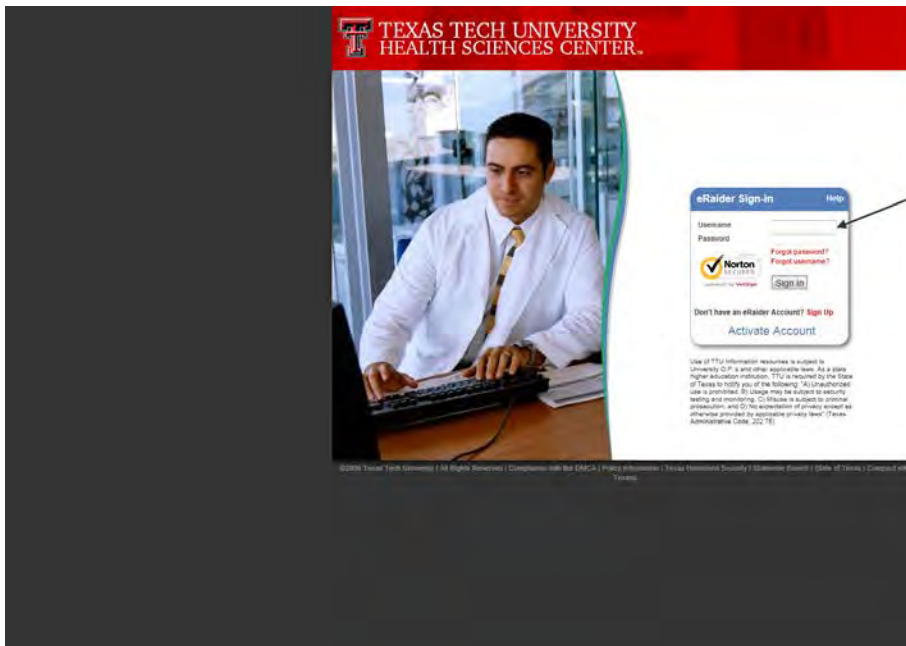
[Attachment M: Request to Have Property Picked up by Surplus](#)

Online Instructions for Moving Inventory Items to Surplus

1. Log on to the web site: <https://www.fiscal.ttuhsc.edu/propinv/>
2. Click on “Transfers” and then click on “Initiate”:



3. You will be directed to log in with your eRaider credentials. This says Texas Tech University Health Sciences Center, but it will direct you to the TTU site after you sign in.



- Make sure your department name is listed and, if so, proceed. Make sure the radio button “Departmental Inventory” is pushed and then click “Go to Report”:

TEXAS TECH UNIVERSITY SYSTEM
Property Inventory

PROPERTY INVENTORY

Home / Departmental Inventory / Property Inventory

Select Report

Below is a list of Organizations within the Department and a list of reports available. Select an Organization, and then select the report you wish to view. Click the Go To Report button to proceed.

Edit assets or Transfer an asset by choosing the Departmental Inventory or Items Not Yet Tagged report.

You are authorized to view inventory for items that are in your department. To change departments, choose a different department from the drop-down menu below and click Change Dept.

1. [X] Departmental Inventory [X] Change Dept

Organizations for Accounts Payable (C13001)	Available Reports:
C13001 - Travel Conference	<input checked="" type="radio"/> Departmental Inventory Listing (includes ability to edit and transfer)
	<input type="radio"/> Items Not Yet Tagged (includes ability to edit and transfer)
	<input type="radio"/> Missing Property
	<input type="radio"/> Lost and Stolen Property
	<input type="radio"/> Annual Certification

Go To Report

- After running the report, click “Transfer”:

TEXAS TECH UNIVERSITY SYSTEM
Property Inventory

PROPERTY INVENTORY

Home / Departmental Inventory / Property Inventory

Departmental Inventory

C13001 - Travel Conference

Jennifer Adling

Below is a list of inventory items for the selected Organization. To edit an item click the edit link to put the row in "edit mode". In this mode there are four fields which you are able to edit: Condition, Serial Number, Room, and Building. After editing one or more fields, either save the changes by clicking the Update link for that row or cancel the changes by clicking the Cancel link. After updating items that have been changed are highlighted in yellow. When done, click the Save Changes button. This will queue your changes to process in the background. To cancel all your changes, click the Undo All Changes button.

Assets will remain on the "Items Not Yet Tagged" report until a location and serial number are submitted to complete the tagging process.

*The Serial Number field must contain only the serial number of the asset. Placing other information in the field renders the asset unsearchable by the Property Management office.

Select Different Report to Organization

Home / Departmental Inventory / Departmental Inventory

Click here to get a PDF version of this report.

Item	Serial	Code	Type	Tag #	Description	Manufacturer	Model	Serial Number	Room	Assigned Date	Amount
Item	Serial	Code	Type	Tag #	Description	Manufacturer	Model	Serial Number	Room	Assigned Date	Amount
		01	QF	205357	Computing Demonstration	Motorola	Motorola	205357	Quaker Run Bldg	3/15/1981	54,875.00

Total: 54,875.00

6. On the 1st dropdown labeled “Department,” pick Surplus-C1303; On the 2nd dropdown labeled “Orgn,” pick C13013-Property Surplus; On the 3rd dropdown labeled “Building” pick 0340 TTU Warehouse Building; On the 4th dropdown labeled “Room” pick Remote Inventory. Make sure you put a reason on the “Transfer Reason” box and then hit the “Submit” button.

The screenshot shows the 'Transfer' form in the Texas Tech University System Property Inventory system. The form is titled 'Transfer' and includes a sidebar with navigation links: Home, Search Fixed Assets, Transfers, Forms, Contacts, Help, and Admin. The main form area contains the following fields:

- Initiated by: Maria Riccardi
- Tag #: 257750
- Dept: S2 Plasma Hall
- Orgn: C14027
- Room: CN for Addition Recovery Room 6
- Department: Surplus - C1303 (dropdown)
- Orgn: C13013 - Property Surplus (dropdown)
- Building: 0340 TTU Warehouse Building (dropdown)
- Room: Remote Inventory (dropdown)
- Transfer Reason: (text box)
- Submit button

A red arrow points from the 'Dept' field to the 'Department' dropdown. The footer of the page contains contact information for the Texas Tech University System, including the address, phone number, and website.

7. After submitting, please send an email to property.surplus@ttu.edu listing the items that have been transferred to surplus using the form *Request to Have Property Picked up by Surplus*. Be sure to list the Transfer #, Asset Tag #, Description, and Serial Number and fill out the necessary certifications required. The email notifies Surplus Property to physically pick up the items that have been transferred to surplus through the online inventory system.

Note: Surplus will not accept any online transfers without email notification.

8. There will not be any more paper work needed to move surplus inventory to the warehouse.



TEXAS TECH UNIVERSITY

REQUEST TO REPORT MISSING OR DAMAGED PROPERTY REPORT

Note: If property is missing (not misplaced), damaged, or destroyed, this form should be completed and sent to property.management@ttu.edu

Name of Department

Organization No.

Please check the appropriate occurrence.

Is the asset? ☐ Missing
☐ Damaged
☐ Destroyed

What date did you become aware of the occurrence?

Asset Tag #	Description	Purchase Date	Purchased Amount	Serial Number	Location

Person(s) responsible for asset(s)	Property Custodian	Phone
------------------------------------	--------------------	-------

Report in detail the circumstances regarding this report.

REQUIRED: Please check the appropriate box

☐ Our investigation of the circumstances surrounding the state property listed herein indicates reasonable cause to believe that the missing property **was** through the **negligence** of the person(s) charged with the care and custody of this property.

☐ Our investigation of the circumstances surrounding the state property listed herein indicates reasonable cause to believe that the missing property **was not** through the **negligence** of the person(s) charged with the care and custody of this property.

sign here ➡	Date
Printed Name and Title	

Retain this form for your files. If the property is missing due to employee negligence, submit a copy of this form to property.management@ttu.edu

Attachment B
OP 63.08
4/18/14



TEXAS TECH UNIVERSITY

REQUEST TO DELETE STOLEN PROPERTY REPORT

Note: If property has been stolen, this form should be completed and sent to property.management@ttu.edu

Name of Department	Organization No.
--------------------	------------------

Place of occurrence	City	County
Police agency notified	Police report number	Estimated value at date of loss


Asset Tag #	Description	Purchase Date	Purchased Amount	Serial Number	Location

Person(s) responsible for asset(s)	Property Custodian	Phone
------------------------------------	--------------------	-------

Report in detail the circumstances regarding this report and what security measures were in place at the time.

REQUIRED: Please check the appropriate box

- ☐ Our investigation of the circumstances surrounding the state property listed herein indicates reasonable cause to believe that the loss, destruction, or damage to this property **was** through the **negligence** of the person(s) charged with the care and custody of this property.
- ☐ Our investigation of the circumstances surrounding the state property listed herein indicates reasonable cause to believe that the loss, destruction, or damage to this property **was not** through the **negligence** of the person(s) charged with the care and custody of this property.

sign here 	Date
Printed Name and Title	

Retain this form for your files. If the property was stolen due to employee negligence, submit a copy of this form and a copy of the policy report, if applicable, to property.management@ttu.edu

Attachment C

OP 63.08

4/18/14

TEXAS TECH UNIVERSITY
Temporary Use of Property Authorization Form
Texas Tech University Property Management
property.management@ttu.edu

This completed and signed form documents the loan of the following property:

Inventory Number	Description (Please include Manufacturer, Model number and serial number where applicable)

This is a (check one):

___ Short-term loan (less than 30 days) To be returned on or before: _____

___ Long-term (greater than 30 days) To be returned on or before: _____

I, _____, understand that I am responsible for the property listed above while it is on loan to me. I will exercise reasonable care of this equipment and safeguard it against theft, damage and misuse. I will use this equipment only for activities benefitting Texas Tech University. I will return the property by the date listed above or upon separation from the University.

X _____
Signature

Date _____

Approval of Loan:

Printed Name - Department Head/Director/
Departmental Property Custodian

Date _____

Signature Name - Department Head/Director/
Departmental Property Custodian

SUBMIT THIS FORM TO PROPERTY.MANAGEMENT@TTU.EDU FOR EQUIPMENT LOANED OUT OF STATE OR COUNTRY, OTHERWISE PLEASE RETAIN FOR YOUR DEPARMENTAL INVENTORY RECORDS.

TO BE COMPLETED WHEN PROPERTY IS RETURNED (NOT TO EXCEED ONE YEAR):

Date Returned: _____ Building Name: _____ Room #: _____

Verified by: _____

Immediate Supervisor's Approval: _____

Property Custodian _____

TEXAS TECH UNIVERSITY

REQUEST TO TRANSFER VEHICLES BETWEEN DEPARTMENTS

The following item (s) have been transferred from _____
(Department Name)

to _____ Date _____
(Department Name)

[illegible]

Property Custodian/Losing Department

Property Custodian/Gaining Department

Recorded in Property Inventory System

INTER-AGENCY PROPERTY TRANSFER REQUEST

TRANSFEROR _____	AGENCY NO. _____
PROPERTY CUSTODIAN _____	DATE _____
(Signature)	
TRANSFeree _____	AGENCY NO. _____

[illegible]

TO BE COMPLETED BY FINANCIAL SERVICES AND TAX	
DATE ENTERED	_____
SIGNATURE	_____
DATE ACCEPTED	_____
SIGNATURE	_____

REQUEST TO ADD PROPERTY TO DEPARTMENTAL INVENTORY THAT HAS BEEN DISCOVERED

I request that the following items be added to the _____ inventory.
(Department Name)

[illegible]

Property Management
Signed when added to Departmental Inventory

ATTACHMENT G
OP 63.08
4/18/14

FABRICATION OF EQUIPMENT AUTHORIZATION

NAME OF FABRICATED EQUIPMENT: _____

NEW PROJECT ☐ EXISTING PROJECT ☐

PROJECT DESCRIPTION/EQUIPMENT DESCRIPTION: _____

ESTIMATE DATE OF COMPLETION: _____

ESTIMATED COST OF COMPLETED EQUIPMENT: _____

GRANT/CONTRACT NO: _____

ORIGINAL PURCHASE ORDER NO FOR PROJECT: _____

PRINCIPAL INVESTIGATOR: _____

CONTACT PERSON: _____

APPROVED _____
Property Manager

REQUEST TO TRANSFER PROPERTY TO ANOTHER INSTITUTION (OUTGOING)

NO

[illegible]

If an active TTU sponsored project is being transferred to another institution, equipment must be transferred in accordance with the terms and conditions of the award.

Signature of Requestor

Signature of College Dean

Signature of Office of Research Services

Signature of Property Manager
(after property has been removed from Fixed Asset System)

Signature of Requestor

Signature of College Dean

Signature of Property Manager
(after property has been removed from Fixed Asset System)

Attachment I
OP 63.08
4/18/14

TEXAS TECH UNIVERSITY SUBCONTRACTOR FORM

SUBCONTRACT NUMBER: 	PRIME CONTRACT:
Company Name: 	
Address: 	
City, State, Zip: 	
Contact Name: 	
Phone: 	

	Yes	No	N/A	Select Correct Answer
Do you have a Government approved property system?	0	0	N/A	N/A
Is there Government Property accountable under this subcontract?	0	0	N/A	N/A
If yes, is the Government Property only used to support this subcontract?	0	0	N/A	N/A
Number of Line Items: Total Value: 				
Is the property identified in your subcontract?	0	0	N/A	N/A
If no, was it properly transferred to the current subcontract?	0	0	N/A	N/A
Has an inventory been performed in the past year?	0	0	N/A	N/A
If yes, date completed: 				
Are property records maintained?	0	0	N/A	N/A
Is all property tagged and properly identified?	0	0	N/A	N/A
Have you acquired any Government property under this subcontract in the past year?	0	0	N/A	N/A
If yes, was it furnished?	0	0	N/A	N/A
If yes, was it a purchase order?	0	0	N/A	N/A
If yes, do you have a receiving and inspection process?	0	0	N/A	N/A
Have you disposed of any property, in the past year, accountable under this subcontract?	0	0	N/A	N/A
Are there any lower tier subcontractors under this subcontract?	0	0	N/A	N/A
If yes, are they authorized to use or acquire Government property?	0	0	N/A	N/A
Are any consumable materials being used in support of this subcontract?	0	0	N/A	N/A
Are there any requirements to move property under this subcontract?	0	0	N/A	N/A
Does this subcontract require you to store any property?	0	0	N/A	N/A

Survey Completed By: 	Date:
--	---

QUESTIONS REGARDING THIS FORM SHOULD BE DIRECTED TO PROPERTY.MANAGEMENT@TTU.EDU

Attachment J
OP 63.08
4/18/14

Controlled Property Class Codes

Note: Class codes 106 and 107 are controlled at any cost. All other class codes are controlled at \$500 to \$4,999.				
Class	Useful Life (months)	Controlled Property - Class Code Description		
106	120	Hand Guns		
107	120	Rifles and Shotguns		
129	84	Sound Systems & Other Audio Equipment		
130	84	Portable Cameras		
131	84	TVs, Video Players/Recorders		
204	48	Computer, Desktop		
214	48	CPU Desktop - Apple		
218	72	Data Projectors		
219	48	Smartphones, Tablets & Other Handheld Devices		
284	48	Portable CPU - not Apple		
294	48	Portable Apple CPU/Laptops		



TEXAS TECH UNIVERSITY
OUT-OF-STATE UNIVERSITY, PRIVATE INSTITUTION, OR NON-TEXAS STATE
AGENCY INCOMING - PROPERTY TRANSFER RECEIPT FORM

Numbers 1-12 must be completed by the out-of-state University, private institution, or non-Texas state agency transferring the equipment:

1. Institution/Agency Name: _____

2. Transferring Institution/Agency Property Manager (or authorized signer):

Signature

Printed

3. Transferring Institution/Agency Inventory Contact (or authorized signer):

Signature

Printed

4. Transferring Institution/Agency Contact Email and Phone Number

Email

Phone Number

5. Equipment Transferred Date: _____

Capital Equipment List

6. Institution/Agency Property Number	7. In-Service Date	8. Description	9. Serial Number	10. Historical Cost	11. Accumulated Depreciation	12. Cash Proceeds or Estimated Fair Market Value

Numbers 13-18 must be completed by the TTU department receiving the equipment. **Note: Please attach a list of equipment if you have more than 5 items to enter.**

My department accepts financial liability for loss or damage to this Item(s). All listed property numbers/serial numbers have been verified and are hereby received.

13. Receiving TTU Department Name: _____

14. Department (6-digit) Org Code: _____

15. Department Head (or authorized signer):

Signature

Printed

16. Inventory Contact (or authorized signer):

Signature

Printed

17. Inventory Contact Email and Phone Number:

Email

Phone Number

18. Equipment Received Date: _____

19. Email a PDF copy of the Proposed Property Transfer Receipt Form to Property Management at property.management@ttu.edu.

[illegible]

Attachment M
OP 63.08
4/18/14



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 64.07: Graduate Student Appeals

DATE: April 7, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to outline the disposition of cases involving graduate student appeals.

REVIEW: This Operating Policy/Procedure (OP) will be reviewed in October of odd-numbered years by the dean of the Graduate School with substantive revisions forwarded to the senior vice provost and the provost and senior vice president (PSVP).

POLICY/PROCEDURE

1. This policy applies to specific grievances arising from matters affecting students' academic standing and performance, other than admission to the Graduate School (see OP 64.01) and academic dishonesty (see the *Code of Student Conduct*). Such matters include, but are not limited to, disputes concerning comprehensive and qualifying examinations, theses and dissertations, academic probation and suspension, publications, and graduate assistantships. Appeals, other than probation and suspension, may be made only when alleged prejudice or arbitrary or capricious action is involved. Appeals of course grades are made through the dean of the college in which the course is offered and, therefore, are excluded from consideration in this OP.
2. The burden of proof of unfair influence or action rests with the student.
3. A student wishing to appeal a decision or action first should discuss the matter with the faculty member or members involved.
4. If not satisfied with the outcome of this effort, the student should contact the chairperson of the department concerned. This contact, like that with the faculty members, normally is informal, and the department chairperson may take whatever action is deemed advisable in attempting to resolve the issue. All parties involved should make every effort to resolve the issue without going beyond this level.
5. If still not satisfied following these meetings and discussions, the student may make a written formal appeal to the Office of the Dean of the Graduate School. The appeal must include supporting information that details specifically all aspects of the student's grievance.
6. The dean of the Graduate School may first convene an informal committee of at least two associate deans to evaluate the information and seek further information from the academic department involved. The dean may render a decision on the basis of this investigation and evaluation or may choose to defer a decision until the case has been considered by a hearing committee (normally the Student Affairs Committee of the Graduate Council). Ordinarily, this committee will meet only in the fall and spring semesters, due to the difficulty of securing relevant participants in the summer months.

7. If an appeals committee is convened, it will examine the evidence and hold what hearings and meetings it deems necessary to make a recommendation in the case. It is not necessary for the parties to appear unless requested by the committee, but parties have the right to appear if they wish to do so. The dean of the Graduate School may attend meetings of the appeals committee but will not be present during the committee's deliberation of its final recommendation. Members of the committee who have professional or personal relationships with either party in a dispute that would create a hindrance to objective judgment or a conflict of interest must withdraw themselves or be recused from the committee. The dean will name a replacement. After appropriate deliberation, the committee will make its recommendation to the graduate dean.
8. Taking into account the recommendation of the appeals committee (if convened), the dean of the Graduate School will make a decision on the appeal, which will be sent in writing to the student, the department involved, and the chairperson of the appeals committee.
9. Appeal of the dean's decision may be made in writing, with evidence and history provided to the Office of the PSVP either by the student or by the faculty member(s) involved.
10. If an appeal is made to the office of the PSVP, the PSVP or designee will determine whether to hear the appeal. If the appeal is heard, the office of the PSVP will render a decision on the basis of the evidence and history provided. The decision will be sent in writing to the student, the department involved, the chairperson of the appeals committee, and the dean of the Graduate School. The decision of the office of the PSVP will be considered the final disposition of the case, without any further appeal at Texas Tech University.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.01: Miscellaneous Leaves of Absence

DATE: January 25, 2012

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish university policy for leaves of absence, other than holiday, vacation, family and medical, parental, leave without pay, sick, and sick leave pool for classified, professional, administrative, executive management, and faculty employees.

REVIEW: This OP will be reviewed in June of even-numbered years by the managing director Human Resource Services and the managing director Equal Employment Opportunity with recommended revisions forwarded to the assistant vice president for human resources administration and the chief of staff to the president.

POLICY/PROCEDURE

1. Eligibility

An employee is eligible to accrue or take paid leave under this OP only if the employee is a regular employee, which is defined as an employee who:

- a. Is employed to work at least 20 hours per week for a period of at least four and one-half months; and
- b. Is not employed in a position for which the employee is required to be a student as a condition of employment.

2. Reporting Leaves of Absence

Employees are required to report hours worked and leave usage in a manner and form prescribed by the university in order to meet the payroll processing deadlines.

3. Amateur Radio Operator Leave

A regular employee with an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services without a deduction in salary or loss of vacation or sick leave. The amateur radio operator leave should be authorized by the employee's supervisor and with the approval of the governor.

The number of amateur radio operators eligible for this type of leave may not exceed 350 state employees during a fiscal year. The division of emergency management in the Governor's Office is responsible for coordinating the establishment and maintenance of the list of employees

eligible for this leave.

4. Assistance Dog Training for Employees with a Disability

A disabled employee is entitled to a leave of absence with full pay to attend a training program to acquaint the employee with an assistance dog to be used by the employee. The employee continues to accrue vacation and sick leave while on leave. The leave of absence may not exceed ten working days in a fiscal year. For purposes of this leave, "disabled" has the meaning assigned by Section 121.002, of the Texas Human Resources Code.

5. Blood Donor Leave

A regular employee is allowed sufficient time off without a deduction in salary or accrued leave to donate blood. Time off may not be granted more than four times in a fiscal year. To qualify for this leave, the employee must obtain his or her supervisor's approval before taking the time off and provide proof to the supervisor that blood was donated during the time off.

6. Bone Marrow Transplant Leave

A regular employee is allowed a paid leave of absence, up to five working days in a fiscal year, to serve as a bone marrow donor.

7. Certified Red Cross Activities Leave

A regular employee who is certified as a disaster service volunteer of the American Red Cross or is in training to become such a volunteer is entitled to a leave of absence, not to exceed ten days each fiscal year, to participate in specialized disaster relief services for the American Red Cross. The employee must have the approval of his or her supervisor and a formal request from the Red Cross. In addition, the approval of the Governor's Office is required. An employee on such leave will not lose pay, vacation time, sick leave, or earned overtime during this leave.

The number of certified disaster service volunteers eligible for this type of leave may not exceed 350 state employees during a fiscal year. The division of emergency management in the Governor's Office is responsible for coordinating the establishment and maintenance of the list of employees eligible for this leave.

8. Compliance with a Subpoena

An employee who is testifying in an official capacity for the university is considered to be on "special assignment," and the time is considered regular hours worked.

An employee who appears as a witness in an official capacity in a judicial proceeding or legislative hearing may not accept or receive a witness fee for the appearance.

An employee who is required to attend court as a result of a subpoena to appear in civil, criminal, legislative, or administrative proceedings will be allowed to use vacation time for the absence. If the employee does not have enough vacation time accrued, the time off will be leave without pay. The employee should notify his or her supervisor upon receiving the subpoena.

An employee who is retained to testify as an expert witness will be required to use vacation time or, if no vacation time is available, with the permission of the employee's supervisor, may be

placed on leave without pay.

9. Court Appointed Special Advocate (CASA) Volunteer Leave

A regular employee who is a court appointed special advocate may take up to five hours per month to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates.

10. Emergency Leave

A regular employee may be granted an emergency leave only after all applicable leave has been exhausted and when it is determined that there is good cause for such leave. Such leave normally will not exceed three workdays per year.

An emergency is defined as an unforeseen combination of circumstances calling for immediate action, such as a natural disaster, which if not responded to immediately would present imminent danger to human life or substantial damage to property.

When an employee must leave work because of an emergency, the employee's immediate supervisor should be notified as early as possible. Emergency leaves require approval by the appropriate vice president or vice provost and the president.

Inclement weather conditions or natural disasters will not constitute just cause for an emergency leave unless approved by the president for the institution as a whole.

11. Family and Medical Leave – See OP 70.32

12. Foster Parent Leave

A regular employee who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services is entitled to attend:

- a. Staffing meetings held by the Department of Protective and Regulatory Services regarding the child under the foster care of the employee; or
- b. An admission, review, and dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.

13. Funeral Leave

A regular employee will be granted funeral leave without a loss in regular pay for a death in the family. For the purposes of funeral leave, "family" is defined as the employee's spouse or being related to the employee or his/her spouse as parents, children, brothers, sisters, grandparents, or grandchildren.

In addition, the president of Texas Tech has extended the definition of "family" to include the employee's or the spouse's stepparents, stepchildren, stepbrothers, stepsisters, step-grandparents, step-grandchildren, and great-grandparents.

The amount of time granted for funeral leave normally shall not exceed three days. A full three days is not automatically granted since it is intended that such leave be limited to the reasonable

amount of time necessary for travel, funeral arrangements, funeral services, grieving, or being with other family members during the immediate period of bereavement. Vacation leave will be used for time off for funeral leave for other than a family member listed above or for extended time off. If the employee does not have sufficient vacation leave and if additional time off is granted, it will be taken as leave without pay.

Requests for funeral leave should be submitted to the departmental official who has the authority to approve leave. Requests for funeral leave for a family member not mentioned above, or for a period greater than three days, are subject to approval of the appropriate vice president or vice provost and the president, when it is determined the employee shows good cause.

14. Holiday Leave – See OP 70.45

15. Jury Leave

A regular employee summoned for jury service will be given reasonable time off for the hours required for rendering such services to the court.

Compensation will not be reduced, nor will time away from work be deducted from accrued leave. Day shift employees are to report for work any time during normal duty hours when service to the court is not required.

For an employee working other than the regular day shifts, the department will:

- a. Provide time off equivalent to the time necessary to fulfill such obligation;
- b. Pay straight time in an amount equivalent to the time that was necessary to fulfill such obligation; or
- c. Reassign the employee to the day shift for the period they are required to serve and assign a replacement for the later shift, as needed.

An employee shall not be required to account to Texas Tech for any fee or compensation received for jury service.

In order to qualify for pay during periods of such service, the employee must furnish documentary proof of service to his or her immediate supervisor.

An employee should notify his or her supervisor upon receiving a summons.

16. Leave Without Pay – See OP 70.43

17. Legislative Leave for Peace Officers

A certified peace officer is entitled to a legislative leave to appear before or to petition a governmental body during a regular or special session of that body. An eligible employee desiring to apply for such leave must:

- a. Submit an *Application for Legislative Leave for Peace Officers* to the chief of police at least 30 days in advance of the leave; and

- b. Make reimbursement to Texas Tech for the cost of granting the leave before the leave starts.

A legislative leave will not be construed as a break in service, and the employee will remain in a paid status during such leave. The length of the leave may not exceed the length of the session, or 624 work hours, during any fiscal year.

18. Military Leave

- a. Authorized Training or Active Duty

An employee who is a member of the state's military forces or member of any reserve component of the U.S. armed forces who is called to active duty or authorized training is entitled to a leave of absence of not more than 15 work days in each federal fiscal year (October 1 – September 30) without loss of pay or benefits. The 15 days need not be consecutive. After exhausting the 15 work days of paid military leave, the employee may use accrued vacation leave or be placed on leave without pay for the remainder of the active duty period.

- b. Call to State Duty by the Governor

An employee who is a member of the state military forces who is called to active state duty by the governor because of a state emergency is entitled to receive emergency leave without loss of military or annual leave. This leave is not limited and will be provided with full pay.

A member of the state military forces who is ordered to active state duty by the governor or by other proper authority under the law of this state is entitled to the same benefits and protections provided:

- (1) To persons performing service in the uniformed services by 38 U.S.C., Sections 4301-4313 and 4316-4319, as that law existed on April 1, 2003; and
- (2) To persons in the military service of the United States by 50 App. U.S.C., Sections 501-536, 560, and 580-594, as that law existed on April 1, 2003.

This applies only to persons serving on active state duty on or after May 27, 2003 without regard to the date on which the person was initially ordered to active state duty.

- c. Call to National Duty

An employee who is a member of the state's military forces or a member of any reserve component of the U. S. armed forces called to federal active duty during a national emergency is entitled to an unpaid leave of absence after exhausting the 15 days of paid military leave. The employee will continue to accrue state service credit for purposes of longevity pay while on military duty, but does not accrue vacation or sick leave during this period. The employee may retain any accrued vacation or sick leave and is entitled to be credited with those balances upon returning to active university employment from military duty. Leave earned while in a university-paid status is credited to the employee's balances when the employee returns to active university employment.

An employee may use any accrued vacation leave to maintain benefits for the employee or the employee's dependents while on military duty. Before the employee departs for military

service, he or she should contact Human Resource Services to review any issues relating to maintaining health insurance coverage, including what the employee must do to maintain his/her health insurance coverage, how his/her health insurance coverage is affected by paid or unpaid leave, and how to pay any premium required for the insurance coverage.

An employee may continue to accrue service credit with TRS by receiving at least one hour of pay from the university during each month of active military service. An employee may use any combination of paid leave, including vacation leave, military leave, or military emergency leave differential pay to qualify for this pay.

d. Differential Pay

A regular employee who is a member of the state's military forces or a member of any reserve component of the U.S. armed forces who is called to federal active duty during a national emergency will be granted sufficient emergency leave to provide a pay differential if his/her military gross pay is less than his/her state gross pay. The combination of emergency leave and military pay may not exceed the employee's actual state gross pay. See OP 70.04, Military Emergency Leave, for additional information.

e. Restoration of Employment

An employee who is a member of the state's military forces or of any reserve component of the U.S. armed forces ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that he or she held when ordered to duty or to a position of similar seniority, status, and pay, if he/she is still physically and mentally qualified to perform the essential duties of such job.

If the employee has a disability, as defined by the American with Disabilities Act, as amended, the employee must be able to perform the essential functions of the job with or without a reasonable accommodation.

If the veteran employee is not qualified to perform the duties of the same position held before the military service because of a military-connected disability, the employee must be re-employed in:

- (1) Any other position of similar seniority, status, and pay, which, with reasonable accommodation by Texas Tech, the employee could perform; or
- (2) The nearest approximate position consistent with the individual's circumstances.

To be eligible for restoration of employment at the conclusion of military service, the employee must be honorably discharged no later than five years after induction, enlistment, or call to duty and must be able to perform the essential duties of the position.

A regular employee eligible for re-employment under state or federal law must apply for re-employment no later than the 90th day after the date the veteran is discharged or released from active military service.

An application for re-employment must:

- (1) Be made to the head of the department, office, commission, or board of this state, the state institution, or the local governmental entity that employed the veteran before the veteran entered military service;
- (2) Be in writing; and
- (3) Have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions.

An employee who is restored to employment will be considered as having been on leave of absence without pay, and the employee will be entitled to participate in all benefits to which employees of Texas Tech may be entitled upon return to work. Such active military service will be considered service with Texas Tech for purposes of the number of vacation days an employee is entitled to accrue upon returning to work and not as past accrued vacation days, longevity pay entitlement, and retirement vesting purposes.

Restored employees also have the opportunity to make any mandatory or elective retirement contributions for the period of military service. After the employee makes up the missed contributions, Texas Tech will make any matching contributions that ordinarily would have been made for such contributions. Such contributions will be based on the salary the employee would have received had the employee remained at work and must be made within a period three times the length of the absence, not to exceed five years.

An employee who is re-employed under this provision will not be discharged without cause before the first anniversary date of re-employment.

19. Organ Donor Leave

A regular employee is allowed a paid leave, up to 30 working days in a fiscal year, to serve as an organ donor.

20. Parental Leave – See OP 70.32

21. Parent-Teacher Conference Leave

A regular employee may use up to eight hours of sick leave each fiscal year to attend parent-teacher conference sessions for the employee's children who are students attending grades pre-kindergarten through twelve. The employee must give reasonable notice of intention to use sick leave to attend a parent-teacher conference.

22. Sick Leave and Sick Leave Pool – See OP 70.44

23. Vacation Leave – See OP 70.45

24. Voting by State Employees

An employee is allowed sufficient time off, without a deduction in salary or accrued leave, to vote in each national, state, or local election. The supervisor may designate the time to be taken as long as the employee has sufficient time to travel to the voting station and cast his or her vote.

25. Volunteer Firefighters/Emergency Medical Services Volunteers Leave

A benefits-eligible employee who is a volunteer firefighter or emergency medical services volunteer will be granted a paid leave of absence, not to exceed five working days each fiscal year, for attending training schools conducted by state agencies. In addition, an employee who is a certified volunteer firefighter or EMS volunteer will be granted a paid leave of absence to respond to fire or medical emergency situations.

To be eligible for this leave, the employee must provide, in advance to the department head, documentation of being a certified volunteer firefighter or EMS volunteer. This documentation is to be forwarded to the Human Resource Services Department for obtaining administrative approval for the employee to respond to emergencies. The time spent responding to an emergency situation will be reported as "Firefighter EMS leave"

26. Authoritative References

Amateur Radio Operator Leave – Texas Government Code, Section 661.919

Assistance Dog Training for Employees with a Disability - Texas Government Code, Section 661.910

Blood Donor Leave - Texas Government Code Section 661.917

Bone Marrow Transplant Leave - Texas Government Code, Section 661.916

Certified Red Cross Activities Leave - Texas Government Code, Section 661.907

Compliance with a Subpoena – Texas Labor Code, Section 52.051; and Texas Government Code, Section 659.005.

Court Appointed Special Advocate (CASA) Volunteer Leave – Texas Government Code, Section 661.921.

Emergency Leave – Texas Government Code, Section 661.902

Foster Parent Leave - Texas Government Code, Section 661.906

Funeral Leave - Texas Government Code, Section 661.902

Jury Leave - Texas Government Code, Section 659.005

Leave Without Pay - Texas Government Code, Section 661.909

Legislative Leave for Peace Officers - Texas Government Code 614.001 – 614.010.

Military Leave - Texas Government Code, Sections 431.005, 431.0825, 431.017, 613.002-613.006, 661.903, 661.904, 661.9041, Uniformed Services Employment and Re-employment Rights Act, State Auditor's Leave Interpretation Letters 98-03 and 79-01.

Organ Donor Leave - Texas Government Code, Section 661.916

Parent – Teacher Conference Leave - Texas Government Code, Section 661.206

Voting by State Employees - Texas Government Code, Section 661.914

Volunteer Firefighters/Emergency Medical Services Volunteers Leave - Texas Government Code, Section 661.905

28. Forms

All leave forms are available on the Human Resources website:
<http://www.depts.ttu.edu/hr/forms.asp>

29. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.07: Optional Retirement Program

DATE: June 1, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define policies and procedures applicable to the Optional Retirement Program (ORP). This policy, in conjunction with the Texas Tech University System Optional Retirement Plan document, Texas Higher Education Coordinating Board (THECB) Rules, and the Internal Revenue Code of 1986, as amended, including, but not limited to, Section 403(b), thereof, and Section 830.001 et seq. of the Texas Government Code will be the governing documents.

REVIEW: This OP will be reviewed in June of even-numbered years by the Assistant Vice President for Human Resources and the Managing Director of Payroll & Tax Services with substantive revisions forwarded to the Chief of Staff and Associate Vice President for Administration, the Vice President for Administration & Finance and Chief Financial Officer, and the Senior Vice Chancellor/Chief Financial Officer.

POLICY/PROCEDURE

1. General Policy

- a. The Texas Tech University System (TTUS) provides employees in eligible positions the opportunity to participate in the Optional Retirement Program (ORP) in lieu of participation in the Teacher Retirement System (TRS) of Texas. The ORP is a tax deferred defined contribution retirement plan authorized under Section 403(b) of the Internal Revenue Code and Section 830 of the Texas Government Code. The plan year for ORP is defined as the tax year as reported on each employee's Form W-2.
- b. Within 15 business days of an employee's initial ORP eligibility date, Human Resources will notify each newly eligible employee of the availability of the program by providing a written acknowledgment and information developed by the THECB titled "An Overview of TRS and ORP for Employees Eligible to Elect ORP." This document can be provided through electronic media resources or paper format.
- c. Enrollment in the program is solely at the discretion of each eligible employee. The employee must select the company and annuity contract or mutual fund that best fits his/her retirement objectives. It is the responsibility of the employee to monitor the company selected and investments.
- d. An employee must exercise an option to participate in the ORP within 90 days following the date of eligibility. If no election is made within 90 days, the employee shall be deemed to have chosen membership in the TRS.

- (1) An employee who does not elect ORP during the 90-day eligibility period shall never again be eligible to elect ORP in lieu of TRS, even if subsequently employed in a different ORP-eligible position.
- (2) An election of ORP shall be irrevocable.
- e. Individuals employed in ORP-eligible positions do not become ORP eligible until they are eligible for TRS membership as determined by TRS rules.
- f. TTUS assumes no liability or responsibility for the income tax aspects of ORP, the terms and provisions of any contract issued thereunder, monitoring of the financial stability of participating companies, or the market condition of the participants' investments. TTUS Human Resources employees are specifically prohibited from providing advice on the above.

2. Eligibility

*** In accordance with Rules and Regulations of the Texas Higher Education Coordinating Board (THECB), Chapter 25, § 25.4 (k)**

- a. ORP is available as an alternative to active TRS membership for full-time higher education employees. "Full-time" for initial ORP eligibility purposes is employment at 100 percent effort in an ORP-eligible position that is expected to last at least one full semester or four and one-half months. Eligible positions must fall into one of the following categories defined by the THECB:
 - (1) Faculty Member – A member of the faculty whose duties include teaching and/or research as a principal activity and who holds the title of professor, associate professor, assistant professor, instructor, lecturer, or equivalent faculty title, including "visiting professor" if the position is at least one full semester in duration.
 - (2) Faculty Administrator – An administrator responsible for teaching and research faculty whose principal activity is planning, organizing, and directing the activities of faculty and who holds the title of dean, associate dean, assistant dean, director, department chair, or head of an academic department.
 - (3) Executive Administrator – An administrator who holds the title of chancellor, deputy chancellor, vice chancellor, associate vice chancellor, assistant vice chancellor, or the equivalent, and an administrator who holds the title of president, executive vice president, provost, vice president, associate vice president, assistant vice president, or the equivalent.
 - (4) Other Key Administrator – An administrator other than a faculty administrator or an executive administrator whose position is considered a key administrative position within the institution's organizational structure and that meets the requirements of this paragraph. All positions in this category shall meet the following criteria:
 - (a) Serves as director or other administrative head of a major department or budget entity;

- (b) Is responsible for the preparation and administration of the budget, policies, and programs of the major department or budget entity;
 - (c) Usually reports to the office of a chancellor, president, vice chancellor, vice president, dean, or equivalent; and
 - (d) Is generally and customarily recruited from the same pool of candidates from which other colleges and universities across the nation are recruiting for this type of position by, for example, advertising in national publications such as *The Chronicle of Higher Education* or in newsletters or websites of national professional associations or at meetings of such associations.
 - (e) A position shall not be considered ORP eligible under this category unless it can be reasonably demonstrated that all of the applicable criteria have been met. If there is significant ambiguity concerning whether a position meets the criteria for this category, the default finding shall be that the position is not ORP eligible.
- (5) Librarian – A professional librarian who holds, at a minimum, a master’s degree in library science or information science and whose principal activity is library services.
- (6) Athletic Coach – An athletic coach, associate athletic coach, or assistant athletic coach whose principal activity is coaching, excluding an athletic trainer and excluding an athletic director or assistant athletic director unless the principal activity is coaching rather than administrative.
- (a) Athletic trainers may be included in the “professional” category if the position requires the trainer to be a physician.
 - (b) Athletic directors whose principal activity is not coaching normally shall be included in one of the administrator categories.
- (7) Professional – An employee whose principal activity is performing the duties of a professional career position including, but not necessarily limited to, physician, attorney, engineer, and architect and that meets the following criteria:
- (a) Requires a terminal professional degree in a recognized professional career field that requires occupation-specific knowledge and appropriate professional licensure;
 - (b) Is a non-classified position; and
 - (c) Is generally and customarily recruited from the same pool of candidates from which other colleges and universities across the nation are recruiting for this type of position by, for example, advertising in national publications such as *The Chronicle of Higher Education* or in newsletters of national professional associations or at meetings of such associations.
 - (d) A position shall not be considered ORP eligible under this category unless it can be reasonably demonstrated that all of the applicable criteria have been met. If there is significant ambiguity concerning whether a position meets the

criteria for this category, the default finding shall be that the position is not ORP eligible.

- (8) Board Administrative Staff – A member of the executive or professional staff of the Board, as determined by the Commissioner of Higher Education, who fills a position with the following requirements:
 - (a) College graduation and prior experience in higher education or experience of such kind and amounts to provide a comparable background; and
 - (b) National mobility requirements similar to those of faculty.

b. Position-required Qualifications

An employee who meets the qualifications of a “professional” or a “librarian” as defined above shall not be considered eligible to elect ORP as a professional or librarian unless the position requires the professional or librarian qualifications, respectively, as a principal activity. For example, an attorney who fills a position that does not require that the position be filled by an attorney shall not be considered ORP-eligible based solely on the fact that the person is an attorney.

c. Identification

Eligible job categories are identified in the TTUS personnel pay plan.

d. Eligibility Date

The eligibility date of participation will be the date of hire or the date of a new position transfer or classification into an ORP eligible position.

e. Employment Changes Affecting Eligibility

- (1) Eligible employees who have elected to participate in ORP for the first time must remain employed in an ORP-eligible position on a full-time basis (100% effort) for a period of at least one full semester or four and one-half months during their initial ORP eligibility period in order to remain eligible for participation in the ORP program. Employees who fail to satisfy this requirement will be required to return to TRS membership for the remainder of their employment in Texas public higher education.
- (2) Employees who are vested in Texas ORP and become employed in a position not eligible for ORP participation will be required to continue to participate in ORP and will not be eligible for TRS membership.
- (3) Employees who are vested and participating in ORP must continue to participate if their appointment is reduced, provided it is not reduced below 50% time.
- (4) Employees who are vested and participating in Texas ORP at another Texas public state institution of higher education and who transfer to Texas Tech must continue to participate in ORP. If the transferring participant currently utilizes an ORP company that is not already approved to do business with TTUS, the employee must select a

new company that is currently approved to conduct business with TTUS and its employees.

- (5) Employees who, at one time, were eligible and participated in ORP at another Texas state institution, but subsequently became employed in the Texas public school system and were required to return to TRS, will not be eligible to participate again in ORP if later employed by Texas Tech.
- (6) An employee shall not be eligible to participate in ORP while employed in a non-benefits eligible position regardless of vested status.
- (7) A participant's transfer of employment between Texas public institutions of higher education without a break in service is not considered a termination of employment for ORP purposes, unless the new position is non-benefits eligible.

3. Dual Employment in TRS/ORP Positions

Simultaneous retirement plan membership is not permitted.

- a. A member of TRS who is employed in the Texas public school system (including all Texas independent school districts and regional educational service centers) or with any other Texas public educational institution or state agency that is covered by TRS but does not offer ORP in lieu of TRS, and who concurrently becomes employed in an ORP eligible position with a TTUS institution and elects to participate in ORP, may not remain an active member of TRS. Once ORP participation has started, no TRS contributions may be made by the non-higher education TRS covered employee while he/she is actively participating in ORP.
- b. A member of TRS who is employed with TTUS and becomes concurrently employed with another Texas public institution of higher education in a position that is ORP eligible and who elects to participate in ORP, may not remain an active member of TRS once ORP participation has started. No TRS contributions may be made by the TTUS institution for that employee.

4. Election to Participate

- a. All public higher education employees hired into a TRS eligible position are automatically enrolled in TRS on their first day of employment. Employees will have 90 days from the first day of ORP-eligible employment to make a one-time irrevocable decision to elect and enroll in the ORP.
- b. Employees participating in TRS who have a change of status that makes them eligible to participate in ORP will have the option to elect ORP within the first 90 days of eligibility, which would be the effective date of the change.
- c. The ORP election decision to elect ORP in lieu of the applicable retirement system is available only once during an employee's lifetime, including any future periods of employment within Texas public higher education, and the election may never be revoked.

- d. Employees who elect ORP participation choose the ORP in lieu of TRS membership and benefits. Upon election of ORP, members of TRS lose all benefit rights in TRS, other than a right to the return of annual contributions. However, employees who are required to return to TRS under a provision of law are entitled to any TRS benefits that may accrue thereafter, in addition to any ORP benefits to which the employee may be entitled.
- e. Prior enrollment, participation, or vested status in any plan other than the ORP authorized under Texas Government Code, Chapter 830, shall have no bearing on an employee's eligibility to elect ORP.
- f. Participation in ORP shall be an alternative to active membership in TRS. Therefore, since employees who have retired from TRS are no longer active members of TRS, they cannot enroll in TRS should they return to work. ORP retirees are not eligible to elect ORP in lieu of TRS should they return to work.
- g. If TTUS fails to notify an ORP eligible employee of his/her eligible status on or before the employee's initial ORP eligibility date, the institution shall notify the eligible employee as soon as the oversight is discovered, provided that it is still within 151 days of the date of eligibility, to allow the employee at least 30 days to make the election. An ORP election would not be permitted beyond 180 days after the initial ORP eligibility date. If the institution fails to notify the employee before the 151st day after the initial eligibility date, the employee is no longer eligible to elect ORP.
- h. Participants may pay certain investment advisory fees with tax deferred funds in their ORP account in accordance with the following conditions:
 - (1) The fee shall not exceed more than 2% of the annual value of the participant's account as of the last day of that fiscal year.
 - (2) Fees shall be paid directly to a registered investment advisor that provides advice to the participant.
 - (3) The investment advisor to whom the fees are paid shall be registered with the Securities and Exchange Commission and any other applicable federal or state agencies and shall be engaged full time in the business of providing investment advice.
 - (4) An investment advisory contract is deemed to be between the participant and the investment advisor. No TTUS institution representative will participate in or sign any agreement, authorization, or other document pertaining to investment advisory agreements.

5. Enrollment Procedures

All new, promoted, re-classed, and transferred employees eligible to participate in ORP may enroll via Retirement Manager www.myretirementmanager.com/?ttu, or a paper *Salary Reduction Acknowledgement/Change of Company* form (Attachment A) can be completed and returned to Human Resources before the payroll cut-off date for the most current payroll processing period.

- a. The employee must select the company and annuity contract or mutual fund that best fits his/her retirement objectives. A list of currently approved companies and representatives may be obtained from Human Resources or by visiting the HR website.
- b. Only authorized representatives from approved companies are permitted to conduct business with eligible employees.
- c. Representatives of approved companies are not authorized to initiate contact with employees. Employees interested in ORP should contact one of the listed representatives of the company of their choice to obtain information and to secure forms to apply for the program of their choice.
- d. The employee must submit appropriate TRS election forms to Human Resources.
- e. Failure to select an approved ORP company may result in the employee being enrolled in the default retirement of TRS. Retirement contributions are required by law as a condition of employment.

6. Effective Date of Participation

The effective date of participation is determined in accordance with the following provisions:

- a. The effective date of participation will be the participation start date, provided all necessary and properly executed forms are signed, received by Human Resources, and processed before the payroll cutoff date for the month in which the election is made. The employee may also log into the Retirement Manager system to execute participation.
- b. Forms received after the monthly payroll cutoff will be effective on the first of the following month. Elections to participate made in the Retirement Manager system after payroll cutoff date will also be effective the first of the following month.

7. Withdrawal of Teacher Retirement System Contributions

- a. Employees electing to participate in ORP may withdraw all prior TRS contributions. Employer contributions to TRS are not refundable. The employee is responsible for satisfying any federal income tax liability accrued by the withdrawal of a TRS account.
- b. To withdraw TRS deposits, the appropriate TRS form must be completed and submitted to Human Resources. Enrollment in ORP must also be initiated (see section 4 above).

8. Contributions

- a. Both the employee and the employer contribute to the participant's ORP account on a tax-deferred basis. Participant and employer contribution rates are established by the ORP statute, the General Appropriations Act for each biennium, and the TTUS Board of Regents and are subject to revision. Employees who were participating in the ORP on or before August 31, 1996, will receive the FY 95 supplemented employer contribution rate of 8.5%, subject to legislative change.

Each TTUS institution may provide a supplement to the state base rate under the following conditions:

- (1) The rate does not exceed the maximum employer rate established in the ORP statute (currently 8.5%).
 - (2) The TTUS Board of Regents shall determine the amount of the supplement for each TTUS institution once per fiscal year to be effective for the entire fiscal year.
 - (3) Each participant whose first date to participate in ORP at any Texas ORP employer is prior to September 1, 1996, shall receive the supplement regardless of any break in service. This group of participants shall be referred to as the “grandfathered” group.
- b. Internal Revenue Service Code 401(a)(17) limits the amount of compensation that may be considered for purposes of calculating retirement plan contributions. The limit is indexed annually for inflation.

An individual who first participated in ORP prior to September 1, 1996, regardless of a subsequent break in service, shall qualify for the “grandfathered” rate established by Internal Revenue Service Code 401(a)(17).

- c. Participation does not occur during any calendar month that an employee is on leave without pay for the entire month. Contributions to a participant’s ORP account shall not exceed the maximum amount allowed under Internal Revenue Code 415(c).
- d. An employee’s contributions to the TTUS voluntary, supplemental Tax-Deferred Account Program shall be included in the calculation of the IRC 415(c)(1)(A) limit.
- e. Non-Texas ORP funds or funds contributed through the TTUS Tax-Deferred Account Program may not be rolled over or transferred to an ORP account prior to the participant’s termination of ORP participation.
- f. ORP contributions may only be made to currently authorized or grandfathered ORP vendors. An employee who experiences a break in service other than a routine semester break who has been contributing to a grandfathered vendor, upon return, must make a selection of a currently approved vendor, regardless of previous contribution history.

9. Vesting

- a. Employees shall be considered vested in ORP on the first day of the second year of participation in one or more optional retirement plans operating in one or more public institutions of higher education in Texas. A year shall mean 12 cumulative full months, not necessarily consecutive. A full calendar month of leave without pay shall not be included in the calculation of such year. An academic faculty member shall be credited with the summer months toward vesting in ORP, provided the faculty member is employed in an ORP-eligible position during the spring semester immediately preceding the summer, and during the fall semester immediately following the same summer.

- b. An ORP participant who, prior to satisfying the vesting requirement, directly transfers from one ORP eligible position to another at the same or a different Texas public institution of higher education shall retain credit for previous ORP participation.
- c. Once a participant has vested in ORP, such participant's vesting status shall not be affected by any partial or total withdrawals made after termination of participation in ORP or attainment of age 70 ½ years. Upon reemployment in a public institution of higher education in Texas, a vested participant shall not be required to satisfy the vesting period again.
- d. An ORP participant who terminates employment in all public institutions of higher education in Texas prior to satisfying the vesting requirements shall retain credit for previous ORP participation upon reemployment in an ORP-eligible position. Such credit shall not be affected by any partial or total withdrawals made after termination of participation in ORP or attainment of age 70 ½.
- e. Once the employee is vested in ORP, the institution employing the participant in a position that would otherwise be eligible for TRS shall enroll the individual in ORP.
- f. Any unvested participant's employer contributions are forfeited upon termination. When vesting is completed in subsequent employment, the participant will have a vested right only to employer contributions made during the subsequent and any future employment periods.

10. Change of Companies and Transfers

- a. A change of company is the only change a participant can make after the initial election to participate in ORP.
 - (1) Participants can change companies by submitting a new ORP *Salary Reduction Acknowledgement/Change of Company* form (Attachment A) to Human Resources.
 - (2) The change will be effective the following payroll date provided all necessary and properly executed forms are signed, received by Human Resources, and processed before the payroll cutoff date for the month in which the election is made. The employee may also log into the Retirement Manager system to execute a change in company.
 - (3) Participants may change ORP companies without transferring contributions from the prior company to the new company.
- b. Participants may transfer prior contributions in connection with or following a company change as follows:
 - (1) The participant must complete an *ORP/In-Service Exchange* form (Attachment B), including the receiving company information and the name of the company representative authorized by TTUS. The company representative name is not required if the employee is transferring funds to a company that does not have individual company representatives.

- (2) The *ORP/In-Service Exchange* form (Attachment B) should be forwarded to Human Resources. An employee may not withdraw accumulated deposits from a previous ORP company before or after a change of companies until termination, retirement, or attainment of age 70 ½.
- (3) Upon receipt of the *ORP/In-Service Exchange* form (Attachment B), Human Resources will verify that the receiving company is an approved ORP company. A transfer may not be made to a grandfathered company unless that employee is currently making contributions through payroll deduction to that company.
- (4) The completed *ORP/In-Service Exchange* form will be returned to the employee if the receiving company is not an approved ORP company or if the representative has not been approved by TTUS.
- (5) All transfers will be made in accordance with IRS Ruling 90-24, which authorizes partial and full transfers to and from 403(b)(7) mutual fund accounts and/or 403(b)(1) annuity accounts and states that such transfers are nontaxable if the following conditions are met:
 - (i) A direct transfer from the "old" company to the "new" company is made; and
 - (ii) The transferred funds continue to be subject to the same or more stringent early distribution restrictions.

11. ORP Distribution Rules

- a. A distribution of funds will be made only upon the occurrence of a distributable event, defined in Title 8, Section 830.105 of the Texas Government Code, as follows:
 - (1) Death;
 - (2) Retirement (including disability retirement);
 - (3) Termination of employment in all public institutions of higher education in Texas; or
 - (4) Attainment of age 70 ½
- b. Distributions may be made only by the company upon receipt of a properly completed and signed *Certificate of Vesting*. All applicable company cash surrender forms, as well as surrender checks, should be sent directly to the former employee of TTUS. Employer contributions made on behalf of an employee who does not meet the program's vesting requirements at the time of the distributable event will be refunded to TTUS.
- c. Loans, financial hardship withdrawals, or any other access to ORP funds prior to age 70 ½ are not permitted.
- d. A domestic relations order is a notice of entitlement that awards an interest in the ORP account value to an alternate payee. Title 8, Chapter 804, of the Texas Government Code,

makes the company responsible for qualifying a domestic relations order and administering benefits in accordance with the Code. If a dispute arises over determination of whether a domestic relations order is a “qualified” domestic relations order (QDRO) that cannot be resolved by the procedure described in subsection (g) of Section 804.03, the court that issued the order or that otherwise has jurisdiction over the matter shall resolve the dispute.

The following procedure should be used when executing a QDRO for a TTUS ORP participant:

- (1) The domestic relations order decree must be sent to the employee’s ORP company to determine if the order meets the criteria for a “qualified” domestic relations order (QDRO).
 - (2) If the company determines that the domestic relations order meets the criteria established in Chapter 804, the company will communicate its determination to the employee and alternate payee in writing. The company also will send a copy of the determination to the employee’s TTUS component of Human Resources for inclusion in the employee’s benefits file.
 - (3) The Texas ORP withdrawal restrictions still apply to the employee.
- e. A 10% additional tax is imposed on distributions made before age 59 ½, regardless of when the contributions to which the accumulations are attributable were made. The 10% additional tax does not apply to distributions made prior to age 59 ½ if the distribution is:
- (1) Made after the employee separates from employment and is part of a scheduled series of substantially equal periodic payments for the life expectancy of the employee, or the joint lives or life expectancies of the employee and a beneficiary;
 - (2) Made to an employee due to early retirement under the plan after attainment of age 55;
 - (3) Made to an employee who has separated from service and used to pay medical expenses to the extent that they are tax deductible under the Internal Revenue Code;
 - (4) Made to a beneficiary or the employee's estate after death; or
 - (5) Subject to a special exception that applies to payments to an alternate payee, not to the employee, according to a QDRO.
- f. A participant who has terminated employment must begin to receive benefits no later than April 1 of the calendar year following the year in which he/she attains age 70 ½, if termination of employment occurred prior to age 70 ½. If the participant continues to work in a retirement participation eligible capacity after age 70 ½, then the participant must begin to receive benefits no later than April 1 of the calendar year following the year of eligible employment termination. Distributions that do not begin by these deadlines will be subject to an additional tax equal to 50% of the minimum amount that should have been distributed. It is the employee's responsibility to meet these distribution requirements.

- g. A participant who is employed in a retirement participation eligible capacity upon attainment of age 70 ½ may begin to receive benefits upon attainment of age 70 ½ without employment termination. An employee who is still actively employed must continue contributions to ORP even if electing to receive benefits from the ORP.
- h. Termination of employment under ORP is defined as removal from the payroll of Texas Tech for one full calendar month without any expectation of returning to employment with any Texas public institution of higher education.
- i. It is the company's responsibility to process all withdrawals of contributions in compliance with federal regulations, to make required tax withholdings, and to provide employees with any required notices describing the taxation of distributions, rollover rights, and withholding rules.

12. Retiring Under the Optional Retirement Program

- a. Participants, regardless of date of termination, may retire under the ORP provided they:
 - (1) Have at least 10 years of creditable service under the ORP, TRS, or the Employees Retirement System (including public community/junior college service);
 - (2) Are at least 65 years of age or their age plus years of creditable service is equal to or exceeds 80; and
 - (3) Have not voluntarily forfeited benefits through the withdrawal of ORP service.
- b. Former employees with 10 years of service creditable under either ORP, TRS, or the Employees Retirement System are required to complete the appropriate forms no later than 30 days following attainment of age 65 or satisfaction of the Rule of 80 (employee's age plus credible service equals 80), in order to receive retiree insurance benefits. Refer to [OP 70.05, Eligibility for Insurance and Other Benefits](#).
- c. ORP retirees who later return to employment with the same or another Texas public institution of higher education shall not be eligible to participate in ORP, subject to the exception listed in Chapter 25, subsection A of Texas Administrative Code. All retirees must observe a break in service of one full calendar month after retirement in order to have an effective retirement.

13. Selection and Approval of Optional Retirement Program Companies

Texas Tech will provide a selection of at least four, and up to 10, ORP companies that are qualified and admitted to do business in the state of Texas. Periodically, but not more frequently than every three years, TTUS will issue a Request for Proposal (RFP) to all currently approved ORP providers and other companies to apply for the privilege of providing ORP contracts to eligible employees of the TTUS.

14. Program Subject to Change

Future laws may change the provisions, tax status, and/or benefits available from individual ORP contracts. The Texas Tech Board of Regents and/or administration also reserve the right

to make changes in TTUS regulations governing the ORP.

15. Right to Change Policy

Texas Tech reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

16. Authoritative References

Employee Retirement Income Security Act of 1974 (ERISA)
Retirement Equity Act of 1984 (REACT)
Tax Reform Act of 1986 (TRA)
1997 Tax Reform Act
Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA)
Texas Higher Education Coordinating Board, Chapter 25
Rules of the Board of Trustees, Teacher Retirement Systems, Section
25.172 & 25.4
Texas Government Code 830

This material is intended to describe available benefit plans and provide a general explanation of the plan provisions. This document is not meant to include the complete details of all benefits available. Every effort has been made to ensure that the information is complete and accurate; however, if there is ever a conflict or difference between this document and the governing entity, the governing entity rules will prevail.

[Attachment A: Optional Retirement Plan \(ORP\) Salary Reduction Acknowledgement/Change of Company Form](#)

[Attachment B: Optional Retirement Plan \(ORP\)—In-Service Exchange form](#)



Optional Retirement Plan (ORP) Salary Reduction Acknowledgment/Change of Company

<input type="text"/>	<input type="text"/>
Name (Print)	Social Security Number
<input type="text"/>	<input type="text"/>
Department	Institution or Agency Name

INSTRUCTIONS

1. Complete section A or B as appropriate, then sign Section C.
2. Attach copy of company application (if available).
3. Attach a TRS-28 form and a TRS-29 (if required) for initial Optional Retirement Program (ORP) election.
4. Make a copy for your records.
5. Return to Human Resources.

A. ELECTION TO PARTICIPATE

As my initial election to participate in the TTUS ORP, I select (name of company) and certify that:

1. I understand that my decision not to become a member or not to continue membership in the Teacher Retirement System of Texas (TRS) is irrevocable as required by law, unless I become an eligible employee in the Texas Public School System, other than in a Texas institution of higher education, or before my vesting date become employed in a position not eligible for continued participation in the ORP. By electing to participate in the ORP, I relinquish all rights to TRS benefits that I have previously accrued. I also understand that my previous contribution to TRS may not be rolled over to my ORP account.
2. I have been provided information regarding the benefits available through TRS, including TRS's life insurance and disability benefits, and it is my decision to select the ORP.
3. I understand that the applicable employer's contribution for the first full year of participation or fractional part thereof will be refunded to the employer by the company in accordance with the provisions of the Optional Retirement Statute in the event I do not begin a second year of employment with TTUS.
4. I understand and acknowledge that both my contribution and the employer's contribution to the ORP will be treated as non-elective, non-forfeitable, non-transferable contributions under Section 403(b) of the Internal Revenue Code (IRC). Additionally, my contributions to the ORP will be made by salary reduction as required by S.B. 1301, Acts of the 70th Texas Legislature. The contribution rates are subject to change at the discretion of the Texas Legislature. This agreement is irrevocable as long as I am a participant in the ORP or until it is determined by the appropriate authority that employee ORP contributions are elective within the meaning of Section 402 of the IRC.

B. CHANGE OF COMPANY

I elect to change my ORP company

To:

From:

C. EMPLOYEE SIGNATURE

This election supersedes all previous elections. I understand that my election will become effective on my day of hire or eligibility, provided all necessary and properly completed ORP enrollment forms are signed and received by Human Resources office before the monthly payroll calculation for that month. Forms received after the monthly payroll calculation will be effective on the first of the following month. I understand that I bear the risk of the product(s) of my choosing, that the Texas Tech University System has no fiduciary responsibilities for the market value of any investments or the financial stability of this company, and that the Texas Tech University System is not liable for any tax consequences occurring under these programs.

<input type="text"/>	<input type="text"/>
Employee Signature	Date

D. TO BE COMPLETED BY HUMAN RESOURCES

<input type="text"/>	<input type="text"/>
Processed By	Date

RETURN TO:

Human Resources - Employee Services Center Doak Conference Center Room 160
MS 1093 OR hrs.employee.services@ttu.edu OR fax: 806-742-1371



Texas Tech - Optional Retirement Plan (ORP) - In-Service Exchange

Request Date

Name

Employer

Plan

SSN

In-Service Exchange Request

Current Provider

New Provider

Requested Amount: ☐ Full ☐ Partial

% = \$ =

(If you choose 'Partial,' fill one)

Participant Approval

I am aware that this request must be reviewed in order to determine that it complies with all plan provisions and regulatory guidance. I do hereby certify that all the information provided is true and complete to the best of my knowledge and belief.

I hereby authorize any selected investment provider(s) to verify any information regarding the request limited to sources identified herein. This authorization to verify and release information shall include, but not be limited to, past disbursement requests, account balances, employment status and all other information necessary to process the information.

I acknowledge that in order to complete this request I may need to provide additional paperwork to selected investment provider(s) along with this In-Service Exchange eligibility certificate.


Employee Signature

Date



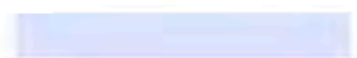
Employer Approval

When this certificate is submitted to an investment provider along with the necessary paperwork, the investment provider is hereby authorized to contact other investment providers as noted on this certificate to verify any and all information.

The Employee ☐ is ☐ is not vested in ORP.


Human Resources Signature

Date





Operating Policy and Procedure

OP 70.08: Nepotism

DATE: October 7, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish procedures to implement university policy on nepotism (employment of relatives) in accordance with the Texas Government Code, § 573, and Section 03.01.11, *Regents' Rules*.

REVIEW: This OP will be reviewed in September of even-numbered years by the Assistant Vice President for Human Resources with substantive revisions forwarded through appropriate administrative channels to the Chief of Staff for the President.

POLICY/PROCEDURE

1. General Policy

- a. All appointments shall be made on the basis of qualifications and suitability of the appointee, subject to applicable statutes and the provisions of Section 03.01.11, *Regents' Rules*.
- b. Prohibition Applicable to TTU System and System Component Officials

No person related to any member of the board, to any component institution's president, or to the Chancellor within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) shall be eligible for appointment to any position in the TTU System.

- (1) The above does not apply to any employee who has been continuously employed for thirty or more days prior to the appointment of a member to the board, a president, or the Chancellor who is related to the employee within a prohibited degree, and it does not apply to honorary or non-remunerative positions.
- (2) Any employee who has been continuously employed for less than thirty days prior to the appointment of a member to the board, a president, or the Chancellor who is related within a prohibited degree will be removed from the individual's position.
- (3) When good cause exists, the board may grant an exception to this prohibition.

- c. Prohibition Applicable to Administrators, Supervisors, and Others

No person related to an administrator within a prohibited degree shall be eligible for initial appointment to a position in an area of responsibility over which an administrator has appointive authority, in whole or in part, regardless of the source of funds from which the position's salary is to be paid. Exceptions to this restriction on the initial appointment of an

individual may be made only by the board upon recommendations of the President and the Chancellor and, then, only when the administrator in question does not directly supervise the person to be appointed.

- d. No employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, or supervision of an individual related to the employee within a prohibited degree.
- e. If the appointment, reappointment, reclassification, or promotion of an employee places the employee under an administrative supervisor who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the employee shall become the responsibility of the next higher administrative supervisor.
- f. If the appointment, reappointment, reclassification, or promotion of an employee makes the employee an administrative supervisor over an employee who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the subordinate employee shall become the responsibility of the next higher administrative supervisor.
- g. The provisions of subsections e. and f. shall apply to situations where two employees marry and one spouse is the administrative supervisor of the other.
- h. All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree will be reported to the board as an information item.
- i. Exception: The provisions of the policy do not apply to the appointment or employment of a personal attendant by any member of the board, a president, the Chancellor, or an employee for attendance on the officer or employee who, because of physical infirmities, is required to have a personal attendant.
- j. Enforcement: An individual who is appointed in violation of this policy will be removed from the individual's position.

2. Definitions

Persons related within the prohibited degrees are identified in the following definitions:

a. Affinity (Marriage)

- (1) First degree: The employee's spouse, the spouse's children and parents, and the spouses of the employee's children and parents
- (2) Second degree: The brothers, sisters, grandparents, and grandchildren of the employee's spouse, as well as the spouses of the employee's brothers, sisters, grandparents, or grandchildren

b. Consanguinity (Blood)

- (1) First degree: The employee's parents and children
- (2) Second degree: The employee's brothers, sisters, grandparents, and grandchildren

- (3) Third degree: The employee's great-grandparents, great-grandchildren, aunts, uncles, nephews, and nieces

3. Procedures

- a. Each new employee is required, at the time of hire, to acknowledge they have read and understood the nepotism laws and procedures associated with Texas Tech, which can be found in Section 03.01.11, *Regents' Rules*, at <http://www.depts.ttu.edu/oppol/>.
- b. The name and relationship of all university employees to whom a new employee is related within the third degree by consanguinity or the second degree by affinity will be listed on the new employee's initial appointment form.
- c. The initial appointment of an individual related to an administrator within a prohibited degree to a position in an area of responsibility over which the administrator has appointive authority, in whole or in part, will require the approval of the Board of Regents. In order to secure that approval, the administrator must complete an *Application for Waiver of Nepotism*, which can be found on the Human Resources website at <https://www.depts.ttu.edu/hr/formsPolProc/forms.php>, and submit it through administrative channels to the President and the Chancellor for their recommendation so it can be submitted to the Board of Regents for approval. Any employment offer made to an individual related to the hiring administrator within a prohibited degree will be contingent upon the Board of Regents' approval.
- d. In the event an employee's marriage, reappointment, reclassification, promotion, or reassignment places the employee under an administrative supervisor who is related within a prohibited degree, or makes the employee an administrative supervisor over an employee who is related within a prohibited degree, the employee's administrator must complete an *Application for Waiver of Nepotism* and submit it through administrative channels to the President and the Chancellor for their approval so it can be reported to the Board of Regents as an information item.
- e. Administrative officers are responsible for ensuring that no appointment is made in their area of responsibility in violation of this policy.

The Assistant Vice President for Human Resources is responsible for interpreting the nepotism policy.

4. Fines and Penalties

Violation of the nepotism statutes is a misdemeanor involving official misconduct and subjects the violator to a fine of not less than \$100 or more than \$1,000 and removal from Texas Tech employment.

5. Authoritative References

Texas Government Code, Section 573 Degrees of Relationship; Nepotism Prohibitions
Section 03.01.11, *Regents' Rules*

6. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.09: Tax Deferred Account Program

DATE: June 1, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define policies and procedures applicable to the Tax Deferred Account (TDA) Program of Texas Tech University.

REVIEW: This OP will be reviewed in June of even-numbered years by the Assistant Vice President for Human Resources and the Managing Director of Payroll & Tax Services with substantive revisions forwarded through administrative channels to the Vice President for Administration & Finance and Chief Financial Officer.

POLICY/PROCEDURE

1. General Plan Description

The Texas Tech University System Tax Deferred Account (TDA) Program is authorized under Section 403 (b) of the Internal Revenue Code. Traditional and Roth accounts are available. The TDA program is a governmental plan and is not covered by the Employee Retirement Income Security Act of 1974 (ERISA).

Traditional TDA – the employee’s contributions will be deducted from his/her pay before federal income tax is calculated, so the employee does not pay current income tax on the contribution or on the investment earnings.

Roth TDA – the employee’s contributions will be deducted from his/her pay after federal income tax is calculated, so the employee pays current income tax on the contributions. The employee does not pay income tax on the investment earnings now or in the future.

A 403(b) plan, also known as a tax-sheltered annuity (TSA) plan, is a retirement plan for certain employees of public schools and employees of certain tax-exempt organizations.

Individual accounts in a 403(b) plan can be one of the following types:

- An annuity contract, which is a contract provided through an insurance company
- A custodial account, which is an account invested in mutual funds

The TDA Program may be combined with participation in the Teacher Retirement System, the Optional Retirement Program, and/or the Texa\$aver 457 Plan up to the limits prescribed by law.

Under the TDA Program, employees enter into an agreement with Texas Tech to reduce gross salary up to specified limits, and to request that Texas Tech apply the proceeds of such reduction to the purchase of a 403(b) fixed annuity, variable annuity, or custodial mutual fund account from

vendors approved by Texas Tech. Contributions made under the TDA Program that are within the prescribed limits are not subject to income tax until received by the employee, unless they are designated Roth contributions. The employee owns and controls all rights to the benefits of the plan selected. The investments values of the plan will accumulate income tax free until retirement, death, disability, or until such time the employee elects to receive the benefit payments, subject to provisions of the IRS Code.

No contract issued under the TDA Program may provide a life insurance feature. Participation in the TDA Program is voluntary.

2. Eligibility

All employees, except students performing services described in Internal Revenue Code section 3121(b)(10), are eligible to participate in the TDA Program.

3. Contribution Limits

a. The maximum amount that an employee may contribute to the TDA Program is the lesser of:

- (1) 100 percent of includable income, or
- (2) The IRS regulated limit for the current calendar year

The limit is determined annually by federal legislative action.

b. The combined tax deferred account and optional retirement deferrals cannot exceed 100 percent of compensation or the IRS Code Section 415(c)(1)(a) deferral limits.

c. Participants who are or will be age 50 or older at any time during a calendar year are allowed to make additional catch-up contributions. This limit is determined annually by federal legislative action.

d. Participants who have at least 15 years of service and a history of low contributions may qualify for an additional \$3,000 per year deferral, subject to a lifetime maximum of \$15, 000.

e. The calculation of the maximum allowable contribution allowed is the responsibility of the employee. IRS Publication 571, Tax-Sheltered Annuity Plans (403(b) Plans) is available from the Internal Revenue Service to aid individuals in complying with sheltering limits.

f. Employees are advised that if the Internal Revenue Service rules adversely against the TDA Program or the sheltering of an individual employee, only the employee assumes liability for the payment for all taxes due. If federal income tax laws, state laws, and/or court rulings result in adverse rulings against the taxability of any of these contributions and/or earnings, the employee will be solely liable for the payment of all taxes due. Texas Tech assumes no responsibility for the individual's tax liability with respect to the Tax Deferred Account Program.

Texas Tech payroll system in coordination with Human Resources monitors TDA contributions to assist employees with total yearly contributions, but the responsibility of the maximum allowable contribution limits rests solely with the employee. The employee may want to consult a tax professional or financial advisor.

4. Election to Participate and Effective Date of Participation

Texas Tech University utilizes an online system called Retirement Manager. This system can be accessed through www.myretirementmanager.com/?ttu or the Human Resources website. Within the Retirement Manager system, employees can create individual accounts as well as manage contributions to the TDA Program.

- a. Employees may elect to participate in the TDA Program at any time during the calendar year. The cut-off dates in Retirement Manager will mandate the payroll effective date. It is the responsibility of each employee to have all company-required forms completed and submitted to the company to set up the account. Employees may submit a *Tax Deferred Account (TDA) Salary Reduction Agreement* form to Human Resources as an alternative to enrolling online through Retirement Manager.
- b. An employee's TDA Program contributions are deducted from the employee's regular pay. For example, faculty on nine-month contracts who do not have their salary spread over twelve months, as well as other eligible employees whose basic appointment period is less than twelve months, will have their contributions deducted from their regular pay over the time frame they receive pay. Faculty on nine-month contracts who do have their salary spread over twelve months, as well as other eligible employees whose basic appointment period is equal to twelve months, will have their contributions deducted from their regular pay over a twelve-month period.
- c. Employees must make their own determination whether or not to participate in the TDA Program and must select the company and annuity contract or mutual fund that best fits their individual retirement objectives. Texas Tech assumes no liability or responsibility for the federal income tax consequences of participating in TDA or the terms or provisions of any annuity contract or mutual fund option selected under TDA.

5. Income Tax Deferral of Contributions

- a. Multiple 403(b) salary reduction agreements may be executed during a calendar year. For the purpose of this subsection, a change in an employee's salary reduction agreement means a change in the amount that an employee authorizes the institution to withhold from salary and remit to a Tax-Sheltered Annuity Program company. Texas Tech will continue the *Tax Deferred Account (TDA) Salary Reduction Agreement* from one tax year to the next tax year unless a change is received.
- b. The tax year for Texas Tech is defined as the period reported on each employee's W-2 form for tax purposes. Since December earnings for monthly salaried employees are reported in the next tax year, the tax year for monthly salaried employees is December of one calendar year through November of the next calendar year.

6. Approval of Companies and Representatives

- a. Only companies approved by Texas Tech may provide tax-sheltered annuity products to Texas Tech employees.
- b. Only representatives authorized in writing by an officer of the company and approved by Texas Tech may conduct business for employees of Texas Tech. The company is responsible

for the actions of its representatives and for ensuring that they are informed of and abide by all Texas Tech rules and regulations, federal laws, and Coordinating Board rules.

- c. A list of currently approved companies and representatives may be obtained from the Employee Services Center of the Human Resources office, the Human Resources website at <http://www.depts.ttu.edu/hr/EmpBenefits/Retiring/RetirementPlans.php> or from Retirement Manager at <https://www.myretirementmanager.com/?ttu>.
- d. Employees are requested to notify Human Resources of any violations of Texas Tech rules and regulations by companies or representatives.

7. Solicitation Regulations

- a. Only authorized representatives from approved companies are permitted to conduct business with eligible employees.
- b. Representatives of approved companies are not authorized to initiate contact with Texas Tech employees. Employees interested in the TDA Program should contact one of the approved representatives of the company of their choice to obtain information about an annuity and to secure forms to apply for the program of their choice.
- c. Company representatives are not to initiate contact with Texas Tech employees under the guise of marketing a non-TDA product and then make a TDA sales presentation to an employee.
- d. Authorized representatives are permitted to make sales presentations to eligible employees on Texas Tech premises only at the employee's request and may not solicit business with any employee unless contacted first by the employee.
- e. Representatives of companies are permitted on Texas Tech facilities as guests of Texas Tech and are expected to comply with all applicable rules and regulations.
- f. No campus mailings or telephone campaigns are permitted to campus offices.
- g. Providing gifts or monetary rewards in exchange for information on newly hired employees is strictly prohibited.
- h. All company representatives are expected to abide by the parking regulations in effect at the various campus locations.
- i. Approved representatives are responsible for supplying administrative service to Texas Tech.
- j. Company forms are the responsibility of the company and the employee. It is the responsibility of the employee to set up user information on the Retirement Manager website. The changes submitted and transmitted to the university will determine the effective date of the participation.
- k. Company representatives must be familiar with the benefits provided under the Teacher Retirement System, and with applicable Texas laws, Coordinating Board rules and regulations, and Internal Revenue Service Codes.

1. Texas Tech reserves the right to limit or revoke the privileges of any representative or company at its discretion.

8. Transmittal of Funds to Companies

- a. All tax-sheltered annuity contributions will be transmitted to companies through the Texas Tech Retirement Manager system following each payroll processing period.
- b. It is the TDA company's responsibility to promptly credit each employee's account and to distribute the funds among the various product options as may have been selected by the employee.
- c. Accountability for funds transmitted to carriers in accordance with the above procedure becomes the responsibility of the company.

9. Change of Companies and Transfers

- a. Employees may change TDA Program companies without transferring contributions or deposits with the prior company. However, a nontaxable transfer, in-service withdrawal, is permitted only between Texas Tech approved companies. These kinds of transfers can be facilitated in Retirement Manager. The employee must access the Retirement Manager system and print an *In-service Exchange* certificate to accompany required company forms.
- b. IRS Ruling 90-24 authorizes partial and full transfers to and from 403(b)(7) mutual fund accounts and/or 403(b)(1) annuity accounts and states that such transfers are nontaxable if the following conditions are met:
 - (1) A **direct** transfer from the "old" company to the "new" company is made; and
 - (2) The transferred funds continue to be subject to the same or more stringent early distribution restrictions.

10. Cancellation

Employees may stop participation in the TDA Program at any time during the plan year. Cancellations are processed through the Retirement Manager website or a TDA form may be submitted to the Human Resources office. The payroll processing calendar will determine the date it will be effective.

11. Withdrawal of Contributions

- a. The total value of a tax deferred account on December 31, 1988, is available for withdrawal without restrictions; however, such accounts are subject to income tax and may be subject to an additional penalty tax.
- b. Withdrawal of amounts attributable to contributions made after December 31, 1988, and to earnings credited after December 31, 1988, on all contributions may **not** be made prior to age 59 ½, unless a qualifying event occurs. Qualifying events are:
 - (1) Separation from service;

(2) Disability; and

(3) Hardship

"Separation from service" is defined as removal from the payroll of Texas Tech for one full calendar month without any expectation of returning to employment with any Texas public institution of higher education.

"Disability" is defined in Internal Revenue Code section 72(m)(7) as being unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or to be of long-continued and indefinite duration.

"Hardship distributions" from an employee's elective deferrals account can only be made if the distribution is because of an immediate and heavy financial need and the distribution is not in excess of an amount necessary to satisfy that financial need. Hardship distributions can only be made from accumulated elective deferrals, not from earnings.

IRS rules provide "safe harbors" for determining if a hardship distribution is because of an "immediate and heavy financial need."

- Expenses for medical care previously incurred by the employee, the employee's spouse, dependents, or beneficiary or is now necessary for these persons to obtain medical care;
- Costs directly related to the purchase of a principal residence of the employee;
- Payment of tuition, related educational fees, and room and board expenses for the next 12 months of post-secondary education for the employee, employee's spouse, dependents, or beneficiary of the employee;
- Payments to prevent eviction from or foreclosure on the principal residence of the employee;
- Funeral expenses for the employee, spouse, dependents, or beneficiary of the employee; or
- Certain damage repair expenses for the employee's principal residence.

The company is responsible for determining the validity of hardship withdrawals. All company forms for a hardship withdrawal must have a *Hardship Withdrawal Certificate* from the Texas Tech Retirement Manager system.

- c. Contributions and earnings are taxable in the year withdrawn and may be subject to a tax penalty for early withdrawal.
- d. A 10 percent additional tax is imposed on withdrawals made before age 59 ½, regardless of when the contributions to which the accumulations are attributable. The 10 percent additional tax may not apply to distributions made prior to age 59 ½ if the distribution is:

- (1) Made after the employee separates from employment and is part of a scheduled series of substantially equal periodic payments for the life expectancy of the employee or the joint lives or life expectancies of the employee and a beneficiary;
 - (2) Made to an employee because of early retirement under a retirement plan of Texas Tech after attainment of age 55;
 - (3) Made to an employee who has separated from service and used to pay medical expenses to the extent that they are tax deductible under the Internal Revenue Code;
 - (4) A result of a disability retirement;
 - (5) Made to a beneficiary of the employee's estate after death; or
 - (6) Subject to a special exception that applies to payments to an alternate payee, not to the employee, according to a qualified domestic relations order.
- e. Tax deferred account companies are prohibited from releasing funds for withdrawal without verification of the employee's termination.
- f. It is the company's responsibility to process all withdrawals of contributions in compliance with federal regulations, to make required tax withholdings, and to provide employees with any required notices describing the taxation of distributions, rollover rights, and withholding rules, including the 20 percent withholding on the taxable portion of a distribution made to the participant.

12. Loans

Certain companies will process a loan to the employee from their tax deferred account. An employee may only have a loan for up to 50 percent of the value of all their accounts.

- a. The employee must access their Retirement Manager account and print a *Loan Certificate*.
- b. Companies may also require the submission of company specific forms for loan processing.
- c. Interest rates and pay back schedules are determined by the company.

13. Required Distributions

- a. Other than distributions because of death, distributions from TDAs (no matter what the form) must begin by an employee's "required beginning date." The Small Business Job Protection Act of 1996 (SBA) defines an individual's "required beginning date" as April 1 of the calendar year following the later of:
 - (1) The calendar year in which the employee attains age 70 ½; or
 - (2) The calendar year in which the employee retires.

Distributions that do not commence by the "required beginning date" will be subject to an excise tax equal to 50 percent of the amount of the minimum amount that should have been distributed.

- b. Distributions can be made in a single sum over the life of the employee, over the lives of the employee and designated beneficiary, or over a period not extending beyond the life expectancy of the employee and designated beneficiary.

14. Program Subject to Change

- a. The federal regulations that currently govern the Texas Tech Tax-Sheltered Annuity Program include:
 - (1) The Employee Retirement Income Security Act of 1974 (ERISA);
 - (2) The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA);
 - (3) The Federal Deficit Reduction Act of 1984 (DEFRA);
 - (4) The Retirement Equity Act of 1984 (REACT);
 - (5) The Tax Reform Act of 1986 (TRA);
 - (6) The Unemployment Compensation Amendments Act of 1992;
 - (7) The Small Business Job Protection Act of 1996 (SBA); and
 - (8) Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA).

Any revision to these regulations or the implementation of new regulations may necessitate changes in the Texas Tech Tax Deferred Account Program. Future laws may change the provisions, tax status, and/or benefits available from individual Tax Deferred Account Program contracts.

- b. The Texas Tech Board of Regents and/or administration also reserves the right to make changes in Texas Tech regulations governing the Tax Deferred Account Program.

15. Forms/Processes

All forms, except the company forms, may be obtained from the Employee Service Center of the Human Resources Department. Company forms are the responsibility of the company and/or its representatives.

Action	Process/Form
Enroll	Access Retirement Manager www.myretirementmanager.com/?ttu or <i>Tax Deferred Account (TDA) Salary Reduction agreement</i> (submit the HR office) Company Application (submit to company)
Increase Amount	Access Retirement Manager www.myretirementmanager.com/?ttu or <i>Tax Deferred Account (TDA) Salary Reduction agreement</i> (submit the HR office)

Decrease Amount	Access Retirement Manager www.myretirementmanager.com/?ttu or <i>Tax Deferred Account (TDA) Salary Reduction Agreement</i> (submit the HR office)
Change Carriers	Access Retirement Manager www.myretirementmanager.com/?ttu and contact transferring company
In-service Exchange (while employed)	Access Retirement Manager www.myretirementmanager.com/?ttu or <i>Tax Deferred Account (TDA) Salary Reduction Agreement</i> (submit the HR office) Company Application (submit to company)
Exchange (after termination)	Company Forms (may require signature from Human Resources)
Stop TDA	Access Retirement Manager www.myretirementmanager.com/?ttu or <i>Tax Deferred Account (TDA) Salary Reduction Agreement</i> (submit the HR office)

16. TDA Company Liability

Each company must certify that it, as a carrier, will be primarily responsible for the defense of any suit against Texas Tech resulting from the actions of the company or from the actions of the design of the company's program. Such responsibility includes any awards, court costs, attorney's fees, damages, or other expense required as a result of the suit and/or suits against Texas Tech. Such suits may include, but are not limited to, tax issues, sex or age discrimination issues resulting from the design of the company's program, the misinformation or misrepresentation by the company or any company representative, or any other issue arising from the company's program.

17. Right to Change Policy

Texas Tech reserves the right to interpret, change, modify, amend, and/or rescind this policy, in whole or in part, at any time without the consent of employee.

18. Authoritative Reference

Internal Revenue Services, 26 CFR

This material is intended to describe available plans and provide a general explanation of the plan provisions. This document is not meant to include the complete details of all benefits available. Every effort has been made to ensure that the information is complete and accurate; however, if there is ever a conflict or difference between this document and the governing entity, the governing entity rules will prevail.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.10: Non-faculty Employee Complaint Procedures

DATE: May 26, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to provide reasonable and consistent internal consideration of complaints from non-faculty employees. TTU will strive to seek fair, just, and prompt resolution of complaints by non-faculty employees arising from the employment relationship.

REVIEW: This OP will be reviewed in July of even-numbered years by the managing director of Equal Employment Opportunity and the managing director of Human Resources with substantive revisions forwarded to the chief of staff for the president.

POLICY/PROCEDURE

1. A complaint is a formal expression of disagreement concerning issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job promotions, job assignments, or similar matters involving management decisions concerning the employee.

2. Provisions

- a. This complaint procedure is applicable to all full-time, part-time, and temporary non-faculty employees.
- b. All complaint investigations and procedures will be non-adversarial in nature. The employee filing the complaint may represent him/herself or be accompanied by a representative who does not claim the right to strike. Representation does not include external legal counsel. Language interpreters and other individuals intended to aid the employee in communicating will be permitted.

No TTU funds may be used to pay expenses for salary, travel, or per diem of a public employee who represents an employee in the presentation of a complaint and grievance, nor may other resources be used, except that an employee is allowed to take annual leave, compensatory leave, or leave without pay, subject to established TTU operating policies and procedures, to engage in this activity.

- c. If an employee believes an adverse employment action is based on unlawful discrimination or other violations of the law as set forth in OP 40.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws, or in OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure, the procedures therein must be followed.

- d. An employee may present a complaint without fear of retaliation.

Retaliation against an employee who files a complaint under this policy is strictly forbidden. Any manager or supervisor or other employee who is found to have taken any adverse employment action against an employee because of the employee's good faith filing of complaint or participation in an investigation under this policy is subject to severe penalties, including immediate termination.

However, the filing of a complaint shall not affect the ability of TTU to pursue disciplinary or separation action for reasons other than the employee's filing of a complaint.

- e. Employment at TTU is governed by the employment-at-will doctrine. Employment is for an indefinite duration and can be terminated at any time, with or without cause and with or without notice, by either TTU or the employee. Nothing in this or any other TTU OP constitutes an employment agreement, either express or implied, a contract, a contractual relationship, a guarantee of continued employment, or a property right.
- f. If an employee separates employment from TTU for any reason after filing a complaint, the pending complaint shall be dismissed. A termination cannot be appealed unless the employee has reason to believe the action taken is prohibited by law, in which case the employee should follow the procedures set forth in OP 40.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws, or in OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.

3. Assistance

The employee and/or the supervisor may seek assistance at any time from Human Resources in resolving problems. Human Resources may recommend and/or facilitate mediation of employee complaints.

4. Procedure

- a. Only one subject matter shall be covered in any one complaint.
- b. A written complaint shall contain:
 - (1) A clear and concise statement of the complaint;
 - (2) The date the incident or adverse action took place;
 - (3) The names and contact information of any witnesses;
 - (4) The specific resolution sought by the employee; and
 - (5) Additional relevant information to be considered in support of the complaint.

Any changes to the complaint must be in writing.

- c. Step 1 – Verbal Discussion
 - (1) An employee should bring any work-related problems to the attention of his/her immediate supervisor within 10 business days of the event.
 - (2) Each supervisor and employee should attempt to resolve on-the-job complaints in an atmosphere of mutual respect.

- (3) The immediate supervisor should discuss those concerns with the employee in an effort to resolve the problem.
- (4) The supervisor has 10 business days to respond to the complaint.
- (5) If the employee's complaint is regarding the employee's immediate supervisor, the employee should follow the same steps set forth in this policy but initiate the process with the employee's second level supervisor.

d. Step 2 – Written Complaint

- (1) If action is not taken by the immediate supervisor to resolve the problem within 10 business days or if the employee is not satisfied with the supervisor's response, the employee should formally submit a *Statement of Employee Complaint* to the employee's immediate supervisor and to Human Resources within 10 business days after the supervisor's initial response or resolution. The *Statement of Employee Complaint* is located on the TTU Human Resources website or the following link: <http://www.depts.ttu.edu/hr/forms.asp>.
- (2) The immediate supervisor has 10 business days to respond in writing to the complaint. A copy of the response shall be sent to Human Resources.

e. Step 3 – Written Complaint to the Second Level Supervisor

- (1) If no resolution is reached with the immediate supervisor, the employee may appeal the first level supervisor's decision to the second level supervisor by submitting the *Statement of Employee Complaint* form to the second level supervisor and to Human Resources.
- (2) The written complaint must be filed with the second level supervisor within 10 business days from the time the employee receives the written response from the immediate supervisor.
- (3) The second level supervisor has 10 business days to respond in writing to the complaint. A copy of the response shall be sent to Human Resources and the first level supervisor.

f. Step 4 – Final Review

After all the above steps have been completed, the employee may make a written request to the appropriate vice president/dean to review the employee's complaint. This must be done within 10 business days. The responsible administrator shall have 20 days to review the complaint and provide a written determination to the employee. This determination will be final.

5. **Right to Change Policy**

TTU reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without notice to or consent of its employees.

The *Statement of Employee Complaint* form is available on the TTU Human Resources website at the following link: <http://www.depts.ttu.edu/hr/forms.asp>.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.13: Workers' Compensation Insurance

DATE: April 9, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy and procedure for administration of the Workers' Compensation Insurance in coordination with the investigation and analysis programs that are needed to promote prevention of work-related accidents, injuries, and illnesses. This OP and its implementation will be in conformance with the policies and guidelines of the State Office of Risk Management, the Texas Department of Insurance/Division of Workers' Compensation (TDI/DWC), and collaborating policies of Texas Tech University.

REVIEW: This OP will be reviewed in March of even-numbered years by the Managing Director of the Texas Tech University System Office of Risk Management (TTUSORM) with substantive revisions forwarded to the Senior Vice Chancellor/Chief Financial Officer.

POLICY/PROCEDURE

1. General

- a. Workers' Compensation Insurance (WCI) is regulated by the state of Texas and provides medical benefits and income indemnity for injuries and occupational illnesses that arise out of the course and scope of employment. This program covers all employees whose names appear on the payroll. The State Office of Risk Management (SORM) is the agency directly responsible for administering the program for state employees. The TDI/DWC promulgates rules and regulations governing WCI.
- b. The incident investigation program provides for investigation and analysis of all reported accidents that arise out of the course and scope of employment that resulted or could have resulted in an injury or illness and includes accidents involving employees that occur in or on Texas Tech University facilities. All employees are included in the incident investigation program.

2. Program Administration

- a. Workers' Compensation

TTUS and components participate in a self-funded program. The Managing Director of the TTUSORM is available to inform all employees of this program, of their responsibilities in connection with it, and about accessing benefits properly. This subject will be included in the briefing given to all new employees.

b. Incident Investigation

The Director of Environmental Health and Safety is available to inform all employees of this program, of their responsibilities in connection with it, and about obtaining assistance in meeting these responsibilities. This subject will be included in the briefing given to all new employees.

c. Administrator's/Supervisor's Responsibilities

All administrators/supervisors with managerial authority over employees' job duties shall provide the following assistance, as appropriate, when work-related accidents, injuries, or occupational illnesses occur.

Note: With the exception of emergency medical care, please utilize the following provider provisions for the employee's medical care:

Non-network coverage – At the time of this writing, Lubbock, Amarillo, Odessa, Abilene, and San Angelo are not covered by a network. Before retaining treatment, please verify with the individual physician or clinic that they accept Workers' Compensation Benefits.

In-network coverage – All other locations fall within a network area; however, these coverages are subject to change. Please access the link below to verify coverage on the area service map.

<http://injurymanagement.com/imo-med-select-network/find-a-provider/>

The employee must complete the *Workers Compensation Network Acknowledgement* form (Attachment H).

- (1) Assist injured employees in obtaining medical care, if necessary.

NOTE: To qualify for Workers' Compensation if the incident involves a bloodborne pathogen exposure and the employee claims a possible work-related exposure to HIV infection, the employee must:

- Have a test performed within 10 days of the exposure to HIV that indicates the absence of HIV infection; and
- Provide the employer with a written statement of the date and circumstances of the exposure to HIV and a copy of the results of the test. (28 TAC, Part 2, Chapter 122, Rule 122.4, and Texas Health and Safety Code 85.116)

- (2) Call the TTUSORM and verbally report the injury or incident as soon as possible.
- (3) Submit a fully completed *First Report of Injury/Illness/Accident* form (Attachment A) to the TTUSORM. This *First Report of Injury/Illness/Accident* must be in the TTUSORM before the close of business the next working day following the accident. **This form must be completed and signed by the administrator/supervisor, not the employee.**
- (4) Ensure that the employee completes and submits an *Employee's Report of Injury* (SORM-29) (Attachment B), which is the employee's perspective of the injury, to the

TTUSORM.

- (5) Submit a completed *Authorization for Release of Information* form (SORM-16) (Attachment C) to the TTUSORM.
- (6) If there were witnesses to the accident, submit *Witness Statement* form(s) (SORM-74) (Attachment D) to the TTUSORM.
- (7) If lost time is involved (more than one workday), assist the employee in completing an *Employee's Election Regarding Utilization of Sick and Annual Leave* form (SORM-80) (Attachment E). Submit the completed SORM-80 form to the TTUSORM.

NOTE: Failure to complete this form is deemed an election for UNPAID leave (Texas Labor Code, Section 501.044). The employee's departmental administrator will need to submit appropriate Personnel forms in accordance with TTU [OP 70.01, Miscellaneous Leaves of Absence](#), to place the employee immediately on leave without pay.

- (8) Submit *Supervisor's Investigation of Employee's Accident/Incident* (Attachment F) to the TTUSORM after review and signature of the unit safety officer and the area/department chair/director. **This form must be completed and signed by the administrator/supervisor, not the employee.**
- (9) Submit a *Supplemental Report of Injury* form (TWCC-6) (Attachment G) to the TTUSORM when the employee returns, has additional day(s) of disability, has a change in weekly earnings after the injury, is terminated, or resigns.
- (10) Review TTU [OP 70.39, Early Return-to-Work, Alternate, and Light Duty Assignments](#), the early return-to-work, alternate, and light duty assignments policy and take appropriate action. Note that this operating policy prescribes specific procedures that MUST be followed.
- (11) Submit to Human Resource Services the appropriate forms, in accordance with TTU [OP 70.01, Miscellaneous Leaves of Absence](#), if the employee uses accrued sick leave or is placed on leave without pay.
- (12) Submit a *Workers Compensation Network Acknowledgement* form (attachment H) to the TTUSORM.

Attachments A through H are available from the TTUSORM (TTU Mail Stop 2003) and may be reproduced and used, or they may be downloaded and printed from the TTU OP Manual website at the following address:
<http://www.depts.ttu.edu/opmanual/contents.php>.

d. Employee Responsibilities

- (1) Employees are required to report immediately to a departmental administrator/supervisor all on-the-job accidents, injuries, or occupational illnesses, regardless of whether medical expenses were incurred or time away from work was involved.

- (2) Employees are responsible for obtaining and completing an *Employee's Report of Injury* (SORM-29) (Attachment B). The completed form must be sent to the TTUSORM.
- (3) Submit a complete *Authorization for Release of Information* (SORM-16) (Attachment C) to the TTUSORM.
- (4) If an attending physician reports that an employee is unable to return to work following an occupational injury, the employee must choose one of the elections on the *Employee's Election Regarding Utilization of Sick and Annual Leave* form (SORM-80) (Attachment E).

NOTE: Failure to complete this form is deemed an election for UNPAID leave (Texas Labor Code, Section 501.044). The employee's departmental administrator will need to submit appropriate Personnel forms in accordance with TTU [OP 70.01, Miscellaneous Leaves of Absence](#), to place the employee immediately on leave without pay.

- (5) Submit a Workers Compensation Network Acknowledgement form (Attachment H) to the TTUSORM.

e. Workers' Compensation Claims Coordinator's Responsibilities:

The Workers' Compensation claims coordinator is the point of contact for all Workers' Compensation claims and is the interface between the employee, supervisor, administrator, and the SORM. This individual assists employees in properly applying for benefits and coordinates reporting to the SORM as outlined below.

- (1) Within one working day following notification:
 - Review the information on the *First Report of Injury/Illness/Incident* with other available information;
 - Contact the supervisor or department to acknowledge receipt of the report and to verify (or complete missing) information to enable accurate reporting of the injury; and
 - Complete and submit the *Employer's First Report of Injury of Illness* (TWCC 1S), if necessary, to the SORM.
- (2) May conduct a fact-finding interview to discover, to the extent possible, all applicable direct and indirect causes that contributed to the accident;
- (3) Maintain records on incident reports and investigations, and provide trend analysis as requested;
- (4) Establish and maintain an incident or injury file on each case;
- (5) Submit to the SORM the various forms required to complete the WCI claim as described in the SORM Workers' Compensation Claims Coordinator Handbook; and
- (6) May request from the SORM the services of a case manager, upon approval from the managing director of the TTUSORM.

f. **Office of Human Resources Responsibilities**

Send copies of *Personnel Action Forms* (PAFs) to the TTUSORM placing injured employees on leave without pay, returning them to work status, changing the employee pay status, and reporting termination or resignation dates.

3. **Benefits**

WCI benefits are legislated by the Texas Workers' Compensation Act. The TDI/DWC promulgates rules and regulations governing WCI, and the SORM adjudicates claims for benefits made by state employees, including employees of the Texas Tech University System, Texas Tech University, and Texas Tech University Health Sciences Center.

Specific information about WCI benefits and eligibility can be found on the TDI/DWC website: <http://www.tdi.state.tx.us/wc/indexwc.html>.

4. **Leave without Pay**

Refer to TTU [OP 70.01, Miscellaneous Leaves of Absence](#), for specific information concerning the proper reporting and administration of leave without pay.

5. **Funding of WCI Costs**

- (a) Fines of up to \$500 may be levied for the late reporting to the SORM. If a department fails to furnish documents to the TTUSORM within the time specified in 2(c)(3) above, any resulting fines will be charged back to the department.
- (b) Leaves without pay shall be reported on a *Personnel Action Form* through normal administrative channels. They shall be dated from the first workday through the last workday the employee is absent without pay and should indicate the number of work hours missed. It is important to report all leaves without pay, even on hourly employees. Failure to submit a *Personnel Action Form* in a timely manner may result in large additional Workers' Compensation claim expenses to the institution for terminated employees or employees on leave without pay.

6. **Right to Change Policy**

Texas Tech University System reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

[Attachment A: First Report of Injury/Illness/Accident](#)

[Attachment B: Employee's Report of Injury](#)

[Attachment C: Authorization for Release of Information](#)

[Attachment D: Witness Statement](#)

Attachment E: Employee's Election Regarding Utilization of Sick and Annual Leave

Attachment F: Supervisor's Investigation of Employee's Accident/Incident

Attachment G: Supplemental Report of Injury

Attachment H: Workers Compensation Network Acknowledgement form

Texas Tech University System

First Report of Injury/Illness/Accident



This form must be completed and signed by the administrator/supervisor, not the employee.

Submit completed form to: Texas Tech University System,
Risk Management Department, MS2003, Lubbock, Texas.
(FAX: 806-742-3018).

Please print or type.

1. Name (Last, First, MI)			2. Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male		14. Date of Accident		15. Time of Accident <input type="checkbox"/> AM <input type="checkbox"/> PM		
3. SSN		4. Home Phone		5. Date of Birth				16. Was employee doing his/her regular job? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Mailing Address (Home) City _____ State _____ Zip Code _____						17. Address where accident or exposure occurred. Name of business if accident occurred in a business site. City _____ State _____ Code _____			
7. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Separated <input type="checkbox"/> Divorced				8. Number of Dependent Children		18. Cause of accident (struck, fall, strain, etc.)			
9. Spouse's Name			10. Does the employee speak English? If no, specify language. <input type="checkbox"/> Yes <input type="checkbox"/> No			19. How and why Accident/Exposure occurred			
11. Department						20. Part of body injured or exposed			
12. Office Phone						21. List Witnesses			
13. Supervisor's Name						22. Date Reported to Supervisor			

23. Print Name (Must be Administrator/Supervisor)		Date	
24. Signature (Must be Administrator/Supervisor)		Date	

Complete the following sections ONLY IF medical treatment or lost time from work is involved.

25. Treating Doctor Name _____ Address _____ City _____ State _____ Zip Code _____ Phone Number _____		26. Date Lost Time Began _____ 27. Return to work date or expected date _____	
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NOTE: With few exceptions, you are entitled by law to know, review, and correct information that we collect about you.
For more information, please refer to OP 01.04.



EMPLOYEE'S REPORT OF INJURY

Dear Employee:

We received a report that you were injured in the course of your employment. To process your claim efficiently, please fill in all lines completely and print legibly. **Attach additional sheets if necessary.**

Name: _____
Last First M.I. Maiden

Social Security: _____ Gender: ☐ M ☐ F

Address: _____

Date of Injury: _____

City: _____ State: _____ ZIP: _____

Employer: _____

Primary Phone Number: _____

Job Title: _____

Secondary Phone Number: _____

Work Schedule: _____

Email address: _____

1) What was the exact location of the accident? Include street address if possible:

2) What was happening at the time? What was going on around you, what were you doing, what were other people doing?:

3) Briefly describe what exactly caused the injury:

4) What areas of your body were injured?

5) When and to whom did you report your injury? Date _____ Time _____

Name: _____ Title _____ Phone Number: _____

6) List all known witnesses (continue on back if necessary): 1. Name _____ Phone: _____

2. Name _____ Phone: _____ 3. Name: _____ Phone: _____

7) Who is your Primary Care Physician or family doctor? Name: _____ Phone: _____

8) Please list the names and phone numbers of all doctors or treatment providers you have seen for your injury:

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

9) Has a doctor taken you off work? ☐ Yes ☐ No If Yes, when was the first day you missed work? _____

10) If the doctor took you off of work, have you returned to work? ☐ Yes ☐ No If No, when do you think you will return to work? _____

11) Date of Last Appointment: _____ Date of Next Appointment: _____

12) Have you had previous workers compensation injuries? ☐ Yes ☐ No If Yes, please enter injury dates and body parts injured:

By affixing my signature, I attest that all information on this form is accurate and true:

Signature: _____ Date: _____

Instructions

Employee's Report of Injury

Purpose of Form:

The injured employee completes this form to provide the State Office of Risk Management (SORM) with information pertaining to the circumstances surrounding the injury and what has happened since the date of injury. This will help to expedite benefits in a more timely manner.

Filing Deadline:

The form must be received by SORM not later than the 5th calendar day after the *First Report of Injury or Illness Form* (DWC-1S) is reported by the agency.

Completed by:

This form shall be completed by the injured employee with assistance from the Claims Coordinator, if needed.

Instructions:

1. The employee will address each of the questions completely and use additional pages if necessary. The adjuster needs a complete picture of the events surrounding the injury and how the injury occurred. Witnesses' names and phone numbers, physicians/treatment provider's names and phone numbers and work status is needed. The employee should enter any previous workers compensation claims information including body parts injured.
2. The injured employee will sign and date the form thereby attesting that all information on the form is true and complete.

Distribution

The Claims Coordinator shall retain the original for the agency file and fax or mail a copy to:

State Office of Risk Management
P.O. Box 13777
Austin, TX 78711
Fax: (512) 370-9025

Notice: With few exceptions, an individual is entitled, upon request, to be informed about the information a state governmental body collects about the individual. Under Sections 552.021 and 552.023 of the Government Code the individual is entitled to receive and review the information and under Section 559.004 of the Government Code the individual is entitled to have the state governmental body correct any information about the individual that is incorrect.



AUTHORIZATION FOR RELEASE OF INFORMATION

Patient: _____

TO WHOM IT MAY CONCERN:

You are hereby expressly authorized to release and furnish to the State Office of Risk Management (SORM), and/or any associate, assistant, representative, agent, or employee thereof, any and all desired information (including, but not limited to, office records, medical reports, memos, hospital records, laboratory reports, including results of any and all tests including alcohol and/or drug tests, X-rays, X-ray reports, including copies thereof) pertaining to the physical and/or mental condition which is the basis of my workers' compensation claim. This includes not only all current and/or future information but also all past medical information which is related to the injury or injuries which form the basis of my claim.

(Print name) _____

Photostatic copies of this signed authorization will be considered as valid as the original. This is not a release of claims for damages.

SIGNED: _____ DATED: _____

PLEASE SIGN THE ABOVE MEDICAL AUTHORIZATION AND RETURN IT, SO WE MAY SECURE RELEASE OF YOUR MEDICAL RECORDS.

THANK YOU.
STATE OFFICE of RISK MANAGEMENT

Instructions

Authorization for Release of Information

Required:

This document is required immediately after sustaining a work-related injury. The injured employee should complete this release form. This enables SORM to obtain, from healthcare providers, copies of relevant medical documents that will assist in the handling of the claim.

Filing Deadline:

The form must be received by SORM not later than the **5th calendar day** after the first notice of injury is reported to the agency.

Completed by:

The employee must complete this form. If the employee is incapacitated the spouse, child, or legal guardian may sign the form. **THIS FORM MUST BE SIGNED AND DATED.** The Claims Coordinator should make this form available for all injuries.

Instructions:

1. The injured employee must clearly print his or her name on the patient line.
2. The injured employee must clearly print his or her name on the second line.
3. The injured employee must sign and date the form.

Distribution:

The Claims Coordinator shall retain the original for the agency file and fax or mail a copy to:

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PO Box 13777
Austin, TX 78711
Fax: (512) 370-9025

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WITNESS STATEMENT

MUST BE TYPED OR PRINTED

Injured Employee Name: _____ Date of Injury: _____

SORM Claim Number: _____ Statement Taken By: _____

Witness Name: _____

Witness Email Address: _____

Residence Address: _____

Primary Telephone: _____ Secondary Telephone: _____

Witness Employer: _____

On _____, at about _____ in the ☐ a.m. / ☐ p.m., I was in or at
_____ when an accident involving the above employee is reported to have occurred.

SELECT CHOICE A, B, OR C BELOW:

A. ☐ I saw the incident. The accident occurred in the following manner:

Other pertinent information and source:

B. ☐ I did not see the incident. Information given to me by (name of person):

Indicate how it occurred:

Other pertinent information and source:

C. ☐ I know nothing whatsoever about the incident.

Signature: _____ Date: _____

Instructions Witness Statement

Required:

Immediately after receiving notice of any injury, the Claims Coordinator should determine the names, addresses, and telephone numbers of all witnesses to the incident. A statement should be taken from each witness and forwarded to SORM.

Filing Deadline:

The form must be received by SORM not later than the 5th calendar day after the first notice of injury is reported to the agency.

Completed by:

This form should be completed by the person giving the statement with assistance from the Claims Coordinator.

Instructions:

1. Be as specific and complete as possible.
2. Except for the witness signature, the statement should be typewritten, if possible. If it must be handwritten, PLEASE PRINT to ensure legibility.
3. Please provide the SORM claim number, if known.
4. The witness may have actually seen the incident or may have acquired knowledge about the accident from another source. The witness information may relate to how the incident occurred or to something else that is relevant. Sometimes you will be given a witness name but, when asked, the witness may deny any knowledge of the incident. In such a case the third box should be checked.
5. If the space provided on the form is insufficient please attach additional information.

Distribution:

The Claims Coordinator shall retain the original for the agency file and fax or mail a copy to:

State Office of Risk Management
PO Box 13777 Austin, TX 78711
Fax: (512) 370-9025

Notice: With few exceptions, an individual is entitled, upon request, to be informed about the information a state governmental body collects about the individual. Under Sections 552.021 and 552.023 of the Government Code the individual is entitled to receive and review the information and under Section 559.004 of the Government Code the individual is entitled to have the state governmental body correct any information about the individual that is incorrect.



EMPLOYEE'S ELECTION REGARDING UTILIZATION OF SICK AND ANNUAL LEAVE FOR GENERAL EMPLOYEES

Employee's Name _____

Date of Injury _____

You are not required to use your leave. Texas Labor Code §501.044 allows an injured state employee to *elect* to use accrued sick and annual leave before receiving income benefits. Accrued sick leave must be exhausted before annual leave may be used. Other categories of leave (compensatory leave, holiday leave, administrative leave, etc) may not be used prior to sick and annual leave.

Complete Election 1 or Election 2.

ELECTION 1 *(must choose A, B, or C)*

Sick leave must be exhausted before annual leave may be used

When I lose time from work due to this injury or illness, I elect to use all of my accrued sick leave **AND**:

☐

A. All of my accrued annual leave.

☐

B. A portion of my accrued annual leave (*enter number of hours: _____*).

☐

C. None of my accrued annual leave.

ELECTION 2

☐

When I lose time from work due to this injury or illness, I elect to **not** use any accrued sick leave and/or annual leave. I understand I will not receive workers' compensation payments until after the seven (7) calendar day waiting period.

I understand that I may not change my election after my eighth (8th) day of disability and signing this form. I have read the reverse side of this form, and I fully understand the election I am making.

Hours of Sick Leave

Hours of Annual Leave

Employee's Social Security Number

Agency

Employee's Signature

Date

Claims Coordinator's Signature

Date

This form may not be altered in any way.

Instructions Employee's Election Regarding Utilization of Sick and Annual Leave For General Employees

Injured employees may elect to use accrued sick leave and all, part, or none of their accrued annual leave for time missed from work due to the work related injury. Accrued sick leave and accrued annual leave are the amounts of paid leave available at the time of injury in addition to leave earned after the injury. The following details the effects of the different choices available to you.

If You Choose Election 1

- You must use all accrued sick leave but may elect to use all, some, or none of your accrued annual leave.
- All sick leave must be exhausted before annual leave may be used.
- If you select 1A and return to work but later have additional days of disability, you must use any accrued sick and annual leave before receiving workers' compensation income benefits.
- If you select 1B, you must use any sick leave balance and any authorized annual leave before you will be eligible to receive workers' compensation income benefits.
- If you select 1C, you must use any/all accrued sick leave before receiving workers' compensation income benefits.
- Workers' compensation income benefits do not begin until the eighth day of disability. Employees who are disabled for at least 14 days will receive retroactive benefits for any portion of the seven-day waiting period not paid by leave.
- You will continue to receive your full pay as long as you have accrued time to use and have authorized your agency to use it for your injury. If your elected leave is exhausted, you may receive income benefits to replace a portion of your lost wages. This may be 70% or 75% of your average weekly wage depending on your wages at the time of your injury.
- It is recommended that you consult with your Human Resources Department to discuss the impact of your selection on your leave balances and insurance benefits should you be off work for an extended period of time.

If You Choose Election 2

- You choose to not use any sick or annual leave for your compensable injury. Your agency may immediately place you in a leave without pay status.
- You may not receive any workers' compensation income benefits for the first seven (7) calendar days you are unable to work. If eligible, your income replacement benefits will begin on the 8th day of disability and employees who are unable to work for 14 days will receive retroactive benefits for the first seven days. You will be paid at a rate of 70 or 75% of your weekly wage depending on your wages at the time of your injury.

Notice: With few exceptions, an individual is entitled, upon request, to be informed about the information a state governmental body collects about the individual. Under Sections 552.021 and 552.023 of the Government Code the individual is entitled to receive and review the information and under Section 559.004 of the Government Code the individual is entitled to have the state governmental body correct any information about the individual that is incorrect.

SUPERVISOR'S INVESTIGATION OF EMPLOYEE'S ACCIDENT/INCIDENT

1. LAST NAME OF INJURED	2. FIRST NAME	3. M.I.	4. SOCIAL SECURITY NUMBER	5. DATE OF BIRTH / /
6. SEX M <input type="checkbox"/> F <input type="checkbox"/>	7. DATE OF EMPLOYMENT IN UNIT / /	8. AGENCY NUMBER (COMPTROLLER'S CODE)		9. BUDGET NUMBER OF ASSIGNED UNIT
10. JOB CLASSIFICATION CODE	11. POSITION STATUS <input type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Floater (File where needed)		12. DATE OF INCIDENT / /	13. TIME OF INCIDENT am <input type="checkbox"/> pm <input type="checkbox"/>

<p>A. EXTENT OF INJURY (Check one only)</p> <p><input type="checkbox"/> No injury (Incident only)</p> <p><input type="checkbox"/> Injury not requiring a TWCC-1S</p> <p><input type="checkbox"/> Medical</p> <p><input type="checkbox"/> Lost time only (more than one day)</p> <p><input type="checkbox"/> Medical and lost time</p> <p><input type="checkbox"/> Fatality</p> <p>B. CATEGORY (Check one only)</p> <p><input type="checkbox"/> Occupational injury (accident)</p> <p><input type="checkbox"/> Occupational injury (aggressive behavior)</p> <p><input type="checkbox"/> Occupational illness/disease</p> <p>C. SPECIFIC LOCATION OF OCCURENCE (Check one only)</p> <p>INDOORS:</p> <p>BUILDING INVENTORY NO. _____</p> <p><input type="checkbox"/> Auditorium</p> <p><input type="checkbox"/> Boiler room</p> <p><input type="checkbox"/> Canteen/Snack bar</p> <p><input type="checkbox"/> Cell block</p> <p><input type="checkbox"/> Classroom</p> <p><input type="checkbox"/> Closet</p> <p><input type="checkbox"/> Day room</p> <p><input type="checkbox"/> Dormitory/Living Room</p> <p><input type="checkbox"/> Elevator</p> <p><input type="checkbox"/> Food service area/Dining/Kitchen</p> <p><input type="checkbox"/> Garage</p> <p><input type="checkbox"/> Gymnasium/Recreation</p> <p><input type="checkbox"/> Hallway/Corridor</p> <p><input type="checkbox"/> Hospital/Clinic/Dispensary</p> <p><input type="checkbox"/> Laboratory</p> <p><input type="checkbox"/> Laundry</p> <p><input type="checkbox"/> Library</p> <p><input type="checkbox"/> Nursing station</p> <p><input type="checkbox"/> Office areas</p> <p><input type="checkbox"/> Program areas</p> <p><input type="checkbox"/> Ramp</p> <p><input type="checkbox"/> Sales store/Outlet</p> <p><input type="checkbox"/> Seclusion room</p> <p><input type="checkbox"/> Sleeping room</p> <p><input type="checkbox"/> Steps/Stairs/Stairway</p> <p><input type="checkbox"/> Storage area</p> <p><input type="checkbox"/> Waiting room</p> <p><input type="checkbox"/> Workshop/technical traders</p> <p><input type="checkbox"/> Other specify _____</p> <p>OUTDOORS:</p> <p><input type="checkbox"/> Athletic field</p> <p><input type="checkbox"/> Campus</p> <p><input type="checkbox"/> Grounds</p> <p><input type="checkbox"/> Highway/Road/Street</p> <p><input type="checkbox"/> Loading dock</p> <p><input type="checkbox"/> Park or recreation area</p> <p><input type="checkbox"/> Parking lot</p> <p><input type="checkbox"/> Roof</p> <p><input type="checkbox"/> Sidewalk</p> <p><input type="checkbox"/> Steps/Stairs/Stairway</p> <p><input type="checkbox"/> Storage area</p> <p><input type="checkbox"/> Swimming pool area</p> <p><input type="checkbox"/> Tower</p> <p><input type="checkbox"/> Other (specify) _____</p>	<p>D. ACTIVITY ENGAGED IN BY INJURED AT TIME OF INJURY (Check one only)</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Bathing</td> <td><input type="checkbox"/> Moving</td> </tr> <tr> <td><input type="checkbox"/> Buffing</td> <td><input type="checkbox"/> Operating</td> </tr> <tr> <td><input type="checkbox"/> Carrying</td> <td><input type="checkbox"/> Pulling</td> </tr> <tr> <td><input type="checkbox"/> Cleaning</td> <td><input type="checkbox"/> Pushing</td> </tr> <tr> <td><input type="checkbox"/> Climbing</td> <td><input type="checkbox"/> Reaching</td> </tr> <tr> <td><input type="checkbox"/> Cutting</td> <td><input type="checkbox"/> Redirecting</td> </tr> <tr> <td><input type="checkbox"/> Descending</td> <td><input type="checkbox"/> Restraining</td> </tr> <tr> <td><input type="checkbox"/> Digging</td> <td><input type="checkbox"/> Running</td> </tr> <tr> <td><input type="checkbox"/> Dressing</td> <td><input type="checkbox"/> Sanding</td> </tr> <tr> <td><input type="checkbox"/> Driving</td> <td><input type="checkbox"/> Sawing</td> </tr> <tr> <td><input type="checkbox"/> Eating</td> <td><input type="checkbox"/> Searching</td> </tr> <tr> <td><input type="checkbox"/> Escorting</td> <td><input type="checkbox"/> Securing</td> </tr> <tr> <td><input type="checkbox"/> Exercising</td> <td><input type="checkbox"/> Sitting</td> </tr> <tr> <td><input type="checkbox"/> Feeding</td> <td><input type="checkbox"/> Standing</td> </tr> <tr> <td><input type="checkbox"/> Grinding</td> <td><input type="checkbox"/> Stripping</td> </tr> <tr> <td><input type="checkbox"/> Grooming</td> <td><input type="checkbox"/> Turning</td> </tr> <tr> <td><input type="checkbox"/> Jumping</td> <td><input type="checkbox"/> Typing</td> </tr> <tr> <td><input type="checkbox"/> Loading</td> <td><input type="checkbox"/> Walking</td> </tr> <tr> <td><input type="checkbox"/> Mopping</td> <td><input type="checkbox"/> Other (specify) _____</td> </tr> </table> <p>E. BODY PART INJURED (Most Serious)</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Anide</td> <td><input type="checkbox"/> Internal organ</td> </tr> <tr> <td><input type="checkbox"/> Arm</td> <td><input type="checkbox"/> Jaw</td> </tr> <tr> <td><input type="checkbox"/> Back</td> <td><input type="checkbox"/> Knee(s)</td> </tr> <tr> <td><input type="checkbox"/> Buttocks</td> <td><input type="checkbox"/> Leg(s)</td> </tr> <tr> <td><input type="checkbox"/> Cheek</td> <td><input type="checkbox"/> Mouth</td> </tr> <tr> <td><input type="checkbox"/> Chest</td> <td><input type="checkbox"/> Neck</td> </tr> <tr> <td><input type="checkbox"/> Chin</td> <td><input type="checkbox"/> Nose</td> </tr> <tr> <td><input type="checkbox"/> Ear(s)</td> <td><input type="checkbox"/> Pelvis</td> </tr> <tr> <td><input type="checkbox"/> Eye(s)</td> <td><input type="checkbox"/> Rib(s)</td> </tr> <tr> <td><input type="checkbox"/> Foot-Feet</td> <td><input type="checkbox"/> Scalp</td> </tr> <tr> <td><input type="checkbox"/> Finger/Thumb(s)</td> <td><input type="checkbox"/> Shoulder</td> </tr> <tr> <td><input type="checkbox"/> Forehead</td> <td><input type="checkbox"/> Toe(s)</td> </tr> <tr> <td><input type="checkbox"/> Groin</td> <td><input type="checkbox"/> Wrist(s)</td> </tr> <tr> <td><input type="checkbox"/> Hand</td> <td><input type="checkbox"/> Other (specify) _____</td> </tr> <tr> <td><input type="checkbox"/> Hips</td> <td></td> </tr> </table> <p>F. TYPE OF INJURY (Check primary one)</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Abrasion</td> <td><input type="checkbox"/> Heat exhaustion</td> </tr> <tr> <td><input type="checkbox"/> Amputation</td> <td><input type="checkbox"/> Hemia</td> </tr> <tr> <td><input type="checkbox"/> Bite</td> <td><input type="checkbox"/> Infection</td> </tr> <tr> <td><input type="checkbox"/> Bruise</td> <td><input type="checkbox"/> Inflammation</td> </tr> <tr> <td><input type="checkbox"/> Burn</td> <td><input type="checkbox"/> Internal injuries</td> </tr> <tr> <td><input type="checkbox"/> Concussion</td> <td><input type="checkbox"/> Puncture</td> </tr> <tr> <td><input type="checkbox"/> Cut</td> <td><input type="checkbox"/> Repetitive Trauma</td> </tr> <tr> <td><input type="checkbox"/> Dermatitis</td> <td><input type="checkbox"/> Rupture</td> </tr> <tr> <td><input type="checkbox"/> Dislocation</td> <td><input type="checkbox"/> Scratch</td> </tr> <tr> <td><input type="checkbox"/> Foreign object</td> <td><input type="checkbox"/> Shock</td> </tr> <tr> <td><input type="checkbox"/> Fracture</td> <td><input type="checkbox"/> Sprain/Strain</td> </tr> <tr> <td><input type="checkbox"/> Frostbite</td> <td><input type="checkbox"/> Sting</td> </tr> <tr> <td><input type="checkbox"/> Hearing loss</td> <td><input type="checkbox"/> Other (specify) _____</td> </tr> <tr> <td><input type="checkbox"/> Heart attack</td> <td></td> </tr> </table> <p>G. TYPE OF OCCURENCE (Check one only)</p> <p><input type="checkbox"/> Aggression (client, inmate, patient)</p> <p><input type="checkbox"/> Bodily reaction (drug, medication)</p> <p><input type="checkbox"/> Caught in, on, under, or between</p> <p><input type="checkbox"/> Contact with chemicals</p> <p><input type="checkbox"/> Contact with electric current</p> <p><input type="checkbox"/> Contact with temperature extremes</p> <p><input type="checkbox"/> Fall on same level</p>	<input type="checkbox"/> Bathing	<input type="checkbox"/> Moving	<input type="checkbox"/> Buffing	<input type="checkbox"/> Operating	<input type="checkbox"/> Carrying	<input type="checkbox"/> Pulling	<input type="checkbox"/> Cleaning	<input type="checkbox"/> Pushing	<input type="checkbox"/> Climbing	<input type="checkbox"/> Reaching	<input type="checkbox"/> Cutting	<input type="checkbox"/> Redirecting	<input type="checkbox"/> Descending	<input type="checkbox"/> Restraining	<input type="checkbox"/> Digging	<input type="checkbox"/> Running	<input type="checkbox"/> Dressing	<input type="checkbox"/> Sanding	<input type="checkbox"/> Driving	<input type="checkbox"/> Sawing	<input type="checkbox"/> Eating	<input type="checkbox"/> Searching	<input type="checkbox"/> Escorting	<input type="checkbox"/> Securing	<input type="checkbox"/> Exercising	<input type="checkbox"/> Sitting	<input type="checkbox"/> Feeding	<input type="checkbox"/> Standing	<input type="checkbox"/> Grinding	<input type="checkbox"/> Stripping	<input type="checkbox"/> Grooming	<input type="checkbox"/> Turning	<input type="checkbox"/> Jumping	<input type="checkbox"/> Typing	<input type="checkbox"/> Loading	<input type="checkbox"/> Walking	<input type="checkbox"/> Mopping	<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Anide	<input type="checkbox"/> Internal organ	<input type="checkbox"/> Arm	<input type="checkbox"/> Jaw	<input type="checkbox"/> Back	<input type="checkbox"/> Knee(s)	<input type="checkbox"/> Buttocks	<input type="checkbox"/> Leg(s)	<input type="checkbox"/> Cheek	<input type="checkbox"/> Mouth	<input type="checkbox"/> Chest	<input type="checkbox"/> Neck	<input type="checkbox"/> Chin	<input type="checkbox"/> Nose	<input type="checkbox"/> Ear(s)	<input type="checkbox"/> Pelvis	<input type="checkbox"/> Eye(s)	<input type="checkbox"/> Rib(s)	<input type="checkbox"/> Foot-Feet	<input type="checkbox"/> Scalp	<input type="checkbox"/> Finger/Thumb(s)	<input type="checkbox"/> Shoulder	<input type="checkbox"/> Forehead	<input type="checkbox"/> Toe(s)	<input type="checkbox"/> Groin	<input type="checkbox"/> Wrist(s)	<input type="checkbox"/> Hand	<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Hips		<input type="checkbox"/> Abrasion	<input type="checkbox"/> Heat exhaustion	<input type="checkbox"/> Amputation	<input type="checkbox"/> Hemia	<input type="checkbox"/> Bite	<input type="checkbox"/> Infection	<input type="checkbox"/> Bruise	<input type="checkbox"/> Inflammation	<input type="checkbox"/> Burn	<input type="checkbox"/> Internal injuries	<input type="checkbox"/> Concussion	<input type="checkbox"/> Puncture	<input type="checkbox"/> Cut	<input type="checkbox"/> Repetitive Trauma	<input type="checkbox"/> Dermatitis	<input type="checkbox"/> Rupture	<input type="checkbox"/> Dislocation	<input type="checkbox"/> Scratch	<input type="checkbox"/> Foreign object	<input type="checkbox"/> Shock	<input type="checkbox"/> Fracture	<input type="checkbox"/> Sprain/Strain	<input type="checkbox"/> Frostbite	<input type="checkbox"/> Sting	<input type="checkbox"/> Hearing loss	<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Heart attack		<p>G. CONTINUED</p> <p><input type="checkbox"/> Fall on different level</p> <p><input type="checkbox"/> Over-exertion (exceeding physical ability)</p> <p><input type="checkbox"/> Overexposure to environmental hazards (noise, toxic)</p> <p><input type="checkbox"/> Repetitive Motion</p> <p><input type="checkbox"/> Slip (not a fall)</p> <p><input type="checkbox"/> Struck against (rough, sharp object)</p> <p><input type="checkbox"/> Struck by falling moving object</p> <p><input type="checkbox"/> Other (specify) _____</p> <p>H. PHYSICAL THING MOST CLOSELY ASSOCIATED WITH OCCURENCE (Check one)</p> <p><input type="checkbox"/> Aircraft</p> <p><input type="checkbox"/> Air pressure</p> <p><input type="checkbox"/> Animal (snake, dog, horse, etc.)</p> <p><input type="checkbox"/> Athletic equipment (baseball, bat, dart, etc.)</p> <p><input type="checkbox"/> Attachments (belt, pulley, gear, shaft)</p> <p><input type="checkbox"/> Cabinet</p> <p><input type="checkbox"/> Chemical (solid, liquid, or gas)</p> <p><input type="checkbox"/> Computer</p> <p><input type="checkbox"/> Clothing</p> <p><input type="checkbox"/> Container (bottle, box, barrel, cylinder, etc.)</p> <p><input type="checkbox"/> Curb</p> <p><input type="checkbox"/> Doors (automatic, manual, revolving)</p> <p><input type="checkbox"/> Drugs or medicine</p> <p><input type="checkbox"/> Dust</p> <p><input type="checkbox"/> Electrical apparatus</p> <p><input type="checkbox"/> Elevator, escalator</p> <p><input type="checkbox"/> Explosives</p> <p><input type="checkbox"/> Eyewear</p> <p><input type="checkbox"/> Fan</p> <p><input type="checkbox"/> Fire, flame, smoke</p> <p><input type="checkbox"/> Floor</p> <p><input type="checkbox"/> Food products</p> <p><input type="checkbox"/> Fumes</p> <p><input type="checkbox"/> Furniture, fixtures</p> <p><input type="checkbox"/> Gas</p> <p><input type="checkbox"/> Glass items</p> <p><input type="checkbox"/> Gun</p> <p><input type="checkbox"/> Ground (earth)</p> <p><input type="checkbox"/> Hand tool</p> <p><input type="checkbox"/> Heating equipment</p> <p><input type="checkbox"/> Hoisting equipment</p> <p><input type="checkbox"/> Icy condition</p> <p><input type="checkbox"/> Infectious or parasitic agent</p> <p><input type="checkbox"/> Inmate, client, employee</p> <p><input type="checkbox"/> Insect</p> <p><input type="checkbox"/> Kitchen equipment</p> <p><input type="checkbox"/> Knife</p> <p><input type="checkbox"/> Lighting fixture and equipment</p> <p><input type="checkbox"/> Ladder, scaffold</p> <p><input type="checkbox"/> Locker</p> <p><input type="checkbox"/> Machine</p> <p><input type="checkbox"/> Material handling equipment</p> <p><input type="checkbox"/> Metal</p> <p><input type="checkbox"/> Mineral items (asphalt, clay, gravel, etc.)</p> <p><input type="checkbox"/> Motor vehicle</p> <p><input type="checkbox"/> Needle</p> <p><input type="checkbox"/> Office equipment (chair, desk, cabinet, etc.)</p> <p><input type="checkbox"/> Paint</p> <p><input type="checkbox"/> Particle</p> <p><input type="checkbox"/> Pavement</p> <p><input type="checkbox"/> Person (other than client, inmate, employee)</p> <p><input type="checkbox"/> Pipe</p> <p><input type="checkbox"/> Platform, dock, ramp</p>
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Continued On Other Side

N. DESCRIBE BRIEFLY IN NARRATIVE FORM THE CIRCUMSTANCES THAT LED TO AND CAUSED THIS OCCURRENCE.					
ANSWER: WHO? WHAT? WHERE? WHEN? WHY? AND HOW? (Use additional sheet if necessary)					
				/ /	()
INJURED'S IMMEDIATE SUPERVISOR (print)		SIGNATURE		DATE	PHONE
REVIEWED BY	SECTION/DEPARTMENT/DIVISION ADDITIONAL DUTY SAFETY OFFICER COMENT:				
	SIGNATURE		DATE: / / 		
	SECTION/DEPARTMENT/DIVISION HEAD COMENT:				
	SIGNATURE		DATE: / / 		
	AGENCY OR FACILITY SAFETY MANAGER COMMENT:				
SIGNATURE		DATE: / / 			

Workers Compensation Network Acknowledgement

I have received information that tells me how to get health care under workers' compensation insurance.

If I am hurt on the job and live in the service area described in this information, I understand that:

1. I must choose a treating doctor from the list of doctors in the network.
2. I may ask my HMO primary care physician to agree to serve as my treating doctor.
3. I must go to my treating doctor for all health care for my injury. If I need a specialist, my treating doctor will refer me. If I need emergency care, I may go anywhere.
4. The insurance carrier will pay the treating doctor and other network providers.
5. I might have to pay the bill if I get health care from someone other than a network doctor without network approval.

(Signature)

(Date)

(Printed Name)

I live at _____
(Street Address)

(City)

(State)

(Zip Code)

Name of Employer _____

Name of Network _____



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.15: Multiple and Other Employment

DATE: April 30, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy regarding multiple and other employment by Texas Tech University (TTU) employees.

REVIEW: This OP will be reviewed in March of even-numbered years by the assistant vice president for human resources with substantive revisions forwarded to the associate vice president for administration and chief of staff.

POLICY/PROCEDURE

1. Multiple State Employment Law

a. Article XVI, Section 33, of the Texas Constitution provides:

- (1) The accounting officers of this state shall neither draw nor pay a warrant or check on funds of the state of Texas, whether in the treasury or otherwise, to any person for salary or compensation who holds at the same time more than one civil office of emolument, in violation of Section 40.

b. Section 40 provides three major exceptions relative to state employees:

- (1) Payment may be made to members of military reserves and persons retired from military service.
- (2) Payment may be made to state employees serving without salary as members of governing bodies of school districts, cities, towns, or other local governmental districts. The state attorney general has found that the term "salary" as it is used in Section 40 means "compensation" in any form. Thus, state employees serving as members of these organizations may not receive any payment, including per diem, benefits, etc.
- (3) Non-elective state officers or employees may hold other non-elective offices or positions of honor, trust, or profit under this state or the United States, if the other offices or positions are of benefit to the state or are required by law, and there is no conflict with the original office or position for which the employee received salary or compensation. The implementing legislation also requires the employee to obtain a finding from the appropriate governing board or agency head that these two requirements have been met. The employee's agency must make an official record of both of the above findings and of any compensation, including per diem, associated with the second position.

c. Chapter 667 of the current Texas Government Code provides:

A person who is legally employed by more than one Texas state agency or institution of higher education may not receive benefits from the state in excess of those provided for one full-time employee. The person is subject to the following provisions and must be informed of them before the person becomes employed by more than one agency or institution:

- (1) Separate vacation and sick leave records must be maintained for each employment. When the person terminates from one employment, the person's leave balances that were accrued under that employment may not be transferred to the remaining employments.
- (2) The person accrues state service credit for all purposes as if the employee had only one employment.
- (3) The total state contribution toward the person's group insurance is limited to the amount specified elsewhere in this act for a full-time active employee.
- (4) Overtime compensation accrues to an employment independently of every other employment with the following exception. If the person is subject to the overtime provisions of the Fair Labor Standards Act of 1938 (FLSA) in an employment, the employing agencies and institutions must ensure that the person is compensated for all combined time worked in excess of 40 hours per week according to the FLSA overtime provisions. The agencies and institutions shall coordinate to determine which agency or institution is responsible for ensuring that the employee is properly compensated according to those provisions.

An employing agency or institution may not use multiple employments of an employee within the same agency or institution for the purpose of:

- (a) Paying the employee for working more than 40 hours in a week instead of earning compensatory time in accordance with state law; or
 - (b) Paying the employee a greater salary than is allowed for either of the employee's positions.
- (5) The person must inform the person's employing state agencies or institutions of higher education before accepting an additional employment with another agency or institution.

Special provisions for institutions of higher education—a university system may establish a policy that defines a person's employment as the total hours the person is assigned to one component of the system or, alternatively, the total hours the person is assigned to all components of the system. This policy may apply to a person only if the person is employed by more than one institution of higher education and all employing institutions are within the same university system.

2. **Texas Tech Employment**

An individual may be employed part time by two or more departments within Texas Tech University and Texas Tech University Health Sciences Center, provided the combined total of normally assigned hours of work does not exceed 40 hours per week (100 percent time) and all

other conditions of employment are met. All appointments of TTU are aggregated for purposes of longevity pay and other benefits.

A full-time employee who works in excess of 40 hours per week (100 percent time) must be compensated in accordance with normal overtime or additional compensation policies.

3. **Outside Employment**

Outside employment is defined to be any compensated service or employment by any entity, other than Texas Tech University, of a TTU employee. ***Section 03.01.5, Regents' Rules, Consulting or Outside Employment**

The primary responsibility of TTU employees is the full and complete execution of all assigned duties, the fulfillment of those professional obligations not ordinarily reduced to written assignment, and the maintenance of current professional skills. Outside employment must be compatible with the interests of TTU and of such a nature that it will not detract from the usefulness and performance of the employee.

4. **Non-elective Offices**

An employee desiring to accept an offer to serve in other non-elective offices or in a position of honor, trust, or profit with the state of Texas or the United States should submit a letter of request through administrative channels for Board of Regents' consideration.

5. **Elective Offices**

Employees may hold non-salaried public elective offices provided they meet their primary responsibilities to Texas Tech University.

An employee who is elected or appointed to another position that pays a salary, per diem, or benefits and, in instances where the two positions are such that they cannot be held at one time by the same person, qualification and acceptance of the second position will automatically be considered as a resignation of employment with Texas Tech University.

6. **Multiple Employment with other State Agencies/Institutions (other than TTU and TTUHSC)**

a. **Multiple Employment Defined**

- (1) Multiple employment occurs either when a full-time employee of Texas Tech University accepts an additional appointment to a second position with another state or federal agency (other than TTU and TTUHSC) or a full-time employee of another state or federal agency accepts an additional appointment to a second position with TTU. Another state agency is defined to mean agency, board, office, department, commission, council, or institution of the state of Texas.
- (2) A person who is on an unpaid leave of absence from one agency and working for pay at another agency is not considered to have multiple appointments for the purpose of this OP.

b. Multiple Employment Policy

- (1) Any person who holds a position with Texas Tech University and wishes to accept an appointment with another state or federal agency that may result in multiple employment must obtain a finding, and an official record thereof, from the Board of Regents that:
 - (a) Holding the additional position will be of benefit to the state of Texas or is required by law;
 - (b) There is no conflict between holding the two positions; and
 - (c) States the specific compensation to be received for the second position.
- (2) Any person who holds a position with another state or federal agency and wishes to accept an appointment with TTU that may result in multiple employment must obtain a finding, and an official record thereof, from the governing body or, if there is none, the executive head of that agency that covers the same three items required above.

c. Multiple Appointment Procedures

- (1) Regular Texas Tech Employee
 - (a) A person who desires, or is required, to accept an additional position with another state or federal agency will obtain approval to do so by submitting a request (see attachment) through normal administrative channels to the appropriate divisional vice president or comparable administrator. The request will specify the agency involved, the position to be held, the period for which the appointment is to be made, and the details of the compensation to be received. The request will also explain how the appointment will benefit the state of Texas and confirm that there is no conflict created by holding the two positions.
 - (b) The divisional vice president or comparable administrator, after coordination with the general counsel and approval, will prepare and process an order to obtain the required finding by the Board of Regents at their next meeting.
 - (c) A copy of the official record of the finding will be provided to the chief of staff to the president by the person obtaining the Board order. The chief of staff to the president will provide copies to those offices involved in processing personnel action forms and payrolls. The official record of the finding must be filed in these offices before the effective date of the additional appointment.
- (2) Regular Employee of another Agency
 - (a) When a Texas Tech University administrator desires to appoint a person employed by another state or federal agency to an additional position with TTU, the proposed details of the additional appointment will first be agreed to by the parties involved. The administrator will then obtain approval for the proposed appointment by submitting a request (see attachment) through normal administrative channels to the appropriate vice president or comparable administrator. The same data required by paragraph 5.c.(1)(a) above will be

provided.

- (b) The vice president or comparable administrator, after coordination with the general counsel and approval, will prepare and process an order to obtain a Board of Regents finding at their next meeting. At the same time the order is prepared, the administrator will then notify the proposed appointee of this approval and request that a copy of the official record of the finding by the appointee's agency, which satisfies the requirements specified in 5.c.(1)(a) above, be provided.
- (c) Copies of these findings will be attached to the appointee's personnel appointment form at the time the TTU appointment is made. Reference to these findings will also be made in the "Explain" section of the form. Copies of these findings must be filed in Payroll Services before any salary payment is made to a multiple employed person.

d. Fringe Benefits

- (1) The pay and fringe benefits of a regular TTU employee will not be affected when a second compensated appointment with another state or federal agency is accepted. The employee should obtain information from the other state or federal agency as to the payroll deductions and/or fringe benefits that may be applicable to the additional compensation paid by that agency.
- (2) Compensation and fringe benefits paid to a regular employee of another state or federal agency holding a second compensated position with TTU will be subject to the following:
 - (a) Federal income tax will be withheld in accordance with federal law and Texas Tech University policies and procedures.
 - (b) All TTU earnings will be subject to retirement deductions and state matching contributions. If the other agency is a state agency, the employee will be required to participate in the same retirement program with the same carrier at both agencies.
 - (c) The employee will be required to participate in the group insurance program and receive premium sharing contributions, if any, from the primary agency and will not be eligible to participate in Texas Tech University's program or receive premium sharing from TTU unless TTU is the primary agency.
 - (d) The employee will be entitled to receive longevity payment for only one employment, which must be full time to be eligible for longevity. An individual partially employed/paid by one institution or agency and partially by another does not meet the "full-time" employment requirement to be eligible for longevity pay. TTU and TTUHSC work hours are aggregated for longevity eligibility purposes. The employee's primary agency will be responsible for payment of longevity pay if the employee is eligible.
 - (e) The employee will be eligible for holiday leave from Texas Tech University based upon the holiday schedule for TTU.

- (f) Vacation and sick leave records will be maintained by TTU without regard to similar records maintained by the other agency. Upon termination of TTU employment, any leave balances accrued will not be transferred to the other agency and must be taken prior to the termination date.
- (g) Workers' Compensation Insurance benefits will be provided by the agency at which the employee is injured. Wages, for determining the weekly benefit rate, shall be the wages received from the agency where the injury occurred. Sick leave, for determining the weekly benefit start date, shall be the sick leave received from that agency.
- (h) Unemployment Compensation Insurance benefits will be paid based upon the pro rata share of employment by the agencies during the base benefit period.
- (i) The employee will be eligible for travel payments from Texas Tech University based upon the assigned duties and responsibilities at TTU, but will not be eligible for travel payment from both agencies for the same period of time. The employee will not be eligible for travel payments from TTU for travel between the two agencies.
- (j) Compensatory time, emergency leave, jury leave, military leave, maternity leave and other such leave benefits will be administered and provided by Texas Tech University in accordance with normal procedures applicable to other employees.

e. **Obligation to Inform**

An employee must inform the employee's or her/his employing state agencies or institutions of higher education before accepting additional employment with another agency or institution. * **In accordance with the Texas Government Code, Section 667.007**

All state employees have been informed of their obligations and responsibilities to inform both initial and second employers of their intent to accept additional employment with the state by way of the *Employee Affidavit* signed by all employees.

7. Procedure

Each administrative officer shall be responsible for devising procedures and/or other appropriate methods for enforcement of this policy within her/his individual areas of responsibility.

8. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

9. Authoritative References

Texas Constitution, Article XVI, Section 33 & Section 40
 Texas Government Code, Section 667.007
 Fair Labor Standard Act
 Section 03.01.5, *Regents' Rules*, Conflict of commitment

All related forms can be found on the Human Resources website:
<http://www.depts.ttu.edu/hr/forms.asp>.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.24: Communicable and Transmittable Disease Control in the Employee Workforce

DATE: June 2, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy and procedure for handling employees with a communicable and/or transmittable disease in a manner fair to the affected employee and to provide a safe work environment for all employees.

REVIEW: This OP will be reviewed in March of even-numbered years by the managing director of Human Resources and the managing director of Equal Employment Opportunity with substantive revisions forwarded to the chief of staff to the president.

POLICY/PROCEDURE

1. Definition of Terms

- a. Communicable Disease - A disease easily spread by casual contact and that poses a threat to other employees and/or students.
- b. Transmittable Disease - A disease not easily spread by casual contact but which may be bloodborne, transmitted sexually or through other bodily fluids, or transmitted in other ways that poses only a limited threat to other employees and/or students.
- c. Non-communicable Disease - A disease not considered transferable from person to person that poses no threat to other employees and/or students.

2. General Policy

Texas Tech University is committed to providing fair and equal employment opportunities for all individuals, including those who have been exposed to communicable and/or transmittable diseases. The university is also committed to providing a safe workplace for all employees and a safe environment for its students that meets or exceeds federal, state, and local regulations.

The university is legally and ethically required to refrain from releasing any information pertaining to a person diagnosed as having a serious medical illness. Knowledge of any person so affected will be confined to those persons with a direct need to know.

This policy applies to all areas of the university and personnel administration including, but not limited to, hiring, job assignment, opportunities for training and development, pay, benefits, promotions and demotions, layoffs and terminations, and standards of personal conduct.

3. Procedure

a. Communicable/Transmittable Disease

General Information

An employee who has a communicable or transmittable disease, as determined by medical certification, may elect to utilize sick leave, vacation leave, or leave without pay benefits in accordance with normal university policies and/or family and medical leave policies.

In addition, an employee who has a communicable/transmittable disease that poses a threat to other employees and/or students may be required by the applicable administrative officer to utilize additional sick leave, vacation leave, family and medical leave, and/or leave without pay benefits until the threat is removed. The employee may also be required by the university to obtain a medical certification that he or she does not represent a threat to other employees and/or students prior to being permitted to return to work, at the discretion of the applicable administrative officer.

The employee also may be reassigned to other work or to other work areas in order to reduce or remove the threat posed to other employees and/or students.

Each situation will be evaluated on the basis of that particular case, taking into consideration the desires and rights of the employee, the safety of the workplace, and the needs of the university.

b. Non-communicable Disease

An employee who has a non-communicable disease, as determined by medical certification, may elect to utilize sick leave, vacation leave, family and medical leave, and/or leave without pay benefits in accordance with normal university policies.

4. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend or rescind this policy, in whole or in part, at any time without the consent of employees.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.31: Employee Conduct, Discipline, and Terminations

DATE: January 27, 2012

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy regarding classified, professional, administrative, and executive employee conduct, discipline, and terminations.

REVIEW: This OP will be reviewed in March of even-numbered years by the managing director of Human Resources and the managing director of Equal Employment Opportunity with recommended revisions forwarded to the chief of staff to the president.

POLICY/PROCEDURE

1. Definition of Terms

- a. Voluntary Termination - The resignation or other voluntary removal of an employee from the service of the university when the removal is initiated by the employee
- b. Involuntary Termination - The involuntary removal of an employee from the service of the university
- c. Employee - Any person paid with university funds. This includes members of the faculty at all ranks and holding any appointment.

Applicability

All provisions of this policy apply to all university employees **except**:

- (1) Employees who have a written contract approved by the Board of Regents, chancellor, or president for which they have the legal authority to enter: and
- (2) Tenured faculty members whose termination will be controlled by the tenure policy (OP 32.01) and for whom the “at will” employment provisions herein do not apply.

2. Employee at Will

- a. Employment at Texas Tech is governed by the employment at will doctrine. Employment is for an indefinite duration and can be terminated at any time, with or without cause and with or without notice, by either Texas Tech or the employee. Nothing in this or any other Texas Tech operating policy and procedure constitutes an employment agreement, either expressed or implied, a contract, a contractual relationship, a guarantee of continued employment, or a property right. No one can execute a contract of employment except the Board of Regents acting as a whole, the chancellor, or the president of the university and any such contract must be within their legal authority and must be in writing.

- b. Although Texas Tech is an at will employer, it seeks to define and exemplify standards of conduct and requires employees to function in accordance with this policy.

3. **Faculty**

In the case of non-tenured and non-tenure track faculty members, all disciplinary procedures other than non-renewal of appointment, termination, or denial of tenure will be governed by this OP.

4. **Employee Conduct**

- a. Colleges and universities that are tax-supported must function in accordance with the public trust and the actions of faculty, staff, and students within them must be consistent with the execution of that trust. A violation of the standards established in this policy may result in the assessment of a penalty ranging from a verbal counseling to termination from Texas Tech.
- b. A breach of trust and/or misconduct includes, but will not be limited to, the following offenses:
 - (1) Academic dishonesty such as giving or receiving aid on a test, examination, quiz, or other academic assignment;
 - (2) Plagiarism;
 - (3) Forgery, alteration, or unauthorized use of university documents, records, timesheets, or identification materials;
 - (4) Knowingly furnishing false information to the university, including information contained in or in support of an application for employment, promotion, or transfer;
 - (5) The use of force, violence, verbal threat, physical conduct, or other methods that obstruct the functions of the university, which include teaching, research, administration, public service, presentations by guest lecturers and speakers, and other authorized activities, or that threaten or endanger the health or safety of any person;
 - (6) Theft of or damage to university property including, but not limited to, equipment, tools, and fixtures, or of a member of the university community or campus visitor;
 - (7) Unauthorized entry to, use of, or possession of university facilities or property;
 - (8) Unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, or any substance the possession or distribution of which is regulated by federal or Texas law;
 - (9) Behaving in a disorderly manner, use of slurs or hostile epithets, use of abusive or profane language, lewd, indecent, or obscene conduct on university-owned or controlled property or at a university-sponsored or supervised function;
 - (10) Failure to comply with the lawful directions of university officials where such directions are issued in the performance of their duties, including following university or departmental policies and procedures;

- (11) Use of university funds for any purpose other than outlined in the legislative guidelines or university or departmental guidelines;
- (12) Use of a university-owned vehicle for any reason other than conducting official university business;
- (13) Use of university-owned property to access lewd, indecent, obscene, or racially discriminatory materials;
- (14) Use of university-owned property to participate in criminal or illegal activity;
- (15) Use, possession, or distribution of alcoholic beverages or illegal drugs, including misuse of prescription drugs, while on duty or reporting to work under the influence of such substances;
- (16) Illegal or unauthorized use or possession of weapons, firearms, ammunition, fireworks, explosives, noxious materials, incendiary devices, or other dangerous substances;
- (17) Acts or communications that are intended to harass, intimidate, humiliate, or retaliate against a member of the Texas Tech community or campus visitor;
- (18) Gambling or wagering while on university-owned property or at a university sponsored event;
- (19) Intentional sounding of a false fire alarm or false emergency call, issuing a bomb threat, constructing mock explosive devices, or tampering with or removing fire equipment or emergency signs;
- (20) Failure to meet financial obligations due Texas Tech;
- (21) Unauthorized use of the name, logotype, or symbols of Texas Tech;
- (22) Intentionally or recklessly misusing, destroying, or damaging university-owned property or the property of others;
- (23) Excessive tardiness or absence;
- (24) Insubordination, as in showing contempt or disrespect for authority through verbal or written communication or behavior;
- (25) Failure to meet acceptable job performance standards or reasonable expectations, including productivity or quality established for the assigned position;
- (26) Failure to respond when on call outside regular work schedule;
- (27) Unauthorized absence from work or failure to provide a valid reason for an unscheduled absence or tardiness. Failure to report to work on a single occasion may result in disciplinary action up to and including termination. However, in all instances, failure to report to work or notify the supervisor for three (3) consecutive work days will be considered job abandonment and will result in immediate termination;
- (28) Refusal to submit to alcohol or drug testing as outlined in OP 70.35;

- (29) Willful, deliberate, or repeated violation of university safety rules including, but not limited to, refusal or failure to wear university-provided safety and protective apparel and/or equipment; failure to follow safety guidelines or instructions; repeated incidents of unsafe acts resulting in property damage or injury to self or others;
 - (30) Nepotism in violation of Chapter 03, *Regents' Rules*;
 - (31) Violation of university antidiscrimination policies or state or federal laws;
 - (32) Failure to protect confidential information;
 - (33) Failure to report to the supervisor while on leave, as instructed or in accordance with university policy.
- c. Criminal Conviction or Probation - Each faculty, staff, and/or student employee is required to notify the university of any criminal conviction or probation or suspended sentence, whether from a conviction or deferred adjudication, no later than five days after such conviction, deferred adjudication, suspended sentence, or probation, other than for routine traffic offenses, unless one of the employee's job duties includes or involves use of a university vehicle, in which case these also must be reported. Failure to notify the university in a timely manner will constitute misconduct.
- d. Ethical Behavior -The ethics policy for Texas Tech employees, OP 10.11, sets also forth requirements regarding:
- (1) Standards of conduct
 - (2) Principles of ethical behavior
 - (3) Conflict of interest
 - (4) Travel
 - (5) Benefits, gifts, and honoraria
 - (6) Political activities
 - (7) Use of authority
 - (8) Sexual harassment
 - (9) Nepotism
 - (10) Affirmative Action
 - (11) Private use of university facilities, equipment, supplies, and services
- e. An employee may not have any material interest in or engage in any business or professional activity or incur any obligation that is in substantial conflict with the proper discharge of duties in the university's interest. Specifically, no employee shall:
- (1) Accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in discharging official duties or that the employee knows, or should know, is being offered with the intent to influence the employee's official conduct;
 - (2) Accept employment or engage in any business or professional activity in which the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of the official position;
 - (3) Accept other appointments or any employment or compensation that could reasonably be expected to impair the employee's independent judgment in the performance of official duties;

- (4) Make personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest; or
 - (5) Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised official powers or performed official duties in favor of another.
- f. Funds administered by the university, regardless of their source or character, must be used by an employee for duly authorized university business, projects, and programs.
 - g. None of the moneys under Texas Tech control shall be used for influencing the outcome of any election or the passage or defeat of any legislative measure. This prohibition shall not be construed to prevent any official or employee of the state from furnishing to any member of the legislature or committee, upon request, or to any other state official or employee, or to any citizen information in the hands of the employee or official not considered under law to be confidential information. Any action taken against an employee or official for supplying such information shall subject the person initiating the action to immediate dismissal from state employment.
 - h. No funds under the control of Texas Tech may be used directly or indirectly to hire employees or in any other way fund or support candidates for the legislative, executive, or judicial branches of government of the state of Texas or the government of the United States.
 - i. None of the funds under Texas Tech control shall be expended in payment of the salary for full-time employment of any state employee who is also the paid lobbyist of any individual, firm, association, or corporation. None of the funds under Texas Tech control shall be expended in payment of the partial salary of a part-time employee who is required to register as a lobbyist by virtue of the employee's activities for compensation by or on behalf of industry, a profession, or association related to operation of the agency or institution for which the person is employed. A part-time employee may serve as a lobbyist on behalf of industry, a profession, or association so long as such entity is not related to the agency with which he or she is employed.
 - j. None of the moneys under Texas Tech control shall be paid to any official or employee who violates any of the provisions of this section.
 - k. An employee must operate university-owned vehicles only to conduct official university business. Use of these vehicles for any political campaign or for personal reasons is specifically prohibited.
 - l. Each employee of the university will be furnished a copy of the above conduct guidelines as part of the *Employee Affidavit* and shall be required to abide by its terms as a condition of employment.

7. Discipline

a. General Policy

Each administrative officer has the authority and responsibility to establish and maintain an effective, efficient, and orderly workforce of employees. However, when an employee's performance or conduct is not in keeping with the behavior standards expected of a university employee, the administrative officer has the responsibility to investigate the situation so that facts are known and to take actions that provide a means of correction. A *Supervisor's Guide*

to Employee Conduct, Discipline, and Separations is available to assist each administrative officer in the exercise of this charge.

The university encourages, but does not require, the use of a positive discipline system designed to give the employee a reasonable opportunity to improve deficiencies and maintain satisfactory work performance.

It is not necessary to progress through each of the steps in sequence. Some situations may necessitate repetition of certain steps while other situations may call for skipping steps. Each employee situation should be considered based on the facts of the situation. Nothing in this policy relating to discipline gives any employee a property or other right to any step in the counseling or positive discipline plan, nor does it in any way limit the university rights to terminate an employee for any reason or no reason at all, as long as it is not a reason prohibited by law.

b. Counseling and Positive Discipline

Counseling and positive discipline are used to encourage the correction of deficiencies by providing the employee with knowledge of the deficiencies, with recommended actions that will correct the deficiencies, and with an opportunity to take the actions recommended. Positive discipline may include:

(1) Verbal Counseling

If an employee is exhibiting minor deficiencies, verbal counseling may be used to establish an understanding of the work and/or behavioral standards expected by the supervisor. In the event the job performance or behavior does not improve, a summary of the verbal counseling may be used to support further disciplinary action.

(2) Written Letter of Reprimand

If it is determined that an employee has failed to respond to the verbal counseling, or if the infraction is of a more severe nature that would warrant stronger disciplinary action, a written letter of reprimand may be given to the employee. The letter should include specific details of less than acceptable performance or conduct, list any previous discussions or actions regarding the situation, and clearly state expectations with detailed time frames for correction. The employee may file a letter of response to the supervisor with a copy to Human Resource Services to be placed in his or her personnel file.

(3) Administrative Leave

(a) Administrative Leave With Pay

If a supervisor deems it necessary to release an employee from the workplace pending an investigation or decision regarding a suspected offense, the employee may be placed on leave from duty with full pay for a prescribed period of time. The employee will remain subject to return to duty at any time during the administrative leave with pay.

(b) Disciplinary Leave Without Pay

If misconduct or adverse behavior has continued after disciplinary counseling or letters of reprimand, a disciplinary leave without pay may be imposed. For offenses that violate major rules of conduct, leave without pay may be justified without prior disciplinary steps. The leave without pay may range from the balance of a shift to several days.

Disciplinary leave without pay must have prior written concurrence of the assistant vice president for human resources administration, a vice president or the provost/senior vice president, or the president prior to the implementation of the leave. Additionally, if the suspended employee is a member of a protected class under state or federal anti-discrimination laws, prior approval of the managing director of the Equal Employment Opportunity Office is required.

d. Demotion or Reclassification

An administrative officer may request a demotion or reclassification of an employee in order to reassign the employee to a position where the needs of the department may be met. This may or may not be for disciplinary reasons. A recommendation shall be submitted to the managing director of Human Resource Services providing information to support the action. Written approval of the appropriate vice president or the provost/senior vice president and the managing director of Human Resource Services is required prior to any commitment being made and prior to the effective date of the proposed change of status. Prior approval of the managing director of the Equal Employment Opportunity Office is required if the demoted employee is a member of a protected class under state or federal law.

e. Final Letter of Warning

For repeated minor offenses or a serious infraction, an employee may be issued a final letter of warning. This may also be issued when disciplinary leave without pay is imposed.

f. Involuntary Termination

It is recommended that termination from employment for disciplinary reasons normally be preceded by counseling, written letters of reprimand, and/or leave without pay. However, when the supervisor believes that the employee's behavior will not improve and that the employee ultimately will not be a productive employee, termination without prior disciplinary action may be warranted. Termination without prior warning may also occur when continuation of employment would be detrimental to normal departmental operation. In some cases, wages in lieu of notice may be given, but it is not warranted in all circumstances. All such payments must be approved in advance by the assistant vice president for human resources administration.

A written explanation of the action recommended and the letter of termination to the employee must be submitted and approved by the appropriate vice president or the provost/senior vice president, and the assistant vice president for human resources administration before an employee is terminated. Prior approval of the managing director of the Equal Employment Opportunity Office is required if the terminated employee is a member of a class protected by state or federal antidiscrimination laws.

Nothing in these termination procedures precludes a manager from terminating an employee for any reason or no reason at all.

The determination of eligibility for re-hire will be made by the assistant vice president for human resources administration. If the employee is classified as upper administration, the provost/senior vice president or the president will be the authority who determines re-hire eligibility.

8. Reduction in Force

Recommendations for reorganization or reduction in staff within offices, departments, divisions, schools, and colleges will require written approval of the appropriate vice president or the provost/senior vice president, and the managing director of Human Resource Services prior to any notification to an employee. Positions may be deleted and/or employees terminated as a result of reorganization or staff reduction. A position will be deleted based on the importance of the job to the mission of the unit or university.

The selection of individual employees to be retained or terminated will take into consideration the critical nature of the job to the mission of the university, performance, military return to work protection, and the ability to do the work remaining. The selection of individuals to be terminated shall not be made on the basis of race, color, religion, sex, age, disability, national origin, veteran status, or genetic history. The Office of Equal Employment Opportunity should be consulted in all reductions in force.

If the lack of work or funds is temporary (i.e., less than one year), the employee, at the university's discretion, may be offered the opportunity to take a leave without pay instead of being terminated or placed on leave without pay under the provisions of this policy.

For joint TTU/TTUHSC employees, a decision by TTU to reduce funding to a position will not obligate TTUHSC to increase its funding to compensate for the reduction, or vice versa.

A written explanation of the action recommended and the letter of termination to the employee must be submitted and approved by the assistant vice president for human resources administration through normal administrative channels before an employee is terminated or placed on a leave without pay due to lack of work or funds. Provisions of this policy are not applicable to financial exigency.

9. Exhaustion of All Available Leaves

If an employee is absent from work and has exhausted all leaves available to the employee, the department will terminate the employee.

10. Resignation

An employee may resign in good standing by submitting reasons for resignation to the supervising administrative officer at least two calendar weeks prior to the effective date of the resignation.

If an employee is subject to termination, he or she may be given the opportunity to resign in lieu of termination, but it is not a requirement.

11. Grievance

Any employee of the university may present a complaint or grievance to higher authority without retaliatory action being taken against him/her in accordance with the policy governing appeals

and grievances (see OP 70.10 for non-faculty employees and OP 32.05 for faculty employees). A termination cannot be grieved unless the employee has reason to believe the action taken is prohibited by law.

12. Notice

Nothing in this policy or disciplinary procedure limits the university's right as an at will employer to terminate an employee for any reason or no reason at all.

13. Forms

All related forms are available on the Human Resources website:
<http://www.depts.ttu.edu/hr/forms.asp>

14. Authoritative Reference

Texas Government Code Section 556.004
Texas Government Code Section 572.051
Section 03.01.1, *Regents' Rules*

15. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 70.32: Family and Medical Leave Act (FMLA) and Parental Leave

DATE: October 12, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish the Texas Tech University (TTU) policy for administering the provisions of the Family and Medical Leave Act (FMLA) in compliance with Department of Labor guidelines pertaining to family and medical leave (FMLA Leave) and parental leave in compliance with the Texas Government Code.

REVIEW: This OP will be reviewed in August of odd-numbered years by the Assistant Vice President of Human Resources with substantive revisions forwarded through the Associate Vice President for administration and Chief of Staff to the President.

POLICY/PROCEDURE

Overview

The Family and Medical Leave Act (FMLA) entitles eligible employees of Texas Tech University to take unpaid, job-protected leave for serious health conditions and/or specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. TTU requires the use of sick leave, vacation leave, and any other applicable leave accruals while on Family and Medical Leave (FML). Employees are **required** to apply for FMLA coverage as outlined in this policy for any qualifying conditions/events requiring absence from work. Employees who do not qualify for leave under the FMLA are eligible to take parental leave, not to exceed 12 workweeks, for the birth of a natural child or the adoption or foster care placement of a child under three years of age.

1. FMLA Eligibility Requirements

To be eligible for FMLA benefits, the employee must meet all of the following requirements:

- a. Must have been employed by the state for at least 12 months **and**
- b. Must have worked at least 1,250 hours during the 12 months preceding the first date of requested leave.

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more will not be counted unless the break is occasioned by the employee's fulfillment of his/her uniformed services (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement exists concerning the employer's intention to rehire the employee after a break in service.

2. FMLA Entitlements

Eligible employees are entitled to:

- a. Twelve workweeks of leave in a 12-month period for:
 - (1) The birth of a child and to care for the newborn child within one year of birth;
 - (2) The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - (3) To care for the employee's spouse, child, or parent who has a serious health condition;
 - (4) A serious health condition that prevents the employee from performing the essential functions of his or her job; or
 - (5) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."
- b. Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).
- c. Married couples: In cases where both spouses are employed by TTU or another state agency, the two spouses together are limited to a combined total of 12 workweeks leave during any 12-month period for:
 - (1) The birth of a child and to care for the newborn child within one year of birth;
 - (2) The placement with the employee of a child for adoption or foster care and to care for a newly placed child within one year of placement; or
 - (3) To care for a parent who has a serious health condition.
- d. The 12-month period noted in this policy is a "rolling" 12-month period measured backward from the first date an employee uses any FML. Each time an employee takes FML, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the 12 months preceding the leave begin date.

3. Eligible Family Members

- a. Spouse

A spouse, means a husband or wife. This definition includes an individual in a same-sex or common law marriage. Unmarried domestic partners are not qualified.

b. Son or Daughter

For FML taken for the birth, adoption, or to take care of a family member with a serious health condition, a "son or daughter" is defined as a biological, adopted, a foster child, a stepchild, a legal ward, or a child of an employee standing in loco parentis, who is either under 18 years of age, or 18 years of age or older and is incapable of self-care because of a mental or physical disability at the time that FML is to commence.

c. Parent

A "parent" is defined broadly as a biological, adoptive, step, or foster parent, or an individual who stood in loco parentis to an employee when the employee was a child. An employee's parents-in-law are not included in the definition of "parent" for purposes of FML.

d. Next of Kin of a Covered Service Member

"Next of kin of a covered service member" means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter. This provision is only applicable for military family leave to care for a member of the armed forces with a serious injury or illness incurred in the line of duty. Proof of next of kin should be provided as required by law.

4. Definition of "Serious Health Condition"

For the purpose of this policy, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves any of the following:

a. Physical or Mental Disability

A physical or mental disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., define these terms.

b. Incapable of Self-care

Incapable of self-care is defined as requiring active assistance or supervision to provide daily self-care in three or more activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, and so forth.

c. Inpatient Care

Inpatient care refers to an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care.

- d. Continuing treatment by a health care provider, which includes any of the following five scenarios:
- (1) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity) or one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy).
 - (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence.
 - (3) Any period of incapacity or treatment for a chronic serious health condition that continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence.
 - (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment.
 - (5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

5. Exclusions from the Definition of Serious Health Conditions

Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not “serious health conditions” unless complications develop and inpatient hospital care is required.

Ordinarily, unless complications arise, the common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontic problems, periodontal disease, etc., do not meet the definition of serious health condition and do not qualify for FMLA leave.

6. Intermittent or Reduced Work Schedule Leave

FML may be taken intermittently or on a reduced schedule under certain circumstances. If an employee needs leave intermittently or a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the employer's operations. In addition, employees are also expected to give reasonable notice before scheduled treatment.

Examples of intermittent or reduced work schedule leave include:

- a. Medical appointments
- b. Chemotherapy

- c. Prenatal examinations
- d. Severe morning sickness
- e. Asthma attack
- f. Migraine headache

Employees may elect to take FML on an intermittent basis for the birth of a child or for placement with the employee of a child for adoption or foster care. Intermittent FML leave not taken for medical reasons is subject to the approval of the employee's supervisor. An employee's eligibility for intermittent leave for the birth of a child or for placement for adoption or foster care ends one year after birth or placement of the child.

7. **Military Leave**

There are two types of military family leave available under the FMLA:

a. **Qualifying Exigency Leave**

An employee who meets the eligibility requirements described above may be entitled to use up to 12 workweeks of his or her basic FMLA leave entitlement to address certain qualifying exigencies. Leave may be used because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the National Guard or Reserves. Qualifying exigencies may include:

- (1) Short-notice deployment (up to 7 days of leave)
- (2) Attending certain military events
- (3) Arranging for alternative childcare
- (4) Addressing certain financial and legal arrangements
- (5) Periods of rest and recuperation for the service member (up to 15 calendar days of leave)
- (6) Attending certain counseling sessions
- (7) Attending post-deployment activities (available for up to 90 days after the termination of the covered service member's covered active duty status)
- (8) Other activities arising out of the service member's covered active duty or call to active duty and agreed upon by the company and the employee

b. **Military Caregiver Leave**

There is also a special leave entitlement that permits eligible employees to take up to 26 workweeks of FML during any single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member recovering

from an injury or illness. When both husband and wife work for the state of Texas, the aggregate amount of leave that can be taken by the husband and wife to care for a covered service member is 26 workweeks in a single 12-month period. A covered service member is either:

- (1) A current member of the armed forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness.
- (2) A veteran of the armed forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered service member.

A “serious injury or illness” means:

- (a) For a current member of the armed forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by a service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member’s active duty and that were aggravated by service in the line of duty on active duty.
- (b) For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran’s ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

8. Outside Employment and Other Activities

An employee who is on FML, including FML for workers’ compensation leave, is prohibited from attending work related educational and training classes, or performing work with an outside employer when the functions of that position are outside of the restrictions stated by the health care provider.

9. Benefit Status during FMLA Leave without Pay

An employee will utilize eligible leave accruals while on FML. After all eligible leave accruals have been exhausted, the employee will be placed on a leave without pay status. Leave without pay status will be reported by the departmental representative by completing the appropriate documentation and forwarding it through the proper channels in order to meet payroll processing deadlines.

- a. TTU encourages an employee who is on approved FML, and goes into leave without pay status, to continue health benefits at the same level and conditions. TTU will continue employer contributions at the same level during such leave, provided any employee-paid premiums are kept current. The employee must pay premiums due, if any, to the Texas Tech Payroll Services, Box 41092, Lubbock, Texas, 79409-1092, or ERS as applicable.
- b. An employee who returns to work directly from unpaid FML may reinstate all reduced or canceled coverages that were in effect prior to going on FML, provided the employee contacts ERS or Human Resources within 30 days of returning. Such reinstatement will be effective the date the employee returns to work without penalty for pre-existing conditions and without the requirement to show evidence of insurability. In addition, employees may add newly eligible dependents to the group benefits plan within 30 days of the qualifying life event. If an employee does not reinstate coverage within 30 days of returning to work, the next opportunity will be during annual enrollment.
- c. If the department becomes aware, and verifies that an employee on approved FML does not intend to return to work at the conclusion of his or her leave, the employee's entitlement to leave under FMLA and employer-paid premiums will cease. The employee's department representative will be responsible for submitting an electronic personnel Action Form (ePAF) to separate employment. TTU may recover any employer-paid premiums during any period of unpaid FML from the employee if the employee does not return to work at the conclusion of an approved FML.
- d. An employee on FML is not entitled to accrue state service credit for any full calendar month(s) of FML without pay and shall not accrue vacation or sick leave for such months.

10. Parental Leave

A state employee who has been employed for fewer than 12 months by the state or has worked fewer than 1,250 hours during the 12-month period preceding the beginning of leave is eligible to take a parental leave of absence not to exceed 12 workweeks. If an employee becomes eligible for FML while out on parental leave, the employee will receive only a combined total of 12 workweeks.

- a. The employee must exhaust all available and applicable sick and vacation leave. After all sick and vacation leave has been exhausted, the remainder of the leave is unpaid.
- b. The leave authorized by this section is limited to, and begins on the date of, the birth of a natural child of the employee or the adoption or foster care placement with the employee of a child younger than three years of age.
- c. An employee may elect to take parental leave on an intermittent basis for the birth of a child or for placement with the employee of a child younger than three years of age for adoption or foster care, subject to the approval of the employee's supervisor. An employee's eligibility for intermittent parental leave for the birth of a child or for the adoption or foster care placement of a child younger than three years of age ends one year after birth or placement of the child.

An employee on parental leave is not entitled to receive the state-paid portion of the group health insurance premium during any full calendar months of leave without pay. The employee is responsible for the entire cost of the insurance premiums.

11. Concurrent Paid Leave

The employee is required to first use all available and applicable leave accruals while taking FML, except for certain circumstances regarding employees receiving temporary disability benefits and workers' compensation benefits. The use of leave accruals runs concurrent with FML. The employee is required to report leave using the electronic leave reporting system in accordance with [OP 70.44, Sick Leave and Sick Leave Pool](#), and [OP 70.45, Vacation Leave](#). After the employee has exhausted all eligible accrued leave, the employee will go into a leave without pay status.

12. Misrepresenting Reasons for Leave

Intentionally misrepresenting the reasons for requesting family and medical leave may lead to disciplinary action up to and including termination.

13. Procedures

a. Employee Responsibilities – Notice of Leave

- (1) An employee is required to notify his or her supervisor of any events that require an extended absence from work. Employees must provide his or her supervisor 30 days' advanced notice when the leave is foreseeable. When 30 days' notice is not practicable, the employee must provide notice as soon as practicable (within 2 business days if feasible), and follow the normal departmental call-in procedures.
- (2) An individual undergoing planned treatment or doctor appointments is required to consult with his or her supervisor and make a reasonable effort to schedule the treatment to minimize disruptions to the department's operations. If need for leave is not foreseeable, the employee must request it as soon as practicable, no later than two business days after the need for leave arises.
- (3) An employee on intermittent leave must follow departmental call-in procedures when taking leave.
- (4) An employee requesting to use intermittent FML or parental leave for birth, adoption, or placement of a child for foster care must receive the immediate supervisor's approval prior to beginning intermittent leave. A copy of the approval must be provided to the Human Resources FMLA manager.
- (5) An employee has 30 days from the qualifying event to enroll newly eligible dependents in the group benefits plan.

b. Employer Responsibilities–Response to Leave Notice

- (1) If an employee notifies a supervisor about a condition that may qualify under the FMLA or parental leave, it is the supervisor's responsibility to refer the employee to Human Resources to determine eligibility for FML or parental leave. In addition, the supervisor should notify Human Resources when an employee has notified the supervisor of a qualifying FMLA or parental leave absence.

- (2) When an employee requests leave, the employee will be informed whether he or she is eligible for leave under the FMLA. If the employee is eligible for leave under the FMLA, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible for leave under the FMLA, the employee will be provided a written notice indicating the reason for ineligibility.
- (3) If leave will be designated as leave under the FMLA, the employee will be informed in writing and provided information on the amount of leave that will be counted against the employee's entitlement.

c. Medical Certification

- (1) If leave is requested because of the employee's own or a family member's serious health condition, the employee must submit appropriate medical certification to Human Resources from a health care provider to support the request for leave. The employee will be informed of the requirement for medical certification and when it is due (no more than 15 calendar days after leave is requested). The employee is responsible for submitting the required documentation on (or before) the due date given by Human Resources.
- (2) The medical certification must include the date on which the condition began and its probable duration. It is the responsibility of the employee, not TTU or the health care provider, to ensure the required medical certification is submitted to Human Resources. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.
- (3) TTU, at its discretion, may also require a second opinion or third opinion regarding certification of a serious health condition at the expense of the employer. If a third medical opinion is sought, the health care provider selected must be mutually acceptable to the employee and TTU. The third opinion will be the final opinion, and the opinion rendered will be binding on both the employee and TTU.
- (4) All certifications received by Human Resources will be treated as confidential medical records and kept separate from personnel records in a locked or secured area.

d. Adoption of a Child and Foster Care

For adoption of a child or foster care placement, the employee must submit an FMLA application and the Adoption or Foster Care Placement Certification at least 30 days in advance if the leave is foreseeable. In cases in which the leave is unforeseeable, the documentation must be submitted in as much notice as practicable (within 2 business days).

e. Reporting While on Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact his or her supervisor at least every two weeks (or as instructed by the department) regarding the status of his or her leave and intention to return to work. If the employee fails to contact his or her supervisor to report

his or her status, the employee may be contacted by TTU for this purpose. A family member may call in for the employee only if the employee is medically unable to do so. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially and provide supporting medical documentation.

f. Returning to Work

- (1) Prior to returning to work from FML due to his or her own serious medical condition, an employee is required to present medical certification of fitness-for-duty indicating that the employee is able to resume work. Failure to provide a medical certificate of fitness-for-duty may result in a denial of job reinstatement until a medical certificate release is provided.
- (2) An employee who returns to work from FML, except for certain highly compensated employees, will be returned to his or her same job or an equivalent position subject to the rules of the FMLA. Failure to return to work at the conclusion of FML without notifying the employing department and Human Resources will be considered job abandonment and may result in termination.
- (3) A highly compensated and key employee may not be returned to his or her former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the university. This fact-specific determination will be made by TTU on a case-by-case basis. The employee will be notified if he or she qualifies as a “highly compensated and key employee” if TTU intends to deny reinstatement, and of employee’s rights in such instances.

14. Documenting Relationships

For purposes of confirmation of family relationship, TTU may require the employee to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, a child's birth certificate, a court document, etc. TTU is entitled to examine documentation such as a birth certificate, but the employee is entitled to the return of the official document submitted for this purpose.

15. Right to Change Policy

Texas Tech reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

16. Conflict between Policy and Law

In the event of a conflict between this OP and either federal or state law, the law will prevail.

17. Family and Medical Leave (FMLA) Tracking Timelines for 9-month Faculty

Faculty members who are on a 9-month appointment will only report FML absences covering periods for which they are required to be on duty. Faculty members appointed on a less than 12-month basis observe the student holiday schedule.

Since 9-month faculty appointments begin on September 1 of each year, faculty who are on FML at the beginning of the fall semester will begin reporting FML on September 1.

9-month faculty members will report FMLA absences for the following periods:

a. Fall semester:

- FMLA reporting begins on September 1.
- FMLA reporting ends on the last day of commencement.
- FMLA will not be reported for the period between the last day of commencement and the first day faculty are required on duty for the spring semester.

b. Spring semester:

- FMLA reporting begins on the date faculty are to report for duty.
- FMLA reporting will not be required during spring vacation.
- FMLA reporting will resume the Monday following spring vacation.
- FMLA reporting will end on May 31 of each year (the date 9-month appointments end).

Faculty members on 9-month appointments who are on FMLA at the end of the spring semester will not report nor be charged FMLA leave days during the summer semester. If the faculty member is not able to return to work at the beginning of the fall semester (September 1), FMLA will resume at that time.

The Annual Academic Calendar will be used to determine the exact dates for FMLA tracking.

18. Authoritative References

- The Family and Medical Leave Act (FMLA), 29 U.S.C., Sections 2601 et seq. 29 CFR, Chapter 825, Family and Medical Leave Act of 1993
- Texas Government Code, Sections 661.912 and 661.913
- Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)
- The Family and Medical Leave Act of 1993 as amended

All related forms are available on the Human Resources website:

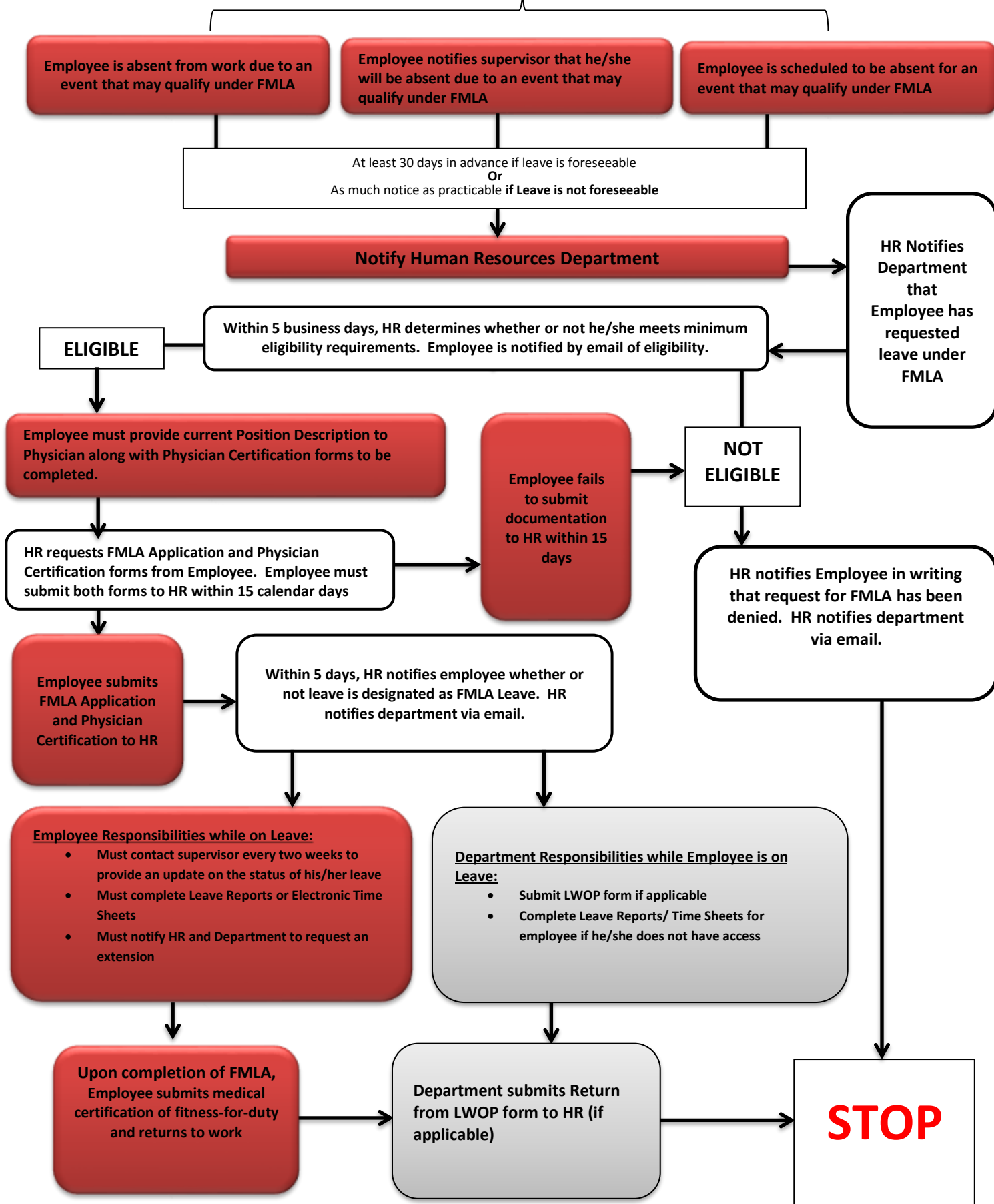
<http://www.depts.ttu.edu/hradministration/hrservices>

[Attachment A: FMLA Process](#)

- Employee Responsibility
- Department Responsibility
- HR Responsibility

FMLA PROCESS

START





TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 72.03: Conflicts of Interest Relating to Purchasing, Payments, and Contracts

DATE: December 17, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define conflicts of interest with respect to (1) the conduct of employees and (2) payments, purchases, and/or contracts by Texas Tech University or related entities (TTU) in compliance with Texas Government Code Sec. 572 and Chapter 03 of *The Rules and Regulations of the Board of Regents of the Texas Tech University System (Regents' Rules)*.

REVIEW: This OP will be reviewed in November of even-numbered years by the managing director of Procurement Services with substantive revisions forwarded to the vice president for administration and finance and chief financial officer.

POLICY/PROCEDURE

1. Policy for Officers, Faculty, and Staff

a. General Rule

Officers, faculty, and staff (“employees”) of TTU may not have direct or indirect interests, including financial and other interests, engage in business transactions or professional activities, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the employee’s duties, including any purchasing, payables, or contracting function in which such employee has any delegated authority to conduct or approve the transaction. Any potential conflict of interest must be disclosed to the managing director of Procurement Services and be resolved prior to any obligation being made.

A copy of this operating policy shall be distributed to each new employee not later than the third business day after the date the person begins employment with the university, in accordance with Texas Government Code 572.051 (c) (2).

b. Benefits and Gifts

A “benefit” is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any person in whose welfare a TTU employee has an interest as under state laws.

An employee shall not receive, attempt to receive, nor intend to receive at any time any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service from any vendor in connection with any bid, proposal, qualification request, purchase, payment, or contract.

An employee shall not make personal investments that could be reasonably expected to impair the employee's independence of judgment in the performance of the employee's job duties.

c. Dual Employment

An employee may not be in any dual employment positions that would result in a conflict of interest in relation to his/her position at TTU. If such circumstance arises, the employee shall remove him/herself from the process and disclose the relationship to his/her direct supervisor and to the managing director of Procurement Services.

A TTU department may not hire a vendor under the following circumstances:

- (1) A current employee of such department is also employed by such vendor;
- (2) A current employee of such department has a direct or indirect ownership interest in such vendor;
- (3) A current employee serves on the board of directors or other governing board of the vendor or serves as an elected officer of the vendor;
- (4) The hiring of such vendor would result in the furtherance of any private interest or gain for a current employee of such department.

d. If the owner of any such vendor who provides services to TTU is a TTU employee, compliant payment to any vendor classified as a sole proprietorship or an individual shall be made through Payroll Services.

e. Transactions with Other Individuals and/or Entities

An employee shall not conduct any transaction with other individuals and/or entities in which the employee is related by blood or marriage to such individual and/or any owner or employee of such entity. If such circumstance arises, the employee shall remove him/herself from the process and disclose the relationship to the managing director of Procurement Services.

A TTU department may not hire a vendor under the following circumstances:

- (1) A current employee of such department is related to an employee of the vendor and the employee of the vendor would receive a financial benefit resulting from the transaction;
- (2) A current employee of such department is related to a person who has direct or indirect ownership interest in the vendor; and/or
- (3) The hiring of such vendor would result in the furtherance of any private interest or gain for a current employee of such department.

An employee shall not make any unauthorized commitments or promises of any kind purporting to bind TTU for any services without an authorized purchase order and/or contract.

A TTU employee shall act impartially and not give preferential treatment to any private or public organization or individual.

2. Policy for Vendors

Bidder/Proposer Affirmation

Vendors shall be required to sign the *Bidder/Proposer Affirmation* when submitting any procurement response to TTU. The *Bidder/Proposer Affirmation* requires prospective vendors to affirm their compliance with state laws, federal laws, and/or TTU policies, as applicable. The *Bidder/Proposer Affirmation* becomes part of any solicitation and becomes part of the binding terms and conditions on any resulting contract or purchase order. Any misrepresentation or false statement that is deemed material by TTU is a breach of contract, which shall void or make voidable any solicitation, or resulting contract or purchase order.

Vendors shall be required to affirm the terms of the *Bidder/Proposer Affirmation* in order to remain in compliance with all items throughout the duration of the contract or purchase order. In instances where the term “bidder/proposer” is used, that term shall also refer to the vendor once a successful purchase order or contract has been established.

- a. The bidder/proposer has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to an employee in connection with the submitted bid/proposal or any resulting contract or purchase order.
- b. Pursuant to Texas Government Code, Title 10, Subtitle D, Section 2155.004 (a), the bidder/proposer has not received compensation for participation in the preparation of the specifications for this solicitation.
- c. Pursuant to Texas Government Code, Title 10, Subtitle D, Section 2155.004 (b), the bidder/proposer certifies that the individual or business entity named in such bid, proposal, or contract is not ineligible to receive the specified contract and acknowledges that the contract may be terminated and payment withheld if this certification is inaccurate.
- d. By submitting a bid/proposal, the bidder/proposer is certifying that neither the owners nor any employees are in dual employment positions as a TTU employee. In addition, the bidder/proposer is certifying that the owner and any employee are not related in any manner with any TTU employee. If such relationship exists, then that relationship shall be disclosed during the bid/proposal process to the Procurement Services Office. If the status of any owner or employee of the bidding/proposing company changes during the course of the contract or purchase order, then that relationship shall be disclosed immediately to the managing director of Procurement Services. Any violation of this policy shall result in immediate cancellation of any resulting contract or purchase order in addition to a potential disbarment of the company from doing business with the state of Texas.
- e. By submitting a bid/proposal, the bidder/proposer is certifying that neither the owner nor any employee is related in any manner with any member of the Board of Regents or any legislative representative of the district in which TTU is located. If the status of any owner or employee of the bidding/proposing company changes during the course of the contract or purchase order, then that relationship shall be disclosed immediately to the managing director of Procurement Services. Any violation of this policy shall result in immediate cancellation

of any resulting contract or purchase order in addition to a potential disbarment of the company from doing business with the state of Texas.

3. Policy for Procurement Services Staff

In addition to the rules for officers, faculty, and staff, staff member in Procurement Services shall also follow the following policies:

- a. Procurement Services staff members shall disclose annually any relations they may have that would cause a conflict of interest in performing their duties. If such conflict exists, the staff member shall remove himself/herself from any procurement in which there might be a conflict. Staff members shall at all times keep their supervisors notified of any conflicts and any changes in the status of a conflict.
- b. A staff member of Procurement Services must disclose any confidential information in which there would be a private interest or personal gain.
- c. A staff member of Procurement Services may not authorize any purchase order, contract, or payment with any vendor in which there would be a private interest or personal gain.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 72.05: Expenditures for Official Functions, Business Meetings, and Entertainment

DATE: March 18, 2015

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish rules governing the appropriate use of university funds for official functions, business meetings, and entertainment.

REVIEW: This OP will be reviewed in July of even-numbered years by the managing directors of Procurement Services, Financial Services and Tax, and the Office of Research Accounting with substantive revisions forwarded to the assistant vice president for financial and managerial reporting services and the vice president for administration and finance and chief financial officer.

AUTHORITY AND APPLICABILITY

This OP follows the tax rules set forth by the Internal Revenue Service (IRS) (see IRS Publication 463 for more information). In the event that the IRS rules change or there is a discrepancy between this OP and the IRS, any rules set forth by the IRS that are more restrictive than this OP will prevail.

POLICY/PROCEDURE

1. Definitions

a. Expenditures for Official Functions, Business Meetings, and Entertainment

Expenditures include food for meals or light refreshments, beverages, and related services (e.g., labor charges, room rental, equipment rental, decorations, flowers, entertainment, and similar expenditures) incurred in connection with official functions, business meetings, and entertainment that are primarily in support of the university's mission.

b. Official Functions

Official functions are established events held for the purpose of achieving the university's mission. Generally, official functions include recognized events for the purpose of institutional enhancement such as institutional receptions, retreats, training events, and annual galas.

c. Business Meetings

Business meetings should be directly related to the conduct of official university business and generally should occur to support employee time and productivity. There must be a clear and specific business purpose identified. At least one non-Texas Tech University System employee must be present at any business meeting as an attendee. For example, a luncheon

with a prospective faculty member would qualify, but a luncheon between two current faculty members would not. **A clear business purpose of the meeting must be provided in order to be reimbursed.**

d. Entertainment

Entertainment generally occurs to support a future benefit to the university. Examples include expenses for faculty recruitment and for cultivating potential donors or relationships.

e. Appropriate and Reasonable

Expenditures must have a clearly stated business purpose and serve the mission of the university. The reasonableness of an expense depends on many relevant factors, but departmental and university budgets, the fiduciary responsibilities of being a public institution, and sharing information publicly to taxpayers, donors, and the media should be considered. The purpose must be clearly documented prior to any reimbursement or payment.

2. Funds

a. Appropriated Funds

According to the Texas Constitution and the General Appropriations Act, appropriated funds cannot be used for expenditures for official functions, business meetings, or entertainment.

b. Sponsored Projects

Food and beverage expenses charged to sponsored projects must comply with federal regulations and TTU OP 65.08, Direct Charging to Sponsored Projects and Cost Share Funds. Generally, entertainment, tobacco, or alcohol expenses are not allowed on sponsored projects.

c. Institutional Funds

Institutional funds may only be used for expenditures for official functions, business meetings, or entertainment if such expenditure enables the university to carry out its educational mission and serves to promote higher education in the state of Texas; however, such expenditures must be appropriate and reasonable. Institutional funds may be used for such expenditures only when not otherwise restricted from such purposes.

d. Foundation and Gift Funds

Foundation and gift funds may be used for expenditures for official functions, business meetings, or entertainment; however, such expenditures must be appropriate and reasonable. Foundation and gift funds may be used for official functions, business meetings, and entertainment expenditures only as specifically authorized in the gift agreement and only to the extent and for the purpose so authorized.

3. Allowed Expenditures

a. Maximum Rates

The maximum per-person expenditure amount is as follows:	
Breakfast	\$20.00
Lunch	\$30.00
Dinner	\$50.00
Light refreshments	\$15.00

The maximum per-person expenditure amount listed above includes the cost of the food and beverages, labor, sales tax (if applicable), gratuities*, delivery charges, and other service fees. If a reception before a meal includes beverages and hors d'oeuvres, the combined charges for the reception and the meal should be treated as a single event for purposes of calculating per person costs. The costs of room rental, room setup fees, media rental, and decorations, etc., are not included in the per-person costs unless those costs cannot be separated by the vendor.

*Gratuities – gratuities are included in the maximum per-person expenditure limits. Gratuities will be limited to 20% of the cost of the meal and other charges detailed above. If mandatory gratuities are applied by the vendor are greater than 20%, then the vendor's gratuity rate will be allowed.

- b. No official function, business meeting, or entertainment expenditure that is considered taxable income to an employee will be reimbursed or paid by the university. Business and entertainment meals are considered taxable income if:
 - (1) The activity is not directly related to the employee's job
 - (2) The expense is lavish or extravagant under the circumstances
 - (3) The official host (or other designated host) is not present when the activity takes place
 - (4) The expense is not substantiated with supporting documentation
 - (5) Spouse/partner/dependent attendance is for purely personal or social purposes
- c. Costs associated with birthdays, wedding showers, baby showers, administrative assistants days, and other individual parties are considered personal expenses and are not allowable.
- d. Reasonable expenditures for parties to honor the service of long-term employees upon their retirement are allowable with institutional funds.
- e. Each department is allowed one annual party/appreciation event. Spouses/partners will be allowed at the annual event. No additional guests may be present. The per-person expenditure is limited to a total cost not to exceed the amounts provided in section 3.a. above.
- f. Meals provided to a spouse/partner, family member, or other person accompanying a university employee will be permitted only when there is a substantial and bona fide business

reason for that person's attendance. The exception form is required when a spouse is present except at an annual departmental event provided for in 3 (e).

To constitute a bona fide business purpose, the presence of the spouse/partner must be essential, not just beneficial, to the employee being able to carry out his/her business purpose for the university. The spouse's/partner's performance of incidental services of a social or clerical nature does not make it a bona fide business expense. The spouse/partner must perform substantive business related functions.

A determination of whether an employee's spouse/partner serves as a bona fide business purpose is based on the following criteria:

- (1) The degree to which the dominant purpose of the event is to aid the employee's business purpose of promoting the university's objectives;
 - (2) Whether the spouse's/partner's presence at the event is necessary to effectively carry out the duties of the employee; and
 - (3) The extent to which the spouse's/partner's presence at the event is to provide more than incidental business related services to the employee
- g. The sale and service of alcohol will be permitted only when the funding source is not otherwise restricted from such purpose and within reasonable amounts/limits.
- (1) Alcohol may only be sold or served on campus at appropriate events and functions with the prior written approval of the Office of the President or the Office of the Chancellor per OP 61.02.

For events held off campus, permission is not required from the Office of the President or the Office of the Chancellor. Departments must utilize funding that allows the purchase and service of alcohol and must have a justified business purpose.

Departments can provide alcohol at departmental events only in the following circumstances:

- (a) When undergraduate students will not be present, unless an exception has been granted in writing by the president prior to the event;
 - (b) When the funding source is not otherwise restricted from such purpose; and
 - (c) When the purpose of the event is to enhance business relationships or partnerships.
 - (d) Alcohol will not be allowed at any Student Government Association (SGA) events.
- (2) For the Lubbock campus, The Texas Tech Club, Top Tier, Ovations, The Rawls Golf Course (Troon Texas Holdings), and Skyviews are the only approved vendors for the sale and service of alcohol at events held on either the TTU or TTUHSC campuses in Lubbock.

For all other events, vendors/caterers must meet, at a minimum, the following criteria:

- (a) Alcohol can be served or sold only by vendors properly licensed by the Texas Alcoholic Beverage Commission (TABC) to serve or sell.
- (b) All servers must be TABC certified and follow the TABC rules concerning the serving and sale of alcohol.
- (c) The vendor is required to provide proof of licensure and shall ensure all servers are TABC certified.
- (d) The vendor is required to carry liquor liability insurance if the vendor is operating a business that distributes, sells, or serves alcoholic beverages or if its activities require a liquor license. They must maintain liquor liability insurance that includes TTUS and its Board of Regents officers, employees, agents, and volunteers as additional insured. The vendor shall carry the following limits of liquor liability as required below:

Each Occurrence	\$1,000,000
Aggregate	\$2,000,000

The policy must be submitted and kept on file in the Procurement Services department. All policies must have a 30-day notice of cancellation provision.

- (e) The event agreement from the vendor/caterer must contain a clause indemnifying TTU and TTUS along with evidence of insurance compliant with current TTU and TTUS standards.

It is inappropriate to expend funds for personal consumption during the routine day-to-day operations.

All alcohol purchases and consumption must comply with OP 10.04, Drug-Free Schools and Communities Act.

4. Approvals

a. Required Approvals

To ensure proper internal controls, the approving authority should be the individual's supervisor or someone at a higher-level classification than the person sponsoring the event.

b. Department Review

Each department head or his/her designee is responsible for reviewing all transactions related to official functions, business meetings, and entertainment and ensuring the expenditures are appropriate and allowable on the funding source used and are properly documented. When the department head is present at any official function, business meeting, or entertainment event, the next administratively superior supervisor shall review and approve the transaction.

5. Documentation/Substantiation Required

- a. Original, itemized invoices and/or receipts are required for each applicable purchase and for any official functions, business meetings, and entertainment expenses.
- b. In accordance with IRS documentation codes, there should be adequate records and sufficient evidence for all official functions, business meetings, and entertainment expenses including:
 - (1) Type of event (donor entertainment, business dinner, etc.);
 - (2) Date and location of the event;
 - (3) Total cost of the event;
 - (4) Number of participants with a list of each guest's name, title, and affiliation to the university, which establishes a business-related relationship (if the number of guests exceeds twenty-five, provide a list of the types of attendees and their affiliation to the university);
 - (5) Business-related nature of the occasion or purpose of the event;
 - (6) Signature and printed name of the approving authority; and
 - (7) Additional information as required by Procurement Services or Top Tier Catering.
- c. Official functions, business meetings, or entertainment expenditures while in travel status may be submitted on the employee's travel voucher or procurement card with a completed [*Request for Food or Entertainment Expenditures*](#). The form must list all attendees. Please note, participants will not be allowed to claim per diem or meal expenses for that meal on their travel voucher.

6. Exceptions

- a. Any reimbursements or expenditures that do not comply with this policy, regardless of funding source, must have written approval from the university vice president for administration and finance and chief financial officer or the TTU System chief financial officer prior to incurring the expense. Approval must be documented on the [*Exception Form for Food or Entertainment Expenditures*](#).
- b. The purchase of bottled water and coffee or tea for employee consumption is exempt from this policy and allowable on institutional funds only. These purchases must comply with university contracts found at <http://www.depts.ttu.edu/afism/AFISMformrepository/ProcurementDept/PurchasingAndContracting/howToGuides/Purchasing%20Coca-Cola%20Products.pdf>.

Attachments to this OP are located at <http://www.depts.ttu.edu/procurement/forms> under "Food Forms."



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 72.16: Memberships

DATE: October 10, 2014

PURPOSE: The purpose of the Operating Policy and Procedure (OP) is to provide specific guidance for memberships.

REVIEW: This OP will be reviewed in September of even-numbered years by the managing director of Procurement Services with substantive revisions forwarded to the vice president for administration and finance and chief financial officer.

POLICY/PROCEDURE

1. Policy

This policy will apply when using university funds from any funding source.

2. Memberships

- a. Texas Government Code § 2113.104 requires the chancellor, president, or designee to approve payment of professional membership dues.
- b. Procurement Services maintains a list of organizations approved for membership. This list may be viewed on the following website:
<http://www.depts.ttu.edu/afism/ProfessionalSocietyNames/SearchProfSociety.aspx>.
- c. If an organization is not included on the list, a *Request for Membership Approval* form (<http://www.depts.ttu.edu/afism/AFISMFormRepository/ProcurementDept/PurchasingAndContracting/howToGuides/Membership.pdf>) must be prepared and attached with the TechBuy requisition or e-mailed to techbuy.purchasing@ttu.edu. The organization must be approved prior to payment of any membership dues with university funds.
- d. No membership can be paid on appropriated funds (funds 11, 12, 13, and 14) unless prior written approval by the vice president for administration and finance and chief financial officer. The written approval must be attached to the requisition and the requisition must be submitted prior to the start of the membership. Memberships are never allowable on 13 funds.
- e. Additional restrictions will be applied if the organization hires a lobbyist. Payments to the organizations will not be allowed unless prior written approval is received by the vice president for administration and finance and chief financial officer. TTU is required to report these payments to the state Legislative Budget Board, Senate Finance Committee, and House Appropriations Committee. A potential list of lobbyists can be reviewed at the following website: <http://www.ethics.state.tx.us/dfs/loblists.htm>.

- f. Memberships must be in the name of the university and cannot be in the name of an individual. An individual may be shown as a representative, if desired.
- g. The following information is required on the requisition for a membership:
 - (1) A benefit statement
 - (2) The name of the representative(s)
 - (3) Membership starting date
 - (4) Membership ending date, and
 - (5) The amount due

The benefit statement must indicate the benefit TTU receives or derives from becoming a member of the organization.
- h. Memberships may be processed on a PCard as long as the organization is listed on the membership list and the transaction is compliant with this OP.
- i. Memberships to wholesale purchasing clubs must be processed on a requisition or PCard when allowed by the vendor. When submitting the reconciliation for the PCard statement, a screenshot of the membership approval screen is required. There may be only one wholesale purchasing club membership per department (e.g., one Sam's Club membership for a department). The purchasing club must accept the university's purchase orders or PCard for payment of goods. Personal reimbursements for goods purchased at a purchasing club are not allowed. Appropriated funds are not allowed for purchasing club memberships.
- j. No membership paid for with university funds shall be used for personal use or benefit at any time.
- k. The university prohibits the payment of social memberships with any type of funds unless prior written approval is received from the vice president for administration and finance and chief financial officer. The written approval must be attached to the requisition and the requisition must be submitted prior to the start of the membership.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 72.17: Procurement of Independent Contractors

DATE: January 9, 2017

PURPOSE: The purpose of this Operating Policy and Procedure (OP) is to set forth the policies and procedures for procuring the services of independent contractors to carry out the programs of the university.

REVIEW: This OP will be reviewed in November of even-numbered years by the Managing Director of Procurement Services with substantive revisions forwarded to the Vice President for Administration and Finance and Chief Financial Officer and the Provost and Senior Vice President.

POLICY/PROCEDURES

1. Policy

It is the policy of Texas Tech University that the services of independent contractors are procured in accordance with state of Texas laws and federal regulations. All services procured shall comply with Internal Revenue Service (IRS) regulations. Policy for distinguishing independent contractors from university employees is set forth in OP 62.37, Establishing Employee/Independent Contractor Status. Independent contractors include individuals and businesses operated as sole proprietorships.

Independent personnel may include guest speakers, visiting lecturers, external members of committees and advisory boards, individuals conducting collaborative research, and others qualifying as independent contractors in accordance with OP 62.37. These individuals will be selected based on demonstrated competence and qualifications at a fair and reasonable cost that does not exceed any maximum allowances authorized by state law and institutional policy.

The policies for payments to private consultants or individuals providing professional services are set forth separately in OPs 72.08 and 72.20, respectively.

2. Current and Previous Employees

Current employees of the Texas Tech University System or a component institution may not be paid as independent contractors. Former or retired employees who have been paid by Texas Tech University System or a component institution during the previous twelve months also may not be paid as independent contractors with appropriated funds (Banner funds beginning with 11-14). Payments to this class of former/retired employees may be paid from other sources provided the independent contractor criteria set forth in OP 62.37 have been met. Payments to current and previous employees (paid on appropriated funds) are processed through the Employee One-Time Payment System (EOPS) as a payroll expense.

3. Procurement Requirements

- a. Services for independent contractors are procured and encumbered through TechBuy. To comply with IRS and state requirements, both the *Vendor Setup Form* <https://www.depts.ttu.edu/procurement/forms/documents/vendors/procurement-new-vendor-setup-form.pdf> and the *Independent Contractor Questionnaire* <http://www.depts.ttu.edu/opmanual/OP62.37A.pdf> are required to be attached to the requisition. For research participants, a W-9 form will be allowable in lieu of the *Vendor Setup Form*.
- b. For any independent contractors seeking reimbursement of travel or business expenses, original receipts must be submitted to Procurement Services. (Note: for expenses to be processed as a non-taxable reimbursement, the independent contractor must submit receipts that comply with IRS accountable plan rules within 60 days after the expense is incurred or 45 days after the services are rendered, whichever is sooner.)

For services provided under sponsored projects (funds beginning with 21-23), the *TTU Research Provider* form in TechBuy is used to document the scope of work and payment terms.

- c. For all funding sources where a formal contract is required, the Managing Director of Procurement Services or her designee will assist in the preparation of the contract. The contract and the *Contract Routing Sheet* <http://www.depts.ttu.edu/procurement/forms/documents/contracting/procurement-contract-routing-sheet.pdf> must be attached to the requisition for processing.
- d. If the service is not procured competitively and exceeds \$15,000 per annum, explanation is required on the *TTU Justification for Proprietary Purchase* form for non-sponsored project funds. For sponsored projects funds 21, 22, and 23, the *TTU Research Provider* form is required.
- e. Special payment requests must be noted on the requisition in TechBuy by checking the Advance Pay button and including internal notes.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 74.02: Conduct of Research and Scholarly Activity

DATE: July 9, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to outline and delineate the policies and procedures of the university with regard to the conduct of research and scholarly activity by members of the faculty.

REVIEW: This OP will be reviewed in June of even-numbered years by the Senior Associate Vice President for Research with recommended revisions presented to the Vice President for Research and the Provost and Senior Vice President (PSVP).

POLICY/PROCEDURE

1. Rights and Responsibilities of Faculty Members

Scholarly activity, which includes research, is vital to the university's teaching and public service missions. Hence, within the framework of existing university policies, a faculty member is free to:

- a. Choose the subject of research or scholarly activity;
- b. Initiate and conduct such activity;
- c. Seek the necessary resources to conduct such activity, and to exercise responsible control over those resources;
- d. Disseminate the results of such activity in an appropriate manner.

In return for this freedom to conduct scholarly activity and research, a faculty member is responsible for:

- (1) Maintaining professional integrity within and external to the university,
- (2) Honoring professional obligations to the university and, when relevant, to external funding entities.

2. Rights and Responsibilities of the University

- a. Normally, the university will not intervene in the research or scholarly activity of a faculty member except to render, where possible, assistance to the individual conducting the activity. In a few specialized situations, however, it may be necessary for the university to suspend, modify, or terminate the scholarly activity or research of a faculty member for adequate cause. Adequate cause for such action includes:

- (1) Demonstrated evidence of professional incompetence, supported by documentation;
 - (2) Continuing or repeated substantial neglect of professional responsibilities;
 - (3) Professionally unacceptable activity in the conduct of scholarly work (plagiarism; fabrication or falsification of sources, data, results, or analyses; research fraud, etc.);
 - (4) Mental, cognitive, or physical disability of continuing nature that is sufficient to prevent continued direction of the activity.
- b. Additionally, when irresolvable administrative or technical disputes arise between principal investigators on research projects funded by an external entity, the university administration may intervene in the role of arbitrator to settle the dispute when intervention is invited by one or more of the faculty members involved, or upon administrative determination that the dispute seriously jeopardizes the contractual obligations of the university.
- c. There also may be some research projects at the university where the impetus for the initiation and promotion of the project originated administratively within the university. Such "institutional" projects are then carried on for the university by one or more faculty members, with one of those faculty members serving as director of the project for the university. The director of such a project holds an appointive administrative position and he/she may be replaced by the university if there is clear evidence that this will expedite or materially enhance the conduct of the project.
- d. When working with external funding entities regarding the support of specific research projects, university officials should not normally conduct substantive negotiations or discussions with officials of the external funding entity unless the faculty member who is or will be principal investigator of the project is first notified of the proposed discussions and content thereof. When notification cannot be effected before substantive discussions occur, the principal investigator should be notified promptly of the content of such discussions when they are concluded or when the faculty member is contacted, whichever occurs first.
- e. As a publicly supported institution, the university undertakes only those sponsored projects that fall within its mission of advancing knowledge through creative and innovative teaching, research and scholarship; enhancing student success; and contributing to the cultural and economic development of the state, nation and world. There is an expectation that project results be disseminated to students, colleagues, professionals in the discipline, and to the public. Additionally, restrictions placed on publication in sponsored project agreements may have implications for export controls and for taxes. The university will accept limited prior review of publications:
- (1) To prevent disclosure of sponsor confidential information or
 - (2) To preserve patent rights

Restrictions on publication beyond these two purposes require specific approval of the appropriate dean(s) following a procedure established by the Office of Research Services.

3. Procedures for Administrative Intervention in Scholarly Activity and Research

- a. When a university administrator (beginning at the level of department chairperson) has intervened or proposes to intervene in scholarly activity or research not funded by an external entity and the affected faculty member has a grievance, then the matter shall be handled in accordance with the university's faculty grievance procedures as outlined in [OP 32.05, Faculty Grievance Procedures](#).
- b. Administrative intervention in scholarly activity or research funded by an external entity may have potentially serious and irreparable consequences for the faculty member and for the university. Therefore, the following statements and special procedures govern administrative intervention in externally funded activity:
 - (1) The PSVP is the university administrator primarily responsible for the decision to terminate or revise, through appropriate administrative channels, a faculty member's externally funded activity.
 - (2) Should problems arise with respect to a faculty member's externally funded activity, the PSVP or other concerned administrators, shall attempt to resolve these problems through informal discussion with the faculty member.
 - (3) If informal discussion with the faculty member fails to produce a mutually agreeable solution, or if the faculty member declines informal discussion, and a university administrator believes that adequate cause exists to terminate or revise the faculty member's externally funded activity, the PSVP shall notify the affected faculty member of the proposed termination or revision and the reason therefore, and refer the matter to a Research Advisory Committee.
 - (4) The Research Advisory Committee shall be composed of three persons selected on the basis of their ability to evaluate the reason for the proposed intervention and its impact on the affected faculty member, on the research activity, and on the university. The first member will be selected by the PSVP from a list of five faculty members submitted by the affected faculty member. The second member will be selected by the PSVP from the non-administrative faculty. The third member will be selected by the PSVP from membership of the Faculty Grievance Panel. The affected faculty member shall have the right to disqualify the Vice President's selection of either the second or the third member (but not both). If the faculty member's single disqualification is exercised, the Vice President shall select a replacement from the appropriate group. This replacement member is not subject to disqualification. Failure of the affected faculty member to provide a list of five faculty members shall be construed as a waiver of the right to have the matter heard by the Research Advisory Committee. Selection of the Research Advisory Committee shall be completed within five days.
 - (5) Within five days from formation of the Research Advisory Committee, the administration and the affected faculty member shall present their respective positions and any supporting materials to the committee for its advice.
 - (6) The committee will report in writing to the PSVP and the affected faculty member within one week from completion of the hearing, and its report will advise that the

proposed intervention is either justified or not justified or will recommend an alternate solution to the problem.

- (7) After receipt of the committee's advice, the PSVP will withdraw or implement the proposed intervention or take other action deemed appropriate under the circumstances.
- (8) The procedures and time limits prescribed in section 3.b.(1) through (7) shall be followed unless extraordinary circumstances of imperative necessity prevent their implementation. Time limits may be varied upon the mutual consent of the PSVP, the affected faculty member, and, when relevant, the Research Advisory Committee.
- (9) If the affected faculty member is not satisfied with the administrative action taken, the faculty member may then appeal directly to the President of the university, who shall hear the appeal in accordance with sections 3 and 4 of the *Faculty Grievance Procedures*, except that no person who served on the Research Advisory Committee shall serve on the President's Grievance Committee.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 74.04: Intellectual Property Rights

DATE: August 2, 2016

PURPOSE: This Texas Tech University (TTU) Operating Policy is intended to implement Chapter 10 of the Texas Tech University System (TTUS) *Regents' Rules*, Intellectual Property Rights. It is recognized that research and scholarship on the part of members of the faculty, staff, and students of the TTUS component institutions will result in inventions, biological materials and other proprietary materials, plants, manuscripts, patentable and non-patentable, computer software, copyrightable works, and trade secrets or other products, medical treatments, and devices that are potentially marketable.

While it is the policy of the Board of Regents (BOR) to encourage scholarly activity without regard to potential gains from royalties and other forms of income, it is also incumbent upon the BOR, administrators, and faculty to assure that TTUS will meet its obligation to serve the public interest in the management and commercialization of intellectual property when warranted. Further, TTUS policies governing patentable or copyrightable inventions, publications, or other marketable products should provide adequate recognition and incentives to sponsors, creators, and assignees. In all cases, however, the affected individuals are subject to their obligations and those of TTUS under grants, contracts, or research agreements with governmental and non-governmental agencies and sponsors.

REVIEW: This OP will be reviewed in July of even-numbered years by the director of the Office of Research Commercialization (ORC) and the vice president for research, with substantive revisions presented to the provost and senior vice president.

POLICY/PROCEDURE

1. General Policy

This intellectual property rights policy, as adopted, shall apply prospectively to all covered persons as that term is defined in Chapter 10, *Regents' Rules*. All employees, faculty, staff, and students of TTU are expected to be aware of university policies regarding such developments or discoveries protectable by copyright, patent, or contract, and agree to accept and abide by them as a condition of employment or enrollment. All intellectual property disclosures made prior to the date of this policy shall be governed by the prior OP (posted 7/30/14).

As a public institution, TTU is entrusted with the responsibility to facilitate application of scientific, technical, artistic, and intellectual endeavors of its faculty and staff for public use and to provide for an equitable disposition of interests among the authors and inventors, TTU, and, where applicable, the sponsoring or contracting funding source.

It is the intent of this policy to foster the traditional freedoms of the TTU faculty, staff, and students in matters of publication and invention, through a fair and reasonable balance of the equities among creators, sponsors, and TTU. The purpose of the policy is to outline the respective rights that members of the faculty, staff, and students have in intellectual materials created while they are affiliated with TTU.

2. Ownership of Discoveries and Creations

Chapter 10, *Regents' Rules*, governs the degree to which TTU owns intellectual property and the exceptions thereto. The rule defines the terms “covered person” and “creator” to describe the individuals subject to the rule, “TTUS resources” to describe the TTU resources which may be relevant to an ownership determination, and the terms “intellectual property” and “work for hire” among other terms. In general, TTU will own “intellectual property,” including “tangible research property,” created by “covered persons” with the “use of TTUS resources” or “during the course of covered persons’ university responsibilities.” And, in general, intellectual property that is developed on a person’s own time without TTU support or “use of TTUS resources” is not owned by TTU. (See *Regents' Rules* Section 10.03.1). Further, Chapter 10, *Regents' Rules* provides broad exceptions of copyrightable material within the realm of traditional pedagogical, scholarly and artistic works produced by faculty. (See *Regents' Rules* Section 10.03.3.) Finally, the rule also provides that the terms provided by sponsored research agreements with respect to intellectual property created as a result of such funding will govern ownership of such intellectual property.

3. Research Involving Third Party

Agreements for research sponsored by or involving third parties, provisions for the control of and compensation for patents should normally be consistent with the general policy stated herein. However, nothing in this policy shall be interpreted as precluding the acceptance of a contract, grant, or agreement that provides for ownership of intellectual property by the third-party sponsor under appropriate terms, including adequate compensation to TTU.

4. Disclosure of Intellectual Property

All intellectual property shall be promptly disclosed to the ORC. At least once a year, coincidental with a regular BOR meeting, the director of ORC shall prepare for the chancellor and the BOR a report listing the titles and a brief description of each disclosure received since the last report, all license and assignment agreements entered into by the ORC, and the status of existing licensing and assignment agreements, including the distribution of revenue earned from such agreements.

5. Consulting

With respect to intellectual property owned by TTUS, faculty and staff engaged as consultants should avoid conflicts of interest. Faculty and staff members engaged as consultants nevertheless continue to be obligated to safeguard the university’s intellectual property. (See *Regents' Rules* Section 10.03.2 and OP 10.20).

6. Intellectual Property Administration

When TTU elects to protect intellectual property in its name, it shall award to the creator a reasonable share (as defined hereinafter) of net proceeds from royalties or other income or value after deduction of the directly assignable costs of patenting, marketing, licensing and protection of intellectual property rights.

7. Determinations by the Office of Research Commercialization

a. Transfer and Intellectual Property

The ORC shall make determinations as to:

- (1) The potential value of the intellectual property to TTUS;
- (2) The rights and equities of the creator, TTUS, and any third parties; and
- (3) The required actions to maximize the benefits of any intellectual property to the public, TTUS, and the creator.

8. Implementation

The following guidelines shall be applicable to license agreements with entities, including those formed primarily for the purpose of developing and/or commercializing intellectual property created at TTU, subject to the terms of sponsored research agreements that may have led to the creation of such intellectual property:

- a. No entity shall be granted the exclusive rights to the development and/or commercialization of all intellectual property created at TTU. Agreements should grant rights only on a specific property or project basis.
- b. If an entity is granted the exclusive rights with respect to a particular invention, product, process or other item of intellectual property, the agreement should provide that such rights will revert to TTU in the event the entity fails to diligently develop and commercialize the property within a specified period of time that is appropriate to the particular circumstances.
- c. An entity that is granted exclusive rights to develop or commercialize intellectual property that is patentable should be required to reimburse TTU for all expenses incurred by TTU in obtaining a patent or, if a patent has not been obtained, should be required to prosecute and bear the expense of obtaining patent protection for the benefit of TTU and, in either event, the entity should be required to take all actions necessary, including litigation, to protect and preserve such patented rights from infringement.
- d. TTU and its officers and employees should be protected and indemnified from all liability arising from the development, marketing, or use of the particular intellectual property.
- e. Restrictions on use of the intellectual property by TTU for research and teaching purposes and the publication rights of researchers should be minimized.
- f. If the entity fails to develop and commercialize the intellectual property, any and all rights the entity has been granted in TTU's property shall be returned and granted back to TTU so that another entity may be offered the right to develop and commercialize the technology.

- g. The entity should be required to comply with all applicable federal, state, and local laws and regulations, particularly those concerning use of animals, biological materials and necessary testing, human subject protection, and approval by the Federal Drug Administration or other relevant federal or state agency.
 - h. The entity should be required to maintain confidentiality with regard to any unpatented technology or know-how.
 - i. An entity that grants a license or sublicense to some other entity for intellectual property or technology that is in whole or in part derived from or based on that which is licensed to the entity by TTU, should be required to share with TTU: at least 40 percent of any royalty received by the entity and at least 40 percent of any equity position to which the entity may be entitled.
 - j. License agreements should contain such other provisions as may be determined by the ORC and the Office of General Counsel to be in the best interest of TTU.
 - k. The director of ORC is authorized to negotiate and execute license agreements that have been approved by the vice president for research and approved as to form, law, and compliance by the vice chancellor and general counsel.
9. In compliance with Section 51.912 of the *Texas Education Code*, the BOR must file a report identifying all employees who have an equity interest in or serve as employees, officers, or members of the board of directors of business entities that have agreements with TTU relating to the research, development, licensing, or exploitation of intellectual property in which TTU has an ownership interest. The report will be filed in accordance with the requirements of Section 51.005 of the *Texas Education Code*. The ORC will submit the report through the chancellor or his/her designee to the BOR office. The BOR office will obtain the signature of the chair of the BOR and will transmit the report to the governor's office and other required entities.
10. Any request by a TTU employee to participate as an employee, officer, or member of the board of directors of a business entity that has intellectual property agreements (IPA) with TTU must be submitted to the BOR for approval. An employee who is not the creator of intellectual property for which TTU has entered into an IPA shall not participate as an employee, officer, or member of the governing board of an entity with an IPA with TTU.

11. Definitions

For the purposes of this regulation, the following terms are defined as follows:

- a. Copyrightable Work: An original work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, including, but not limited to books, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works. A copyrightable work may be the product of a single author or a group of authors who have collaborated on a project.

- b. Distance Learning: Instruction in which the majority of the instruction occurs when the student and instructor are not in the same physical setting. A course is considered a distance education course if students receive more than one-half of the instruction at a different location than the instructor. Distance education can be delivered synchronously or asynchronously to any single or multiple location(s) through electronic correspondence or other means.
- c. Intellectual Property: Collectively, all forms of patented and unpatented inventions, tangible research property, copyrightable works, copyrights, trademarks, and trade secrets. The term also includes copyrightable or copyrighted works which are system administration or component institution manuals or materials or works, such as software, which may be a part of or embedded in a larger comprehensive design, system or device.
- d. Intellectual Property Committee: A standing committee, the majority of whom are faculty members, appointed by the chancellor based on recommendations of the vice president for research at TTU and TTUHSC, representing TTUS component institutions, whose purpose is to provide a forum for discussion of policies and procedures affecting intellectual property and to advise the chancellor and ORC regarding intellectual property matters when called upon, including comment on disputes that may arise regarding the handling of intellectual property and technology transfer and suggestions for policy or procedure changes with respect to this policy. The committee will meet at least twice each year, or more often as called by the chancellor or the director of ORC.
- e. Invention: A process, method, discovery, device, plant, composition of matter, software, technology or other work that reasonably appears to qualify for protection under United States patent law, chip design protection law or plant protection schemes, whether or not actually patentable. An invention may be the product of a single creator or a group of creators who have collaborated on a project.
- f. Office of Research Commercialization (ORC): The TTU administrative office whose mission is to promote the transfer of TTUS intellectual property for society's use and benefit, while generating unrestricted income to support research and education. The ORC is responsible for administration and implementation of the TTUS intellectual property program, and for assisting and advising TTUS faculty, staff and students with regard to matters covered by this policy, and providing leadership and support through public and private sector engagement.
- g. Tangible Research Property: Tangible items produced in the course of research including but not limited to such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of tangible research property may be associated with one or more intangible properties, such as inventions, copyrightable works and trademarks. An item of tangible research property may be the product of a single creator or a group of creators who have collaborated on a project.
- h. Trademark (including "service mark"): A distinctive word, design, or graphic symbol, or a combination of words, designs or graphic symbols that distinguish and identify the goods and services of one party from those of another, such as names or symbols used in conjunction with products, services, programs, plant varieties, computer programs, or entities.

- i. **TTU Resources:** TTU funds (including without limitation, funds derived from outside grants, contributions and research contracts), supplies, facilities, computer systems (hardware and software), space, tangible and intangible property, and personnel, except that, where used herein, the term “use of TTU resources” is not intended to apply to the incidental use of such resources.
- j. **Work for Hire:** A work that is specially ordered or commissioned by TTU for an institutional document or a contribution to a collective work, including as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or an atlas. The term also includes software, computer programs or written instructions, protocols or training aids, institution-directed. Where these works are created by TTU employees as a regular part of their duties, these works are automatically owned by the university and require no disclosure. For faculty, works for hire are works derived from defined tasks that fall outside the normal teaching and research mission of the university. Work that occurs within the normal scope of academic employment in the teaching and research mission of the university will not be “work for hire,” unless accomplished pursuant to written directive and agreement.

12. Disclosure, Assignment, and Protection

- a. Except for the exclusions identified for certain copyrightable works set forth in Chapter 10, *Regents’ Rules* and below [section 15. a (1, 4, and 5)], all persons subject to these regulations shall promptly disclose to the ORC any intellectual property covered by this regulation, including intellectual property created under sponsored research or cooperative arrangements. Disclosure shall be made on a disclosure form prescribed by and available from the ORC. Such persons shall cooperate with TTU and the ORC in protecting property rights in the intellectual property, to the best of their ability. If TTU decides to patent or seek other available protection for the property, it shall proceed through the ORC.
- b. All creators shall execute appropriate assignment and/or other documents required to set forth effectively the ownership and rights to intellectual property owned by TTU.
- c. **Assessments by the ORC:** The ORC shall make assessments as to the potential value of the intellectual property to TTU; the rights and equities of the creator, TTU and any third parties; and the required actions to maximize the benefits of any intellectual property to the public, TTU, and the creator. Once an invention disclosure has been made to the ORC, the ORC shall respond to the creator(s) in writing within 90 calendar days of the date of disclosure of its desire to pursue commercial development of the intellectual property. The ORC is also hereby delegated the authority to waive TTU rights in intellectual property in the exercise of its sound discretion. If the ORC decides not to pursue commercial development, it shall also notify the creator(s) in writing and upon written request from the creator(s) shall release ownership rights as provided below.

13. Provisions for release of rights to creators. Absent a contractual obligation to a research sponsor or contracting party, TTU may release its intellectual property ownership rights to a creator by written agreement, with the following provisions:

- a. TTU shall retain for TTU and all components thereof a perpetual, royalty-free license to use the invention or copyrightable work, and any corresponding patents or copyrights, for research, education and service purposes.
- b. TTU shall retain the right to a specified share of net revenue (not to exceed five percent) generated from commercialization of the released invention or copyrightable work after the creator has recovered documented out-of-pocket costs for obtaining legal protection for the invention or copyrightable work, the amount of such share to be negotiated at the time of the release. In the event that, prior to release by TTU, the university has incurred out of pocket costs with outside parties to analyze or seek legal protection for the released invention or copyrightable work, the written agreement must provide for reimbursement of such costs to TTU either by payment at the time of release or by agreement for TTU to retain a revenue percentage in excess of five percent. Should the ORC and the creator be unable to agree on the terms of the release, the matter shall be finally resolved using the process outlined in Section 24.
- c. In the case of release of rights to the creator, the creator shall not be entitled to a share of proceeds received by TTU under this section.

14. Obligation to Sponsors

The ORC, in cooperation with the respective Office of Research Services or Office of Research Accounting, shall coordinate reporting requirements and other obligations to research sponsors regarding inventions or economically significant tangible research property developed under a research contract or grant, including but not limited to obligations to the U.S. Government under 37 CFR Part 401.

15. Management of Copyrightable Works

TTU encourages the preparation and publication of copyrightable works that result from teaching, research, scholarly, and artistic endeavors by members of the faculty, staff, and student body of TTU. Authors shall be permitted maximum freedom with respect to their copyrightable works, consistent with the obligations to TTU. Copyrightable works may be created under a variety of circumstances and conditions that impact the ownership and subsequent management thereof, as follows:

a. Ownership of Copyrightable Works

(1) Books, Articles, and Similar Works

In keeping with academic tradition, and except to the extent required by the terms of any funding agreement, TTU does not claim ownership to pedagogical, scholarly, or artistic works, regardless of their form of expression. Such works include, but are not limited to, faculty-prepared works such as textbooks, course materials, and refereed literature. Such works include those of students created in the course of their education, such as dissertations, papers, and journal articles. Furthermore, TTU claims no ownership in popular nonfiction, novels, poems, musical compositions or other works of artistic imagination that are not works for hire [see (2) below]. If title to copyright in works defined within this section vests in TTU by law, TTU will, upon request and to

the extent consistent with its legal obligations, convey copyright to the authors of such copyrightable works.

(2) Institutional Works

TTU shall retain ownership of copyrightable works created as institutional rather than personal efforts (i.e., created for institutional purposes in the course of the creator's employment) including, but not limited to, simultaneous or sequential contributions over time by numerous faculty, staff, or students. For instance, work assigned to programmers is institutional work, as is software developed for TTU purposes by staff working collaboratively. Brochures, training programs, CD-ROMs, DVDs, videos, and manuals for which staff members are hired to develop are other examples of institutional works. TTU owns all right, title and interest in such institutional works.

(3) Work for Hire

- a. TTU shall retain ownership of “work for hire” as defined in this policy and Chapter 10, *Regents’ Rules*.
- b. Faculty “Work for Hire” Procedure: If an academic task done in the normal scope of academic employment within the teaching and research mission of the university is intended to create a copyrightable work for hire as defined in section 11 (j) above, a written directive signed by the faculty member’s direct supervisor, (e.g., department chair) and college dean (or equivalent) and the faculty member is required. The document should reasonably outline the intended task and work product and must disclose that any resulting copyright will be retained by TTU or the external entity contracting the task, such as a granting entity. If a task is assigned as an extra duty of the faculty member, the signed document additionally should include the terms, if any, for extra compensation or alteration of teaching research or administrative duties to which the faculty member and supervisor have agreed.

(4) Works Developed with Use of TTU Resources

Except as provided in paragraph (1), above, or Chapter 10, *Regents’ Rules*, copyrightable works that are not works for hire [see (2) above] but are works that are developed with the use of TTU resources as defined in Chapter 10, *Regents’ Rules* shall be owned by TTU. Furthermore, copyrightable works that are not works for hire [see (2) above] but are works that are developed in the course of or resulting from research supported by a grant or contract with the federal government (or an agency thereof), a state or other governmental agency, a nonprofit or for-profit nongovernmental entity, or an individual, or by a private gift or grant to TTU, shall be determined in accordance with the terms of the sponsored grant or contract, or in the absence of such terms and to the extent consistent with copyright law, shall be owned by TTU. TTU recognizes and affirms the traditional academic freedom of its faculty and staff to publish pedagogical, scholarly or artistic works without restriction. In keeping with this philosophy, TTU will not construe the provision of offices, routine computer support and services or library facilities as constituting use of TTU resources, except for those instances in

which the resources were furnished specifically to support the development of such copyrightable works. Nothing in this section is intended to change the traditional manner in which TTU faculty, staff and employees assign the copyright ownership of works intended for publication in scholarly journals.

(5) Hybrid Works

Changing technology can give rise to creative efforts that fall into more than one category [for example, a book (traditionally owned by the author) coupled with an interactive CD ROM (perhaps software in which TTU may have rights under this policy)]. Such hybrid works should be brought to the attention of the ORC, which shall negotiate a reasonable sharing arrangement or issued release as may be appropriate. Should the ORC and the inventor or creator be unable to agree, the matter shall be finally resolved by the chancellor or his/ her designee.

(6) Distance learning course content generally will be treated as traditional course content as described in paragraph (1), above. However, such content and materials may be “work for hire” if developed as such (see definition.) With respect to all distance learning course content, whether work for hire or not, TTU automatically retains a payment-free license for use of all or part of such content for use in its ongoing teaching and research mission. In the case of distance learning course content that is work for hire, such license shall be exclusive unless otherwise agreed in writing.

(7) Present and prospective employees of TTU shall, upon request by the chancellor or by the ORC to protect intellectual property rights, execute an assignment agreement in a form prescribed by and available from the ORC to set forth effectively the ownership and rights to copyrightable works. Executed copyright assignment agreements shall be maintained in the respective department head's office, in the ORC, or in a similar office as determined by the chancellor.

16. Disclosure, Assignment, and Protection

- a. Authors of copyrightable works that are not owned by TTU own the copyrights in their works and are free to publish them, register the copyright, and to receive any revenues that may result therefrom.
- b. Authors of copyrightable works that are not works for hire or institutional works but are works that are owned by TTU under Section 15.a.(3) shall promptly disclose to the ORC any work of authorship covered by this regulation (including those made under sponsored research or cooperative arrangements). Disclosure shall be made on a disclosure form prescribed by and available from the ORC and a copy shall be filed with that office. Such persons shall cooperate with TTU and the ORC to the best of their ability in protecting intellectual property rights in the work of authorship. Furthermore, upon request by the ORC, to protect intellectual property rights, such persons shall warrant that, to the best of his/her knowledge, the work does not infringe upon any existing copyright or other legal rights, that work not identified as quotations is the expression or creation of the author, and that necessary permission for quotation and the use of third party works has been obtained.
- c. Negotiation and Execution of Agreements for Copyrightable Works

Agreements permitting a party to use, develop, or otherwise commercialize copyrightable works owned by TTU are encouraged. The ORC has primary responsibility for negotiating with third parties having an interest in using, developing, or otherwise commercializing copyrightable works.

d. Software as Patentable Subject Matter

In recent years, the U.S. Patent and Trademark Office has determined that software that meets certain technical and legal criteria may be patentable. In the case when software originally disclosed as a copyrightable work subsequently is determined to be patentable subject matter, and TTU chooses to seek patent protection for the software, then such software shall be managed under this regulation as an invention.

17. Distribution of Income from Commercialization and Licensing

- a. Where TTU has an ownership interest in the intellectual property pursuant to this policy, the following provisions will govern the distribution of royalties and other income (“revenue”) after TTU has recouped all direct costs associated with the processing of the patent or copyright application and marketing and licensing the technology (“net revenue”):

Distribution of Net Revenue and Other Income

<i>Creator(s)</i>	<i>ORC</i>	<i>University</i>	<i>Department*</i>	<i>Unit**</i>
40%	30%	10%	10%	10%

* Department, center, or institute

** College or school

Net revenue is to be paid according to the above schedule as the net revenue is received. Funds received by the department and college will be placed in unrestricted accounts under their control. Such funds will not be used to substitute for funds budgeted for expenditure in the routine annual operating budget that is approved by the BOR.

- b. This OP recognizes that in addition to the traditional academic units such as departments and colleges, research, and specifically interdisciplinary research, can be sponsored by other academic units, such as centers and institutes. Because of the many different combinations that may occur, this OP is not intended to specify how net revenue is to be allocated within departments. It is, however, the general policy of this intellectual property OP to allocate net revenue to the departments and units that have provided the substantial level of indirect support that triggers TTU's ownership of the intellectual property. The policy encourages voluntary agreements between such units prior to the development of intellectual property (to allocate the percentage of net revenue share that is appropriate for each unit). In the event that no agreement can be reached prior to the generation of revenue, the president or his/her designee will resolve the allocation question.

The division of net royalties and other income from patents and copyrights managed by a patent or copyright agent will be controlled by TTU agreement with such agent, as approved by the BOR. Any deviation from this rule requires the prior approval of the BOR.

18. Distribution of Income from Copyrightable Works

All monetary proceeds from commercialization of copyrightable works owned by TTU, including royalties, equity interests, and dividends, will be distributed as set forth above [Section 17 (a)].

In the event of multiple authors, the authors will agree among themselves as to the distribution of the income accruing to the authors; distribution of the authors' share shall be made only upon receipt of a signed agreement between the authors. In the event that an author is a joint employee of two or more components, or in the event that authors represent two or more components, the components will agree as to the distribution of the income accruing to the components.

19. Equity and Other Non-monetary Returns

TTU may negotiate, but shall not be obligated to negotiate, for equity interests in lieu of or in addition to royalty and/or monetary consideration as a part of an agreement relating to inventions or copyrightable works.

- a. Creators may receive up to 50% of any equity or other non-monetary consideration (or, in the discretion of TTU, its monetary equivalent) received by TTU or its components under this section. However, TTU may choose to receive the consideration under terms that restrict its ability to sell, distribute, or otherwise deal with the equity interests. In such cases, any restrictions on the interests of TTU shall be equally applicable to the interest of the creator, unless waived or varied in writing and signed by the director of the ORC and the creator.
- b. TTU does not act as a fiduciary for any person concerning equity or other consideration received under the terms of this regulation.
- c. The division of net revenue from patents and copyrights and marketing and licensing the technology managed by a patent or copyright agent will be controlled by TTU agreement with such agent, as approved by the BOR. Any deviation from this rule requires the prior approval of the BOR.

20. Equity Ownership

This policy allows equity ownership and business participation by TTUS faculty, staff, and students consistent with state law as presently stated in *Texas Education Code* 51.912 or any other future statutory provision relating to the subject matter of this intellectual property policy.

21. Trademarks

In most situations, a trademark identifies an item of intellectual property, such as a computer program or a plant variety. In other situations, a trademark identifies an educational, service, public relations, research, or training program of TTUS or its components. TTUS, or the applicable TTUS component, owns all right, title and interest in trademarks related to an item of intellectual property owned by TTUS or its components, or to a program of education, service, public relations, research, or training program of TTUS or its components. All income from the licensing of a trademark shall belong to TTUS, or the TTUS component, as applicable.

22. Tangible Research Property

- a. TTU owns all right, title and interest in tangible research property related to an individual's employment responsibilities and/or developed with support from TTU resources.
- b. For purposes of management of the asset, tangible research property shall be managed as an invention under sections 13 and 17, with distribution of income from the distribution or commercialization of such tangible research property made in accordance with section 17.

23. Offers of Intellectual Property

- a. If an individual chooses to offer to TTU certain intellectual property in which TTU has no claim, TTU may accept ownership of the intellectual property provided that:
 - (1) The individual makes the offer to TTU as if the intellectual property had been created within TTU,
 - (2) The individual agrees to all provisions (including distribution of income provisions) of this policy,
 - (3) The individual warrants that he/she owns all right, title and interest to the intellectual property, and that to the best of his/her knowledge, the intellectual property does not infringe upon any existing copyright or other legal rights.
- b. The ORC will decide whether to accept or reject such offers.
- c. Should TTU agree to accept the offer of intellectual property, the individual will execute an assignment agreement transferring all right, title, and interest in the intellectual property to TTU, and acknowledging that the individual agrees to all provisions of this policy, such agreement available from the ORC. In cases in which the individual has already expended funds toward obtaining patent or other legal protection for the invention, the individual and TTU may negotiate terms to allow recovery of legal and/or patent expenses from license fees and/or royalty income. Such an agreement would modify normal royalty sharing provisions until such expenses are recovered by the party entitled to recovery of the expenses.
- d. TTU may accept charitable donations of intellectual property from governmental or private organizations. Upon the transfer of title in the intellectual property to TTU, the intellectual property will be managed in accordance with this regulation.

24. Grievance Procedure

Complaints under this policy will be administered in accordance with the complaint procedure described in *Regents' Rules* Section 10.15.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 74.08: Allegations of Misconduct in Research, Scholarly, or Creative Activity

DATE: March 6, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to outline and delineate the procedures that will be followed in the event that allegations of misconduct in research or scholarly activity or of retaliation because of such allegations should be made against a member of the faculty, a member of the staff, or a student at Texas Tech University. The intent of this policy is to provide an institutional response to accusations of misconduct and, at the same time, to ensure that the individual accused of such misconduct has full opportunity to refute the allegations and present the pertinent facts. Purposeful misconduct in research and scholarship is unethical. All members of the university community are responsible for reporting instances of misconduct in research or scholarly activity or of retaliation.

REVIEW: This OP will be reviewed in February of odd-numbered years by the Vice President for Research with substantive revisions forwarded to the Provost and Senior Vice President (PSVP).

SCOPE

This policy applies to all research, scholarly, and creative activity conducted at Texas Tech University. The policy does not apply to course work and other academic class activities that are covered by other policies (e.g., [OP 34.12, Grading Procedures](#); Student Handbook; and Code of Student Conduct). This policy applies to any member of the faculty, a member of the staff, or a student at Texas Tech University.

This policy and the procedures herein will be followed when a university official receives an allegation of misconduct in scientific or other scholarly activity or of retaliation because of such allegations. Circumstances of the reported case may require deviation from the normal procedure in order to meet the best interests of the university and parties involved. Any change in procedures must ensure fair treatment of the individual subject to the allegation, and any substantial changes of the procedure must be approved by the Vice President for Research (VPR) in advance of the change.

Difficulties are presented when an allegation of misconduct is brought after a significant passage of time from when the alleged misconduct occurred. As a result, it is common for institutions or other governmental bodies to restrict allegations that may be brought after the passage of a predetermined amount of time.

DEFINITIONS

1. Allegation – Any oral or written statement or indication of possible misconduct
2. Complainant – A person who makes an allegation

3. Conflict of Interest – A conflict of interest refers to a situation in which an employee's financial, professional, or other personal considerations may directly or indirectly affect or have the appearance of affecting the employee's judgment in exercising any duty or responsibility, including the conduct or reporting of research, owed to the institution. For more information regarding TTU policy on conflict of interest, see TTU [OP 10.20, Conflict of Interest and Commitment Policy](#).
4. Inquiry – Preliminary information gathering and fact finding to conclude whether an allegation warrants an investigation
5. Investigation – The formal examination and evaluation of all relevant facts to determine if misconduct has occurred and, if so, to determine the responsible person and the seriousness of the conduct
6. Good Faith Allegation – An allegation made with the honest belief that scientific misconduct may have occurred. An allegation is not in good faith if made with reckless disregard for or willful ignorance of facts that would disprove the allegation.
7. Malicious Intent – Intent to do harm in the making of an allegation: a report made when the report was not true and the complainant knew it was not true, but made the report anyway to harm the respondent.
8. Misconduct – Includes fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results. It also includes ordering, advising, or suggesting that subordinates engage in research misconduct. The misconduct must depart significantly from accepted practices of the relevant research community and must be committed intentionally, knowingly, or recklessly. It does not include honest error or differences of opinion. Misconduct includes the material failure to comply with federal requirements for protection of researchers, human subjects, or the public, or for ensuring the welfare of laboratory animals. Misconduct also includes, but is not limited to, the failure to meet other legal requirements governing research and scholarly activity.
 - a. Fabrication – Making up data or results and recording or reporting them
 - b. Falsification – Manipulating search materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record
 - c. Plagiarism – The appropriation of another person's ideas, processes, results, or words without giving appropriate credit
9. Research Integrity Officer (RIO) – The institutional official responsible for assessing allegations of research misconduct to determine if they fall within the definition of research misconduct and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified.
10. Respondent – The person(s) against whom an allegation of scientific misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

11. Retaliation – Any adverse action or credible threat of an adverse action taken by a covered institution, or member thereof, in response to a complainant's good faith allegation of research, scholarly, or creative misconduct

PROCEDURE

If an allegation of misconduct in research or other scholarly activity is made against a member of the Texas Tech University faculty, staff, or student body, and the alleged misconduct involves extramural funding, the RIO, in consultation with the VPR, shall consult with the source of the extramural funds for guidance on investigating, reporting, and responding to such allegations. Texas Tech University shall first look to any interested organized entity for guidelines in responding to allegations of misconduct in research or scholarly activity.

If an allegation of misconduct in research or other scholarly activity is made against a member of the Texas Tech University faculty, staff, or student body, the allegation shall be dealt with in the following manner:

1. Reporting Misconduct or Retaliation

- a. All reports of alleged fraud, misconduct, and retaliation under this policy shall be directed to the RIO. Upon receipt of a formal, written, and signed allegation of fraud, misconduct, or retaliation, the RIO shall initiate an inquiry.
- b. There shall be no retaliation against any complainant who makes a good faith report or complaint under this policy.

2. Cooperation with Research Misconduct Proceedings

Institutional members will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Institutional members, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other institutional officials.

3. Inquiry

- a. The RIO is to make an immediate inquiry into the allegations. The RIO shall make an initial finding of whether:
 - (1) The subject matter and individuals accused in the reported allegation are within the scope of this policy.
 - (2) The allegations are sufficient to warrant an investigation into the alleged misconduct.
- b. An inquiry shall consist of information gathering and initial fact finding to determine whether an allegation of misconduct warrants an investigation. No presumption that misconduct occurred is created if the RIO determines that an investigation is warranted. Inquiry procedures will be determined by the circumstances of the allegations, but shall include notification of the individual against whom the allegation is made. The inquiry shall be completed within 60 days after receipt of the allegation. Any extension of this period will be based on good cause, approved in advance by the VPR, and recorded in the inquiry file.

- c. As a part of the inquiry, the RIO shall take appropriate action to preserve original research records and materials and all documents relevant to the inquiry. If appropriate, the RIO shall take interim administrative actions to protect federal funds and ensure that the purposes of the grant or contract are being carried out.
- d. All persons involved in the inquiry shall make diligent efforts to protect the identity of the complainant during the inquiry phase. If the process reaches the investigative phase, the right of the respondent to confront the complainant may require that the identity of the complainant be revealed. There shall be no retaliation against a complainant for his/her good faith allegation of misconduct.
- e. At the time of or before beginning an inquiry, the RIO shall make a good faith effort to notify the respondent in writing. If the inquiry later identifies additional respondents, the RIO shall notify them in writing. On or before the date on which the respondent is notified or the inquiry begins, whichever is earlier, the RIO shall take all reasonable and practical steps to obtain custody of all research records, including computer records, and evidence needed to conduct the inquiry, inventory the records and evidence, and sequester them in a secure manner. If the research records or evidence comprise instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, as long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO shall conduct the inquiry utilizing all materials and persons necessary to resolve the matter fairly and justly. This includes, but is not limited to, reviewing documents, materials, and other pertinent information from research, as well as conducting interviews of personnel. Normally, at the inquiry stage, the interviews will only include the claimant and respondent; however, the RIO may interview other persons relevant to the investigation if necessary. The respondent will have the opportunity to be interviewed and to present evidence in the initial inquiry.
- f. A report of the findings from the inquiry shall be made in writing to the VPR. Reports of inquiries shall be maintained in the office of the VPR for a period of seven years. The respondent shall have the opportunity to review drafts of the inquiry reports and to be informed of the results of the inquiry.
- g. If results of the inquiry indicate that the allegation was made with malicious intent, the VPR shall determine what action should be taken against the complainant.

4. Investigation

- a. If the finding of the inquiry is that an investigation is warranted, the VPR shall appoint an ad hoc committee within 30 days after completion and/or reception of the report finding an investigation is warranted. The purpose of the investigation is to:
 - Explore in detail the allegations;
 - Examine all evidence in depth;
 - Determine if misconduct has occurred, by whom, and to what extent; and
 - Report to the VPR the committee's findings as to whether or not the allegations have, in the committee's opinion, sufficient basis in fact for the university to consider disciplinary action against the individual.

The investigation should also determine whether additional circumstances exist that warrant the expansion of the scope of the investigation beyond the initial allegations.

- b. The ad hoc committee will consist of three to five persons chosen by the VPR, in consultation with the chairperson or other appropriate official having administrative jurisdiction over the academic unit in which the individual holds principal academic appointment. The VPR shall appoint one ex-officio member of the committee from the Texas Tech University Faculty Senate. Insofar as possible, the members of the committee will be persons having sufficient acquaintance with research and scholarship in the discipline in question so that they can assess the allegation. In appointing the investigating committee, the VPR shall select impartial experts and make efforts to avoid real or apparent conflicts of interest. Committee members shall have the requisite expertise, based on the VPR's discretion, to effectively review and evaluate all relevant facts and materials.
- c. The VPR shall notify the respondent of the proposed committee membership. If the respondent submits a written objection to an appointed member of the committee based on a bias or conflict of interest within five days after notification, the VPR will determine whether to replace the individual with a qualified substitute.
- d. The VPR shall prepare a charge for the ad hoc committee describing the allegations made and any related issues identified prior to the investigation. The charge shall define scientific misconduct and identify the name of the respondent. The charge shall state that the committee is to evaluate the evidence and testimony of the complainant, respondent, and witnesses to determine whether, based upon a preponderance of the evidence, scientific misconduct occurred, who was responsible, and its seriousness.
- e. The investigating committee shall complete the investigation within 120 days. Any extension of this period will be based on good cause and approved in advance by the VPR. If the committee judges that disciplinary action is warranted, the committee will also make a recommendation to the VPR concerning what action should be taken. Possible disciplinary actions include, but are not limited to:
 - Issuing a formal reprimand;
 - Requiring special administrative arrangements to ensure compliance with applicable regulations;
 - Restricting particular research activities;
 - Removing the individual from the graduate faculty; and
 - Filing a formal charge of unfitness for continued employment at Texas Tech University.
- f. The respondent shall be treated fairly and his/her identity shall be kept confidential to the extent possible without compromising public health or safety or the ability to conduct the investigation efficiently and effectively. The respondent shall have the opportunity to review all evidence and to present evidence. The respondent is entitled to employ outside counsel at his/ her own expense for the duration of the proceedings. The respondent's counsel may accompany the respondent in meetings but may not ask questions or offer testimony. The respondent shall have the opportunity to review all drafts of the investigation reports and to be informed of the committee's decision.

5. Action

- a. If the inquiry or investigation involves a project funded by the Public Health Service (PHS), the National Science Foundation (NSF), or other agencies that have mandated notification policies, the VPR shall follow the respective agency's policies regarding notification.

- b. Following the investigation, the VPR, in consultation with the PSVP, shall decide what action should be taken.
- c. Records of the proceedings and the committee's findings shall be maintained in the office of the VPR for a period of seven years following the close of the investigation and the acceptance of any reports required by federal agencies.

6. Appeal

- a. Any person who has been found by the preceding procedures to have committed misconduct in research or scholarly activity may appeal that finding to the President of Texas Tech University if the person alleges the decision is:
 - Not based on consideration of all available evidence;
 - Not constitutionally permissible; or
 - Significantly noncompliant with the university's established standards or procedures.

This appeal must be filed in writing within 14 days after the accused is informed of the committee's finding. Failure of the accused to appeal to the PSVP or President within the prescribed time limits will make the decision of the VPR final.

- b. Within 14 days of receiving an appeal, the PSVP or President shall begin a review and investigation of the committee's finding and shall issue a decision on the appeal within 45 days of the appeal. In considering the appeal, the PSVP or President may act alone or involve others, as appropriate. The decision of the appeal shall be final.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 74.14: University-Recognized Centers and Institutes

DATE: June 27, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure compliance with the university policy concerning centers and institutes. Centers and institutes provide stimulating and organized opportunities to enhance research, particularly of an interdisciplinary nature, as well as instruction and outreach beyond what is possible from the traditional academic units. Over the years, centers and institutes at TTU have served the university well. It is the desire of the university that these innovative activities succeed, grow, and achieve excellence. This OP is designed to enhance the future success of centers and institutes at TTU.

REVIEW: This OP will be reviewed in April of even-numbered years by the Vice President for Research (VPR) with substantive revisions presented via the Provost and Senior Vice President for Academic Affairs (PSVPAA) to the President by May 15.

POLICY/PROCEDURE

1. Definitions

- a. Center: a university-recognized center is composed of faculty and, potentially, staff and students who declare a shared technical interest and pursue shared research, instruction, and/or outreach as an enterprise that involves common activities; these may include cooperative research and scholarship, shared resources, operations, facilities, and personnel.
- b. Institute: a university-recognized institute is broader and more complex than a center and may be a collection of centers or an amalgamation of entities.
- c. University Official: the person to whom the center or institute director reports (e.g., a dean, a vice president, or the PSVPAA) may be referred to as the “university official.”

2. Policies and Procedures

The intent of a university-recognized center or institute as an approved organizational unit of the university is to help the faculty, staff, and students to succeed in the pursuit of excellence and achievement in research, instruction, and outreach. In the pursuit of that goal, recognition, registration, and review of centers and institutes confirm a general commitment by the university to the success of the enterprise. A center or institute may not offer formal courses for degree credit or award degrees unless specifically authorized by the PSVPAA.

Accountability and performance-based management is the responsibility of the university official to whom the proposed center or institute director reports as identified in Attachment A.

An up-to-date database of university-recognized centers and institutes will be maintained in the Office of the Vice President for Research (OVPR).

a. Establishment

Faculty groups with common interests may find it appropriate to organize themselves in a common focus to establish an identifiable unit within the university. Major criteria for the formation of such units are:

- (1) Relevance to the university's academic, research, and/or service mission;
- (2) Potential benefits to be gained by the formation of such a unit; and
- (3) Direct contributions to achieving the goals in the university's strategic plan.

In this context, the university is authorized to establish centers and institutes as they pertain to the academic, research, and service mission of the institution. Each university-recognized center and institute must conform to university policies as well as to state regulations and statutes and requires appropriate oversight, reporting, and review.

Each center or institute must be established by completing Attachment A. Any university financial commitment to the proposed center or institute must be documented (Attachment A, section 5.). Approval shall be obtained from the university official (for example, a dean, vice president, the PSVPAA, and so forth). Final approval shall then be obtained from the VPR. If the center or institute is approved, all documents will be filed with the OVPR.

b. Strategic Planning

Each center or institute is required to participate in the strategic planning process (refer to [OP 10.13, Strategic Planning and Assessment for Texas Tech University, Including All Academic Programs and Support Operations](#), on strategic planning and assessment). Progress toward accomplishing the center or institute's goals and objectives must be reported annually as part of the strategic planning assessment report.

c. Modification

Proposed changes in name, mission, direction, director, or university official shall be submitted through the university official to the OVPR by completing Attachment B.

d. Dissolution

A university-recognized center or institute may be proposed for dissolution by the director at any time through the university official by submitting Attachment B to the VPR.

Alternatively, if at any time the university official believes that it is in the university's better interests to dissolve a center or institute contrary to the director's wishes, the university official may request in writing with cause that the VPR initiate a review. The VPR will request in writing a response from the center or institute director in a timely manner not to exceed one year. If disagreement between the director and the university official persists, the VPR shall charge the University Research Committee to conduct a review. The committee will report its findings to the VPR, who will implement the committee's recommendations.

If dissolved, the center or institute will develop a written plan providing for the timely disposition of any property or assets, to be approved by the university official. When disposition is completed, the university official and VPR shall be notified in writing.

e. Review

Centers and institutes will be evaluated periodically to ascertain if their continued existence is in the best interest of the university and its total program.

New centers and institutes will be reviewed six years after establishment to determine progress towards achieving established goals. All existing centers and institutes will receive a performance review on a six-year basis. Following the review, centers or institutes will be assigned active or probationary status.

- (1) Active Status: centers or institutes assigned active status will be reviewed again after six years of activity (in the seventh year).
- (2) Probationary Status: centers or institutes assigned probationary status will be reviewed again after a period specified by the responsible university official, but not exceeding three years. The time line for subsequent review will begin on the first day of the next fiscal year.

The review will be initiated by the VPR by notifying the director and the university official to whom he/she reports. A review team will be appointed by the VPR after nominations are solicited from the center or institute director and the university official. The VPR has the option to appoint one or two members who are external to the university, but they should not represent a majority.

Attachment C provides guidelines for preparation of the review report. Centers and institutes will also be evaluated based upon information submitted in annual strategic assessment reports regarding:

- (1) Achievement of their missions;
- (2) Performance of objectives specified in their strategic plans; and
- (3) Other appropriate criteria that can be evaluated from annual strategic assessment reports (fulfilling the true role of a major, productive center or institute); any tangible benefit to the university (the center or institute should be able to show why it exists and how it connects to the mission of the institution).

[Attachment A: Request to Establish a University-Recognized Center or Institute](#)

[Attachment B: Request to Modify or Dissolve a University-Recognized Center or Institute](#)

[Attachment C: Guidelines for Preparing Review Reports for University-Recognized Centers and Institutes](#)

Request to Establish a University-Recognized Center or Institute

Name of Center or Institute:

Director:

Date submitted:

I. Structure/Organization

II. Interdisciplinary and/or Multidisciplinary Activities

A. Discuss proposed interdepartmental activities

B. Discuss proposed intercollegiate activities

III. Participants

A. List potential faculty participants, their departments, and colleges

B. List external participants (e.g., industry, other universities, foundations) and the nature of their involvement

IV. Sources of Funding (e.g., federal and/or state agencies, line items, foundations)

V. Resources Requested from the University (e.g., financial commitments, laboratory space, core facilities, staff, equipment)

VI. Similar Centers and Institutes: For both Texas and other universities, give the name of the similar center or institute, the university, its mission, its approximate research expenditures, and a description of how the proposed Texas Tech center or institute would complement or compete with it.

Texas universities:

Other universities:

VII. Benchmarks: Give six-year benchmarks for publications, creative activities, service functions, academic activities, grant proposals, grants awarded, and total research dollars to be generated.

APPROVAL:

Signature of University Official (person to whom the center or institute director reports)

Date

Printed name and title of University Official

Signature of Vice President for Research

Date

Printed name of Vice President for Research

Signature of President

Date

Printed name of President

Report on establishment of new centers and institutes per Section 04.11.2., Regents' Rules: "The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approval by the President, with notice provided to the board via an item in the information Agenda for the next meeting of the board.

Request to Modify or Dissolve a University-Recognized Center or Institute

Name of Center or Institute:

Director:

Date submitted:

Request:

☐ Modify

☐ Dissolve as a University-Recognized Center or Institute

Justification:

APPROVAL:

Signature of University Official (person to whom the center or institute director reports)

Date

Printed name and title of University Official

Signature of Vice President for Research

Date

Printed name of Vice President for Research

This form will be filed in the Office of the Vice President for Research (OVPR). A copy of this form will be sent by the OVPR to the Director of Strategic Planning.

Guidelines for Preparing Review Reports for University-Recognized Centers and Institutes

In addition to the annual assessment report, a six-year report must be submitted through the university official to the VPR for the performance review. It should include:

1. A description of the progress toward accomplishing the goals and objectives established in the strategic plan for the center or institute and future plans for development.
2. A list of research, educational, and service accomplishments that are sponsored by or performed on behalf of the center or institute.
3. Information on specific figures of merit:
 - a) A list providing the project title, principal investigator, sponsor, and total funding requested by competitive proposals since the last review.
 - b) A list providing the project title, principal investigator, sponsor, and total funding obtained by research awards since the last review.
 - c) A list (and indications of quality) of publications or creative works produced by faculty as a result of their association with the center or institute since the last review.
 - d) A list of graduate and undergraduate students supported and/or graduated by the center or institute since the last review.
 - e) A list of theses and dissertations generated by research in the center or institute since the last review.
 - f) A list of faculty, departments, and colleges actively involved in the work of the center or institute.
 - g) A list of patents and licenses produced by work in the center or institute since the last review.
 - h) A list of federal, state, or private sector partnerships formed by the center or institute since the last review.
4. Information on sources of funds:
 - a) Federal grants;
 - b) State grants;
 - c) Other extramural research funding;
 - d) Royalty income;
 - e) Institutional funds (identify sources).
5. Research impact: A synthesis should be provided of the impact of generated scholarly activity and/or patents, economic development, society improvement, military use and/or homeland defense, among other issues. A self-analysis of all information (i.e., tables, charts, supporting documentation, etc.) should be provided.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 74.17: Disclosure of Significant Business or Financial Interests that may Represent Conflicts of Interest

DATE: September 26, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure that faculty and staff are aware of and remain free from conflicts of interest as a result of interaction with the public and private sectors.

REVIEW: This OP will be reviewed in August of even-numbered years by the Associate Vice President for Research (Integrity) (AVPR) with substantive revisions presented to the Vice President for Research.

POLICY/PROCEDURE

1. Introduction

Texas Tech University (TTU) recognizes its responsibilities as a public institution to encourage interaction between its employees and the public and private sectors as an important component of its research, instructional, and service activities. The university encourages the recruitment, retention, and recognition of creative individuals who promote interactions with industry, the business community, and other public or private entities consistent with their primary commitment to the university. The university and its employees also are committed to conducting themselves and their activities in a manner consistent with the highest standards of integrity and ethics.

Federal regulations require that institutions have policies and procedures in place to ensure that employees disclose any significant financial interests that may represent an actual or potential conflict of interest in relationship to externally sponsored projects. Therefore, this document articulates the general university regulations and procedures regarding conflicts of interest, which serve to protect the credibility and the integrity of the university's faculty and staff, as well as the institution, so that public trust and confidence in its sponsored activities are not compromised in any way. Furthermore, the National Institutes of Health (NIH) requires that institutions promote objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct, and reporting of research funded under Public Health Service (PHS) grants or cooperative agreements will be free from bias resulting from investigator financial conflicts of interest. Therefore, this document provides specific reference to unique requirements for employees who are planning to participate in, or are participating in, PHS research funding received as a grant or cooperative agreement.

The potential for conflict arises because of the nature and scope of activities engaged in by the university and its employees. The university assumes that potential for conflicts will occur regularly in the normal conduct of activities. However, it is essential that any significant potential for conflicts be disclosed and reviewed by the university. After disclosure, the university can then

make an informed judgment about a particular case and require appropriate oversight, limitations, or prohibitions on the activity. Employees may not engage in activities in which an actual unmanageable conflict of interest occurs.

In addition to issues addressed in these regulations, there may be ethical considerations that are distinct and separate from conflict of interest questions.

2. **Applicability**

This policy applies to all employees of TTU. Section 3 applies to all employees of TTU and to persons who are subgrantees, contractors, consortium participants, collaborators, or consultants who are not covered by section 4. Section 4 applies to all employees of TTU and to persons who are subgrantees, contractors, consortium participants, collaborators, or consultants, who are planning to participate in, or are participating in, PHS research funding received as a grant or cooperative agreement.

3. **For All TTU Employees and Other Individuals who are Not Covered by Section 4**

a. Definitions

- (1) "Investigator" means the principal investigator, co-principal investigators, project director, and any other person at TTU or its subgrantees, contractors, or collaborators who is responsible for the design, conduct, or reporting of research or educational activities that are funded or proposed for funding by any external entity. Usually, these will be the individuals whose names appear on the *Internal Routing Sheet for Sponsored Projects*. The definition of investigator includes the investigator's family members, defined as a spouse and dependent relatives or household members. These definitions align with those in Chapter 03, *Regents' Rules*, regarding conflicts of interest.
- (2) "Significant business or financial interest" means anything of monetary value including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options, or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

Examples of Significant Business or Financial Interests Include:

- (a) An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent relatives or household members, (1) exceeds \$5,000 in value, as determined through reference to public prices or other reasonable measures of fair market value; or (2) represents more than a 5 percent ownership interest in any single entity; or
- (b) Salary, royalties, gifts such as paid travel or other payments that, when aggregated for the investigator and the investigator's spouse and dependent relatives or household members, are expected to exceed \$5,000 from any single entity during the next 12-month period.

Significant Business or Financial Interest Does Not Include:

- (a) Salary, royalties, or other remuneration from TTU;
 - (b) Royalties and honoraria for published scholarly or creative works;
 - (c) Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
 - (d) Income from service on advisory committees or review panels for public or nonprofit entities; or
 - (e) Mutual funds and other managed accounts such as retirement accounts; however, investments in retirement accounts in which the investigator has control over which specific stocks or other equity interests are purchased might trigger a need for disclosure if a particular holding directed by the investigator would reasonably appear to be affected by the specific research project.
- (3) "Unit head" means department chair, area coordinator, director, or, in the case of colleges that do not have areas or departments, the dean.
 - (4) "Designated official" means dean of a college, director of a center or institute, or a vice president in charge of a non-academic unit. In some cases, the unit head and the designated official will be the same person.
 - (5) "Entity" means any domestic or foreign, public or private, organization (excluding a federal agency) from which an investigator (and spouse and dependent relatives or household members) receives remuneration or in which any person has an ownership or equity interest.

b. Procedure

(1) Annual Disclosure

All employees and other individuals planning to act as investigators shall disclose to the AVPR, by October 1 of each year, the following significant business or financial interests, including interests of their spouse and dependent relatives or household members:

- (a) Any significant business or financial interest that would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor; or
- (b) Any significant business or financial interest in an entity whose business or financial interest would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor.

Employees planning to act as investigators who have no significant business or financial interests as described above shall submit a certification to that effect.

The general declaration form, *Confidential General Disclosure of Either Significant or No Significant Business or Financial Interests in any External Entity* (Attachment B), and the detailed disclosure form, *Confidential Supplemental Detailed Disclosure of Significant Business or Financial Interest* (Attachment C), shall be used for general declarations and detailed disclosures. Employees with no significant business or financial interests should complete and sign only Attachment B. Employees with significant interests should complete and sign both Attachment B and Attachment C for each entity in which they have a significant business or financial interest.

All forms (those reporting no significant business or financial interests and those reporting significant business or financial interests) must be forwarded to the unit head, then from the unit head to the designated official, and finally from the designated official to the AVPR. The forms should be completed and submitted via the secure, online interactive questionnaire available via an eRaider-authenticated link or in hard copy if the online system is not available.

Further, the outside employment or consulting approval form, *Other Employment, Faculty Consulting, and Public Offices Form* (Attachment A), can be used to request approval of outside employment, as required by OP 32.07. This approval process is managed by the Office of the Provost and Senior Vice President, and the form can be submitted using the instructions on the form.

If there is a change in the reported information during the year, the employee shall submit an updated form to the AVPR (See section 3. a. (2)).

Regardless of the minimum requirements above, an employee may choose to disclose any other business, financial, or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest. Disclosure is a key factor in protecting one's reputation and career from potentially embarrassing or harmful allegations of misconduct.

Such reporting shall not predate any required submissions to the Securities and Exchange Commission (SEC), nor shall such reports contain information that would be restricted under insider information regulations of the SEC.

If a conflict of interest has been declared, the AVPR shall take actions necessary to ensure that such conflicting interests will be managed, reduced to an acceptable level, or eliminated. In making this determination, the AVPR may choose to seek the advice of individuals, chairpersons, deans, a committee appointed by the AVPR, the Office of the General Counsel, the TTUS Office of Technology Commercialization, the TTUS Office of Audit Services, or other university administrators. The AVPR, in concert with the investigator, will prepare a management plan for managing, reducing, or eliminating the conflict; this document will be signed by the investigator, unit head, designated official, and AVPR. A signed management plan must be in place prior to expenditure of funds under the award.

If the AVPR and the investigator have not agreed upon a management plan 30 days following a determination that a conflict exists, the investigator may seek the intervention of the Vice President for Research (VPR).

The AVPR shall maintain records of all business or financial disclosures and all actions taken with respect to each conflicting interest for three years beyond the termination or completion of the award to which they relate, or until the resolution of any government action involving those records, whichever is longer.

The AVPR shall maintain the confidentiality of disclosures and management plans, insofar as possible. Disclosures should be forwarded as per instructions in the disclosure forms.

(2) Certification at the Time of Proposal Submission

Prior to submitting a proposal for funding to any external agency, each investigator shall certify that he/she has disclosed any significant business or financial interests (including those of a spouse and dependent relatives or household members) that would reasonably appear to be affected by the project for which funding is sought, and the unit head shall certify that, based on the investigator's disclosure, either: (1) no conflicts of interest exist; or (2) existing conflicts will be managed, reduced to an acceptable level, or eliminated prior to expenditure of funds under the award. These certifications shall be made by signing the *Internal Routing Sheet for Sponsored Projects*.

(3) Review of Disclosures

The process outlined in section b.(1) above is applicable.

The AVPR shall review the disclosure. If the AVPR determines that no conflict of interest exists, the AVPR or designee shall make the appropriate notation on the form and the form will be stored in a manner to protect confidentiality. The AVPR or designee shall make his/her determination within 30 days of receipt of the disclosure.

If the AVPR determines that a conflict of interest exists, the AVPR shall take actions necessary to ensure that such conflicting interests will be managed, reduced to an acceptable level, or eliminated. In making this determination, the AVPR may choose to seek the advice of individuals, chairpersons, deans, a committee appointed by the AVPR, the Office of the General Counsel, the TTUS Office of Technology Commercialization, the TTUS Office of Audit Services, or other university administrators. The AVPR, in concert with the investigator, will prepare a management plan for managing, reducing, or eliminating the conflict; this document will be signed by the investigator, unit head, designated official, and AVPR. A signed management plan must be in place prior to expenditure of funds under the award.

If the AVPR and the investigator have not agreed upon a management plan 30 days following a determination that a conflict exists, the investigator may seek the intervention of the VPR.

The AVPR shall maintain records of all business or financial disclosures and all actions taken with respect to each conflicting interest for three years beyond the termination or completion of the award to which they relate, or until the resolution of any government action involving those records, whichever is longer.

The AVPR shall maintain, insofar as possible, the confidentiality of disclosures and management plans. Disclosures should be forwarded as per instructions in the disclosure forms.

c. External Reporting

The AVPR shall be responsible for all reporting requirements to external agencies. These include the following:

- (1) The AVPR will sign institutional certifications required in proposals.
- (2) The AVPR will report the existence of a conflict and its management plan to the VPR.
- (3) The AVPR will notify the sponsoring agency in the event an employee has failed to comply with the university's policy.
- (4) The AVPR will notify the sponsoring agency in the event that TTU is unable to manage a conflict of interest satisfactorily.
- (5) In the event a conflict of interest is identified after the expenditure of funds under an award, the AVPR will, within 60 days of identifying the conflict (less time if required by the sponsoring agency), notify the agency of the existence of the conflict and assure that the conflict has been managed, reduced to an acceptable level, or eliminated.
- (6) Upon request from any sponsoring agency or other authorized government entity, the AVPR will provide information regarding all conflicting interests identified by TTU and describe how those interests have been managed, reduced to an acceptable level, or eliminated.
- (7) In the event that an investigator fails to comply with the university's conflict of interest policy and has biased the design, conduct, or reporting of an externally funded project, the AVPR will notify the agency of corrective action taken.

d. Guidelines

A conflict of interest exists when the designated official reasonably determines that a significant business or financial interest could directly and significantly affect the design, conduct, or reporting of externally funded research, service, or educational activities.

Significant financial interests in companies submitting proposals to Small Business Innovation Research Programs and Small Business Technology Transfer Programs are specifically excluded from the federal definition of conflict of interest.

- (1) Examples of manageable conflicts of interest include, but are not limited to, the following:
 - (a) Situations in which the outside activity will conflict with previously established responsibilities to the university;

- (b) Situations that might allow a university employee to influence the university's dealings with an outside organization, such that personal gain for the employee or improper advantage for anyone is the result; and
 - (c) Supervision of student research activities when research in that area might lead to financial or personal gain for the faculty member
- (2) Examples of unacceptable conflicts of interest include, but are not limited to, the following:
 - (a) Use for personal profit of unpublished information originating from university research or other confidential university sources;
 - (b) Consulting under arrangements that impose obligations that conflict with the university's intellectual property policy or with the university's obligations to research sponsors or that inhibit the publication of research results obtained within the university; and
 - (c) Circumstances in which a substantial body of research that could, and ordinarily would, be carried on within the university is conducted elsewhere to the disadvantage of the university and its legitimate interests
- (3) Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate conflicts of interest include, but are not limited to:
 - (a) Public disclosure of significant business or financial interests;
 - (b) Disclosure of conflicts of interest in each public presentation of the results of the research;
 - (c) Review of research protocol by independent reviewers;
 - (d) Monitoring of research by independent reviewers;
 - (e) Modification of the research plan;
 - (f) Disqualification from participation in the portion of the externally funded research that would be affected by the significant business or financial interests;
 - (g) Divestiture of significant business or financial interests; or
 - (h) Severance of relationships that create conflicts

e. Compliance

No proposals will be submitted without the required certifications. If a conflict is identified, the proposal may be submitted before the management plan is implemented if the designated official determines that the conflict can be managed or eliminated prior to the award of funds. No awarded funds will be spent until the conflict is resolved.

If breaches of the policy occur, sanctions will be imposed. Breaches include, but are not limited to: failure to file; intentionally filing an incomplete, erroneous, or misleading disclosure form; failing to provide additional information as required by the unit head or designated official; or violation of terms outlined in the management plan. If sanctions are necessary, they will be imposed in accordance with the university's OPs (e.g., OP 74.08, Allegations of Misconduct in Research or Scholarly Activity). The potential sanctions may include, but are not limited to, the following:

- Letter of admonition
- Suspension of award funds
- Ineligibility of the employee for grant applications or supervision of graduate students
- Suspension, including withholding of salary
- Non-renewal of appointment
- Dismissal

Impending actions may be appealed by the employee to the university in accordance with procedures outlined in OP 32.05, Faculty Grievance Procedures, or OP 70.10, Non-faculty Employee Complaint Procedures.

For additional information on conflicts of interest, see Chapter 03, *Regents' Rules*, OPs 10.11, 32.07, 70.31, 74.04, and 74.08, and Government Code, § 572.051, Standards of Conduct; State Agency Ethics Policy.

4. **For All TTU Employees and Other Individuals Participating in or Planning to Participate in PHS Research Funding Received as a Grant or Cooperative Agreement**

a. Definitions

- (1) "Investigator" means the principal investigator, project director, and any other person at TTU, or its subgrantees, contractors, or collaborators, regardless of title or position, who is responsible for the design, conduct, or reporting of research funded by the Public Health Service (PHS), or proposed for such funding. The definition of investigator includes the investigator's family members, defined as a spouse and dependent relatives or household members. These definitions align with those in Chapter 03, *Regents' Rules*, regarding conflicts of interest.
- (2) Key personnel includes the PD/PI and any other personnel considered to be essential to work performance, in accordance with HHSAR subpart 352.242–70 (see http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf) and identified as key personnel in the contract proposal and contract.
- (3) "Significant business or financial interest" means:
 - (a) A financial interest consisting of one or more of the following interests of the investigator (and those of the investigator's spouse and dependent relatives or

household members) that reasonably appears to be related to the investigator's institutional responsibilities:

- With regard to any publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;
 - With regard to any non-publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the investigator (or the investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or
 - Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests
- (b) Investigators who are planning to participate in PHS-funded research must disclose their reimbursed or sponsored travel related to their institutional responsibilities for which the aggregate amount exceeds \$5000 in value from a single entity over the previous twelve-month period. Reimbursed or sponsored travel includes that which is paid on behalf of the investigator and not reimbursed to the investigator so that the exact monetary value may not be readily available. This disclosure requirement does not apply to travel that is reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education. Disclosure will include the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration. The AVPR will determine if further information is needed, including a determination or disclosure of monetary value, in order to determine whether the travel constitutes a financial conflict of interest (FCOI) with the PHS-funded research. Once investigators have made their initial disclosure, they are required to update their disclosures within 30 days of acquiring reimbursed or sponsored travel that exceeds \$5000 in value from a single entity over the previous twelve-month period. These reimbursements apply to the investigator and his/her spouse and/or dependent children.
- (c) The term significant financial interest does not include the following types of financial interests: salary, royalties, or other remuneration paid by TTU to the investigator if the investigator is currently employed or otherwise appointed by TTU, including intellectual property rights assigned to TTU and agreements to share in royalties related to such rights; any ownership interest in TTU held by the investigator; income from investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles; income from seminars, lectures, or

teaching engagements sponsored by a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education; or income from service on advisory committees or review panels for a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

- (4) "Unit head" means department chair, area coordinator, director, or, in the case of colleges that do not have areas or departments, the dean.
- (5) "Designated official" means dean of a college, director of a center or institute, or a vice president in charge of a non-academic unit. In some cases, the unit head and the designated official will be the same person.
- (6) "Entity" means any domestic or foreign, public or private, organization (excluding a federal agency) from which an investigator (and spouse and dependent relatives or household members) receives remuneration or in which any person has an ownership or equity interest.

b. Procedure

(1) Training

All employees and other individuals planning to act as investigators must complete training regarding financial conflict of interest prior to engaging in research related to any PHS-funded grant and at least every four years, and immediately when any of the following circumstances apply:

- (a) TTU revises its financial conflict of interest policies or procedures in any manner that affects the requirements of investigators;
- (b) An investigator is new to TTU; or
- (c) TTU finds that an investigator is not in compliance with TTU's financial conflict of interest policy or management plan.

Appropriate training is provided by NIH and Collaborative Institutional Training Initiative (CITI) <https://www.citiprogram.org/Default.asp>. To identify appropriate training and submit training records, an investigator should contact researchintegrity@ttu.edu.

(2) Annual Disclosure

All employees and other individuals planning to act as investigators shall disclose, no later than the time of application for PHS-funded research and annually thereafter, by October 1 of each year, to the AVPR the following significant business or financial interests, including interests of their spouse and dependent relatives or household members:

- (a) Any significant business or financial interest that would reasonably appear to be related to the investigator's institutional responsibilities; or
- (b) Any significant business or financial interest in an entity whose business or financial interest would reasonably appear to be related to the investigator's institutional responsibilities.

The annual disclosures shall include any information that was not disclosed initially to TTU or in a subsequent disclosure of significant financial interests (e.g., any financial conflict of interest identified on a PHS-funded project that was transferred from another institution), and shall include updated information regarding any previously disclosed significant financial interest (e.g., the updated value of a previously disclosed equity interest).

Each investigator who is participating in the PHS-funded research shall submit an updated disclosure of significant financial interests within 30 days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) a new significant financial interest.

Employees planning to act as investigators who have no significant business or financial interests as described above shall submit a certification to that effect.

The general declaration form, *PHS-Specific Confidential General Disclosure of Either Significant or No Significant Business or Financial Interests in any External Entity* (Attachment D), and the detailed disclosure form, *PHS-Specific Confidential Supplemental Detailed Disclosure of Significant Business or Financial Interest* (Attachment E), shall be used for general declarations and detailed disclosures. Employees with no significant business or financial interests should complete and sign only Attachment D. Employees with significant interests should complete and sign both Attachment D and Attachment E for each entity in which they have a significant business or financial interest.

All forms (those reporting no significant business or financial interests and those reporting significant business or financial interests) must be forwarded to the unit head, then from the unit head to the designated official, and finally from the designated official to the AVPR. The forms should be completed and submitted via the secure, online interactive questionnaire available via an eRaider-authenticated link or in hard copy if the online system is not available. Further, the outside employment or consulting approval form, *Other Employment, Faculty Consulting, and Public Offices Form* (Attachment A), can be used to request approval of outside employment, as required by OP 32.07. This approval process is managed by the Office of the Provost and Senior Vice President, and the form can be submitted using the instructions on the form.

If there is a change in the reported information during the year, the investigator shall submit updated forms to the AVPR.

Regardless of the above minimum requirements, an investigator may choose to disclose any other business, financial, or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest. Disclosure is a key factor in

protecting one's reputation and career from potentially embarrassing or harmful allegations of misconduct.

Such reporting shall not predate any required submissions to the Securities and Exchange Commission (SEC), nor shall such reports contain information that would be restricted under insider information regulations of the SEC.

If a conflict of interest has been declared, the AVPR shall take actions necessary to ensure that such conflicting interests will be managed, reduced to an acceptable level, or eliminated. In making this determination, the AVPR may choose to seek the advice of individuals, chairpersons, deans, a committee appointed by the AVPR, the Office of the General Counsel, the TTUS Office of Technology Commercialization, the TTUS Office of Audit Services, or of other university administrators. The AVPR, in concert with the investigator, will prepare a management plan for managing, reducing, or eliminating the conflict; this document will be signed by the investigator, unit head, designated official, and AVPR.

If the AVPR and the investigator have not agreed upon a management plan 30 days following the determination that a conflict exists, the investigator may seek the intervention of the Vice President for Research (VPR).

The AVPR shall maintain records of all business or financial disclosures and all actions taken with respect to each conflicting interest for three years beyond the termination or completion of the award to which they relate, or until the resolution of any government action involving those records, whichever is longer.

The AVPR shall maintain the confidentiality of disclosures and management plans, insofar as possible. Disclosures should be forwarded as per instructions in the disclosure forms.

(3) Certification at the Time of Proposal Submission

Prior to submitting a proposal for funding to the Public Health Service (PHS), each investigator shall certify that he/she has disclosed any significant business or financial interests (including those of a spouse and dependent relatives or household members) that would reasonably appear to be related to the investigator's institutional responsibilities, and the unit head shall certify that, based on the investigator's disclosure, either: (1) no conflicts of interest exist; or (2) existing conflicts will be managed, reduced to an acceptable level, or eliminated prior to expenditure of funds under the award. These certifications shall be made by signing the *Internal Routing Sheet for Sponsored Projects*.

(4) Review of Disclosures

The process outlined in section b.(2) above is applicable.

The AVPR shall review the disclosure. If the AVPR determines that no conflict of interest exists, the AVPR or designee shall make the appropriate notation on the form and the form will be stored in a manner to protect confidentiality. The AVPR or designee shall make his/her determination within 30 days of receipt of the disclosure.

If the AVPR determines that a conflict of interest exists, the AVPR shall take actions necessary to ensure that such conflicting interests will be managed, reduced to an acceptable level, or eliminated. In making this determination, the AVPR may choose to seek the advice of individuals, chairpersons, deans, a committee appointed by the AVPR, the Office of the General Counsel, the TTUS Office of Technology Commercialization, the TTUS Office of Audit Services, or other university administrators. The AVPR, in concert with the investigator, shall prepare a management plan for managing, reducing, or eliminating the conflict; this document will be signed by the investigator, unit head, designated official, and AVPR.

If the AVPR and the investigator have not agreed upon a management plan 30 days following a determination that a conflict exists, the investigator may seek the intervention of the VPR.

The AVPR shall maintain records of all business or financial disclosures and all actions taken with respect to each conflicting interest for three years beyond the termination or completion of the award to which they relate, or until the resolution of any government action involving those records, whichever is longer.

The AVPR shall maintain, insofar as possible, the confidentiality of disclosures and management plans. Disclosures should be forwarded as per instructions in the disclosure forms.

c. External Reporting

The AVPR shall be responsible for all reporting requirements to external agencies. These include the following:

- (1) The AVPR will sign institutional certifications required in proposals.
- (2) The AVPR will report the existence of a conflict and its management plan to the VPR.
- (3) For proposals to the PHS, the AVPR will report to PHS the existence of a conflict, but not the details of the conflict, prior to the expenditure of funds and within 60 days of any subsequently identified FCOI. Furthermore, whenever TTU implements a management plan in accordance with PHS policy, the AVPR shall monitor investigator compliance with the management plan on an ongoing basis until the completion of the PHS-funded research project.

Prior to expenditure of any funds under a PHS-funded research project, TTU shall provide to the PHS awarding component an FCOI report regarding any investigator's significant financial interest found by AVPR to be conflicting and ensure that TTU has implemented a management plan in accordance with this section. In cases in which the AVPR identifies a financial conflict of interest and eliminates it prior to the expenditure of PHS-awarded funds, TTU shall not submit an FCOI report to the PHS awarding component.

For any significant financial interest that the AVPR identifies as conflicting subsequent to TTU's initial FCOI report during an ongoing PHS-funded research project (e.g., upon the participation of an investigator who is new to the research project), TTU shall provide to the PHS awarding component, within 60 days, an FCOI report regarding the financial conflict of interest and ensure that TTU has implemented a management plan in accordance with this

section. Pursuant to subsection (7) below, where such FCOI report involves a significant financial interest that was not disclosed in a timely manner by an investigator or, for whatever reason, was not previously reviewed or managed by the institution (e.g., it was not reviewed in a timely manner or reported by a subrecipient), TTU also is required to complete a retrospective review to determine whether any PHS-funded research, or portion thereof, conducted prior to the identification and management of the financial conflict of interest was biased in the design, conduct, or reporting of such research. Additionally, if bias is found, TTU is required to notify the PHS awarding component promptly and submit a mitigation report to the PHS awarding component.

- (4) Any required FCOI report shall include sufficient information to enable the PHS awarding component to understand the nature and extent of the financial conflict, and to assess the appropriateness of TTU's management plan. Elements of the FCOI report shall include, but are not necessarily limited to, the following:
- (a) Project number;
 - (b) PD/PI or contact PD/PI if a multiple PD/PI model is used;
 - (c) Name of the investigator with the financial conflict of interest;
 - (d) Name of the entity with which the investigator has a financial conflict of interest;
 - (e) Nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium);
 - (f) Value of the financial interest (dollar ranges are permissible: \$0–\$4,999; \$5,000–\$9,999; \$10,000–\$19,999; amounts between \$20,000–\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value;
 - (g) A description of how the financial interest relates to the PHS-funded research and the basis for TTU's determination that the financial interest conflicts with such research; and
 - (h) A description of the key elements of TTU's management plan including:
 - Role and principal duties of the conflicted investigator in the research project;
 - Conditions of the management plan;
 - How the management plan is designed to safeguard objectivity in the research project;
 - Confirmation of the investigator's agreement to the management plan;
 - How the management plan will be monitored to ensure investigator compliance; and

- Other information as needed.

For any financial conflict of interest previously reported by TTU with regard to an ongoing PHS-funded research project, TTU shall provide to the PHS awarding component an annual FCOI report that addresses the status of the financial conflict of interest and any changes to the management plan for the duration of the PHS-funded research project. The annual FCOI report shall specify whether the financial conflict is still being managed or explain why the financial conflict of interest no longer exists. TTU shall provide annual FCOI reports to the PHS awarding component for the duration of the project period (including extensions with or without funds) in the time and manner specified by the PHS awarding component.

- (5) Whenever, in the course of an ongoing PHS-funded research project, an investigator who is new to participating in the research project discloses a significant financial interest or an existing investigator discloses a new significant financial interest to TTU, the AVPR shall, within 60 days: (1) review the disclosure of the significant financial interest; (2) determine whether it is related to PHS-funded research; (3) determine whether a financial conflict of interest exists; and, if so, (4) implement, on at least an interim basis, a management plan that shall specify the actions that have been and will be taken to manage such financial conflict of interest. Depending on the nature of the significant financial interest, TTU may determine that additional interim measures are necessary with regard to the investigator's participation in the PHS-funded research project between the date of disclosure and the completion of TTU's review.
- (6) The AVPR will notify the sponsoring agency in the event an employee has failed to comply with the university's policy.
- (7) Whenever TTU identifies a significant financial interest that was not disclosed in a timely manner by an investigator or, for whatever reason, was not previously reviewed by TTU during an ongoing PHS-funded research project (e.g., was not reviewed in a timely manner or reported by a subrecipient), the AVPR shall, within 60 days: (1) review the significant financial interest; (2) determine whether it is related to PHS-funded research; (3) determine whether a financial conflict of interest exists; and, if so:
 - (a) Implement, on at least an interim basis, a management plan that shall specify the actions that have been and will be taken to manage such financial conflict of interest going forward.
 - (b) In addition, whenever (1) a financial conflict of interest is not identified or managed in a timely manner, including failure by the investigator to disclose a significant financial interest that is determined by TTU to constitute a financial conflict of interest; (2) failure by TTU to review or manage such a financial conflict of interest; or (3) failure by the investigator to comply with a financial conflict of interest management plan, TTU shall, within 120 days of TTU's determination of noncompliance, complete a retrospective review of the investigator's activities and the PHS-funded research project to determine whether any PHS-funded research, or portion thereof, conducted during the time period of the noncompliance, was biased in the design, conduct, or reporting of such research.

By PHS policy, TTU is required to document the retrospective review; such documentation shall include, but not necessarily be limited to, all of the following key elements:

- Project number;
 - Project title;
 - PD/PI or contact PD/PI if a multiple PD/PI model is used;
 - Name of the investigator with the FCOI;
 - Name of the entity with which the investigator has a financial conflict of interest;
 - Reason(s) for the retrospective review;
 - Detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed);
 - Findings of the review; and
 - Conclusions of the review
- (c) Based on the results of the retrospective review, if appropriate, TTU shall update the previously submitted FCOI report, specifying the actions that will be taken to manage the financial conflict of interest going forward. If bias is found, TTU is required to notify the PHS awarding component promptly and submit a mitigation report to the PHS awarding component. The mitigation report must include, at a minimum, the key elements documented in the retrospective review above, a description of the impact of the bias on the research project, and TTU's plan of action or actions taken to eliminate or mitigate the effect of the bias (e.g., impact on the research project; extent of harm done, including any qualitative and quantitative data to support any actual or future harm; analysis of whether the research project is salvageable). Thereafter, TTU will submit FCOI reports annually, as specified above. Depending on the nature of the financial conflict of interest, TTU may determine that additional interim measures are necessary with regard to the investigator's participation in the PHS-funded research project between the date that the financial conflict of interest or the investigator's noncompliance is determined and the completion of TTU's retrospective review.
- (8) The AVPR will notify the sponsoring agency in the event that TTU is unable to manage a conflict of interest satisfactorily.
- (9) In the event a conflict of interest is identified after the expenditure of funds under an award, the AVPR will, within 60 days of identifying the conflict (or in less time if required by the sponsoring agency), notify the agency of the existence of the conflict and assure that the conflict has been managed, reduced to an acceptable level, or eliminated.
- (10) Upon request from any sponsoring agency or other authorized government entity, the AVPR will provide information regarding all conflicting interests identified by TTU and describe how those interests have been managed, reduced to an acceptable level, or eliminated.
- (11) In the event that an investigator fails to comply with the university's conflict of interest policy and has biased the design, conduct, or reporting of PHS-funded research, the

AVPR shall promptly notify the PHS awarding component of the corrective action taken or to be taken.

- (12) Prior to TTU's expenditure of any funds under a PHS-funded research project, TTU shall ensure public accessibility, via written response from the AVPR to any requestor within five business days of a request, of information concerning any significant financial interest disclosed to TTU that meets the following three criteria:
 - (a) The significant financial interest was disclosed and is still held by the senior/key personnel as defined in section 4.a.(3) above;
 - (b) TTU determines that the significant financial interest is related to the PHS-funded research; and
 - (c) TTU determines that the significant financial interest is a financial conflict of interest.

The information that TTU makes available via written response to any requestor within five business days of a request shall include, at a minimum, the following: the investigator's name; the investigator's title and role with respect to the research project; the name of the entity in which the significant financial interest is held; the nature of the significant financial interest; and the approximate dollar value of the significant financial interest (dollar ranges are permissible: \$0–\$4,999; \$5,000–\$9,999; \$10,000–\$19,999; amounts between \$20,000–\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value.

Information concerning the significant financial interests of an individual subject to this section shall remain available for responses to written requests for at least three years from the date that the information was most recently updated.

d. Guidelines

A conflict of interest exists when the designated official reasonably determines that a significant business or financial interest could directly and significantly affect the design, conduct, or reporting of externally funded research, service, or educational activities.

Significant financial interests in companies submitting proposals to Small Business Innovation Research Programs and Small Business Technology Transfer Programs are specifically excluded from the federal definition of conflict of interest.

- (1) Examples of manageable conflicts of interest include, but are not limited to, the following:
 - (a) Situations in which the outside activity will conflict with previously established responsibilities to the university;
 - (b) Situations that might allow a university employee to influence the university's dealings with an outside organization such that personal gain for the employee or improper advantage for anyone is the result; and

- (c) Supervision of student research activities when research in that area might lead to financial or personal gain for the faculty member
- (2) Examples of unacceptable conflicts of interest include, but are not limited to, the following:
- (a) Use for personal profit of unpublished information originating from university research or other confidential university sources;
 - (b) Consulting under arrangements that impose obligations that conflict with the university's intellectual property policy or with the university's obligations to research sponsors or that inhibit the publication of research results obtained within the university; and
 - (c) Circumstances in which a substantial body of research that could and ordinarily would be carried on within the university is conducted elsewhere to the disadvantage of the university and its legitimate interests
- (3) Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate conflicts of interest include, but are not limited to:
- (a) Public disclosure of financial conflicts of interest (e.g., when presenting or publishing the research);
 - (b) For research projects involving human subjects research, disclosure of financial conflicts of interest directly to participants;
 - (c) Review of research protocol by independent reviewers;
 - (d) Appointment of an independent monitor capable of taking measures to protect the design, conduct, and reporting of the research against bias resulting from the financial conflict of interest;
 - (e) Modification of the research plan;
 - (f) Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research;
 - (g) Reduction or elimination of the financial interest (e.g., sale of an equity interest); or
 - (h) Severance of relationships that create conflicts
- (4) In any case in which the Department of Health and Human Services determines that a PHS-funded research project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by an investigator with an FCOI that was not managed or reported by the institution as required by the regulation, the institution shall require the investigator involved to:

- (a) Disclose the FCOI in each publication of the results of the research; and
- (b) Request an addendum to previously published presentations.

e. Compliance

No proposals will be submitted without the required certifications. If a conflict is identified, the proposal may be submitted before the management plan is implemented if the designated official determines that the conflict can be managed or eliminated prior to the award of funds. No awarded funds will be spent until the conflict is resolved.

If breaches of the policy occur, sanctions will be imposed. Breaches include, but are not limited to: failure to file; intentionally filing an incomplete, erroneous, or misleading disclosure form; failing to provide additional information as required by the unit head or designated official; or violation of terms outlined in the resolution plan. If sanctions are necessary, they will be imposed in accordance with the university's operating policies and procedures (e.g., OP 74.08, Allegations of Misconduct in Research or Scholarly Activity).

The potential sanctions may include, but are not limited to, the following:

- Letter of admonition
- Suspension of award funds
- Ineligibility of the investigator for grant applications or supervision of graduate students
- Suspension, including withholding of salary
- Non-renewal of appointment
- Dismissal

Impending actions may be appealed by the investigator to the university in accordance with procedures outlined in OP 32.05, Faculty Grievance Procedures, or OP 70.10, Non-faculty Employee Complaint Procedures.

For additional information on conflicts of interest, see Chapter 03, *Regents' Rules*, OPs 10.11, 32.07, 70.31, 74.04, and 74.08, and Government Code, § 572.051, Standards of Conduct; State Agency Ethics Policy.

Attachment A: Other Employment, Faculty Consulting, and Public Offices Form

Attachment B: Confidential General Disclosure of Either Significant or No Significant Business or Financial Interests in Any External Entity

Attachment C: Confidential Supplemental Detailed Disclosure of Significant Business or Financial Interest

Attachment D: PHS-Specific Confidential General Disclosure of Either Significant or No Significant Business or Financial Interests in any External Entity

Attachment E: PHS-Specific Confidential Supplemental Detailed Disclosure of Significant Business or Financial Interest

Link to secure, online disclosure site: <https://appserv.itts.ttu.edu/FinancialInterestDisclosure>

Attachment A:

Other Employment, Faculty Consulting, and Public Offices Form (OP 32.07-

Other Employment, Faculty Consulting, and Public Offices) Other Employment, Faculty Consulting, and Public Offices)

This form is to be used to request approval of outside employment as required by OP 32.07.

Faculty/Staff Name _____

Department/Unit _____ Rank _____

College/Unit _____

REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT. I hereby request approval of the following outside employment or consulting in which I wish to engage under the policy outlined by the Board of Regents of Texas Tech University:

Name of Firm / Type of Activity:

Approximate Number of Hours per Week

Maximum Number of Hours per Week

These activities will not interfere with my assigned duties at Texas Tech University, nor will they exceed an average of 10 hours per week. For cases in excess of 10 hours per week, I will seek additional approval.

Approved ☐ with ☐ without limitations:

Approved ☐ with ☐ without limitations:

Department Chair Date

Dean Date

Please e-mail this form to Senior Vice Provost Rob Stewart at rob.stewart@ttu.edu, or mail the form to MS 2019. Please submit a copy to researchintegrity@ttu.edu, or mail to MS 1075. Describe limitations on attached sheet.

Vice Provost Date

Please route this form through your chair/director/coordinator and your dean, then email the form to Senior Vice Provost Rob Stewart at rob.stewart@ttu.edu, or mail the form to MS 2019. Please submit a copy to researchintegrity@ttu.edu, or mail to MS 1075.

Attachment B:
General Declaration Form

(OP 74.17B Confidential General Disclosure of Either Significant or No Significant Business or Financial Interests in Any External Entity)

This form is to be used to disclose significant business or financial interests as required by OP 74.17. The regulations apply to current interests and interests anticipated in the next 12 months. If the Investigator's business or financial interests change during the upcoming year, the Investigator must submit an updated form to the AVPR.

Faculty/Staff Name _____ Fiscal Year _____ ☐ Retroactive
Department/Unit _____ Rank _____
College/Unit _____

Currently and over the next 12 months, I and my family members, defined as a spouse and dependent relatives or household members,:

- ☐ will ☐ will not receive salary, royalties, gifts including travel, or other payments for services (e.g., consulting fees or honoraria) in excess of \$5000 from an external entity that would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor.
- ☐ do ☐ do not hold an equity interest in excess of \$5,000 in value in an external entity that would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor.
- ☐ do ☐ do not hold an equity interest that represents more than a 5 percent ownership interest in an external entity that would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an
- ☐ do ☐ do not serve as a member of the governing board in the capacity of a director, advisory director, trustee, or otherwise in an external entity.
- ☐ do ☐ do not have other significant business or financial interests that possibly could affect, or be perceived to affect, the results of the research or educational activities performed by me as a part of a sponsored project.
- ☐ did ☐ did not have other significant business or financial interests that possibly could affect, be perceived to affect, or have the appearance of affecting the results of the research or educational activities performed by me as a member of Texas Tech University.

I agree to update this request and disclosure 1) on an annual basis and 2) at any time there is a change in the information reported.

Signature of Investigator (Original signature only; a "per" signature is not acceptable.)

Date

If only negative statements are checked above, no further information is required.

If any positive statement is checked, complete an "Attachment C: Detailed Disclosure Form" for each entity with which you have a relationship(s) disclosed above, and attach to this form.

Hard copy forms are no longer accepted. The electronic system will route the information to the appropriate individuals (unit heads, designated officials, and then AVPR) for approval.

Attachment C:
Detailed Disclosure Form

(OP 74.17C - Confidential Supplemental Detailed Disclosure of Significant Business or Financial Interest)

This form must be completed for each entity related to positive disclosure statements on the general declaration form (Attachment B) that would reasonably appear to be affected by any sponsored project in which you are involved.

Name and address of
entity:

Fiscal Year: _____

Retroactive ☐

Income from this entity: _____

Equity interest from this entity: _____

Basis for business or financial interest to you or your family members, defined as a spouse and dependent relatives or household members (check all that apply):

- | | | |
|---|--|------------------------------------|
| <input type="checkbox"/> Participating as an Employee | <input type="checkbox"/> Gift | <input type="checkbox"/> Ownership |
| <input type="checkbox"/> Consulting | <input type="checkbox"/> Travel | <input type="checkbox"/> Other |
| <input type="checkbox"/> Lecturing | <input type="checkbox"/> Income related to royalties on patents and copyrights | |
| <input type="checkbox"/> Equity Interest/Dividends | <input type="checkbox"/> Service on Advisory or Directors' Board | |

The value of ownership interest in external entity is: _____

Nature of ownership:

- ☐ Equity Interest
☐ Other (Explain)

☐ Partnership

☐ Sole Proprietorship

Percentage of ownership: _____

Answer each of the following questions. Use additional pages as needed.

1. If you, your spouse, dependent relative, or household member has received a consulting fee, describe the nature of the consulting activities.

2. Indicate how your activities with the entity relate to proposed or sponsored projects on which you serve as investigator or key personnel.

3. Explain how you are keeping your interests and obligations to the entity separate from your Texas Tech University activities and

4. Explain all arrangements that have been made with your chair and dean/director about the use of Texas Tech University space and resources.

5. Explain the role(s) that any other Texas Tech University faculty, staff, undergraduate students, graduate students, and post doctoral trainees perform for this entity. For the latter three groups, explain how their work with the entity is kept separate from their academic work and whether you serve as their advisor.

6. If you are receiving income from royalties on patents and copyrights, explain the circumstances that generated this income.

Signature of Individual Providing Disclosure

In my judgment, this disclosure of significant business or financial interest ____ does ____ does not constitute a conflict of interest.

Signed: _____

Date: _____

(Original signature only; a "per" signature is not acceptable. Once Providing Individual signs form, no changes can be made.)

Endorsements by individuals who are required to keep the information confidential.

Determination of the Unit Head:

I have reviewed the significant business or financial interest disclosure and in my judgment:

- ☐ No conflict exists.
- ☐ Conflicts of Interest exist or may exist.

Signature

Date

Determination of the Designated Official:

I have reviewed the significant business or financial interest disclosure and in my judgment:

- ☐ No conflict exists.
- ☐ Conflicts of Interest exist or may exist.

Signature

Date

Determination of the Associate Vice President for Research (Integrity) (AVPR):

I have reviewed the significant business or financial interest disclosure and in my judgment:

- ☐ No conflict exists.
- ☐ Conflicts of Interest exist or may exist, and in my judgment, I believe that it will be possible to develop and execute a Memorandum of Understanding to manage, reduce, or eliminate any actual or potential conflict of
- ☐ Conflicts of Interest exist or may exist, and in my judgment, I believe that it is not possible to manage the conflict of interest.

Signature

Date

Determination of the Vice President for Research:

I have reviewed the significant business or financial interest disclosure and in my judgment:

- ☐ No conflict exists.
- ☐ Conflicts of Interest exist or may exist, and in my judgment, I believe that it will be possible to develop and execute a Memorandum of Understanding to manage, reduce, or eliminate any actual or potential conflict of
- ☐ Conflicts of Interest exist or may exist, and in my judgment, I believe that it is not possible to manage the conflict of interest.

Signature

Date

*A management plan will be developed. See OP 74.17.

Hard copy forms are no longer accepted. The electronic system will route the information to the appropriate individuals (unit heads, designated officials, and then AVPR) for approval.

Attachment D:
PHS-Specific Confidential General Disclosure Form
(OP 74.17D PHS-Specific Confidential General Disclosure of Either Significant or No Significant Business or Financial Interests in Any External Entity)

This form is to be used to disclose significant business or financial interests that reasonably appear to be related to your institutional responsibilities as required by OP 74.17.

Faculty/Staff Name _____ **Fiscal Year** _____ ☐ **Retroactive**
Department/Unit _____ **Rank** _____
College/Unit _____

I and my family members, defined as a spouse and dependent relatives or household members, as it reasonably appears to be related to my institutional responsibilities,:

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | receive remuneration in excess of \$5,000, or its value, from a publicly-traded entity (a company whose stock is available for purchase by the general public) during the past 12 months. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship). |
| did | did not | |
| <input type="checkbox"/> | <input type="checkbox"/> | hold an equity interest valued in excess of \$5,000 in a publicly-traded entity at the time of disclosure. |
| did | did not | |
| <input type="checkbox"/> | <input type="checkbox"/> | receive an aggregate of the above two items (remuneration and equity interest) that exceeds \$5,000 in value. |
| did | did not | |
| <input type="checkbox"/> | <input type="checkbox"/> | receive any amount of equity (stock, stock options, or other ownership interest) in a non-publicly traded entity (such as a start-up company). |
| did | did not | |
| <input type="checkbox"/> | <input type="checkbox"/> | receive compensation that exceeds \$5,000 from a non-publicly traded entity in the past 12 months. |
| did | did not | |
| <input type="checkbox"/> | <input type="checkbox"/> | receive income related to intellectual property rights paid by any source other than Texas Tech University, or, if I am a subrecipient, my current institution. |
| did | did not | |
| <input type="checkbox"/> | <input type="checkbox"/> | receive reimbursed or sponsored travel in excess of \$5,000 paid by an entity, including non-profit organizations, but excluding the following: government agencies, U.S. institutions of higher education and related research institutes, medical centers, and academic teaching hospitals. |
| did | did not | |
| <input type="checkbox"/> | <input type="checkbox"/> | hold an equity interest that represents more than 5 percent ownership in an external entity that would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor. |
| do | do not | |
| <input type="checkbox"/> | <input type="checkbox"/> | serve as a member of an external entity's governing board in the capacity of a director, advisory director, trustee, or similar governance office. |
| do | do not | |
| <input type="checkbox"/> | <input type="checkbox"/> | have other significant business or financial interests that possibly could affect, or be perceived to affect, the results of the research or educational activities performed by me as a part of a sponsored project. |
| do | do not | |
| <input type="checkbox"/> | <input type="checkbox"/> | have other significant business or financial interests that possibly could affect, be perceived to affect, or have the appearance of affecting the results of the research or educational activities performed by me as a member of Texas Tech University. |
| do | do not | |

I agree to update this request and disclosure on an annual basis AND at any time there is a change in the information reported.

 Signature of Investigator (Original signature only; a "per" signature is not acceptable.)

 Date

 Signature of AVPR (Original signature only; a "per" signature is not acceptable.)

 Date

If only negative statements are checked above, no further information is required.

If any positive statement is checked, complete an "Attachment E: PHS-Specific Detailed Disclosure Form" to identify each entity and the relationship(s) disclosed above, and attach to this form.

Hard copy forms are no longer accepted. The electronic system will route the information to the appropriate individuals (unit heads, designated officials, and then AVPR) for approval.

Attachment E:

PHS-Specific Detailed Disclosure Form

(OP 74.17E - PHS-Specific Confidential Supplemental Detailed Disclosure of Significant Business or Financial Interest)

This form must be completed for each entity related to positive disclosure statements on Attachment D that would reasonably appear to be affected by your institutional responsibilities.

Name and address of entity:

Fiscal Year: _____

Retroactive ☐

Check one:

☐

Publicly traded

☐

Non - publicly traded

Income from this entity: _____

Equity interest from this entity: _____

Basis for business or financial interest to you or your family members, defined as a spouse and dependent relatives or household members (check all that apply):

☐

Participating as an Employee

☐

Gift

☐

Ownership

☐

Consulting

☐

Travel

☐

Other

☐

Lecturing

☐

Income related to royalties on patents and copyrights

☐

Equity Interest/Dividends

☐

Service on Advisory or Directors' Board

The value of ownership interest in external entity is: _____

Nature of ownership:

☐

Equity Interest

☐

Partnership

☐

Sole Proprietorship

☐

Other (Explain)

Percentage of ownership: _____

Answer each of the following questions. Use additional pages as needed.

1. If you, your spouse, dependent relative, or household member has received a consulting fee, describe the nature of the consulting activities.

2. Indicate how your activities with the entity relate to proposed or sponsored projects on which you serve as investigator or key personnel.

3. Explain how you are keeping your interests and obligations to the entity separate from your Texas Tech University activities and responsibilities.

4. Explain all arrangements that have been made with your chair and dean/director about the use of Texas Tech University space and resources.

5. Explain the role(s) that any other Texas Tech University faculty, staff, undergraduate students, graduate students, and post doctoral trainees perform for this entity. For the latter three groups, explain how their work with the entity is kept separate from their academic work and whether you serve as their advisor.

6. If you are receiving income from royalties on patents and copyrights, explain the circumstances that generated this income.

7. Explain reimbursed or sponsored travel in excess of \$5000 paid by this entity.

Purpose of the trip:

Destination:

Duration:

Signature of Individual Providing Disclosure

In my judgment, this disclosure of significant business or financial interest ____ does ____ does not constitute a conflict of interest.

Signed: _____

Date: _____

(Original signature only; a "per" signature is not acceptable. Once Providing Individual signs form, no changes can be made.)

Endorsements by individuals who are required to keep the information confidential.

Determination of the Unit Head:

I have reviewed the significant business or financial interest disclosure and in my judgment:

- ☐ No conflict exists.
- ☐ Conflicts of Interest exist or may exist.

Signature

Date

Determination of the Designated Official:

I have reviewed the significant business or financial interest disclosure and in my judgment:

- ☐ No conflict exists.
- ☐ Conflicts of Interest exist or may exist.

Signature

Date

Determination of the Associate Vice President for Research (Integrity) (AVPR):

I have reviewed the significant business or financial interest disclosure and in my judgment:

- ☐ No conflict exists.
- ☐ Conflicts of Interest exist or may exist, and in my judgment, I believe that it will be possible to develop and execute a Memorandum of Understanding to manage, reduce, or eliminate any actual or potential conflict of
- ☐ Conflicts of Interest exist or may exist, and in my judgment, I believe that it is not possible to manage the conflict of interest.

Signature

Date

Determination of the Vice President for Research:

I have reviewed the significant business or financial interest disclosure and in my judgment:

- ☐ No conflict exists.
- ☐ Conflicts of Interest exist or may exist, and in my judgment, I believe that it will be possible to develop and execute a Memorandum of Understanding to manage, reduce, or eliminate any actual or potential conflict of
- ☐ Conflicts of Interest exist or may exist, and in my judgment, I believe that it is not possible to manage the conflict of interest.

Signature

Date

*A management plan will be developed. See OP 74.17.

Hard copy forms are no longer accepted. The electronic system will route the information to the appropriate individuals (unit heads, designated officials, and then AVPR) for approval.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 76.02: Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

DATE: January 9, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure that Texas Tech University is in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*.

REVIEW: This OP will be reviewed in August of even-numbered years by the Chief of Police, the Managing Director of the Office of Student Conduct, and the Managing Director of Human Resources with substantive revisions presented to the University Counsel.

POLICY/PROCEDURE

1. By February 1 of each year, University Counsel and the Office of General Counsel will review the laws pertaining to this act and determine the information required for compliance. By February 15, the Chief of Police or designee will request the necessary statistical information from the Managing Director of the Office of Student Conduct, as well as other department heads affected. These managing directors and department heads will provide the required statistics, together with any additional information to the Chief of Police no later than March 15. By April 1, the Chief of Police or designee will request statistical information from applicable law enforcement agencies.

By July 15, the Chief of Police or designee will provide all necessary statistics to the University Counsel for inclusion in the annual report. The University Counsel will publish the annual report and provide a copy to the Chief of Police no later than September 1.

The Chief of Police will ensure the report is posted on the Texas Tech Police Department website no later than October 1. The Chief of Police or designee will also ensure that all crime statistic information is submitted to the Department of Education no later than October 1.

The University Counsel will ensure adequate notification is provided to the university faculty, staff, and students regarding the availability of the report.

2. The Texas Tech Fire Marshal is responsible for publishing the *Annual Fire Safety Report* and will provide the University Counsel a copy of the report no later than July 15. The Chief of Police or designee will ensure that all statistical information is submitted to the Department of Education no later than October 1.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.01: Travel Authority and Definitions for Texas Tech University and TTU Employees

DATE: January 9, 2014

PURPOSE: The purpose of this Operating Policy and Procedure (OP) is to set forth legislative travel regulations from the General Appropriations Acts of the Texas Legislature and the policies of Texas Tech University.

REVIEW: This OP will be reviewed in November of odd-numbered years by the manager of Travel Services with substantive revisions forwarded through the managing director of Procurement Services to the vice president for administration and finance and chief financial officer.

POLICY/PROCEDURE

1. Authority

The following rules were developed under the authority of the General Appropriations Act Article IX, Part 5, Texas Government Code, Chapter 660 and Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter C, Section 5.22.

2. Responsibility of Agency and Employee

a. Agency Responsibility

All travel must be for the benefit of the institution. It is the policy of TTU to follow travel requirements as set forth in:

- [2 CFR Part 220](#);
- [49 U.S.C. 40118](#)
- [Internal Revenue Code §§1.62-2](#)
- [Texas Administrative Code Rule §5.22](#);
- [General Appropriations Act \(GAA\) Article IX Part 5](#)
- [Textravel](#)

The requirements set forth in this policy apply to all official travel, regardless of funding source.

A travel expense may be reimbursed only if the purpose of the travel clearly involves official state business and is consistent with the university's legal authority.

The university shall minimize the amount of travel expenses reimbursed by ensuring that each travel arrangement is the most cost-effective considering all relevant circumstances.

b. Employee Responsibility

A state employee shall ensure that her/his travel complies with applicable state laws, [Textravel](https://fmx.cpa.state.tx.us/fmx/travel/texttravel/index.php) (<https://fmx.cpa.state.tx.us/fmx/travel/texttravel/index.php>), and any policies adopted by TTU. Failure to comply will result in a delayed payment or reimbursement or a rejection of the employee's travel voucher.

A state employee may not seek payment or reimbursement of a travel expense that the employee knows or reasonably should know is not reimbursable or payable. A state employee shall immediately reimburse the state (through TTU) for any overpayment.

3. **General Provisions**

a. Employee Travel

Employees shall make off-campus trips only after obtaining appropriate approval by designated administrative officials, in accordance with established procedures and when the trip contributes to the mission of the university.

Employee travel may not interfere with the primary academic or administrative responsibilities of the traveler.

Employees may claim reimbursement for travel expenses through TTU's online travel system: <https://www.fiscal.ttuhs.edu/travel2/>. Instructions are available at <http://www.depts.ttu.edu/procurement/travelservice/workaids.asp>.

b. Travel Expenses Paid from Grant Funds

Employees traveling on official business may be reimbursed for travel expenses paid from grant funds, but are expected to comply with provisions of the grant, university policy, and any state and/or federal regulations.

c. Authority to Approve Travel

The traveler's supervisor will approve the travel expenses; however, the following officers and administrators have the authority to authorize and approve all employee travel within her/his area, except foreign travel. Foreign travel, including Canada and Mexico, needs to be approved by Office of International Affairs, as noted in OP 79.05, provided that such travel contributes to the mission of the university and is in accordance with current travel regulations. These officers and administrators may further delegate their authority.

- (1) Chancellor
- (2) President
- (3) Provost/Senior Vice President
- (4) Vice Presidents/Vice Chancellors

- (5) Deans
- (6) Director of Athletics
- (7) Office of International Affairs for all foreign travel, including Canada and Mexico

4. Definitions

- a. *Cancellation Charge*—A fee, charge, or payment that a provider of travel services assesses or retains because of the cancellation or change of a travel reservation or other travel plan.
- b. *Commercial Lodging Establishment*—A motel, hotel, inn, apartment, house, or similar establishment that provides lodging to the public for pay.
- c. *Commercial Transportation Company*—A company or individual that transports people or goods at a cost.
- d. *Contiguous United States*—The District of Columbia and all states of the United States except Alaska and Hawaii.
- e. *Designated Headquarters*—The area within the boundaries of the incorporated municipality in which a state employee's **place of employment** is located.
- f. *Duty Point*—The destination, other than the place of employment, to which a state employee travels to conduct official state business.
- g. *Gratuity/Tip*—Something given voluntarily or beyond obligation, usually in response to or in anticipation of a service.
- h. *Incidental Expense*—An expense incurred while traveling on official state business. The term includes a mandatory insurance or service charge and an applicable tax, except a tax based on the cost of a meal. The term does not include a meal, lodging, or transportation expense; a personal expense; an expense that an individual would incur regardless of whether the individual were traveling on official state business; or a tip or gratuity.
- i. *Lease*—A contract with a term of at least one month that gives the lessee possession and use of property or equipment while the lessor retains ownership.
- j. *Lodging Expense*—A charge imposed by a commercial lodging establishment as consideration for providing lodging. The term does not include money paid as a donation, gratuity, or tip to the establishment.
- k. *Meal Expense*—The cost of a meal plus any tax that is based on the meal's cost. The term does not include a tip, a gratuity, or a mandatory service charge paid or imposed in conjunction with a meal.
- l. *Non-working Hours*—All hours in a calendar day *except* working hours.
- m. *Official Mileage*—The mileage on official travel, including mileage to and from out-of-town destinations, as well as point-to-point mileage within cities visited. All official mileage is based on shortest routes possible, which should include farm-to-market roads. Mileage reimbursement rates shall be determined by the [Official State Mileage Guide](https://fm.xcpa.state.tx.us/fm/travel/travelrates.php) at <https://fm.xcpa.state.tx.us/fm/travel/travelrates.php>

- n. *Official Travel*—Travel approved by the university.
- o. *Official Travel Status*—The time between leaving designated headquarters for official travel and returning to designated headquarters from official travel.
- p. *Per Diem Allowance*—The actual cost of meals and lodgings, not to exceed the daily maximum allowed by the state of Texas for in-state or out-of-state travel.
- q. *Prospective State Employee*—An individual that a state agency considers for employment with the agency.
- r. *Rented or Public Conveyance*—A motor vehicle, train, aircraft, boat, or bicycle that a state employee rents or pays a fare to use for a period of less than one month.
- s. *State Agency*—A unit of state government that is subject to the General Appropriation Act's travel regulations.
- t. *State Employee*—An individual employed by a state agency, including a key official, unless the travel allowance guide specifically provides otherwise. The term also includes a prospective state employee.
- u. *Transportation Expense*—A charge related to the cost of transportation; e.g., private auto, commercial airline, taxi, etc.
- v. *Travel Expense*—A meal, lodging, transportation, or incidental expense.
- w. *Travel Voucher*—The accounting document used to reimburse a state employee for travel expenses incurred during the discharge of official state business.
- x. *Workday*—A day on which a particular state employee is regularly required to conduct official state business.
- y. *Working Hours*—The hours during which a state employee is regularly scheduled to conduct official state business.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.02: Texas State Travel Management Program

DATE: January 24, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to provide information to employees regarding vendors contracted by the State of Texas to provide travel services, as negotiated by the Comptroller of Public Accounts Texas Procurement and Support Services (TPASS). This OP will also outline procedures relating to compliance with the travel program regulations.

REVIEW: This OP will be reviewed in November of odd-numbered years by the manager of Travel Services with substantive revisions forwarded through the managing director of Procurement Services to the vice president for administration and finance and chief financial officer.

POLICY/PROCEDURE

1. General

The State Travel Management Program (STMP) has negotiated travel contracts for airline fares and hotels. When on official travel, Texas Tech University employees **must** use the contracted rates when reimbursement will be requested for expenses from state appropriated funds.

Details of the contracted agencies and applicable rates may be found at <http://www.window.state.tx.us/procurement/prog/stmp/>.

Any travel service obtained at a price lower than the contracted rate may be used. Tech employees **should** use these contracted services when reimbursement will be requested from institutional funds.

For rental cars, a contract has been established with UT Alliance, which provides a greater cost savings than the STMP contract and must be used for all vehicle rentals. Contract information is available at <https://www.fiscal.ttuhs.edu/Travel2/> under “Help >> Links.”

The STMP also has contracted for the services of a state travel agency, and the use of these services is optional for the university. At this time, the university has chosen not to exercise this option.

2. Exceptions

The contracted services should be used as required unless one of the following conditions exists:

- a. Travel is part of a group program or conference for which reservations must be made through

- a specified source to obtain a specified rate or service.
- b. A contract travel vendor cannot provide services in the time required to accomplish the purpose of the travel.
- c. A contract hotel is not available in a location that will reasonably allow the traveler's business requirements to be fulfilled.
- d. A contract hotel, airline, or rental car company cannot provide the required services because it is sold out or it does not offer services in the city being visited.
- e. Alternative rental car or hotel arrangements can be made at a lower total cost than the contract hotels or rental car companies. Note: For rental cars, the total costs should include the base rate, loss/damage waiver or liability insurance protection, mileage charge, taxes, and surcharges. For hotels, the cost of the guest room, less taxes, shall be used to compare total costs.
- f. A contract airline offers a fare lower than the contract fare.
- g. A non-contract airline offers a lower published fare to the general public. However, identical airfares offered to state travelers only are not included as part of this exception.
- h. Travel is undertaken by persons with disabilities, other persons in the custody of the state, or in a medical emergency.
- i. Use of contract travel vendors may present a security or safety risk to the traveler.

Even though a traveler is not required to use the contracted rental car companies for travel paid from non-appropriated funds, the amount of reimbursement (including the loss/damage waiver protection) will be limited to the contracted rates unless a valid exception is claimed. (Documentation may be required to verify the exception.)

3. State Contracted Credit Card System

The STMP has contracted with a credit card company to provide charge cards for official travel use. The procedure outlining the use of the state travel card may be found in OP 79.03, Use of the State Travel Card.

4. Compliance Policy

- a. It is the responsibility of the traveler's supervisor to review the employee's travel arrangements and travel vouchers to ensure that any travel reimbursed from appropriated funds meets the requirements of the contracted travel services and these services are used for official travel. If these services were not used, the traveler must claim an exception along with the travel voucher. Exception forms are available at <http://www.depts.ttu.edu/procurement/travelservice/travelforms.asp>.
- b. Travel Services will check travel vouchers for compliance with the requirements of the State Travel Management Program and/or university operating policies/procedures. Travel vouchers that are not in compliance with these provisions may be delayed or rejected.

5. Problems with Contracted Vendors

Travel Services should be notified as soon as possible if problems arise with any of the contracted vendors.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.03: Use of the State Travel Card

DATE: November 13, 2013

PURPOSE: The purpose of this Operating Policy and Procedure (OP) is to set forth the procedures to be followed in applying for the state travel card and conditions under which it can be used and/or terminated.

REVIEW: This OP will be reviewed in November of odd-numbered years by the manager of Travel Services with substantive revisions forwarded through the managing director of Procurement Services to the vice president for administration and finance and chief financial officer.

POLICY/PROCEDURE

The State Travel Management Program (STMP), CitiBank, and Texas Tech University (TTU) have provided the following guidelines for the state of Texas travel card issued by CitiBank.

1. Application Process

- a. Applications for the travel card may be downloaded from the Travel Services website <http://www.depts.ttu.edu/procurement/travelservice/travelforms.asp>. Employees should complete the *Individual Bill Travel Card Application* and the *State of Texas Travel Card Use Agreement* forms, and obtain their supervisor's signature on the application. The forms should then be sent to Travel Services for processing.
- b. Upon receipt of the *Individual Bill Travel Card Application*, online instructions for providing personal data will be emailed to the applicant. After submission of the online data, approval will be made by Travel Services and the application will be forwarded to CitiBank.
- c. Applicants for the state travel card will be subject to a pre-approval credit check.

2. Eligibility Requirements

Any employee who expects to travel on official state business may apply for a state travel card.

3. Conditions and the Appropriate Use of the Travel Card

- a. The state travel card may be used only for official state business-related travel charges, such as airfare, rental cars, lodging, and meals. **It is not for personal use.** Use of the card for charges other than official state business travel is a direct violation of the state's contract with CitiBank and the STMP (Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter C, Section 5.22) and, therefore, is a misapplication of the state-issued card. **Misuse of the card may result in disciplinary action up to and including termination.**

- b. Employees are responsible for the payment of all charges made on their credit card. The university is not responsible for the charges, regardless of the type of charge, nor will the university be liable for nonpayment by the employee.
- c. Employees who obtain the state travel card will no longer be eligible to receive a travel advance or a transportation request (TR). Employees who have an active state travel card may receive travel advances for international travel or for prepaid travel expenses that will be billed prior to the travel return date. Cardholders may request a TR for international travel.

4. Cancellation of Travel Cards

- a. CitiBank will suspend or cancel the use of the card if the charges are not paid in a timely manner. If the card is suspended or cancelled for misuse or nonpayment, the employee will not be eligible for travel advances.
- b. Upon termination of employment, the department has the specific obligation to reclaim the travel card, destroy it, and notify Travel Services. Travel Services will then close the account.

5. Retail Charges Limitation

CitiBank is required by contract to limit the use of the travel card for retail purchases to \$200.00. Retail charges should be made only in connection with travel on state business.

6. Right to Change Policy

TTU reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without prior notice or the consent of employees.

Attachment A: State of Texas Travel Card Use Agreement

Attachment B: Individual Bill Travel Card Application

Texas Tech University
State of Texas Travel Card Use Agreement

I agree that use of the CitiBank individual corporate card, referred to as “the Card” below will be governed by the following:

I understand the Card is to be used for **State of Texas business-related travel charges only** and **is not for personal use**. Use of the Card for charges other than official state business is a direct violation of the State’s contract with CitiBank, Ethics Commission Advisory Opinion No. 147, and the State Travel Management Program’s rule [1 TAC §125.9(a)] and, therefore, a misapplication of the state-issued card. Further, I understand that any misuse will result in cancellation of the Card and that I will be subject to disciplinary action up to and including termination of employment.

I understand that **I will be responsible for all charges resulting from use of the Card** and understand that I am required to pay the account in a timely manner. I understand that if my account becomes 60 days delinquent, CitiBank will assess a 2.5% delinquent charge. Further, I understand that if my account becomes 90 days delinquent, CitiBank will cancel the Card. Cancellation of the Card for any reason does not relieve me of the responsibility for payment of the charges and delinquency assessments.

I understand that once I receive the Card, I am ineligible for travel advances or transportation requests for domestic travel. Further, I understand that if my Card is suspended or canceled for misuse or nonpayment, I will not be eligible for travel advances for the duration of my employment at Texas Tech.

I understand that if I need to use the Card in an emergency situation (i.e., lost luggage, automobile repair on personal vehicle) relating to the business of TTU, while away from designated headquarters, will require the use of explanation.

I understand that TTU may request a copy of my corporate card statement and receipts to verify card usage at anytime.

I understand that the appropriate administrators, as well as my direct supervisor, will be notified in writing of any apparent misuse or delinquency on my individual corporate card account. I also understand that any proven misuse of the Card will be reflected in my next scheduled performance evaluation or be placed as a permanent notation in my personnel file in TTU records.

I understand that this signed agreement becomes legally binding and will become part of my personnel file with TTU.

I understand the above-stated policies, regulations, and penalties for using a State of Texas individual corporate travel charge card and agree to abide by them.

Signature of Applicant

Printed Name of TTU Department/School

Printed Name and last 4 digits of SS# of Applicant

Center Location (City)

Date



TEXAS TECH UNIVERSITY

Application Form for New Cardholder

[Reset Form](#)[Print Form](#)

Purchasing Card, Travel Card, or Departmental PCard

SECTION I – CARDHOLDER APPLICANT INFORMATION (required - for Departmental Cards omit the name)

Last Name First Name Initial

Department Address

City State Zip Code Phone

R Number E-mail Address

Required For Individual Bill Travel Cards:

Home Address

City State Zip Code Phone

SECTION II – CARD INFORMATION (check one or more boxes as appropriate)

☐ Purchasing Card (Pcard)

Card is issued in employees name for use by authorized authorized employee. All bills are paid by the University.

Cardholders Name: Limit 25 characters

Cardholders last four digits of Social Security Number:

☐ Departmental Pcard ☐ One card ☐ Two cards Check to identify if one card or two cards are needed.

Card is issued for a specific department. The Reconciler for the card is responsible for all charges. All bills are paid by the University.

Department Name (to be imprinted on the PCard): Limit 25 characters

Default FOP Information (required for Pcard or Departmental Pcard) (No State 11, 12, & 13 or grant funds 21, 22, & 23 will be allowed)

Fund: Org Code: Program:

**** I understand that failure to allocate and reconcile by the established deadline will result in the default FOP being charged.**

☐ Individual Bill Travel Card

Card is issued in individual's name for travel expenses. All bills are paid by the employee.

Cardholders Name: Limit 25 characters

Cardholders last four digits of Social Security Number

SECTION IV – CARD LIMITS

Card Limits (Individual PCard)

Single Transaction Limit (check one)		30-Day Cycle Limit (check one)	
<input type="checkbox"/> Standard Transaction Limit	\$ 1,000	<input type="checkbox"/> Standard 30-day Cycle Limit	\$ 5,000
<input type="checkbox"/> Optional Lower Transaction Limit	\$	<input type="checkbox"/> Optional Lower Cycle Limit	\$

*Any request for a higher limit, must be submitted on the PCard Exception Form.

Card Limits (Departmental Card)

Single Transaction Limit (check one)		30-Day Cycle Limit (check one)	
<input type="checkbox"/> Standard Transaction Limit	\$ 1,000	<input type="checkbox"/> Standard 30-day Cycle Limit	\$ 10,000
<input type="checkbox"/> Optional Lower Transaction Limit	\$	<input type="checkbox"/> Optional Lower Cycle Limit	\$

*Any request for a higher limit, must be submitted on the PCard Exception Form.

SECTION V – FINANCIAL SYSTEM REALLOCATOR AND APPROVER

Reconciler Information (Reconciler must be assigned to each card and must be approved by the PCard Office)

Department Name and Address	
Reconciler Name	Phone
	() -
E-mail Address	Reconciler R Number

Alternate Reconciler Information (One alternate Reconciler is allowable on each card and must be approved by the PCard Office)

Department Name and Address	
Reconciler Name	Phone
	() -
E-mail Address	Reconciler R Number

SECTION VI– SIGNATURES AND APPROVALS

Applicant Approval (required - this will be the reconciler on the Departmental Pcard)		
Printed Name		
Signature	X	Date
Financial Org Manager (required - must be the Financial Org Manager for the Default FOP)		
Printed Name		
Signature	X	Date
Provost, VP, Dean, Vice Provost, Vice Chancellor (required on Departmental Cards only)		
Printed Name		
Signature	X	Date

Submit application for the Pcard or Departmental Pcard to:

Submit application for the Individual Bill Travel to:

Campus mail: Box 41094 or hand deliver to 349 Drane Hall
Fax: (806) 742-3820
E-mail: PCard Office (purchasing.pcard@ttu.edu)

Campus mail: Box 41094 or hand deliver to 332 Drane Hall
Fax: (806) 742-4244
E-mail: Travel Office (travelservices@ttu.edu)



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.04: Application for Official Travel

DATE: November 27, 2013

PURPOSE: The purpose of this Operating Policy and Procedure (OP) is to set forth the policies and procedures governing the approval process for TTU employees requesting official travel status.

REVIEW: This OP will be reviewed in November of odd-numbered years by the manager of Travel Services with substantive revisions forwarded through the managing director of Procurement Services to the vice president for administration and finance and chief financial officer.

POLICY/PROCEDURE

1. The approval process for official travel is activated by the submission of an online travel application (<https://www.fiscal.ttuhs.edu/Travel2/>). The online form must be completed and submitted when reimbursement for travel will be requested, regardless of the funding source.
2. No trips away from headquarters shall be approved until arrangements have been made by the involved faculty or staff member to ensure the adequate performance of delegated duties and the undisturbed continuance of all parts of TTU operations during the faculty or staff member's absence.
3. All travel to duty points outside the contiguous U.S. must be approved in advance and in writing by the Office of International Affairs (OIA), regardless of the funding source. If the duty point is outside the U.S. or U.S. possessions, excluding Canada or Mexico, other travel restrictions apply and the traveler should consult OP 79.05.
4. Detailed instructions for completing the online travel application form are provided in the *Online Travel Training Guide for Applications and Vouchers* available at <http://www.depts.ttu.edu/procurement/travelservice/workaids.asp>.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.05: International Travel

DATE: March 14, 2017

PURPOSE: The purpose of this Operating Policy and Procedure (OP) is to set forth the policies and procedures granting the approval of international travel to countries outside the United States.

REVIEW: This OP will be reviewed in November of odd-numbered years by the Manager of Travel Services and the Vice Provost for International Affairs with substantive revisions forwarded to the Managing Director of Procurement Services and the Vice President for Administration and Finance and Chief Financial Officer.

POLICY/PROCEDURE

1. Authority

Pursuant to § 660.024, Texas Government Code (Vernon's Civil Statutes Supplement, 2002), all international travel by state employees on state business must be approved in advance and in writing by the chief executive officer or an employee designated by the chief administrator. The president of Texas Tech University has delegated authority for this approval to the Office of International Affairs (OIA) for employees.

2. Approval of International Travel

International travel (including U.S. possessions, Canada, or Mexico) must be approved by the Office of International Affairs (OIA) prior to the trip commencement to comply with federal Export Control Regulations. A Travel Application should be processed in the online Travel System at least 30 days prior to departure. Once the Travel Application is submitted, OIA will receive email notification and will approve via the Comments section in the Online Travel System. Once approved, email notification will be sent to the Traveler, Preparer and Travel Services and the Traveler may then proceed with making airline reservations, request advances, etc.

To comply with Federal Export Control regulations, the following information is required when submitting the Travel Application:

- List of All Destinations
- Destination Contacts
- Destination Affiliations
- Business Equipment/Supplies that will be taken with the traveler

3. **State Appropriated Funds**

State appropriated funds are not allowed for international travel reimbursement.

4. **Travel Restrictions**

TTU will follow state policy in not approving a request for travel to a nation that is subject to a travel warning issued by the United States Department of State. OIA will determine if a country is under such a travel warning.

5. **Fly America Act**

- a. The Fly America Act (49 U.S.C. 40118) mandates the use of U.S. flag air carriers when travelling internationally on federal funds (Funds beginning with 21XXXX). Waiver information, certified air carriers, and additional information is available at <http://www.depts.ttu.edu/procurement/resources/training-and-work-aids/documents/travel-services/procurement-fly-america-act.pdf>.
- b. Travel agencies should be used to ensure compliance with the Fly America Act for international travel on federal funds. See OP 79.06 for additional information on transportation requests.

6. **Travel Accident Emergency Evacuation Insurance**

TTU employees traveling in foreign countries on state business are covered by a supplemental insurance policy, Travel Accident Emergency Evacuation Insurance. For questions regarding the policy coverage prior to the departure date, the traveler should contact the managing director of the TTU System Office of Risk Management at 806-742-0212.

The schedule of benefits is as follows:

\$50,000–Accident/Sickness Medical (\$50 deductible)
\$200,000–Accidental Death and Dismemberment
\$100,000–Emergency Medical Evacuation
\$20,000–Repatriation of Remains
Included–Bedside Visitation

7. **Reimbursement of Travel Expenditures**

- a. Meal and lodging expenses for travel may not exceed the amount actually incurred. Original, itemized receipts may be submitted or per diem may be claimed. The per diem rates used are the federal rates provided by the U.S. Department of State (http://aoprals.state.gov/content.asp?content_id=184&menu_id=78). Claims may not exceed the daily per diem rate without a completed *Travel Exception Form* (<http://www.depts.ttu.edu/procurement/forms/documents/travel/procurement-travel-exemption-form.pdf>)
- b. Food and entertainment expenses incurred must be in compliance with OP 72.05.

- c. Travel expenses incurred in a foreign currency must be converted to U.S. dollars. Conversion documentation is required with the travel voucher and the date used for the conversion must be the date of the expense.
- d. For specific details regarding reimbursement of travel expenses to destinations outside the United States or its possessions, refer to OP 79.08.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.06: Transportation Requests

DATE: February 21, 2014

PURPOSE: The purpose of this Operating Policy and Procedure (OP) is to set forth the policies and procedures governing the use of transportation requests (TR) for airfare for official business travel.

REVIEW: This OP will be reviewed in November of odd-numbered years by the manager of Travel Services with substantive revisions forwarded through the managing director of Procurement Services to the vice president for administration and finance and chief financial officer.

POLICY/PROCEDURE

1. Transportation requests (TR) are designed to assist employees who do not have a state travel card or personal credit card to pay for their major airline transportation costs. The cost of the airline ticket will be charged to Travel Services' credit card, and the employee will not have to pay the airfare expense. The employee is required to turn in a travel voucher and include the airfare receipt.
2. An employee does **not** qualify for a TR if the employee:
 - a. Owes an outstanding balance to the university for previous travel; or
 - b. The trip includes personal travel outside of headquarters and duty point.
3. When requesting a TR using the online travel application, the employee will be asked to verify that the employee is eligible for the TR and to supply the following information:
 - a. The name of the travel agency (a scroll-down list is available) and the agent handling the reservations. If Southwest Airlines is used for the TR, instructions for using SWABIZ are available at <http://www.depts.ttu.edu/procurement/travelservice/workaids.asp>.
 - b. The estimated cost of the airfare; and
 - c. The flight's ultimate destination city and state.
4. When an employee submits an online travel application requesting a TR, Travel Services will receive an automatic notification of the request.
 - a. Upon review, Travel Services will approve the request and the travel system will automatically email both the traveler and the travel agency listed on the application.

- b. If there are problems with the application or if the TR request is denied, the travel system will notify the traveler via email.
- 5. Only Travel Services may cancel travel applications that include TRs. Travel Services should be contacted immediately if a travel application that includes a TR needs to be cancelled or modified.
- 6. When Travel Services' account is charged for the employee's airfare, the cost will be charged to the FOP listed on the online travel application. The airfare is charged by the travel agency to the Travel Services' account. The airfare expense is reconciled by submitting a travel voucher and claiming the exact amount charged, including travel agency fees, even if the TR is the only travel expense claimed.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.07: Travel Advances

DATE: February 21, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to set forth the guidelines for the issuance of travel advance funds that may be used to cover a portion of official pre-travel and travel expenses.

REVIEW: This OP will be reviewed in November of odd-numbered years by the manager of Travel Services with substantive revisions forwarded through the managing director of Procurement Services to the vice president for administration and finance and chief financial officer.

POLICY/PROCEDURE

1. Use of a Travel Advance (TA)

- a. The university may advance funds for travel expenses to a university employee or student only if the expenses are incurred during travel that requires an overnight stay outside the employee's designated headquarters.
- b. The university will **not** issue a TA to:
 - (1) A person who is not an employee or student of the university; or
 - (2) A person who has an outstanding travel advance from a previous trip;
 - (3) A person who is on hold in the State Comptroller's Texas Payee Information System (TPIS). (Note: Possible reasons an employee may be on hold include being in default on a student loan, indebted to the state or a state agency, delinquent on state tax, not paying child support, or owing a reimbursement for unemployment taxes.)
 - (4) An employee whose travel expenses will be reimbursed directly to the employee by someone other than the university.
- c. Travel advances are allowed for prepaid expenses (airfare, registration fees, hotel deposits, etc.). The advance is approved upon receipt of the travel application and proof of payment of the prepaid expense.
- d. Advances for non-prepaid expenses may be requested. If approved, the TA will be approved five working days prior to departure. Travel advances for non-prepaid expenses are restricted as follows:

- (1) Airfare cost may be advanced with a copy of the itinerary showing the cost of the airline ticket;
 - (2) Up to 90 percent of the lodging costs may be advanced for the locale per diem unless staying at a conference hotel. Hotel taxes may be included but may not exceed 9 percent for travel within Texas or 15 percent for travel outside of Texas;
 - (3) Up to 90 percent of the meal costs may be advanced for the locale per diem rate;
 - (4) Up to 90 percent of mileage for travel in a personal vehicle for the shortest distance with point-to-point itemization and the current reimbursement rate; and
 - (5) A maximum of \$100 may be advanced for taxis, shuttles, gasoline, etc.
- e. Advances are not provided for:
- (1) Rental cars – These can be paid for with a credit card or through TechBuy with a purchase order;
 - (2) Parking costs; or
 - (3) Mileage to and from the airport.

2. Reimbursement of Travel Advances

- a. The traveler must submit a travel voucher to Travel Services within 15 days after returning to headquarters. Failure to process the voucher within the 15-day period will result in the suspension of any further advances for that traveler until the delinquent advance has been cleared. Repeated delays in clearing delinquent advances may result in suspension of all future advances.
- b. If the travel voucher is not sufficient to cover the amount of the advance, the employee should attach a check or money order for the difference. Vouchers without required checks will be held without processing until the check is submitted.
- c. If the travel voucher exceeds the amount of the advance, a reimbursement check will be issued to the traveler for the difference.
- d. Students who obtain advances for their travel expenses and are delinquent in the reimbursement will have a hold put on their student account through the Registrar's office. The hold will not allow the student to register for classes or obtain a transcript until the reimbursement is paid.
- e. Under Internal Revenue Service regulations, any travel voucher not received by Travel Services (voucher and paperwork received) within 60 days of the trip end date will be taxable to the traveler. The taxable expense will be reported to Payroll Services for processing.

3. **Special Restrictions/Provisions**

- a. Travel advances for non-prepaid expenses may be picked up no earlier than two working days prior to departure. Exceptions are allowed for advance deposits for hotel. Other exceptions may be requested by contacting Travel Services.
- b. If the travel advance is to be picked up by someone other than the traveler, the person will be required to present a note or memo signed by the traveler authorizing the person to sign and receive the travel advance check.

See the [Online Travel Training Guide for Applications and Vouchers](#) for instructions on requesting a travel advance through the online travel application.

The managing director of Procurement Services and/or the manager of Travel Services has the authority to make any exceptions to this policy that in his/her determination are essential for the continued operations of the university and do not violate any federal or state laws.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.08: Reimbursement of Travel Expenses

DATE: May 9, 2018

PURPOSE: The purpose of this Operating Policy and Procedure (OP) is to set forth the policy for reimbursement of travel expenses to Texas Tech University (TTU) employees when travelling for official state business.

REVIEW: This OP will be reviewed in May of even-numbered years by the Section Manager of Travel Services, the Chief Procurement Officer, and the Managing Director of Accounting Services with substantive revisions forwarded to the Vice President for Administration & Finance and Chief Financial Officer.

POLICY/PROCEDURE

1. Policy Statement

All travel must be for the benefit of the institution. It is the policy of TTU to follow travel requirements as set forth in:

- [2 CFR Part 200](#)
- [Internal Revenue Code §§1.62-2](#)
- [Texas Administrative Code Rule §5.22](#)
- [General Appropriations Act \(GAA\) Article IX Part 5](#)
- [Textravel](#)

The requirements set forth in this policy apply to all official travel, regardless of funding source, and are in addition to those outlined in [OP 79.01, Travel Authority and Definitions for Texas Tech University and TTU Employees](#), and [OP 79.05, International Travel](#). Exceptions applicable for specific funding sources are noted within each respective section below.

TTU employees must follow the policies outlined in this OP. TTU student travel for official business is authorized the same as university employees and will be in compliance with this OP; however, state-appropriated funds are not allowed to be used for student travel (students not employed by the university).

The Chief Procurement Officer and/or the Section Manager of Travel Services have the authority to make any exceptions to this policy that, in his/her determination, are essential for the continued operations of the university and do not violate any federal or state laws.

Travel news and updates will be provided on the Travel Services website at <http://www.depts.ttu.edu/procurement/departments/travel-services/>, through monthly Procurement Services Forums, and via TechAnnounce.

Individual TTU colleges, schools, institutes, and/or departments may also establish regulations more restrictive than those required by the state or TTU. However, TTU's travel office is not responsible for enforcement of those regulations.

2. Definitions

- a. *Travel Application* – An electronic document used to encumber expenses and request approval for travel in advance of the trip. See [OP 79.04, Application for Official Travel](#), for additional information.
- b. *Travel Voucher* – An electronic document used to request reimbursement for travel expenses incurred during the discharge of official state business.
- c. *Duty Point* – The destination, other than the place of employment, to which a state employee travels to conduct official state business. If the destination is outside the employee's *designated headquarters*, then the duty point is either the incorporated municipality in which the destination is located or the unincorporated area within a five-mile radius of the destination.
- d. *Designated Headquarters* – The area within the boundaries of the city in which a state employee's *place of employment* is located. If an employee's place of employment is located within an unincorporated area, then the area within a five-mile radius of the place of employment is the employee's designated headquarters. If an incorporated municipality or an unincorporated area is completely surrounded by the incorporated municipality in which an employee's place of employment is located, then the employee's designated headquarters includes the surrounded municipality or area.
- e. *Time of Departure* – For air transportation, time of departure is two hours prior to the actual flight departure. For vehicle transportation, the time of departure is when you depart headquarters/residence.
- f. *Time of Return* – For air transportation, the time of return is the time at which the flight lands at headquarters. For vehicle transportation, the time of return is when you arrive at headquarters/residence.
- g. *Working Hours* – The hours during which a state employee is regularly scheduled to conduct official state business.
- h. *State-appropriated Funds* – TTU funds 11xxxx-14xxxx (**Note: All travel expenses on state-appropriated funds must be paid on a State of Texas Travel Card**). State-appropriated funds starting with 13 do not permit travel.
- i. *Institutional Funds* – All TTU funds except 11xxxx-14xxxx, including sponsored projects (unless limited by a sponsoring agency).

Refer to [OP 79.01, Travel Authority and Definitions for Texas Tech University and TTU Employees](#), for additional definitions.

3. Reimbursement Procedures

a. Travel Application

The approval process for official travel is activated by the submission of an online travel application. The online form must be completed and submitted when reimbursement for travel is requested, regardless of funding source. Funds are encumbered using a travel application and the employee is entitled to reimbursement for allowable expenses incurred as a result of the performance of official duties. Instructions for completing the travel application are available at <http://www.depts.ttu.edu/procurement/resources/training-and-work-aids/>. Each traveler may only submit one application per trip. See [OP 79.04, Application for Official Travel](#), for additional information.

A purpose and benefit statement must be included in the Travel Explanation/Comments section of the application. The statement must provide a clear business purpose for the trip and the benefit to TTU. If attending a conference, the full name of the organization sponsoring the conference must be included (no abbreviations or acronyms).

Instructions for completing the travel application are available at <https://www.depts.ttu.edu/procurement/resources/training-and-work-aids/index.php> under Travel Services.

b. Travel Voucher

Upon return to Designated Headquarters, the traveler must complete a travel voucher and worksheet containing the business purpose and explanation of travel and upload all required supporting documentation as outlined within each respective section below. Travel vouchers must be completed, approved, and submitted to Travel Services within 30 days of returning to headquarters. When travel advances have been provided, vouchers are due within 15 days. See [OP 79.07, Travel Advances](#), for additional information. Instructions for completing reimbursement requests are available at <http://www.depts.ttu.edu/procurement/resources/training-and-work-aids/>.

c. Travel on State-Appropriated Funds (funds beginning with 11xxxx through 14xxxx)

[The State Travel Management Program](#) (STMP) has updated the [Texas Administrative Code \(TAC\), Section 20.413](#), to require a state travel credit card to be used for all travel expenditures when using state-appropriated funding. Any allowable travel related expense not purchased with a state travel card will require institutional funds unless limited by a sponsoring agency. Guidelines for using state-appropriated funds are available at <https://www.depts.ttu.edu/procurement/resources/training-and-work-aids/index.php> under the Travel Services header.

d. International Travel

International travel requires pre-approval from the Office of International Affairs at least 30 days prior to the departure date. Refer to [OP 79.05, International Travel](#). Expenses incurred in a foreign currency must be converted to USD based on the conversion rate at the time of travel. International travel is not permitted on state-appropriated funds.

To comply with Federal Export Control regulations, the following information is required when submitting the travel application: list of all destinations; destination contacts; destination affiliations; and any business equipment/supplies that will be taken with the traveler.

e. Group Travel

A group sponsor for student group travel may process travel through the online travel system, obtain a Travel Advance Card (TAC), or use a combination of the two methods.

- (1) A full time employee may act as a group sponsor for student group travel and the travel voucher is submitted under the sponsor's name. There can be more than one group sponsor per trip. A list of the travelers' names and R-numbers are required on the travel voucher.
- (2) Travel Advance Cards (TAC) are credit cards issued for a specific period of time with a specific dollar balance/limit according to the budget provided for student or other group travel. The TAC is issued to the group sponsor. Refer to the [Request for Travel Advance Card](#) for additional information.
- (3) A completed *Student Activity Release Form*, found in [OP 79.13](#), Attachment B, shall be obtained from the student travelers by the group sponsor. The form is retained by the group sponsor for a period of three years and does not need to be turned in with the travel voucher.

f. Taxable Expenses

In accordance with IRS regulations, travel reimbursements are taxable to the traveler when the travel voucher is not submitted to Travel Services within 60 days of the trip end date. Travel Services will report taxable expenses to the Payroll Office.

g. TPIS Hold

TTU is unable to reimburse an employee if the employee is on hold in the Texas Comptroller's Texas Payee Information System (TPIS) until the hold has been released. (Note: Possible reasons an employee may be on hold include being in default on a student loan, indebted to the state or a state agency, delinquent on state tax, not paying child support, or owing a reimbursement for unemployment taxes.)

h. Travel on Sponsored Project Funds

A detailed explanation describing the benefit to the scope of the project is required on travel vouchers for sponsored project funds.

i. Supplemental Voucher

Supplemental vouchers may be submitted if all expenses were not included when a travel voucher was initially submitted (i.e. toll charges). Approval to submit a supplemental voucher must be obtained from the Travel Services office at travelservices@ttu.edu.

4. Meals and Lodging

a. General Policies

- (1) Employees may either itemize expenses or claim the allowable per diem; the election made applies to the entire trip. Original receipts are required when requesting reimbursement of actual expenses. When travel expenses are itemized, reimbursement will be made for actual costs, but the reimbursement may not exceed the allowable per diem rates. (Note: Some sponsored projects require receipts for all charges. It is the department's responsibility to understand award terms and conditions and comply with the terms and conditions.)
- (2) TTU will reimburse meal and lodging expenses up to one day before and one day after official business begins. Exceptions may be granted when additional travel days are required to qualify for discount airfares or when travel to the duty point reasonably requires more than one day. The [Travel Exception Form](#) is required for additional days.

b. Travel Per Diems

- (1) Meal and lodging reimbursements for in-state and out-of-state travel, but within the contiguous U.S., are limited to the rates set forth by the [U.S. General Services Administration \(GSA\)](#). Employees traveling to localities not specifically listed are limited to the greater of the GSA's standard per diem rates or state of Texas rates.
- (2) Meal and lodging reimbursements for travel to Alaska and Hawaii are limited to the rates set forth by the [U.S. Department of Defense](#).
- (3) Meal and lodging reimbursements for travel outside the contiguous U.S. (other than Alaska and Hawaii) are limited to the rates set forth by the [U.S. Department of State](#).
- (4) Itemized receipts are required for group travel meals or students must sign a form acknowledging receipt of per diem.
- (5) Meal per diems may be reduced and used to increase the maximum lodging reimbursement rate. However, some federal agencies do not allow this practice. Departments are responsible for reviewing the award terms and conditions to determine if it is allowable on federally-sponsored projects.
- (6) If an employee travels to more than one duty point on the same day, then the maximum meal reimbursement for the day is equal to the highest of the maximum rates for the duty points visited. Example: If you travelled to College Station (meal per diem \$59) and also to Dallas (meal per diem \$64), you would be able to claim \$64.
- (7) Per diems above the maximum rate may be reimbursed on institutional funds in certain circumstances. However, some federal agencies do not allow this practice. Departments are responsible for reviewing the award terms and conditions to determine if it is allowable on sponsored projects. Requests must be documented on the [Travel Exception Form](#) and submitted with the travel voucher. The form must include sufficient documentation of the extenuating circumstances and the requisite approvals.

- (8) For overnight travel instances when the departure time and/or return time results in less than a full day of travel, the following reimbursement policy applies. Departure time is two hours prior to the actual flight time or, for vehicle transportation, it is when you depart headquarters/residence or duty point. Return time is when the flight lands at headquarters or, for vehicle transportation, it is when you arrive at headquarters/residence.
 - (a) Breakfast per diem is equal to 20 percent of the allowable daily per diem rate. If departure is prior to 8:00 a.m. and/or return to headquarters is after 9:00 a.m., breakfast may be claimed.
 - (b) Lunch per diem is equal to 30 percent of the allowable daily per diem rate. If departure is prior to 12:00 p.m. and/or return to headquarters is after 1:00 p.m., lunch may be claimed.
 - (c) Dinner per diem is equal to 50 percent of the allowable daily per diem rate. If departure is prior to 5:00 p.m. and/or return to headquarters is after 7:00 p.m., dinner may be claimed.

c. Unallowable Meal/Lodging Expenses

- (1) Alcoholic beverages;
- (2) Meals included with conference registrations fees, provided by hotel, or otherwise already paid by TTU (e.g., charged to the department through other procurement methods);
- (3) Meals or lodging when travel does not require an overnight stay;
- (4) Meals incurred within headquarters unless the expense is mandatory and connected with a training, seminar, and/or conference;
- (5) Meals incurred in accordance with Food and Entertainment policy (see [OP 72.05, Expenditures for Official Functions, Business Meetings, and Entertainment](#)); and
- (6) Lodging at a non-commercial establishment (e.g., an establishment that does not provide lodging to the public for pay, such as a relative's residence).

d. Additional Lodging Requirements

- (1) Lodging receipts are always required with the travel voucher. The lodging receipt must include the name and address of the commercial lodging establishment, the employee's name, the single room rate, and a daily itemization of the lodging charges. The receipt must indicate a zero balance.
- (2) For travel within the state of Texas, TTU employees are exempt from the state hotel occupancy tax. Therefore, TTU will not reimburse an employee for the state hotel tax when the employee fails to present a properly completed *Texas Hotel Occupancy Tax Exemption Certificate* to the establishment. However, if the employee presents the certificate to the establishment and the establishment refuses to honor the certificate, the employee will be reimbursed when this explanation is included on the travel

voucher. The certificate will need to be signed by the hotel with the refusal statement and turned in with the travel voucher. The *Texas Hotel Occupancy Tax Exemption Certificate* is available on the Travel Services website under forms at <http://www.depts.ttu.edu/procurement/forms/documents/travel/procurement-texas-hotel-occupancy-tax-exemption-certificate.pdf>.

- (3) An apartment or house rental expense may be reimbursed if the purpose of the rental is to lower costs and the employee will be using the apartment or house while conducting **official business** throughout the term of the lease. Application fees and other mandatory costs associated with applying for rental of the apartment or house are reimbursable. A copy of the lease will be required with the travel voucher. Preapproval should be obtained from the Contracting Office (contracting@ttu.edu) prior to the lease commitment.
- (4) Guest lodging procedures through TechBuy may be used for prospective employees (see [OP 79.10, Travel by Prospective Employees](#)) and for employees who are not headquartered in Lubbock but are in Lubbock on TTU business. See the [“How To” Guide](#) for guest lodging.
- (5) When two individuals share lodging and both are TTU employees, TTU will reimburse each employee for his/her share of the lodging expense, not to exceed the maximum per diem rate. When two individuals share lodging and only one of the individuals is a TTU employee, TTU will reimburse the employee the lesser of the room rate for a single occupancy or the applicable maximum per diem rate.
- (6) Reimbursements for lodging expenses that exceed the per diem rate are allowed on institutional funds when lodging is at the **official** conference hotel. Documentation to support the hotel is the conference hotel, including the dates of the conference, should be provided when submitting the travel voucher.
- (7) Lodging expenses in excess of the per diem rate (other than conferences) are allowed on institutional funds in certain extenuating circumstances. Requests for reimbursements exceeding the per diem rate require the [Travel Exception Form](#) with the travel voucher. Sufficient documentation of the extenuating circumstances and the requisite approvals must be included on the form.

5. Transportation

Employees must select the most cost effective method of transportation. Travel outside the Texas/New Mexico/Oklahoma area by personal vehicle must be compared to the cost of airfare if purchased at least 30 days in advance of travel. A printed, regular fare ticket for 30-days prior will serve as sufficient documentation. A Mileage Calculator tool is in the [Online Travel System](#) under Help>>Links to determine whether renting a vehicle or driving a personal vehicle is more cost effective. The most cost effective method is required for all funding sources.

a. Personal Vehicle

Employees may be reimbursed for mileage, parking, and tolls when travelling for official business. No other expenses related to the operation of a personally owned or leased vehicle are allowed. Reimbursements for personal mileage may not exceed the cost of a contracted rental vehicle. The [Online Travel System](#) provides a tool to assist in determining the most

cost effective mode of transportation: [Help>>Links>>Other Travel Links>>Mileage Calculator TTU](#).

- (1) Mileage reimbursement is limited to the product of the actual number of miles traveled for business and the maximum mileage reimbursement rate as established by the Texas Legislature each year (see [Travel Reimbursement Rates](#)).
 - (a) The actual miles traveled is determined by point-to-point itemization, documented by either the employee's odometer records or the shortest distance calculated by MapQuest or other mapping tool. The mapping tool printout or odometer records must be provided with the travel voucher.
 - (b) The mileage reimbursement rate is inclusive of all expenses (including damage) associated with the employee's use of his or her vehicle. TTU is not liable for any cost associated with an accident or vehicle damage while conducting TTU business.
- (2) Employees whose job responsibilities customarily require travel within their designated headquarters may be authorized for a local transportation allowance for this travel. The mileage will be actual miles traveled, using the shortest routes possible, and must be properly itemized on a point-to-point basis with sufficient detail for TTU verification.
- (3) Coordination of travel must occur when two or more TTU employees employed by the same department travel on the same dates with the same itinerary to conduct the same official business. TTU will only reimburse one of the TTU employees riding in the personally owned or leased vehicle. When more than four employees from the same department travel on the same itinerary, only one of every four may be reimbursed for mileage. Employees may be reimbursed for mileage incurred to meet or pick up the other employees to coordinate the travel. A list of travelers sharing a vehicle should be listed on the voucher.
- (4) Vehicle travel to/from an airport for travel via commercial airlines is reimbursed as follows:
 - (a) Mileage between headquarters and the airport is allowed during the hours 9AM to 4PM.
 - (b) Mileage between the employee's residence and the airport is allowed outside the above hours.
 - (c) The scheduled flight departure time minus two hours and the actual arrival time determine whether the travel occurs during working or non-working hours.

b. Parking and Toll Expenses

Parking and toll expenses are allowed when travelling in a personally owned, leased, or a rented vehicle. Receipts are required for individual parking and toll expenses that exceed \$100.00. (Note: Some sponsored projects require receipts for all charges. It is the department's responsibility to understand award terms and conditions.)

c. Rental Vehicle

- (1) Vehicle rentals are limited to the TTU Rental Car Rates found at <https://www.fiscal.ttuhs.edu/Travel2/> under “Help >> Links.” The daily rental rate includes both LDW (loss/damage/waiver) or comprehensive coverage and liability coverage.

Reimbursement for contract rented vehicles is allowed for sub-compact, compact, intermediate, standard, or full size. Vans and SUVs may be rented if for use by three or more people or if needed to transport business materials and if documented on the voucher in the comments section. Premium, luxury, and convertible vehicles will require the [Travel Exception Form](#). The form must be submitted with the travel voucher using institutional funds and include sufficient documentation and the requisite approvals.

- (2) Vehicle rentals should be obtained using the contract information provided above or processed by a purchase order in TechBuy. If a purchase order is used for the rental, the cost should not be claimed on the travel voucher (see the [“How To” Guide](#) on renting vehicles).
- (3) Allowable expenses
 - (a) All applicable taxes and mandatory charges;
 - (b) Collision and loss damage waiver not included in the contracted rate;
 - (c) Charges for an additional driver with a documented business purpose;
 - (d) Fuel (original receipts required); and
 - (e) Global Positioning System (GPS) rentals.
- (4) Liability supplements, personal accident, safe trip, and personal effects insurance are not reimbursable.
- (5) Receipts must include the rental company name, employee name, rental starting and ending dates, an itemization of the expenses incurred, and proof of payment. If the receipt does not include all of the requisite information, an original contract may be substituted.
- (6) 15 passenger vans are not allowed to be rented in accordance with [OP 79.13, University-related Travel by Motor Vehicle, Commercial Carrier, and Aircraft](#).

d. Commercial Air

- (1) Employees must obtain the lowest available airfare between the employee’s designated headquarters and duty point. [State contract rates](#) are available for last minute and/or fully refundable travel requirements. Use of state-appropriated funds requires the traveler to purchase airfare with a State of Texas (SOT) travel credit card. This can be accomplished by using a Transportation Request (See [OP 79.06, Transportation](#)

[Requests](https://www.depts.ttu.edu/procurement/forms/index.php)) or by applying for a SOT travel card (application available at <https://www.depts.ttu.edu/procurement/forms/index.php> under Travel Services.

- (2) First class airfare may be reimbursed **only** if it is the only available airfare or if it is necessary for international travel. Business class airfare may be paid or reimbursed **only** if a lower airfare is not available. Early Bird, business select, and main cabin extra are also not allowed. Reimbursement for any of the above requires a completed [Travel Exception Form](#) with requisite with the travel voucher. Preferred seating fees will not require the [Travel Exception Form](#). Preferred seating fees are not allowed on federally-sponsored projects.
- (3) Receipts or itineraries must include the airline name, employee name, ticket number, travel dates, origin and destination (for each flight/leg), airfare amount, fare basis code (for travel on state-appropriated funds 11xxx-14xxx), and proof of payment. If the passenger receipt is unavailable, the following may be provided instead:
 - (a) A canceled check or credit card slip documenting payment;
 - (b) A credit card statement documenting the charge; or
 - (c) A copy of the receipt, check, slip, or billing. If the supporting documentation is a copy of the canceled check or the credit card slip or billing, then the employee must include a statement detailing the information required above.
 - (d) Change fees may be reimbursed if a clear business purpose is provided with the travel voucher. Change fees relating to personal reasons are not reimbursable.
- (4) The baggage fee for the first checked bag is reimbursable. Two checked bags may be reimbursed for foreign travel, trips longer than 5 days in duration, and if checking a bag to transport conference or business material. Excess baggage charges are allowable on institutional funds with an approved [Travel Exception Form](#).
- (5) Fly America

The Fly America Act mandates the use of U.S. flag air carriers when travelling internationally on federal funds (i.e., Banner funds beginning with 21). The [Fly America Act Waiver Checklist](#) must be used by departments to determine and document whether air travel qualifies for a waiver of these restrictions. The completed checklist must accompany all travel vouchers for trips outside the contiguous United States using federal funds. In the event it is determined that the appropriate air carrier was not used, the expense may be denied or must be transferred to non-sponsored or non-state appropriated funds.

Guidelines for complying with The Fly America Act are available at <http://www.depts.ttu.edu/procurement/resources/training-and-work-aids/documents/travel-services/procurement-fly-america-act.pdf>.

e. Railroad, Bicycle, Boat, or other Vehicle

A TTU employee may be reimbursed for the actual cost of transportation by railroad, bicycle, boat, or other motor vehicles if it is incurred to conduct state business. The cost is only

reimbursable if transportation is provided by a commercial transportation company. The receipt must include the following:

- (1) The name of the commercial transportation company;
- (2) The name of the employee;
- (3) The starting and ending dates of the travel;
- (4) The mode of transportation;
- (5) An itemization of expenses incurred; and
- (6) Proof of payment.

f. Mass Transit, Taxi, or Limousine

The actual cost of transportation by bus, subway, other mode of mass transit, or taxi if incurred to conduct state business is allowable when it is provided by a commercial transportation company.

- (1) Individual trips must be itemized on the travel voucher, detailing the fare and destination for each trip. Receipts are required for individual transactions exceeding \$100.00.
- (2) If two or more state employees share a taxi, only the employee who paid for the taxi may be reimbursed for that expense.
- (3) Reimbursement for limousine service is allowed only if it was the least costly transportation available considering all relevant circumstances.

6. Tips and Gratuities

a. Reimbursements for tips and gratuities incurred during travel for official business are allowed only on institutional funds but are limited to the following amounts:

- | | |
|------------------------|--------------|
| (1) Hotel Bellman | \$1.00/bag |
| (2) Restaurant staff | 20 percent |
| (3) Housekeeping staff | \$1.00/night |
| (4) Valet | \$2.00 |
| (5) Other | \$1.00 |
| (6) Airport Porters | \$1.00/bag |
| (7) Taxi Drivers | 20 percent |

- b. When lodging establishments and restaurants include a gratuity in the price, a voluntary additional tip is not reimbursable. Should a gratuity be included by an establishment that is greater than 20 percent, reimbursement will be made at the establishment's rate.

7. **Incidental Expenses**

An employee may receive reimbursement for the following incidental expenses, provided the business purpose for the expense is sufficiently documented and original receipts are provided.

- a. Local and long distance phone calls;
- b. Money orders;
- c. Currency exchange fees;
- d. Notary fees;
- e. Travel agency service charges (Note: State-appropriated funding is limited to State of Texas travel agency contract rates);
- f. Visa, passport, and departure taxes;
- g. Mandatory service charges imposed for meals or lodging;
- h. Postage/freight, photocopies, and fax charges;
- i. Repair parts, labor, and towing charges to repair state-owned vehicles if unable to use the TTU Fleet Card; and
- j. Travel expenses incurred to obtain medical care outside headquarters while on official state travel.

Note: Visa and passport charges may not be an allowable direct cost on all sponsored projects. Departments are responsible for reviewing the agency and award terms and conditions and consulting the respective grant accountant in Accounting Services to determine allowability.

Personal expenses including entertainment, dry cleaning or laundry, medical supplies, childcare, or kennel expenses for a pet will not be reimbursed. Business related expenses that are allowable may require the [*Travel Exception Form*](#).

8. **Registration/Membership Fees**

Conference registrations and membership fees should be paid through a purchase order or on a procurement card when possible. Reimbursement is allowable when the fees are charged to the employee's travel card or paid from the employee's personal funds. A receipt must accompany the travel voucher. Membership fees must be processed in accordance with [OP 72.16, Memberships](#).

Meals included in the registration fees must be deducted from the daily per diem. Entertainment or other personal expense items included in the registration fee are not allowable and must be deducted from the reimbursement request.

9. Cancellation Charges

Reimbursements for cancellation charges associated with any advance travel expenses are limited to reasons of natural disaster, illness, or personal emergencies.

10. Travel to Washington, D.C.

TTU personnel who travel to Washington, D.C. on state-appropriated funds *for activities that involve obtaining or spending federal funds or that impact federal policies* must inform the Office of State-Federal Relations (OSFR) about the trip (GAA Article IX, Section 6.12). Contact the Office of International Affairs for additional information. Lobbying activities are not allowed on federal funds.

If an employee is traveling on state-appropriated funds, he/she must also complete the *Report of State Agency Travel to Washington DC* and submit with his/her travel voucher. The form is available at https://gov.texas.gov/organization/osfr/state_funded_dc_travel.

11. Traveler Responsibilities

- a. Complete travel applications in advance of travel.
- b. Complete travel vouchers within 15/30 days of return.
- c. Ensure reimbursement requests comply with federal regulations, sponsored project award terms and conditions, state law, and institutional policy.
- d. Ensure reimbursement requests only include expenses actually incurred and reimbursable as set forth in this OP.
- e. Promptly reimburse TTU when travel reimbursements exceed allowable amounts and/or amounts actually incurred. Failure to do so will result in future travel being suspended until the overpayment has been returned.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.10: Travel by Prospective Employees

DATE: March 4, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to set forth the policies and procedures governing the reimbursement of travel expenses of prospective employees.

REVIEW: This OP will be reviewed in November of odd-numbered years by the manager of Travel Services with substantive revisions forwarded through the managing director of Procurement Services to the vice president for administration and finance and chief financial officer.

POLICY/PROCEDURE

1. Definition and Scope

A prospective employee is an individual being considered for employment by Texas Tech University (TTU). This includes employees at other state agencies being considered for employment at TTU. This policy governs the reimbursement of travel expenses incurred by the individual visiting TTU for the purpose of being interviewed and evaluated for employment.

2. Reimbursement for Travel Expenses

- a. Prospective employees are to be reimbursed in the same manner as TTU employees except that they may not receive a travel advance.
- b. Airfare for a prospective employee may be requested with the transportation request (TR) as part of an online travel application (see OPs 79.04 and 79.06).
- c. Prospective employees are not exempt from hotel occupancy taxes, so all taxes paid should be entered when completing the travel voucher.
- d. Prospective employees will be expected to follow the same travel guidelines as TTU employees, including the amount of travel allowances and submission of a travel voucher with the required documentation (see OP 79.08). This also includes the guidelines on international travel to TTU by a candidate from a country outside the U.S. and its possessions, Canada, or Mexico (see OP 79.05).
- e. Reimbursement for travel expenses will be forwarded *after* the recruitment visit.

3. Travel Expenses for Spouse/Family

Travel expenses for the spouse and/or family of a prospective employee are allowed only on institutional funds and should be submitted through TechBuy. House hunting trips and other

nonbusiness related expenses are taxable reimbursements. Refer to OP 72.10 for additional information regarding moving expenses.

4. **Lodging**

A department may either reimburse the prospective employee or process a guest lodging purchase order through TechBuy to reserve and pay for individual hotel rooms with certain Lubbock area hotels for prospective employees. (Note: This option is available only for prospective employees' expenses, not for employee expenses.) Guest lodging guidelines are available at <http://www.depts.ttu.edu/procurement/travelservice/howtoguides.asp>

Only official travel expenses may be direct-billed. These expenses include the lodging, all taxes, food charges, and local telephone calls made for official business purposes. Long distance telephone calls are not reimbursable for prospective employees. The prospective employee should be informed in advance to pay all non-reimbursable expenses upon checkout.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.12: Official Travel of the President and Chancellor

DATE: March 6, 2018

PURPOSE: This Operating Policy/Procedure (OP) sets guidelines to be followed when the President and Chancellor travel on official business.

REVIEW: This OP will be reviewed in July of odd-numbered years by the Chief Procurement Officer with substantive revisions forwarded to the Assistant Vice President for Financial and Business Services and the Vice President for Administration & Finance and Chief Financial Officer.

POLICY/PROCEDURE

1. Preparation of Travel Documents

- a. Prior to each trip for executive travel, the Office of the President or the Office of the Chancellor will prepare an online travel application when it is anticipated that there will be expenses to be reimbursed or for all international travel. If no expenses are anticipated, a zero cost travel application may be submitted to show that a business trip is taking place.
- b. Upon the President's or Chancellor's return to headquarters, the Office of the President or the Office of the Chancellor will prepare the travel voucher if there are expenses requiring reimbursement. The method of payment for each expense will be noted (cash, personal credit card, state travel card, or executive card).
- c. After completion, the President or Chancellor will review the travel voucher, make any necessary corrections, and sign the travel voucher.

2. Processing Travel Documents

- a. Travel Services and the Executive Card Office will review the travel voucher and make any necessary edits. The subtotals for personal, travel card, and executive card expenditures will be verified, edited if necessary, and the voucher will be approved.
- b. The online travel system will process a reimbursement check for any valid travel expenses paid personally by the President or the Chancellor, and the amount paid by the travel and executive cards will be automatically transferred to a balance sheet account.

3. Payment of Expenses Charged to Credit Cards While on Travel

- a. The Executive Card Office and Travel Services will receive monthly statements from the travel and executive credit card companies for expenses incurred during official business

trips. The President's Office of Chancellor's Office will prepare a detailed report of what each item represents and how it is to be reconciled with the appropriate balance sheet account.

- b. The Executive Card Office will prepare a payment voucher, which will charge the balance sheet account and pay the credit card company.
- c. The balance sheet account has been set up to pay all statements immediately for charges the President or Chancellor makes while on official travel.

4. Travel by President's or Chancellor's Spouse

This policy also regulates travel for the President's or Chancellor's spouse when the President or Chancellor deems it necessary to include her/his spouse for valid business purposes. The spouse's travel has the following restrictions:

- a. No travel for the spouse is to be paid from appropriated funds.
- b. Per IRS regulations, in order for TTU/TTUS to reimburse the President or the Chancellor for his or her spouses' travel and entertainment expenses, the accompanying spouse's presence must fulfill a bona fide business purpose for TTU. [U.S. Treasury Regulation Section 1.132-5\(t\)\(1\)](#).

5. Guidelines for President's/Chancellor's Travel

- a. Due to scheduling conflicts and unanticipated appearance requirements, upgraded airfare will be acceptable for the President or Chancellor in order to prevent additional costs associated with travel changes/cancellations.
- b. The duties required by the position of the President or Chancellor may allow for variances over the State or GSA per diem rates due to location availability and meeting purposes. A chief administrative officer of a state agency is entitled to reimbursement for the actual expense of meals and lodging incurred while performing the duties of the individual's office or employment per [Texas Government Code § 660.203\(a\)](#). If the expenses are incurred within the contiguous United States, the reimbursement is limited to twice the amount that could be reimbursed for regular state employee travel if utilizing appropriated funds per [Texttravel](#).
- c. The use of a transportation service other than the local taxi or ride-share service will be permitted if documentation is provided. Documentation should be accompanied by an explanation of why transportation other than the local taxi or ride-share service was used. For example, there may be a significant need of an executive car service when multiple back-to-back meetings are scheduled at various locations.
- d. All travel activities for the President or Chancellor will be audited on an annual basis.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.13: University-related Travel by Motor Vehicle, Commercial Carrier, and Aircraft

DATE: March 21, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to help minimize the risks of liability connected with travel by university faculty, staff, and students. This OP applies to the use of motor vehicles in any activities directly related to the academic, research, and/or administrative responsibility of the department involved. This OP also applies to travel undertaken by one or more students presently enrolled at the university to reach a university-related activity located more than twenty-five miles from the university. It applies to travel required by a registered student organization. **In accordance with § 51.949, Texas Education Code and Board of Regents Minutes, December 13-14, 2001*

REVIEW: This OP will be reviewed in July of even-numbered years by the Office of the Provost and Senior Vice President, Vehicle Fleet Management, the Texas Tech University System Office of Risk Management, and the managing director of Procurement Services with substantive revisions forwarded through administrative channels to the vice provost for undergraduate education & student affairs.

POLICY/PROCEDURE

1. Generally Applicable Definitions

a. Employee

For purposes of this OP, an employee is defined as anyone appointed to work for the university in a manner that causes his or her name to appear on the university payroll.

b. Sponsor

The sponsor of a student activity is selected by the organization from faculty or full-time staff members who have been employed by the university for at least one year.

c. Student

A student is anyone eligible to hold a current student identification card.

d. Authorized Passenger

Employees, sponsors, students, and prospective students being recruited to participate in a specific university program or activity. In all such cases, reasonable efforts shall be made by the responsible department to ensure that each participant executes a release and hold harmless agreement.

e. Course and Scope of Employment

An employee is within the course and scope of employment when he or she is engaged in activities that are related to the mission of the university and are in the furtherance of its affairs or business, whether on the university's premises or elsewhere.

f. University-related Activities

University-related activities are those activities that are consistent with the university's mission and that are approved by the appropriate administrative unit. This includes activities organized or sponsored by the university, funded by the university, and using vehicles owned, rented, leased by, or loaned to the university.

2. Travel Using Vehicles Owned, Rented, Leased by, or Loaned to the University

a. Appropriate Use

Only persons who are acting within the course and scope of university-related activities should use vehicles owned, rented, leased by, or loaned to the system or its components.

b. Drivers

Because of the risks of personal injury, it is required that only those persons whose names appear on the list of approved drivers be asked or allowed to use any motor vehicle owned, rented, leased by, or loaned to the system or its components. To request a driver be considered for approval and addition to the approved driver list, the following are required:

- (1) The requesting department or unit must submit a completed request through the Texas Tech Vehicle Operating System (<https://apps.texastech.edu/vos/>). The request must include an attached copy of the Texas Tech University System Driver Approval Request form (see Attachment A) and a copy of the driver's current license
- (2) Qualifications for drivers of all motor vehicles owned, rented, leased by, or loaned to the system or its components are as follows:
 - (a) Must have held a valid (Texas or other U.S. state or District of Columbia) driver's license for at least two years and have attained 18 years of age. The two-year experience requirement may be satisfied by providing an English translation of the official driving record, or the equivalent thereof, from the individual's home country;
 - (b) Must comply with driver record check requirements on an annual basis. The driver record will reflect the driver's three-year driving history and will be ordered from the appropriate U.S. state agency.
 - (c) Must achieve an "approved" status using the *Driver Rating Evaluation Form* (OP 80.07, Attachment B);
 - (d) Are required to report any driving violations to their immediate supervisor within five days of the occurrence. This includes violations that occur while driving a vehicle not owned, rented, leased by, or loaned to the university; and

- (e) Must not have had any convictions for driving while intoxicated, driving under the influence of alcohol or drugs, or reckless driving in the five years immediately preceding the date on Attachment A, "Driver Approval Request."
 - (f) Must not have had a reinstated license in effect for less than one year after a revocation.
- (3) Additional qualifications for drivers of vans equipped for 15 passengers are:
- (a) Must be at least 20 years of age and have held a valid license, as defined in (2)(a) above, for at least two years;
 - (b) Must successfully complete a 15-passenger van driver-training course;
 - (c) Must successfully complete 15-passenger van driver retraining annually;
 - (d) Must not have more than one moving violation in the last 18 months;
 - (e) Must successfully pass a drug test; and
 - (f) Must complete the "15-Passenger Van Inspection Checklist" (Attachment C) for each trip. The inspection checklist should be kept in the vehicle glove box for the duration of the trip.

c. Operator Conduct

Operators of university vehicles must take a 15-minute break every three hours and may drive no more than ten hours in a 24-hour period. When the vehicle driven is a van with passengers, a second person who remains awake at all times must ride in the front passenger seat.

- (1) Those who operate a university vehicle represent the university to the general public. The image conveyed does affect the university; therefore:
 - (a) DO NOT use university vehicles for personal transportation or business
 - (b) DO NOT allow alcoholic beverages or narcotics to be consumed or illegally transported
 - (c) DO NOT pick up hitchhikers, transport family members or any other unauthorized passenger
 - (d) DO NOT allow the vehicle to become unnecessarily dirty and present an unfavorable image to the general public
 - (e) DO NOT operate the vehicle unless all occupants are wearing the appropriate restraints
 - (f) DO NOT allow the number of passengers to exceed the authorized capacity of the vehicle (the capacity typically can be determined by counting the number of available seat belts)

- (g) DO observe all traffic rules and regulations
 - (h) DO drive carefully, safely, and courteously
 - (i) DO require driver and all passengers to use seat belts and other appropriate occupant restraints at all times
- (2) When a vehicle is damaged through operator misuse or is operated by a person under the influence of alcohol or narcotics, the department head employing the operator will be furnished a complete statement of the circumstances and a copy of the police report for the appropriate administrative action. Citations for all parking and traffic violations will be the personal responsibility of the operator.
 - (3) If reasonable suspicion exists, testing may be conducted when an accident occurs causing an injury to anyone or damage to property owned by others or Texas Tech University or when the employee receives a traffic citation as a result of a motor vehicle accident. Refer to TTU OP 70.35 for details.
 - (4) Use common sense driving. For road trips of 100 miles or more, share the driving, if possible, and take frequent breaks.

d. Collision Reporting

The following procedures should be followed whenever a university vehicle is involved in a collision, regardless of the extent of damage:

- (1) Stop immediately and notify the proper law enforcement agency so that an official report can document the accident;
- (2) Take necessary steps to prevent another collision;
- (3) Use the Vehicle Fleet Management handbook for instructions and numbers to call;
- (4) Call a doctor, ambulance, or emergency medical team, if necessary. Render aid to the injured until help arrives;
- (5) Get names, addresses, and telephone numbers of all witnesses;
- (6) Provide all required information to the law enforcement officer;
- (7) Notify the department head or supervisor. If you are unable to contact or reach someone, contact the Texas Tech University Police Department; and
- (8) Refer to Texas Tech University OP 80.08 for the completion of required vehicle accident paperwork.

e. Authorization

Employees who drive vehicles owned, rented, leased by, or loaned to the university, or have driving listed as one of their functions of university employment, must have a current driver

record on file with the Texas Tech University System Office of Risk Management. This office may be contacted for information on how to add and delete names on the list of approved drivers.

f. Travel Using Personal Vehicles

The university recognizes that employees occasionally use personal vehicles while engaged in university-related activities on campus and in the local area. Because personal automobile insurance will be looked to first in the event of an accident, all persons who use their vehicles while conducting university business should be made aware of the possibility of personal liability related to such use. No coverage for personal injuries is available to students if they drive their personal vehicles. The university discourages use of personal vehicles.

g. Reimbursement for Costs of Using Personal Vehicles

Mileage costs related to any significant use of personal vehicles to conduct university-related business may be reimbursed to employees upon approval of department heads. Contact the travel office for additional information.

h. Use of Personal Vehicles Not Required

No individual shall be required to use his or her vehicle to perform university-related activities.

i. Policy Concerning Use of Personal Vehicles by Students

- (1) Use of personal vehicles by students to drive to university-related activities is discouraged.
- (2) If students use their own vehicles, and/or transport other students as passengers, they must be informed, in advance by the sponsoring department or unit, that their personal insurance will be responsible for any liability that may arise from such use.

3. Travel by Commercial Carrier

All faculty, staff, and students traveling by commercial carrier to university-related activities shall use only those vehicles and operators that meet the requirements set forth below:

The university will only use those commercial vehicles and operators that are certified to operate under 49 United States Code, Subtitle VI, Part B; 49 Code of Federal Regulations, Subtitle B, Chapter III, Subchapter B; and Texas Transportation Code, Title 7, Subtitle F. In addition, all commercial vehicles used pursuant to this provision must be operated, at a minimum, by operators that are fully qualified and insured in the vehicle being operated.

4. Travel by Commercial or Charter Aircraft

All staff, faculty, and students traveling on official university business or activities will use only those aircraft and aircraft operators that meet the requirements set forth below. The travel regulations contained in the Texas Appropriations Act and other applicable laws will be followed by the university. Allowable reimbursements will be established by the Texas Appropriations Act, regardless of the source of funds. In addition, university employees are encouraged to be as

conservative as possible in the use of air travel, using charter flights only when cost-effective or absolutely necessary.

a. Air Travel Requirements

The university will only use aircraft and aircraft operators that are flightworthy and are certified and operate under Subchapters F & G, Parts 91, 119, 121, 125, or 135, as applicable in Chapter 1, Federal Aviation Regulations, 14 Code of Federal Regulations (the "C.F.R."). In addition, all aircraft used pursuant to this provision must be piloted, at a minimum, by pilots that are fully qualified and insured in the aircraft being flown, possessing a commercial pilot certificate with instrument rating. All flights involving student travel must be piloted by two pilots.

b. Foreign Air Travel

Air travel to or in foreign countries by university faculty, staff, or students will be arranged only through commercial air carriers regularly engaged in scheduled passenger air transportation.

c. Information Requirement

With the exception of commercial, certified domestic and flag air carriers, aircraft operators will provide the university with the following information:

- (1) Type of certificate;
- (2) Certificate number;
- (3) Date issued;
- (4) Expiration date;
- (5) Type and registration number of aircraft authorized;
- (6) Name of Federal Aviation Administration Flight Standards Office having jurisdiction over certificate holder; and
- (7) Schedule of insurance coverage in effect, showing insurance companies, policy numbers, type, amounts, period of coverage and special conditions, exceptions and limitations.

d. Aircraft Made Available to the University by Other than Commercial Operations

Aircraft and crew made available to the university by other than commercial operators must, as a minimum, qualify under all regulations regarding aircraft and crew outlined in 14 C.F.R., Chapter 1, Subchapter G, Part 91, and conform to the insurance provisions set forth in Section 07.11.5, *Regents' Rules*. In addition, all aircraft used pursuant to this provision to transport students, must, at a minimum, contain a multi-turbo prop engine or jet engine and be piloted by two pilots, fully qualified and insured in the aircraft being flown, possessing a commercial pilot certificate with instrument rating.

e. Insurance

Aircraft owners/operators must furnish a certificate of insurance to the university as proof of \$300,000 coverage per passenger, or the minimum amount required by law, whichever is greater.

f. Administrative Requirements

The following are administrative requirements:

- (1) All flights involving leased or chartered aircraft, or aircraft made available to the university pursuant to Section 07.11.4, *Regents' Rules*, must be requested from and approved in advance by the chancellor or designee;
- (2) All flights involving student travel, other than travel on commercial air carriers, must be approved in advance by the chancellor or designee; and
- (3) The university department arranging travel under sections (1) or (2) above will ensure that contracts and other appropriate documents are reviewed by the Office of General Counsel prior to approval by the chancellor or his or her designee.

g. University Waiver

*** In accordance with Section 07.11.7, *Regents' Rules***

This policy can be waived by the chief academic officer's prior written approval for employees and graduate research assistants involved in research projects requiring aerial surveys. These research projects must be supported by fund grants that have been approved by the Office of Research Services.

h. Aircraft Piloted by TTU System Personnel on Official Business

A TTU system employee may pilot an aircraft owned or leased by the employee for travel on official business and may be reimbursed for such travel in accordance with current state regulations (State of Texas Travel Allowance Guide, Chapter 6, Section 6.02). Any aircraft piloted by TTU system personnel for travel on official business must be maintained in accordance with all applicable Federal Aviation Regulations and shall have all instrumentation required for flying in the meteorological conditions then existing and as forecast. The pilot must be current and qualified in accordance with all applicable Federal Aviation Regulations for the type aircraft flown and for the meteorological conditions then existing and as forecast. ***No flight shall be piloted by TTU system personnel with other faculty, staff, students, prospective students, or guests aboard.*** Any TTU system personnel desiring to travel under this provision must execute a written release of liability releasing the TTU System from any and all liability associated with such travel. (Refer to OP 79.14.)

5. Trip Insurance

Texas Tech University System and its components do not provide trip accident insurance for individuals not employed by the system or one of its components. Optional trip insurance is available for purchase through the Texas Tech University Purchasing and Contracting office. The coverage is inexpensive and provides \$2,000 worth of medical expense protection.

6. **Policy Concerning Student Releases and Medical Authorizations**

Each student who travels by motor vehicle (or any other form of transportation) to participate in a university-related activity including, but not limited to, academically-related field trips, courses, competitions, or contests; or non-academic activities such as those sponsored by Recreational Sports, must execute a copy of the *Student Activity Release Form* (see Attachment B) prior to such activities. The *Student Activity Release Form* must be retained by the sponsoring department for the retention period specified in the *Texas Tech University Records Retention Schedule* (see item 69, OP 10.10 attachment).

7. **Guidelines Concerning Safe Travel Practices**

- a. Each administrative unit approving university-related travel, especially when it involves students, is encouraged to promulgate guidelines that encourage safe driving and minimize risks of injury during that travel.
- b. Registered student organizations are free to make such off-campus trips as are deemed worthwhile by the membership and sponsors of the organization. Students and their parents should understand that participation in such off-campus trips and activities is at the student's own risk. If personal injury or accident should occur to students or other persons during such activities, Texas Tech will assume no responsibility, financial or otherwise.
- c. Faculty and staff sponsors and organization officers are urged to take all possible precautions to ensure the safety and well-being of all persons participating in the off-campus activity.
- d. There is no official registration procedure for official off-campus trips, and there are no official excused class absences for students who participate in off-campus trips by student organizations. Students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip. Instructors will be free to set their own requirements for class work missed under such circumstances; they must grant students an opportunity to make up all course work missed while participating in an official off-campus trip.
- e. Please contact the Office of International Affairs for information regarding travel for study abroad programs.

[Attachment A: Driver Approval Request](#)

[Attachment B: Student Activity Release Form](#)

[Attachment C: 15-Passenger Van Inspection Checklist](#)



TEXAS TECH UNIVERSITY SYSTEM Risk Management™

Driver Approval Request

In order to drive TTUS owned, leased, loaned, or rented vehicles, **you must read the following information, sign the form, and attach a photocopy of your driver's license.** Please return the information to the TTUS Office of Risk Management, Box 42003, MS 2003, Lubbock, Texas 79409-2003. Please allow 12-14 working days.

I am aware that consumer and driver license record checks may be obtained as part of TTUS evaluation of my job application or employment. The records may be procured by TTUS or its insurance company representative(s), and may include personal information obtained from the appropriate state driver licensing agency, and my driving record, to be used in an assessment of my qualification as an approved driver.

By signing this letter, I hereby provide my authorization for TTUS or their insurance company representative(s) to procure such information and reports, as well as additional reports about me from time-to-time as deemed appropriate, to evaluate my continued approved driver status.

Please select one.

New

Renewal

Print Neatly or Type.

Last, First, MI Home Telephone Number

Home Address City State Zip

Driver's TTU Email Address

Department Contact Telephone Number

Department Address Mail Stop City State Zip

Driver's License # State Exp. Date DOB

Will you operate a 15-passenger van? Yes No
(Please make sure that you have/or will take the proper 15 passenger van training before driving a 15 passenger van).

Signature
Must be signed by Driver Applicant
Attach copy of driver's license.

Authorization: (For your Department to fill out)

Account #

Fax Number

Print Name (Must be Department Supervisor or Department Head)

Campus Phone

Signature (Must be Department Supervisor or Department Head)

Date

Attachment A
79.13

Texas Tech University System
Student/Participant Release and Indemnity Agreement

Printed Name of Student/Participant: _____

Course/Activity: _____ Course Number (if applicable): _____

Instructor/Sponsor: _____ Destination (if travel required): _____

Semester/Dates of Participation: _____

I, the undersigned, understand and agree that the officially-sponsored activities of Texas Tech University involve certain known risks, including but not limited to, transportation accidents, personal injuries, and loss or destruction of my property. I understand and agree that Texas Tech University cannot be expected to control all of said risks. In consideration of the benefits I will receive through my participation in the activities of Texas Tech University, I hereby expressly and knowingly **RELEASE TEXAS TECH UNIVERSITY, ITS OFFICERS, AGENTS, VOLUNTEERS, AND EMPLOYEES FROM ANY AND ALL CLAIMS AND CAUSES OF ACTION I MAY HAVE FOR PROPERTY DAMAGE, PERSONAL INJURY OR DEATH SUSTAINED BY ME ARISING OUT OF ANY TRAVEL OR ACTIVITY CONDUCTED BY, OR UNDER THE AUSPICES OF TEXAS TECH UNIVERSITY, WHETHER CAUSED BY MY OWN NEGLIGENCE OR THE NEGLIGENCE OF TEXAS TECH UNIVERSITY, ITS OFFICERS, AGENTS, VOLUNTEERS, OR EMPLOYEES, OR ANY OTHER PERSON.**

I hereby give my consent for any medical treatment that may be required during my participation with the understanding that the cost of any such treatment will be my responsibility.

Further, I voluntarily and knowingly agree to HOLD HARMLESS, PROTECT, AND INDEMNIFY Texas Tech University, its officers, agents, volunteers, and employees, against and from any and all claims, demands, or causes of action for property damage, personal injury or death, including defense costs and attorney's fees, arising out of my participation in the activities of Texas Tech University, REGARDLESS OF WHETHER SUCH DAMAGES, INJURY OR DEATH ARE CAUSED BY MY OWN NEGLIGENCE, OR BY THE NEGLIGENCE OF TEXAS TECH UNIVERSITY, ITS OFFICERS, AGENTS, VOLUNTEERS, OR EMPLOYEES, OR ANY OTHER PERSON.

Texas Tech University shall notify me promptly in writing of any claim or action brought against it in connection with my participation in these activities. Upon such notification, I or my representative shall promptly take over and defend any such claim or action.

I HAVE READ AND UNDERSTOOD THIS DOCUMENT, AND MY SIGNATURE EVIDENCES MY INTENT TO BE BOUND BY ITS TERMS.

SIGNATURE: _____ **DATE:** _____
(PARTICIPANT)

If the participant is under 18, I am signing as a parent or guardian to reflect my agreement to indemnify (that is, protect by payment or reimbursement) Texas Tech University from any claim which may be brought by or on behalf of the participant, or any member of the participant's family, for injury or loss resulting from those inherent risks of the course, described above, and from the negligence of the participant, Texas Tech University, or any other person:

SIGNATURE _____ **DATE:** _____
(PARENT OR GUARDIAN)



15-Passenger Van Inspection Checklist

Driver _____

Date _____

Department _____

TTU Phone _____



OUTSIDE THE VAN

1. Approach the van and look underneath for
 - ☐ Excessive leaks
 - ☐ Loose parts
2. Check the suspension
 - ☐ Is the van leaning to one side?
3. Check for obvious damage to
 - ☐ Windows
 - ☐ Exterior light lens
 - ☐ Wiper blades
4. Get in the van and turn on exterior lights. Are all exterior lights working properly?
 - ☐ Front ☐ Rear ☐ Left side ☐ Right side
- ☐ What is your organization's policy on the use of headlights during daylight hours?

5. Inspect the engine compartment. **The engine should be off with the keys in your pocket.**

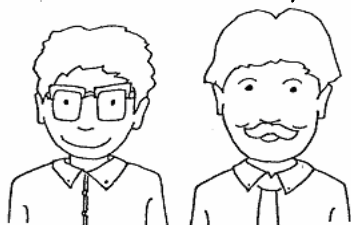
Check all fluid levels

- ☐ Oil ☐ Radiator (when engine is cool)
- ☐ Windshield wiper fluid
- ☐ Inspect all hoses and cable connections for excess wear
- ☐ Check fan belts for proper tension
- ☐ Are fan belts frayed or cracked?

6. Use a gauge to check the tires for
 - ☐ Pressure
 - ☐ Tread depth
 - ☐ Are the hubcaps secure?
7. When you're finished inspecting outside the van
 - ☐ Turn off the exterior lights

Safety is the reason you need to do an inspection!

Inspect with a **partner!** The job will get done faster and you'll do a better job!



INSIDE THE VAN

8. Sit in the driver's seat to check
 - ☐ Horn
 - ☐ Windshield wipers and washer
 - ☐ Backup alarm, if your van has one
 - ☐ All indicator lights and gauges
9. Make sure the driver's seat is not loose and is properly adjusted for **you**
 - ☐ Can you reach floor pedals, steering wheel and all other controls comfortably without straining?
 - ☐ Are you so close that your movement is restricted?
10. Inspect the front seat areas
 - ☐ Are they clear of loose items and debris?
 - ☐ Keep the front seat area, dash, and floor clear of clipboards, papers, trash, etc.
11. Check all mirrors
 - ☐ Are they clean? Can you see clearly?
 - ☐ Adjust each mirror to reduce blind spots as much as possible
12. Check the passenger area
 - ☐ Is the interior lighting operational?
 - ☐ Are the seats secure and in good condition?
 - ☐ Are the seats and floor clean?
 - ☐ Are safety restraints out and accessible to each passenger?
13. Before driving the van
 - ☐ Adjust the steering wheel so the airbag is directed to your chest, not your face
 - ☐ Put on **your** safety restraint
 - ☐ Lock the doors
 - ☐ Make sure **all** passengers are buckled up
14. Never drive under the influence of
 - ☐ Alcohol
 - ☐ Illegal drugs
15. **Remember** – you represent Texas Tech University when you're driving a university vehicle
 - ☐ Observe all traffic rules and regulations
 - ☐ Drive carefully, safely, and courteously

16. List all passengers on the back of this checklist.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.14: Aircraft Piloted by Texas Tech University Personnel on Official Business

DATE: February 23, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to outline the procedures for approval of the use of privately owned or leased aircraft by TTU employees in connection with official travel. Texas Government Code, Section 660.071 et seq. authorizes the use of personally owned or leased aircraft by state employees for travel on official business and provides that employees may be reimbursed for such travel in accordance with the General Appropriations Act. Section 07.11.8, *Regents' Rules*, extends this authorization to TTU employees, provided the following conditions are met:

1. The aircraft used is maintained in accordance with Federal Aviation Regulations (FAR) and has all required instrumentation required for flying in the weather conditions existing and forecast;
2. The pilot is current and qualified in accordance with Federal Aviation Regulations for the type aircraft flown and the meteorological conditions prevailing and forecast;
3. Passengers are not carried during flights connected with official and reimbursed travel; and
4. The pilot releases the TTU System from all liability associated with the travel

This OP does not address procedures for the approval of official travel in rented aircraft.

REVIEW: This OP will be reviewed in July of odd-numbered years by the Office of the President.

POLICY/PROCEDURE

1. Definitions

a. Employee

A person employed by Texas Tech University as defined by university policy and including, for purposes of this OP, a key official or board member of the university.

b. Official Travel

Official travel is travel related to the TTU mission and approved by the appropriate administrative unit in accordance with current policy and procedures.

c. Personally-owned or Leased Aircraft

An aircraft owned by and registered in the name of the TTU employee or leased by the employee under a contract with a term of at least one month that gives the employee possession and use of the aircraft while the lessor retains ownership of the aircraft.

2. **Approval**

a. Initial Approval of the Use of Privately-owned or Leased Aircraft

Employees desiring to use a privately owned or leased aircraft for the conduct of official TTU travel must obtain prior, written approval from the president or his/her designee. Upon submitting a travel application, the employee must provide proof of the following by submitting an authorization form (see Attachment A):

- (1) Current pilot certifications and ratings appropriate to the type aircraft to be flown;
- (2) Current flight review;
- (3) Verification that the aircraft to be used is personally owned or leased, as defined in the OP, and that the aircraft is register under FAR, Part 47.
- (4) Verification that the aircraft has been and will be maintained in accordance with FAR, Part 443, and meets airworthiness requirements detailed in FAR, Part 23;
- (5) Verification that the aircraft will be operated at all times in accordance with FAR, Part 91;
- (6) Verification of appropriate insurance coverage;
- (7) Verification that passengers will not be carried while the aircraft is being used for official travel; and
- (8) Verification that any change in status of these items will be promptly reported to the president or his/her designee, by submitting an updated authorization form (Attachment A) prior to the time of travel.

In addition, the employee will provide a signed copy of the *Release and Indemnity Agreement* (Attachment B).

b. Approval of Routine Travel by Personally owned or Leased Aircraft

Once initial approval has been obtained, the designated travel approval authority in the employee's administrative chain of command may approve routine travel applications involving travel by personally owned or leased aircraft. Each travel application submitted must include a copy of the initial approved authorization form (Attachment A).

A new *Release and Indemnity Agreement* (Attachment B) must be executed prior to each application for routine travel and must be included in each travel voucher.

3. **Reimbursement for Official Travel by Personally owned or Leased Aircraft**

Employees shall be reimbursed for official travel in privately owned or leased aircraft in accordance with and at the rate authorized in current state regulations (Texas Government Code Chapter 660, General Appropriations Act, Article IX, Part 5, and Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter C, Section 5.22).

[Attachment A: Application to Conduct Official Travel in a Personally Owned or Leased Aircraft](#)

[Attachment B: Release and Indemnity Agreement](#)

Texas Tech University

Application to Conduct Official Travel in a Personally Owned or Leased Aircraft

Authority Pursuant to state regulations (Texas Government Code Chapter 660; General Appropriations Act, Article IX, Part 5; and Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter C, Section 5.22) and Section 07.11.8, *Regents' Rules*, employees of Texas Tech University may be reimbursed for official travel at the current rate approved by state regulations. Prior to initial travel authorization under this provision, the employee must submit an application to the Office of the President certifying the following qualifications and assurances.

Certifications

- 1) I certify that I hold the following pilot certifications and ratings (copy of current certificate attached to initial application):

Privileges _____

Certificate number _____

Ratings _____

Date of Issue _____

- 2) I certify that I have a current flight review (copy of log book entry attached to initial application):

Date of current flight review _____

Expires _____

- 3) I certify that I have a current FAA Medical Certificate (copy attached to initial application):

Type Certificate _____

Date of examination _____

Expires _____

Verifications

- 1) The aircraft is personally owned by me or leased under a contract with a term of at least one month that gives me sole possession and use of the aircraft while the lessor retains ownership of the aircraft;
- 2) The aircraft is registered under Federal Aviation Regulations (FAR), Part 47;
- 3) The aircraft has been and will be maintained in accordance with Federal Aviation Regulations, Part 43, and meets airworthiness standards under FAR, Part 23;
- 4) The aircraft will be operated in accordance with Federal Aviation Regulations, Part 91;
- 5) I have and will maintain appropriate insurance coverage on the aircraft and all associated flights;
- 6) I understand that passengers may not be carried while the aircraft is in use for official travel;
- 7) I will provide the university with a release from liability associated with travel in personally-owned or leased aircraft (A NEW RELEASE MUST BE EXECUTED AND ATTACHED WITH EACH APPLICATION);
- 8) I will promptly notify the university if any of these qualifications or conditions change in such a manner that my qualifications to conduct official travel under this provision are altered prior to the time of travel.

Executed this _____ day of _____, _____.

Signature

Witnessed:

Signature

Date

Approved (President or designated representative):

Signature

Date

A COPY OF THIS APPLICATION WITH APPROVAL MUST BE APPENDED TO EACH TRAVEL VOUCHER SUBMITTED

Release and Indemnity Agreement

Pursuant to the Section 07.11.8, Texas Tech University *Regents' Rules*, I have elected to pilot non-Texas Tech University System (TTUS) aircraft for use on official Texas Tech University (TTU) business. I have read and understand Section 07.11.8, Texas Tech University *Regents' Rules*, and Texas Tech University Operating Policy 79.14, which address the use of aircraft for official TTU business, and I hereby specifically agree to comply with the provisions of these policies.

I specifically understand and agree that my choice to use non-TTUS aircraft for official TTU business involves certain known risks including, but not limited to, loss or destruction of my property, transportation accidents, personal injuries, and death. I understand and agree that neither *TEXAS TECH UNIVERSITY* nor the *TEXAS TECH UNIVERSITY SYSTEM* (hereinafter collectively referred to as "*TEXAS TECH*") can be expected to control any of said risks.

I further understand that the cost of any medical treatment that may be required as a result of any such transportation accident, personal injury, or death will be my sole financial responsibility.

I hereby expressly and knowingly **RELEASE TEXAS TECH, ITS OFFICERS, AGENTS, VOLUNTEERS, AND EMPLOYEES FROM ANY AND ALL CLAIMS AND CAUSES OF ACTION I HAVE OR MAY HAVE AT ANY TIME IN THE FUTURE FOR PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH SUSTAINED BY ME OR ANY OTHER PERSON ARISING OUT OF MY USE OF AIRCRAFT FOR OFFICIAL TTU BUSINESS, WHETHER CAUSED BY MY NEGLIGENCE, THE NEGLIGENCE OF TEXAS TECH, ITS OFFICERS, AGENTS, VOLUNTEERS, OR EMPLOYEES, OR THE NEGLIGENCE OF ANY OTHER PERSON.**

Further, I voluntarily and knowingly agree to **HOLD HARMLESS, PROTECT, AND INDEMNIFY TEXAS TECH, its officers, agents, volunteers, and employees against and from any and all claims, demands, or causes of action for property damage, personal injury, or death, including defense costs and attorney's fees, arising out of my use of aircraft for official TTU business, REGARDLESS OF WHETHER SUCH DAMAGES, INJURY, OR DEATH ARE CAUSED BY MY NEGLIGENCE, BY THE NEGLIGENCE OF TEXAS TECH, ITS OFFICERS, AGENTS, VOLUNTEERS, OR EMPLOYEES, OR BY THE NEGLIGENCE OF ANY OTHER PERSON.**

TEXAS TECH shall notify me promptly in writing of any claim or action brought against it in connection with my use of aircraft for official TTU business. Upon such notification, I (or my representative) shall promptly take over and defend any such claim or action.

I HAVE READ AND UNDERSTOOD THIS DOCUMENT, AND BY MY SIGNATURE, AGREE TO BE BOUND BY ITS TERMS.

Signature

Date

Title



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 80.07: Vehicle Fleet Management Program

DATE: July 23, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to implement the State of Texas Vehicle Fleet Management Plan developed in accordance with Government Code, Section 2171.104 and in compliance with Education Code 51.202 to establish procedures, state responsibilities, and provide guidance for compliance under the Texas Tech University Vehicle Fleet Management Program.

REVIEW: This OP will be reviewed in August of even-numbered years by the Managing Director, Services for Operations, the Assistant Vice President for Operations, and the Managing Director of the Texas Tech University System (TTUS) Office of Risk Management with substantive revisions forwarded to the Vice President for Administration & Finance and Chief Financial Officer.

POLICY/PROCEDURE

1. Definitions

- a. Vehicle Fleet Manager – The designated individual responsible for planning, directing, managing, coordinating, and supervising programs for the acquisition, assignment, utilization, maintenance and repair, replacement, and disposal of the university fleet. The manager serves as the primary contact with the state Office of Vehicle Fleet Management.
- b. Vehicle Custodian – The appointed individual listed on inventory records as property custodian (department head/director/dean/chairperson)
- c. Vehicle Coordinator – The individual appointed by the property custodian to coordinate all vehicle use reports, purchases, transfers, and deletions. The coordinator serves as primary contact with the university Vehicle Fleet Management Office.
- d. Vehicle Operator – The individual who operates the university vehicle
- e. Utility Vehicle (UV) – slow-moving vehicles including all-terrain vehicles and golf carts

2. Personal Use/Misuse

As set forth in the Government Code, Section 2203.004, and Penal Code, Chapter 39, no state-owned or leased vehicle shall be used for personal reasons. Refer to [OP 61.01, Use of University Facilities, Equipment, Vehicles, Supplies, and Services for Private Purposes Prohibited](#) for additional guidance.

3. Driver Authorization for All Vehicles, including Utility Vehicles and Golf Carts

The department head to which the vehicle is assigned will authorize the use of university vehicles. Such use will be confined strictly to faculty, staff, and students conducting official business for the university directly relating to the academic, research, and/or administrative responsibility of the department involved.

The vast majority of property damage, personal injury, and death from motor vehicle collisions are directly attributable to driver error. It is a privilege and a serious responsibility to operate a university vehicle, particularly when there are passengers involved. For this reason, the university reserves the right to be highly selective in approving faculty, staff, and student drivers of university-owned, leased, borrowed, or rented vehicles.

All drivers must possess a valid Texas driver license or license from another state or the District of Columbia appropriate for the class of vehicle being operated and be approved by the TTUS Office of Risk Management. The TTUS *Driver Approval Request* (Attachment A) shall be used for this purpose. This form must be completed, signed, routed as instructed thereon, and approval granted BEFORE a driver operates a university- owned, leased, borrowed, or rented vehicle. The TTUS Office of Risk Management will use the information contained in the three-year driver license record provided by the appropriate state agency, apply the criteria referenced in [OP 79.13, University-related Travel by Motor Vehicle, Commercial Carrier, and Aircraft](#), and use the rating system in the *Driver Rating Evaluation Form* (Attachment B) to determine whether driving privileges will be approved or denied.

All approved drivers will be subject to an annual driver record information check (or its equivalent) through the appropriate state licensing agency and approval renewal to ensure each operator continues to possess a valid driver license and has a driver record consistent with continued approved driver status. The driver record information will reflect the driver's three- year driving history and it will be ordered from the appropriate U.S. state agency. The requesting department will coordinate with the TTUS Office of Risk Management to submit a list of drivers to be considered for renewal of approved driver status, an annual driver license record check using the Texas Tech University System TTUS *Driver Approval Request* (Attachment A) and, if necessary, the *Delete Approved Driver Form* (Attachment C). All associated costs will be the responsibility of the department requesting driver approval.

Some vehicles and positions require the employee to maintain a Class A or B driver license. The university will pay for the cost of the license if it is required in the employee's job description.

Individuals requiring a Class A or B driver license must comply with [OP 70.35, Drug and Alcohol Testing for Safety- and Security-sensitive Positions](#).

If an employee's position requires him or her to operate a motor vehicle, failure to maintain approved driver status will result in administrative action and/or termination.

4. Driver Qualifications

- a. Qualifications for drivers of all motor vehicles owned, rented, leased by, or loaned to the system or its components, including UVs are as follows:
 - (1) Must possess a valid Texas driver license or license from another U.S. state or the District of Columbia appropriate for the class of vehicle being operated;

- (2) Must have held a valid driver license, as defined in (1) above, for at least two years and have attained 18 years of age. The two-year experience requirement may be satisfied by providing an English translation of the official driving record from the individual's home country or the equivalent thereof;
 - (3) Must comply with annual driver record information check (or its equivalent);
 - (4) Must achieve an "approved" status using the *Driver Rating Evaluation Form* (Attachment B);
 - (5) Must report all driving violations or convictions and any license revocations, suspensions, or reinstatements following revocations or suspensions to their immediate supervisor within five business days of the occurrence. This includes violations, convictions, suspensions, and revocations that result from driving a privately owned vehicle. Approval to drive a university vehicle may not be granted for one year following reinstatement of a revoked license; and
 - (6) Must not have had any convictions for driving while intoxicated, driving under the influence of alcohol or drugs, or reckless driving in the five years immediately preceding the date on the *Driver Approval Request* (Attachment A).
- b. Additional qualifications for drivers of vans equipped for 15 passengers or extended cargo are:
- (1) Must be at least 20 years of age and have held a valid license, as defined in a.(2) above, for at least two years;
 - (2) Must successfully complete a 15-passenger driver training course;
 - (3) Must successfully complete a 15-passenger refresher training annually;
 - (4) Must not have more than one moving violation in the last 18 months;
 - (5) Must successfully pass a drug test; and
 - (6) Must complete the *15-Passenger Van Inspection Checklist* (Attachment H) for each trip. The inspection checklist should be kept in the vehicle glove box for the duration of the trip.
- c. Additional qualification for drivers of UVs and golf carts:
- (1) Successful completion of cart vehicle training provided by the Office of Risk Management, this is the responsibility of the department.

5. Operator Conduct

Those who operate a university vehicle, including UVs and golf carts, represent the university to the general public. The image conveyed does affect the university; therefore:

- a. DO NOT use university vehicles for personal transportation or business;

- b. DO NOT allow alcoholic beverages or illicit drugs to be consumed or illegally transported in any university vehicle;
- c. DO NOT smoke nor allow passengers to smoke in any university vehicle, including vapor smoking;
- d. DO NOT pick up hitchhikers or transport family members or any other unauthorized passenger(s). Authorized passenger is defined in [OP 79.13, University-related Travel by Motor Vehicle, Commercial Carrier, and Aircraft](#), section 1.d;
- e. DO NOT allow the vehicle to become unnecessarily dirty and present an unfavorable image to the general public;
- f. DO NOT allow the number of passengers to exceed the authorized capacity of the vehicle (the capacity of a vehicle can typically be determined by counting the number of available seat belts);
- g. DO NOT operate the vehicle unless all occupants are wearing the appropriate restraints;
- h. DO NOT text message, read or compose e-mails, or use a handheld cell phone while operating the vehicle. A Bluetooth or other hands free device is acceptable;
- i. DO observe all traffic rules and regulations;
- j. DO drive carefully, safely, and courteously.

6. Vehicle Use Reports (not including UVs and Golf Carts)

- a. Texas Tech Policy requires that each operator of a state-owned motor vehicle make a daily report of use on the *Monthly Vehicle Use Report* (Attachment D).
- b. The report will show the purpose for which the vehicle was used, miles traveled, amount and type of fuel added, oil added, passengers carried, number of trips made, and other information as may be required to provide a record of vehicle use and maintenance performed. All vehicle maintenance will be recorded on the Monthly Vehicle Use Report, reflecting the appropriate feature and sub- feature codes, cost breakdown, and other required information. Refer to Attachment E for compliance tips.
- c. If more than one operator uses the vehicle during the day, the name of each operator must be entered into the report. If more than one page is required per month, a continuation page will be used or the operator information may be provided, as approved by the TTU vehicle fleet manager.
- d. After the close of the reporting period, the custodian or coordinator of the vehicle will check the report for accuracy and sign in the designated space. The completed report then will be sent to the TTU vehicle fleet manager (Operations Division, MS 3142) no later than the fifth day of the following month.

7. Collision Reporting (including UVs and Golf Carts)

The following procedures should be followed whenever a university vehicle is involved in a collision, regardless of the extent of damage:

- a. Stop immediately and notify the proper law enforcement agency so that an official report will document the collision;
- b. Take necessary steps to prevent another collision;
- c. Call 911, if necessary, for medical assistance. Render aid to the injured until help arrives;
- d. Get names and addresses of all witnesses;
- e. Provide all requested information to the law enforcement officers; and
- f. Notify the department head or supervisor;
- g. When a vehicle is damaged through operator misuse or is operated by a person under the influence of alcohol or drugs, the department head employing the operator will be furnished a complete statement of the circumstances and a copy of the police report for the appropriate administrative action.
- h. Citations for all parking and traffic violations will be the personal responsibility of the operator. Vehicle operators must notify their supervisors when they have received any type of citation relating to vehicle operation (on-the-job and off the job).

All collisions involving a university vehicle must be documented according to the procedures established in [OP 80.08, Collisions Involving University Vehicles](#).

8. Travel Outside the Continental United States

Anyone planning to travel outside the United States in a university vehicle must follow the procedures established in [OP 80.03, Out-of-Country Use of University Vehicles](#).

9. Vehicle Security

- a. The security of university vehicles and their contents is the responsibility of the operator. When vehicles are left unattended for any reason, remove the keys from the ignition, set the parking brake, and lock the vehicle.
- b. Vehicles that become disabled on the road will be secured with all possible precautions taken to prevent theft or vandalism. In the event that a vehicle cannot be secured in its present location, the driver will have the vehicle towed to a facility where it can be secured until assistance arrives. The operator is RESPONSIBLE FOR VEHICLE SECURITY. Vehicles will not be left along highways or in any area where vandalism would be easily accomplished.

10. Vehicle Procurement (including UVs and Golf Carts)

- a. All vehicles, including UVs and golf carts, purchased (either new or previously owned) or

leased are subject to the procedures set forth in [OP 72.15, Purchasing/Leasing Motor Vehicles](#). (Attachment F)

- b. All motor vehicles, including UVs and golf carts donated to the university are subject to the procedures established in [OP 02.03, Acceptance of Gifts and Grants from Private Philanthropic Sources](#), and [OP 72.15, Purchasing/Leasing Motor Vehicles](#). (Attachment F)
- c. All motor vehicles, including UVs and golf carts, purchased from surplus, federal, or state agencies are subject to the procedures established in [OP 72.15, Purchasing/Leasing Motor Vehicles](#). (Attachment F)
- d. Additionally, for electric UVs and golf carts, charging locations, approved by Building Maintenance and Construction (BMC), must be established before purchase. This information must be included in the request to purchase vehicle. (Attachment F)

11. Rental of Motor Vehicles including UVs and Golf Carts

- a. Emergency use only and rental of UVs and golf carts, both short-term and long-term, must be approved by Department Head, TTU Fleet Manager, Managing Director of Procurement Services, and the Vice President for Administration & Finance and Chief Financial Officer. Purpose and length of rental must be included, along with arrangements for charging station(s) which is(are) approved by BMC. (Attachment F)

12. Transfers and Deletions

Vehicles, including UVs and golf carts, may be transferred from one agency to another or from one department to another within the university system with the approval of the TTU Vehicle Fleet Manager. Transferred vehicles must be in sound mechanical condition and not increase the receiving agency or departmental vehicle inventory unless documented approval is obtained from the state Office of Vehicle Fleet Management. Refer to [OP 72.15, Purchasing/Leasing Motor Vehicles](#), covering additions to the fleet.

Additionally, any university vehicle to be transferred or deleted from inventory must comply with the procedures established in [OP 63.08, Property Management](#), and [OP 80.04, Disposal of Motor Vehicles as Surplus Property](#). The transferring/deleting department will provide a fully executed copy of the applicable paperwork to the TTU Vehicle Fleet Manager and the Texas Tech University System Office of Risk Management.

13. Fleet Size

Texas Tech University will not increase the size of the vehicle fleet except in cases of legislatively mandated program changes, federal program initiatives, or documented need resulting from program growth or changes. When additional vehicles are necessary, the vehicle custodian will provide a memo stating the need for the increase that has been approved by the appropriate vice president or provost to the Vehicle Fleet Manager.

The TTU Vehicle Fleet Manager must provide the state Office of Vehicle Fleet Management with written notification of all vehicle replacements and university-approved additions. The notifications will include the following information for both the new vehicle and the vehicle

being replaced: vehicle identification number, license plate number, year, make, and model. This applies to all vehicles, including UVs.

14. Titles and Registration

All original vehicle titles and registration receipts will be acquired and maintained by vehicle fleet management.

15. Preventive Maintenance

- a. All university vehicles will be maintained on a routine basis using the following preventive maintenance schedule:
 - (1) 12 months/3,000 miles for gasoline engines
 - (2) 12 months/6,000 miles for diesel engines
 - b. All licensable university vehicles must have a current state safety inspection certification. No university vehicle will be in service unless it is in good operating condition.
 - c. Vehicles will be cleaned routinely to present a favorable image to the general public.
 - d. The TTU Vehicle Fleet Manager will initiate and establish a formal university preventive maintenance program and provide notice to vehicle custodians when preventive maintenance is due. Failure to comply with preventive maintenance notices could result in loss of warranty coverage and/or loss of the privilege to maintain the vehicle on the department's inventory.
- 16.** Vehicle and parts warranty information will be tracked through Texas Fleet System database to achieve maximum savings on maintenance and repairs. A good warranty tracking system can prevent the department from paying for repairs or parts that are still covered under the manufacturer's warranty.

17. Operator Maintenance Checks

- a. Vehicle operators are responsible for inspection of the unit BEFORE AND AFTER operation. All defects discovered during inspections or during actual operation should be noted and reported at the completion of the day. Any deficiency that would cause further damage to the vehicle, render it unsafe, or present a hazard should be reported immediately.
- b. As a minimum, the following checks should be accomplished for all gasoline and diesel vehicles (including nonelectric UVs) on a weekly basis: tire condition and pressure; leaks (any kind); for gasoline or diesel engines, oil level; all belts; all hoses; radiator coolant level; battery fluid level; hydraulic oil level; transmission oil level; lights/signals; fuel; windshield washer fluid level; valid state inspection certification; front and rear license plates; and the complete university inscription on both sides of the vehicle per [OP 80.01, Painting University Vehicles and Equipment](#).

With engine started, but before moving the vehicle, check all gauges, brakes, and

windshield wipers and test the horn.

- c. For battery operated vehicles, including UVs and golf carts, water level in batteries should be checked weekly to ensure battery life and safety. Additionally, all tires, steering, lights, signals, and safety equipment should be checked on a weekly basis.
- d. Failure to perform operational checks may result in breakdowns or damage to the vehicle. Hours of lost vehicle time could be reduced if each driver operates university vehicles in a professional and cautious manner.

18. Vehicle Replacement Criteria

The following guidelines provide minimum replacement goals for the routine replacement of vehicles within the university fleet. Attainment of these goals should help minimize fleet capital and operating costs.

Vehicle Type	Purpose	Replacement Goals	
		Age or Mileage	
Sedans and wagons	Staff or client transport	9 years	100,000 miles
Light trucks and SUVs (8600 GVWR or below)	Basic transport, light hauling	10 years	110,000 miles
Passenger vans	Staff or client transport	9 years	100,000 miles
Cargo vans	Cargo hauling	10 years	110,000 miles
Utility Vehicles	Maintenance, low-speed transportation	10-12 years	

19. Utility Vehicles

- a. For the purpose of this policy, all vehicles classified as “off the road” will be referred to as “UVs.” Examples of UVs include, but are not limited to, courtesy service club cars, maintenance club cars, golf carts, gators, and mules. These vehicles are also classified as departmental equipment. Department heads/directors/deans/chairpersons are solely responsible for following and enforcing the required procedures outlined in this OP.
- b. All acquisitions for UVs will be coordinated through the TTU Vehicle Fleet Management Office to ensure minimum safety requirements and approvals (see section j above).
- c. Only university-owned courtesy service and UVs with the required safety equipment as described in the Requirements for Utility Vehicles (Attachment F) of this OP are authorized for on-campus use. On-campus use of privately owned UVs must gain approval through the Grounds Use Committee ([OP 61.02, Use of University Grounds, Facilities, and Amplification Equipment](#)).

- d. All university-owned UVs used on campus will be numbered by the Vehicle Fleet Management Office. Additionally, all UVs and golf carts must have “Texas Tech University” painted in black letters on both sides, if possible, but clearly identified as TTU property. UVs will be scheduled into the Operations Division garage for numbering application and lettering. TTU Police Department is exempt from labeling and numbering requirements (Sec. 51.932, Texas Education Code).
- e. All UVs must have insurance coverage through Purchasing and Contracting.
- f. On-campus Use

- (1) Operational Boundaries

UVs will not be used on sidewalks or grass.

EXCEPTION: Maintenance-related and courtesy service UVs pursuing official university business (assigned job functions only). Grounds Maintenance will be notified of the need to use vehicles on walks or grounds, make the final determination of need, and give or deny permission based on its determination.

- g. UVs will normally operate only during daylight hours. Exceptions are Operation’s, Athletic Department’s, or Recreational Sports’ use of UVs to provide regular, or emergency, service to campus facilities or grounds. Other exceptions should be approved by department head, Vehicle Fleet Manager and the Managing Director of Services, Operations Division.
 - h. UVs will not be operated on any municipal streets, roads, or highways.
 - (1) Approved operational boundaries for the TTU campus are 4th Street on the north, University on the east, Texas Tech Parkway on the west, and 19th Street on the south.
 - i. Parking

UVs should be parked in designated service vehicle parking spaces, with prior approval from Building Maintenance and Construction. Utility vehicles cannot be parked where they impede vehicular or pedestrian traffic, nor block entrances to buildings or work areas. They cannot park in fire lanes nor impede ADA access to buildings or sidewalks.
 - j. Daily Operation of UVs
 - (1) UVs must not be overloaded, do not exceed recommended weight requirement or number of passengers, riding on running boards, flat beds, or any place other than a designated seat is not allowed. Use of seatbelts is encouraged, if provided. Keep equipment and all body parts inside the vehicle.
 - (2) Adhere to all traffic laws for campus and be aware of surroundings. Cell phones, radios, and ear buds (headphones) or use of anything that will distract the driver or impede the driver’s ability to hear are not permitted.

- (3) When driving through congested areas, speed should match pedestrian's speed, and caution should be exercised. Pedestrians have the right-of-way.
- (4) Electric vehicles must be recharged at locations designated for such use, with BMC approved electrical supply. Extension cords from inside buildings are prohibited. Charging locations are subject to Environmental Health and Safety routine inspections for safety.

[Attachment A: Driver Approval Request](#)

[Attachment B: Driver Rating Evaluation Form](#)

[Attachment C: Delete Approved Driver Form](#)

[Attachment D: Monthly Use Report](#)

[Attachment E: Tips for Reporting Compliance](#)

[Attachment F: Requirements for Utility Vehicles](#)

[Attachment G: Departmental Vehicle Coordinator Designation Form](#)

[Attachment H: 15-Passenger Van Inspection Checklist](#)



TEXAS TECH UNIVERSITY SYSTEM Risk Management™

Driver Approval Request

In order to drive TTUS owned, leased, loaned, or rented vehicles, **you must read the following information, sign the form, and attach a photocopy of your driver's license.** Please return the information to your Department Contact Manager. Please allow 12-14 working days.

I am aware that consumer and driver license record checks may be obtained as part of TTUS evaluation of my job application or employment. The records may be procured by TTUS or its insurance company representative(s), and may include personal information obtained from the appropriate state driver licensing agency, and my driving record, to be used in an assessment of my qualification as an approved driver.

By signing this letter, I hereby provide my authorization for TTUS or their insurance company representative(s) to procure such information and reports, as well as additional reports about me from time-to-time as deemed appropriate, to evaluate my continued approved driver status.

Please select one.

☐

New

☐

Renewal

Fill in on line then print and sign

Last, First, MI

Driver's Email Address (TTU, TTUHSC, ASU)

eRaider or Tech ID

Name as it appears on Driver License

Driver's License # _____ State _____ DOB: _____

I will operate a 15-passenger van.
(15 passenger van safety training required).

I will operate a utility/golf cart.
(Additional training required)

Signature _____ Date _____

**Must be signed by Driver Applicant
Attach copy of driver's license.**

**This form may be used in conjunction with the Texas Tech University System
Vehicle Operator System to request approved driver status.**

Attachment A
80.07

Texas Tech University System

Driver Rating Evaluation Form

This form will be used in conjunction with the Driver Approval Request.

Risk Management will complete this form based on the Information received from the Department of Public Safety Driver Records Bureau.

Driving records will be requested on all TTUS, TTU & TTUHSC drivers to determine their rating.

Note: Any fraction of total points will be rounded down.

Driver Applicant:

Name: DL # State Review Date

Categories	Points Assignable	Points Assigned
Licensed		
Less than 2 years	2	<input type="text"/>
More than 2 years	0	
At Fault Accidents (within last 3 years)		
1 accident	1.5	<input type="text"/>
2 accidents	3	
3 accidents	6	
Major Violations/Convictions (within last 3 years)		
Fail to stop & render aid/give information	6	
Driving under the influence of alcohol or drugs	6	
Driving without a license	6	
Intoxication manslaughter or assault	6	<input type="text"/>
Operating a motor vehicle during a period of suspension or revocation of driver license under any law	6	
Permitting an unlicensed person to drive	3	
Administrative license revocation	6	
Racing or unsafe/excessive speed	6	
Reckless, negligent or careless driving	6	
All Other Moving Violations (within last 3 years)		
Speeding <20 mph over limit ___ violations	1.5 each	
Speeding 20-30 mph over limit ___ violations	3 each	<input type="text"/>
Speeding >30 mph over limit ___ violations	5 each	
Failed to stop ___ violations	1 each	
All other moving Violations:		
1 or 2	1	
3 and over _____ violations	1 each	
Total Points Assigned:		<input type="text"/>

Driver Evaluation and Driving Status:

Total Points Assigned

0

1-2

3-4

5-6

6+

Driver Evaluation Rating

Superior

Good

Average

Probationary

Unacceptable

TTUS Driving Status

Approved

Not Approved

15 Passenger Van Operator? One moving violation in 18 months allowable.

Drivers receiving a "Probationary" or "Unacceptable" rating are not allowed to operate TTUS vehicles.

Notifications:

Department Notified

Not needed ☐ Yes ☐

Date of notification: ___/___/___

Name of Supervisor notified: _____

Notified by: _____

TEXAS TECH UNIVERSITY SYSTEM

Delete Approved Driver Form

Date: _____

Department Name: _____ Account Number: _____

Telephone Number: _____ Fax Number: _____

Contact Person: _____ Mail Stop: _____

	STATE	DRIVER LICENSE #	FIRST NAME	MIDDLE NAME	LAST NAME	DATE OF BIRTH
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

Authorized Signature _____

Mail or Fax to: TTUS Office of Risk Management
MS 2003
Fax: 806 742-3018

Monthly Use Report	
--------------------	--

[illegible]

TIPS FOR REPORTING COMPLIANCE

HEADING

- Record name of Vehicle Custodian (*Vehicle Custodian is defined as the department head or VP*)
- Record Vehicle Make, Type, and Year
- Record the pertaining Report Month/Year
- Record License Number of the vehicle

ODOMETER READINGS

- Record the Previous Month's Odometer ending
- Record the Date and each Trip/Daily Ending Odometer reading on the corresponding line
- Do not report odometer readings with the tenths
- Record Month End Odometer
- If multiple pages are utilized, record "Continued" and list ending odometer and total trips and passengers on last page

PURPOSE, DESTINATION, DRIVER LAST NAME AND NUMBER OF PASSENGERS

- Record a brief description of Purpose for use
- Record a description of Destination
- Record the Driver's Last Name
- Record the Number of Passengers per trip (*this does not include the driver*)

COUNT OF TRIPS

- Record a Count of Trips (*a trip is defined as a "round trip" noted by a single entry and ending at the point of departure*)

TOTAL PASSENGERS/MONTH

- Record the Total the number of Passengers for the Month (*this does not include the driver*)

FUEL/FLUID TYPES

- Record the Fuel Type and Price Per Gallon on the corresponding date line
- Record the Total Fuel Quantity (*total gallons, including tenths, of fuel purchased*)
- Record the Total Fuel Cost (*total the cost of the fuel transaction, not the price per gallon*)

MAINTENANCE AND OTHER EXPENSES

- Record the Date, Invoice number, Task ID (*task IDs are located on the back cover of the VUR book*)
- Record the Parts Costs, Labor Costs, and Total Costs of repairs
- Include copies of all garage repair orders for the corresponding month; please staple them to the back of the report

SIGNATURE OF CUSTODIAN

- The vehicle custodian should check the report for accuracy and sign the report

SUBMISSIONS DUE

- Vehicle use reports are due by the 5th day of the following report month
- Submit the original report and all pertaining receipts to Vehicle Fleet Management, MS 3142
- Retain a copy of the vehicle use report for your records

Vehicle Fleet Management Program Requirements for Utility Vehicles

1. Required Safety Equipment

All utility and courtesy service vehicles to be used on campus must be equipped with:

- a. Headlamps
- b. Multi-beam lamps (exempt if used only during light hours). Courtesy service vehicles must have headlights but are not required to have multi-beam lamps.
- c. Tail lamps
- d. Stop lamps
- e. Turn signals
- f. Reflectors
- g. Brakes
- h. Parking Brake
- i. Mirrors
- j. Muffler (exempt if vehicle is electric powered)
- k. Horn
- l. Windshield wipers (exempt if not equipped with a windshield)
- m. Slow moving vehicle emblem on back
- n. Amber strobe light on roof (exempt if not equipped with a roof)

2. Additional Requirement

All utility and courtesy service vehicles must have liability insurance procured through the Texas Tech University Contracting Office and coordinated by the Texas Tech University System Office of Risk Management.

Texas Tech University
Departmental Vehicle Coordinator Designation Form

As established in TTU OP 80.07, Vehicle Fleet Management Program, Section 19, all Vehicle Custodians (department heads/directors/deans/chairpersons) are responsible for establishing a Vehicle Coordinator in their areas of responsibility. The name and contact information for the Vehicle Coordinator should be provided to TTU Vehicle Fleet Management. The Vehicle Coordinator will be the main departmental contact for the TTU Vehicle Fleet Manager.

DEPARTMENT VEHICLE COORDINATOR
NAME:
DEPARTMENT:
ADDRESS/MAIL STOP:
TELEPHONE:
FAX:
E-MAIL ADDRESS:
VEHICLE CUSTODIAN (department head/director/dean/chairperson):
AREA VP (or equivalent):

TOTAL NUMBER OF VEHICLES:	
LIST THE LICENSE PLATE NUMBERS OF VEHICLES FOR WHICH THIS VEHICLE COORDINATOR IS RESPONSIBLE . Use back of this page if necessary.	

Please complete this form and forward to: TTU Vehicle Fleet Manager, Physical Plant, MS 3142.

Thank you



15-Passenger Van Inspection Checklist

Driver _____

Date _____

Department _____

TTU Phone _____



OUTSIDE THE VAN

1. Approach the van and look underneath for
 - ☐ Excessive leaks
 - ☐ Loose parts
2. Check the suspension
 - ☐ Is the van leaning to one side?
3. Check for obvious damage to
 - ☐ Windows
 - ☐ Exterior light lens
 - ☐ Wiper blades
4. Get in the van and turn on exterior lights. Are all exterior lights working properly?
 - ☐ Front ☐ Rear ☐ Left side ☐ Right side
- ☐ What is your organization's policy on the use of headlights during daylight hours?

5. Inspect the engine compartment. **The engine should be off with the keys in your pocket.**

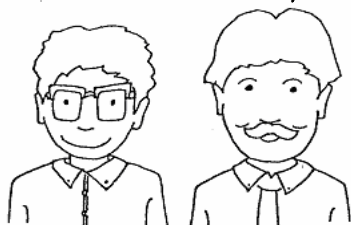
Check all fluid levels

- ☐ Oil ☐ Radiator (when engine is cool)
- ☐ Windshield wiper fluid
- ☐ Inspect all hoses and cable connections for excess wear
- ☐ Check fan belts for proper tension
- ☐ Are fan belts frayed or cracked?

6. Use a gauge to check the tires for
 - ☐ Pressure
 - ☐ Tread depth
 - ☐ Are the hubcaps secure?
7. When you're finished inspecting outside the van
 - ☐ Turn off the exterior lights

Safety is the reason you need to do an inspection!

Inspect with a **partner!** The job will get done faster and you'll do a better job!



INSIDE THE VAN

8. Sit in the driver's seat to check
 - ☐ Horn
 - ☐ Windshield wipers and washer
 - ☐ Backup alarm, if your van has one
 - ☐ All indicator lights and gauges
9. Make sure the driver's seat is not loose and is properly adjusted for **you**
 - ☐ Can you reach floor pedals, steering wheel and all other controls comfortably without straining?
 - ☐ Are you so close that your movement is restricted?
10. Inspect the front seat areas
 - ☐ Are they clear of loose items and debris?
 - ☐ Keep the front seat area, dash, and floor clear of clipboards, papers, trash, etc.
11. Check all mirrors
 - ☐ Are they clean? Can you see clearly?
 - ☐ Adjust each mirror to reduce blind spots as much as possible
12. Check the passenger area
 - ☐ Is the interior lighting operational?
 - ☐ Are the seats secure and in good condition?
 - ☐ Are the seats and floor clean?
 - ☐ Are safety restraints out and accessible to each passenger?
13. Before driving the van
 - ☐ Adjust the steering wheel so the airbag is directed to your chest, not your face
 - ☐ Put on **your** safety restraint
 - ☐ Lock the doors
 - ☐ Make sure **all** passengers are buckled up
14. Never drive under the influence of
 - ☐ Alcohol
 - ☐ Illegal drugs
15. **Remember** – you represent Texas Tech University when you're driving a university vehicle
 - ☐ Observe all traffic rules and regulations
 - ☐ Drive carefully, safely, and courteously

16. List all passengers on the back of this checklist.

12 Appendix II: Regents' Rules

*The Rules and Regulations of the Board of Regents
of the Texas Tech University System*

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[with amendments through: 05-18-2018]

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06	Institutional Advancement
07	Fiscal Management
08	Facilities
09	Investments and Endowments
10	Intellectual Property Rights
11	Athletics at TTU and ASU
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Note: See also ... BOARD POLICY STATEMENTS for:

- Audit Committee Charter
- Investment Policy Statement – SITIF
- Investment Policy Statement – LTIF
- Seals of the Texas Tech University System

Missions1

Dates Approved or Amended:

-- Comprehensive review.....12-12-2014

-- Revised TTUHSC Mission statement.....05-19-2017

Chapter 00 -- Definitions, Style, and Citations

Dates Approved or Amended:

-- Comprehensive review/amendments10-10-2014

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-- Technical adjustments.....	10-10-2014	• to §01.02.1.f & §01.02.6.b(6)
-- Technical adjustment	12-12-2014	• to §01.02.6.b(5)
-- System clean-up legislation revisions	10-09-2015	• to §01.02.1.c, .e & .g
-- Added Board self-evaluation policy.....	03-02-2018	• as §01.01.4

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- *State contracting law changes*.....10-09-2015
 - added §02.01.3.n & §02.04.2.o
 - conforming changes to Ch. 07 section citations in §02.03.2.c & §02.03.3.b
- *State contracting law changes*.....05-20-2016
 - added §02.04.2.p
 - conforming changes to Ch. 07 section citations in §02.03.2.c & §02.03.3.b

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Dates Approved or Amended:

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- *Technical adjustment*10-10-2014
 - to §03.01.5.b(2)
- *Amendments as noted*10-09-2015
 - revised §03.01.2.e to conform to changes in state contracting laws
 - technical adjustment to §03.07.2.a(2)
- *Various amendments as noted*.....05-20-2016
 - various sections revised due to 2015 state contracting law changes, including §: 03.01 ... 03.01.1.d ... 03.01.1.f ... 03.01.2.a ... 03.01.2.j-k ... 03.01.5
 - various sections conformed to EEO provisions in Title IX, Title VII and U.S. Executive Order 11246, including §: 03.01.2.h; 03.01.8.a
 - clarifying change to §03.01.5.b(3)-(4) re: the approving authority for outside employment
- *Various amendments as noted*.....05-20-2016
 - updates and conforming changes due to revisions in state law relating to contracts and conflicts of interest, including to: §03.01.2.j ... §03.01.5.b(3) ... §03.03.2 ... §03.03.3.a ... §03.03.5.a

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Dates Approved or Amended:

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- *Technical adjustment*10-10-2014 • to §04.04.1
- *Miscellaneous clean-up revisions*.....10-09-2015 • to §04.11 header & §04.11.3

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Dates Approved or Amended:

-- Comprehensive review/amendments	08-09-2013	
-- Amendment	10-11-2013	• added §06.01.5
-- Technical adjustment	10-10-2014	• to §06.05.4.b
-- Amendments	03-06-2015	• to §06.03.2 and §06.03.3
-- System clean-up legislation revisions	10-09-2015	• to §06.01.2.b

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Chapter 07 -- Fiscal Management

Dates Approved or Amended:

-- Comprehensive review/amendments	02-28-2014	
-- Amendment	03-06-2015	• §07.03.6 re: fraud disciplinary actions
-- State contracting law changes.....	10-09-2015	• many sections amended, including §: 07.02.4.a, 07.02.6, 07.02.7.o, 07.03.2.b, and extensively throughout 07.12
-- Multiple and various amendments	05-20-2016	
• Additional state contracting law changes ... amendments to multiple sections, including: §07.02.6, 07.02.7, 07.03, and extensively throughout 07.12		
• Updates to audit provisions ... to reflect changes in the audit mission, code of ethics, and audit standards adopted by the Institute of Internal Auditors.		
• Revisions to emergency approvals of a budget adjustment or a contract ... to conform the budget policy to the contract policy and require that such proposals be submitted by the Chancellor.		
• Change in the 'early start' provision for consulting contracts of more than \$25,000 ... to require that such proposals be submitted by the Chancellor.		
-- Amendment	10-14-2016	• §07.02.5.b revised to bring the use-of-debt- proceeds provision in line with U.S. Treasury regulations
-- Amendment	08-11-2017	• amended §07.12.4.e(2) to require prior review of \$25,000-or-less consulting contracts by the System CFO, rather than by Board chair and chair of Finance & Administration Committee
-- Amendment	10-20-2017	• added a new §07.12.4.c for a delegation of contract approval authority to the health- related presidents for certain continuing contractual relationships; and deleted old §07.12.4.d due to it conflicting with §07.12.3.b.
-- Amendment	03-02-2018	• changes re: debt and equipment financing policies (§07.05.2.b and §07.05.4.a) ... student financial assistance program administration (§07.10.4) ... contracts and conflicts of interest (various in §07.12) ... name of the Office of Treasury

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- *Amendments as noted*10-10-2014:
 - §08.01.9 – revised FP&C fees ... • §08.02.4.e – re: honorary statutes ... • §08.07.5 – re: alcohol policy
- *Amendments as noted*10-20-2017:
 - §08.01.2 – revised to a general statement defining major and minor projects ... • §08.01.3 – overhaul of approval processes for major projects ... • §08.01.7 – emergency authorization for use of contingencies
- *Amendments*05-18-2018:
 - §08.01.3.a – added feasibility study option

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- Miscellaneous clean-up revisions.....10-09-2015 • to §09.07.3

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***Regents' Rules* – comprehensive reviews/updates and amendments since 08-09-2013**

<i>Regents' Rules</i> chapters	Comprehensive update approved	Chapter amendments since comprehensive update adopted
Missions	12-12-2014	05-19-2017: revised TTUHSC's Mission statement
00 - Definitions	10-10-2014	
01 – Bylaws	02-28-2014	10-10-2014: technical corrections to: §01.02.1.f re: new acronym for TTUHSC El Paso per Ch. 00 changes ... §01.02.6.b(6) re: section citation updates due to changes in Ch. 00 12-12-2014: technical correction to section citation in §01.02.6.b(5) due to Ch. 12 changes 10-09-2015: revisions to statute citations and wording in §01.02.1 due to System clean-up legislation 03-02-2018: added §01.01.4 to require Board self-evaluations
02 - Administration	02-28-2014	10-09-2015: amendments to conform the <i>Regents' Rules</i> to changes in state contracting laws: added §02.01.3.n & §02.04.2.o ... revised Ch. 07 section citations in §02.03.2.c & §02.03.3.b 05-20-2016: amendments to conform the <i>Regents' Rules</i> to changes in state contracting laws: added §02.04.2.p ... revised Ch. 07 section citations in §02.03.2.c & §02.03.3.b
03 – Personnel	10-11-2013	10-10-2014: adjustment to §03.01.5.b(2) re: new acronym for TTUHSC El Paso per Ch. 00 changes 10-09-2015: amendments re: revised §03.01.2.e to conform to changes in state contracting laws ... technical adjustments to §03.07.2.a(2) 05-20-2016: updates relating to: state contracting law changes ... EEO requirements ... the approving authority for outside employment 03-02-2018: various updates/conforming changes due to state law revisions relating to contracts and conflicts of interest, including to: §03.01.2.j ... §03.01.5.b(3) ... §03.03.2 ... §03.03.3.a ... §03.03.5.a
04 – Academic Affairs	08-09-2013	10-10-2014: adjustment to §04.04.1 re: new acronym for TTUHSC El Paso per Ch. 00 changes 10-09-2015: added "department" in §04.11 header and §04.11.3
05 – Student Affairs	08-09-2013	
06 – Inst'l Advancement	08-09-2013	10-11-2013: added §06.01.5 10-10-2014: adjustment to §06.05.4.b re: new acronym for TTUHSC El Paso per Ch. 00 changes 03-06-2015: amended §06.03.2 & §06.03.3 re: roles of the Chancellor and Presidents in fund raising 10-09-2015: revisions to §06.01.2.b statute citations and wording due to System clean-up legislation
07 – Fiscal Management	02-28-2014	03-06-2015: amended §07.03.6 re: fraud disciplinary actions 10-09-2015: due to changes in state contracting laws, many amendments made to multiple sections, including: §07.02.4.a ... §07.02.6 ... §07.02.7.o ... §07.03.2.b ... extensively throughout §07.12 05-20-2016: additional revisions throughout due to changes in state contracting laws, plus revisions in: audit standards ... emergency approval of a budget adjustment or contract ... 'early start' approval for an over-\$25,000 consulting contract 10-14-2016: amended §07.05.2.b to bring use-of-debt-proceeds policy in line with US Treasury reg's 08-11-2017: amended §07.12.4.e(2) so System CFO does prior review of \$25,000-or-less consulting contracts 10-20-2017: added a new §07.12.4.c for a delegation of contract approval authority to the health-related presidents for certain continuing contractual relationships; and deleted old §07.12.4.d due to it conflicting with §07.12.3.b 03-02-2018: changes re: debt and equipment financing policies (§07.05.2.b and §07.05.4.a) ... student financial assistance program administration (§07.10.4) ... contracts and conflicts of interest (various in §07.12) ... name of the Office of Treasury

<i>Regents' Rules</i> chapters	Comprehensive update approved	Chapter amendments since comprehensive update adopted
08 – Facilities	02-28-2014	12-12-2014: revised FP&C fee structure (§08.01.9) ... added policy on honorary statues (§08.02.4.e) ... added a system-wide alcohol policy (§08.07.5) 10-20-2017: <ul style="list-style-type: none"> • §08.01.2 – revised to a general statement on thresholds for major and minor construction projects • §08.01.3 – comprehensive overhaul of the approval processes for major projects • §08.01.7 – authorized emergency use of contingency funds when a life, health or safety risk exists 05-18-2018: added a feasibility study option (in §08.01.3.a) to the major project approval process
09 – Investments	08-08-2014	10-09-2015: amendments to conform the process for Board approval of mineral leases in §09.07.3 to that used for Board approval of other matters
10 – Intellectual Prop.	10-09-2015	
11 – Athletics	10-11-2013	
12 – Honorifics & Seals	08-09-2013	12-12-2014: added new §12.06 re: honorary statues; subsequent sections were re-numbered 05-19-2017: added new §12.09 to authorize a seal monument for TTU–Costa Rica

Board Policy Statements – comprehensive reviews/updates and amendments since 08-09-2013

Board Policy Statements	Comprehensive reviews/updates	Amendments since comprehensive update adopted
Audit Committee Charter	07-28-2014	← Reviewed by Regents Rules Review Cmte, but no changes recommended or adopted
Investment Policy Statement – SITIF	08-08-2014	10-14-2016: amended §7.1.a to add a requirement that investment in money market funds is limited to those offered at a constant \$1.00 net asset value.
Investment Policy Statement – LTIF	08-08-2014	05-19-2017: various amendments throughout to conform policy to practice
Seals of the TTU System	08-09-2013	10-10-2014: TTUHSC El Paso seal revised; plus technical correction re: new acronym for TTUHSC El Paso per Ch. 00 changes 12-12-2014: technical corrections to section citations in §1 and §3 due to Ch. 12 changes 05-19-2017: added authorization for a TTU–Costa Rica seal monument

See following pages for:

- summaries of the substantive revisions adopted as the result of the comprehensive reviews of the *Regents' Rules* chapters and Board Policy Statements; and
- amendments approved since the comprehensive updates were adopted.

Missions

Summary of comprehensive updates adopted on: [December 12, 2014](#)

Substantive revisions include the following

Texas Tech University System:

The only change to the System's mission statement was the addition of Texas Tech University Health Sciences Center at El Paso to the list of the System's component institutions.

Texas Tech University Health Sciences Center at El Paso:

The addition of a mission statement for TTUHSC El Paso was adopted. Although the El Paso campus became a free-standing institution on September 1, 2013, the development of a Board-approved mission statement for the new institution was pending the arrival of a permanent president of the institution.

President Richard Lange took office on July 1, 2014, and submitted a proposed mission statement for TTUHSC El Paso.

[Amendments to "Missions" adopted since Dec. 12, 2014:](#)

05-19-2017 ... Revised the Mission statement of TTUHSC.

Chapter 00 – Definitions, Styles and Citations

Summary of comprehensive updates adopted on: [October 10, 2014](#)

All revisions proposed for Chapter 00 are non-substantive in nature.

Definitions (Sec. 00.01):

The definitions contained in Section 00.01 define words, phrases, acronyms and/or other abbreviations that are used in more than one chapter of the *Regents' Rules*. As such, definitions that apply only within a particular chapter typically are not included in Chapter 00.

Many of the proposed changes in the attached draft relate to a reorganization of the definitions currently in Section 00.01.

Some of the existing definitions are revised for the sake of clarity or to conform the Chapter 00 definitions to their common usage in other chapters of the *Regents' Rules*.

A few of the amendments add new definitions to reflect changes made in other chapters over the past year ... for example, to reflect the addition of TTUHSC El Paso as a stand-alone institution within the Texas Tech system.

Style (Sec. 00.02) and Citations (Sec. 00.03):

The minor revisions in these two sections are all housekeeping or clarifying in nature.

Conforming changes needed in other chapters and Board Policy Statements:

Due to the changes proposed for Chapter 00, there will need to be a limited number of conforming or technical corrections made in other chapters of the *Regents' Rules* and the Board Policy Statements. It is proposed that the Board secretary be authorized to make such changes, which include the following:

- (1) Conforming changes where a provision in another chapter of the *Regents' Rules* cites a section number in Chapter 00 that has changed: Sec. 01.02.6.b(6).
- (2) Conforming changes due to a new abbreviation in Chapter 00 ... specifically, where the abbreviation added for Texas Tech University Health Sciences Center at El Paso is "**TTUHSC El Paso**" – but elsewhere in the *Regents' Rules* and Board Policy Statements, there currently are a total of 5 references to "**TTUHSC-El Paso**" ... one each in: Sec. 01.02.1.f ... Sec. 03.01.5.b(2) ... Sec. 04.04.1 ... Sec. 06.05.4.b ... the Board Policy Statement on Seals, on the page for the seal of the Texas Tech University Health Sciences Center at El Paso.

Chapter 01 – Bylaws

Summary of comprehensive updates adopted on: [February 28, 2014](#)

INTRODUCTORY NOTE:

Where needed and appropriate, references and/or provisions relating to the Texas Tech University Health Sciences Center at El Paso are added, since the El Paso campus now is a stand-alone institution.

Substantive revisions include the following:

Responsibilities of the Board:

A state law provision regarding the Board having the legal responsibility of a fiduciary is added. This is not a new statutory requirement, so its addition to the *Regents' Rules* simply emphasizes that this is a fundamental duty of the Board. [*\$01.01.3*]

Board chair:

A SACS-required provision regarding the eligibility of a Board member to serve as chairman of the Board is added. Per SACS, the Board chair "must be free of any contractual, employment, or personal or familial financial interest" in a component institution under the Board's control. [*\$01.02.3.a(1)*]

Board secretary:

- A statement regarding the mission of the Board secretary and the Office of the Board of Regents is added. [*\$01.02.6.a(3)*]
- New provisions are added regarding: • the ability of the Board secretary and assistant secretary to function as agents of the Board; and ... • a requirement that the Board secretary and assistant secretary maintain information as confidential when so directed by the Board or required by law. (Note: A related provision is added for the General Counsel in Chapter 02.) [*\$01.02.6.a(5)*]

Duties and responsibilities of the standing committees of the Board:

The chairs of the Board's standing committees have reviewed the charge for their respective committees and proposed certain revisions.

- Academic, Clinical & Student Affairs Committee. [*\$01.02.8.d(1)*]
- Facilities Committee. [*\$01.02.8.d(2)*]
- Finance & Administration Committee. [*\$01.02.8.d(3)*]
- Audit Committee. [*\$01.02.8.d(4)*]

Executive Committee:

The Executive Committee would be eliminated, as there is no longer a need to keep this committee on the books. Under the requirements of today's Open Meetings Act, the timeframe and process it takes to convene a meeting of the 5-member Executive Committee is the same as for gathering a quorum of the Board for a special called teleconference meeting. [see former §01.02.8.d(5)]

Advisory nature of special committees and the IAC:

New provisions would clarify that, unless the Board makes a specific delegation of authority to a special committee or the Investment Advisory Committee (IAC), those committees serve only in an advisory capacity. [§01.02.8.e(4) and §01.02.8.f(2)]

Procedure for suspension of the *Regents' Rules*:

A procedure for motions to suspend the *Regents' Rules* is added. The vote required to approve a suspension of the *Rules* would be a simple majority of members who are present at the meeting. [§01.02.9.f]

Board members' participation at commencement ceremonies:

Given the new, expanded schedule of commencement ceremonies for TTUHSC and TTUHSC at El Paso, Board members would be "encouraged" (as opposed to "expected") to participate in the commencement ceremonies of the component institutions. [§01.06]

***Regents' Rules* review:**

The schedule for reviews of the *Regents Rules* would be changed from "every four years" to one that is an ongoing process ... which in turn would require the Regents Rules Review Committee to be a special "advisory" committee that's always in place and available to study and recommend changes to the *Regents' Rules* whenever needed and appropriate. [§01.07]

Amendments to the *Regents' Rules*:

The Board would be able to adopt amendments to the *Regents' Rules* at special called meetings as well as at regularly-scheduled meetings. [§01.08.1]

[see next page for amendments to Chapter 01 since 02-28-2014 comprehensive review/amendments]

Amendments to Chapter 01 adopted since February 28, 2014:

10-10-2014 ... The following technical adjustments were made:

- In §01.02.1.f, a reference to "TTUHSC-El Paso" was changed to "TTUHSC El Paso" to conform to the Chapter 00 acronym for that institution.
- In §01.02.6.b(6), citations to sections in Chapter 00 were revised to reflect the renumbering of sections in Chapter 00.

12-12-2014 ... The following technical adjustment was made: In §01.02.6.b(5), a section citation was revised due to changes made in Chapter 12.

10-09-2015 ... Revisions were made to §01.02.1 (in .c, .e & .g) to conform state law citations and wording to changes made to Texas Tech's enabling statutes by the System clean-up legislation (S.B. 907).

03-02-2018 ... Added a new §01.01.4 to comply with a SACSCOC new requirement that the Board conduct self-evaluations on a regular basis.

Chapter 02 – Administration

Summary of comprehensive updates adopted on: February 28, 2014

Responsibilities of the System Administration ... service provision:

The System Administration, under the direction of the Chancellor, provides system-wide leadership and coordination of various functions and priorities. Such functions/priorities currently include coordination and oversight of “cultural diversity” and “customer-oriented instruction.” As these are better coordinated at the institutional level, these functions/priorities are reassigned to the respective Presidents. [*\$02.02.3.a ... and \$02.04.2.c-d*]

President searches:

When there is a vacancy in a President position, current policy requires that a new President be appointed by a vote of the Board, with the Chancellor providing a recommendation to the Board. Currently, there are no provisions that govern the process by which a search for a President is conducted. The following provisions would guide that process.

- If the Board determines that a presidential search committee is needed, the Board appoints the members of the search committee and determines the process to be used by that committee ... with the Chancellor being able to make recommendations to the Board about the use, members, and process of such a search committee.
But, the Board also has the option to delegate to the Chancellor the authority to establish a presidential search committee and determine the process to be used by that committee.
- The recommendations of a presidential search committee must be submitted to the Board, with a copy to the Chancellor.
- With a recommendation from the Chancellor, the Board determines which, if any, of the candidates recommended by the search committee will be interviewed by the Board and the Chancellor prior to the Board naming a finalist.

[*\$02.03.1.b(4)*]

Notification to the Board for positions appointed by the Chancellor and President:

Currently, the Board receives prior notification when certain executive and/or administrative positions are filled by the appointment of the Chancellor or a President (such as vice chancellors, vice presidents, provosts, deans, athletic directors and head coaches). Provisions are added that also require prior notice to the Board when the Chancellor or a President terminates or reassigns a person who holds one of those positions. [*\$02.03.2.a ... and \$02.03.3.a*]

General Counsel:

- The duties of the General Counsel are enhanced to clarify that the General Counsel:
 - represents the System Administration and each component institution in all legal matters; and ...
 - when approved by the Attorney General, the General Counsel retains and manages any outside counsel that provides services to the System Administration or the component institutions. [*\$02.03.2.b(2)*]
- Provisions are added regarding the General Counsel being governed by the Texas Rules of Ethics when providing legal services or advice to the Board or individual members of

the Board. As such, when the Board or individual members of the Board seek legal services from the General Counsel, they will be deemed "client representatives," and they may expect the confidentiality that the rules provide for such individuals. (see Texas Rules of Ethics rule 1.05) [§02.03.2.b(3)]

Employment contracts for certain appointees of the Chancellor:

A new general provision that governs the approval of employment agreements is established in Chapter 07 (in Sec. 07.12.2.f). Accordingly, the provisions in Chapter 02 regarding approval of employment contracts for certain appointees of the Chancellor (*which include vice chancellors and other members of the System Administration executive team*) are tied to and governed by the new guidelines in Chapter 07 when specified thresholds are exceeded. [§02.03.2.c]

Presidents' appointments:

SELECTION: The Chancellor shall provide input when the President is considering the appointment, termination or reassignment of certain institutional officers. Then, after a decision is reached, the President must give the Chancellor and Board advance notice before an announcement is made regarding the position. [§02.03.3.a]

CONTRACT: A new Chapter 07 provision that governs approval of employment contracts will require a contract for one of these institutional officers to be approved by the Board if certain thresholds are exceeded. Otherwise, the President must have the input of the Chancellor before the President approves a contract for such an officer. [§02.03.3.b]

Performance evaluations of Presidents:

Current policy has the Board conducting the annual performance evaluations of each President, with a recommendation from the Chancellor being provided to the Board. Under the proposed change, the Chancellor would evaluate each President ... but before the evaluation is shared with a President, the Chancellor and the Board would discuss and come to an agreement on the evaluation. [§02.03.4.b]

Salaries of certain System Administration and institutional officers:

- Currently when the Chancellor sets the salary of a vice chancellor or other System Administration officer, the Board is to be given prior notice of what that officer's salary will be. Instead of giving the Board prior notice each time the salary of a new officer is appointed or a current officer's salary is increased or decreased, the Chancellor would present to the Board an annual report of the salaries for all such officers at the time that operating budgets are approved by the Board. [§02.03.6]
- Currently, the salaries of certain positions appointed by a President – including a vice president, provost, vice provost or dean – are set by the President, with prior approval by the Chancellor and prior notice to the Board. Instead, the salaries of these institutional officers would be set by the President, with the President presenting to the Chancellor and the Board an annual report of the salaries for all such officers at the time that operating budgets are approved by the Board. [§02.03.8]

Amendments to Chapter 02 adopted since February 28, 2014:

10-09-2015 ... Legislative changes in state contracting and purchasing laws made by S.B. 20 required conforming changes to Chapter 02, including:

- adding to the duties of the Chancellor and Presidents the responsibility for the development and implementation of programs and policies that promote and ensure ethical behavior for the Texas Tech system and the component institutions [§02.01.3.n and §02.04.2.o]; and
- making conforming changes to Chapter 07 section citations in §02.03.2.c and §02.03.3.b due to changes in Chapter 07 resulting from the legislative statute revisions.

05-20-2016 ... Legislative changes in state contracting and purchasing laws made by S.B. 20 required conforming changes to Chapter 02, including:

- adding to the duties of the Presidents the responsibility for the development and implementation of a contract management handbook [§02.04.2.p]; and
- making additional conforming changes to Chapter 07 section citations in §02.03.2.c and §02.03.3.b due to changes in Chapter 07 resulting from the legislative statute revisions.

Chapter 03 – Personnel

Summary of comprehensive updates adopted on: October 11, 2013

Benefits, gifts and honoraria:

GENERALLY — Clarifies and strengthens the general restrictions on benefits, gifts and honoraria. [*first paragraph of §03.01.4*]

FOOD, LODGING, TRANSPORTATION AND ENTERTAINMENT — Clarifies that officers or employees who have discretion or control over contracts, purchases, payments, claims and other financial transactions are not allowed to accept food, lodging, transportation or entertainment from persons or entities the officer or employee knows or should reasonably know are interested in a contract, purchase, payment, claim, or other financial decision or transaction with Texas Tech for which the officer or employee exercises discretion or control. [*§03.01.4.c(1)*]

HONORARIA — Clarifies that an officer or employee can accept payment for providing services when the officer or employee is asked to provide the service because of the officer's or employee's expertise and not because of the officer's or employee's official status with Texas Tech. [*§03.01.4.f*]

Conflict of commitment: [*to complement the existing conflict of interest policies*]

Creates a broad conflict of commitment policy into which the current provisions on consulting and outside employment are merged. [*§03.01.5*]

Clarifies/enhances provisions on the primary responsibility of employees and employees' external activities while working on official time. [*§03.01.5.a-c*]

Preservation of Texas Tech resources:

Adds specific language regarding: • when employees are at work, they may not use official time for personal or external activities, and ... • someone in a supervisory capacity may not require a subordinate to perform personal activities for the supervisor. [*§03.01.7*]

Discriminatory conduct:

Merges and updates current provisions regarding sexual harassment and affirmative action/equal employment opportunity into a broader policy that addresses discriminatory conduct. [*§03.01.8*]

Familial/household or consensual relationships for faculty and students:

Adds 2 new policies that address familial or household relationships and consensual relationships involving faculty members and students. [*§03.01.9 and §03.01.10*]

Prohibits a faculty member from having instructional or supervisory oversight of the student when such relationships exist.

Requires the faculty member to disclose such a relationship ... and then the relationship must either cease or a management plan must be developed and followed under which alternative arrangements are made for the student's continued education.

Amendments to Chapter 03 adopted since October 11, 2013:

10-10-2014 ... The following technical adjustment was made: In §03.01.5.b(2), a reference to "TTUHSC-El Paso" was changed to "TTUHSC El Paso" to conform to the Chapter 00 acronym for that institution.

10-09-2015 ... Two amendments were made, as follows:

- Due to legislative changes in state contracting and purchasing laws made by S.B. 20, the provision relating to the protection and conservation of public property was augmented by the addition of "including all institutional resources".
- Due to the renumbering of sections in Chapter 10 as a result of the comprehensive rewrite of that chapter, section citations in §03.07.2.a(2) to provisions in Chapter 10 were adjusted.

05-20-2016 ... Various amendments were made, as follows:

- Due to legislative changes in state contracting and purchasing laws made by S.B. 20 in 2015, several provisions were updated to conform to current interpretations of the statute changes; sections amended included: §03.01 ... §03.01.1.d ... §03.01.1.f ... §03.01.2.a ... §03.01.2.j-k ... §03.01.5.
- In response to EEO requirements of Title IX, Title VII and U.S. Executive Order 11246, conforming changes were made to various sections, including: §03.01.2.h ... §03.01.8.a.
- The General Counsel and the Board Secretary identified a clarifying change that was needed for §03.01.5.b(3)-(4) regarding the approving authority for outside employment.

03-02-2018 ... Various updates and conforming changes made as a result of revisions in state law relating to contracts and conflicts of interest, including to: §03.01.2.j ... §03.01.5.b(3) ... §03.03.2 ... §03.03.3.a ... §03.03.5.a.

Chapter 04 – Academic Affairs

Summary of comprehensive updates adopted on: August 9, 2013

- The title of the chapter is changed from "Faculty" to "Academic Affairs" as the content of the proposed new chapter includes more than just faculty matters.
- A process is added by which the previous award of a Horn or Murray Professorship may be rescinded. [*\$04.01.1.e*]
- Policies and procedures are added governing Board approval of the establishment, consolidation, restructuring and deletion of degree programs. [*\$04.09 and \$04.10*]
DETAILS: A new state law that went into effect on September 1, 2013 eliminates the Coordinating Board's authority to require the consolidation or deletion of low-producing degree programs, leaving the Board of Regents as the final authority for low-producing degree programs. Since the *Regents' Rules* currently do not contain any provisions regarding the creation, revision or deletion of degree programs, language is added to require Board of Regents approval for degree programs.
- Policies and procedures are added governing approvals required to establish, restructure, or name schools, colleges, centers, institutes and other academic units. [*\$04.11*]
DETAILS:
 - Board approval would be required to establish or restructure schools/colleges or departments within a school/college ... but the President would be delegated that authority over other academic units (e.g., centers, institutes, and so forth).
 - If the naming of an academic unit is not governed by other provisions in the *Regents' Rules* (e.g., a facility naming, a gift-related naming, or other naming in honor of a person or entity) ... then the naming of a school or college must be approved by the Board, but the President would be delegated the authority to approve the naming of other academic units.
- A reference to TTUHSC-El Paso is added where a current provision regarding "public purpose" in the "Faculty responsibility" section mentions TTU, ASU and TTUHSC ... as the El Paso campus now is a separate institution. [*\$04.04.1*]

Amendments to Chapter 04 adopted since August 9, 2013:

- 10-10-2014** ... The following technical adjustment was made: In *\$04.04.1*, a reference to "TTUHSC-El Paso" was changed to "TTUHSC El Paso" to conform to the Chapter 00 acronym for that institution.
 - 10-09-2015** ... The word "department" was added to the header of *\$04.11* and in *\$04.11.3* to eliminate any confusion as to whether a department was encompassed within "other academic unit or program."
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Chapter 05 – Student Affairs

Summary of comprehensive updates adopted on: [August 9, 2013](#)

- A reference to the Board's statutory duty to approve admission standards is added to clarify within the *Regents' Rules* that this is one of the core duties of an institution's governing board. [*\$05.02.1*]
 - A new provision clarifies that the Board of Regents does not serve as a hearing or appellate body for appeals by students of decisions regarding admission, academic progress, disciplinary measures, dismissal or other such matters. Similar provisions already exist in the *Regents' Rules* in sections that deal with requests to speak to the Board during Board meetings and for personnel grievances ... but it would be helpful to include a specific provision in the student affairs chapter. [*\$05.05*]
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Chapter 06 – Institutional Advancement

Summary of comprehensive updates adopted on: August 9, 2013

- The section on gift evaluation and acceptance has been reorganized so it flows in the proper sequence, as follows: evaluation of the gift ... acceptance of the gift via either Board approval or Chancellor approval (depending upon certain thresholds) ... and notification to the donor. [*\$06.01.2*]
- The section on Board approval of gifts adds a reference to existing statutes that authorize the Board to accept gifts and grants for the benefit and use of the institutions. [*\$06.01.2.b*]
- The current requirement that an unrestricted gift of real property be placed in an endowment is deleted to provide flexibility in the disposition of such gifts. In most cases, the gifted real property will be sold as quickly as possible so the real property can be converted to a more useful asset, and putting the real property into an endowment could impair that flexibility. The board would still approve the acceptance of any gift of real property, and a determination about whether real property should be put into an endowment can be made on a case-by-case basis at the time the Board approves acceptance. [*\$06.01.2.b*]
- The provision regarding modification of the purpose of a gift as designated by the donor is revised so it will conform to state law. [*\$06.02.2*]
- A minimum level for research endowments is added for TTUHSC-El Paso. The dollar amount required to establish a research endowment at TTUHSC-El Paso will be the same as for TTUHSC. [*\$06.05.4.b*]
- The ability to rescind a gift-related naming is added. A similar provision already is in place for facility namings, and proposed changes to Chapters 04 and 12 will add such a provision for other namings. [*\$06.06.3*]

[see next page for amendments to Chapter 06 since 08-09-2013 comprehensive review/amendments]

Amendments to Chapter 06 adopted since August 9, 2013:

10-11-2013 ... Added a new §06.01.5 regarding a prohibition on acceptance of gifts designated for use as salary supplementation.

10-10-2014 ... The following technical adjustment was made: In §06.05.4.b, a reference to "TTUHSC-El Paso" was changed to "TTUHSC El Paso" to conform to the Chapter 00 acronym for that institution.

03-06-2015 ... In §06.03.2: • the reference to fund raising being a "centralized" service was changed to a "coordinated" service; and ... • President's were specifically authorized to have a development director that reports directly to the President, with the President and the institutional development director working in collaboration with the Chancellor and the Vice Chancellor for Institutional Advancement. In §06.03.3, it was clarified that the coordination of fund raising activities is a shared role for the Chancellor and Presidents.

10-09-2015 ... Revisions were made to §06.01.2.b to conform state law citations and wording to changes made to Texas Tech's enabling statutes by the System clean-up legislation (S.B. 907).

Chapter 07 – Fiscal Management

Summary of comprehensive updates adopted on: [February 28, 2014](#)

INTRODUCTORY NOTE:

Where needed, references to the Texas Tech University Health Sciences Center at El Paso are added, since the El Paso campus now is a stand-alone institution.

Substantive revisions include the following:

Increase in the dollar threshold above which Board approval is required:

- For budget item/adjustment approvals ... the threshold is increased from \$500,000 to \$1.0 million so that:
 - in excess of \$1.0 million = Board approves [*\$07.04.4.a*]
 - \$1.0 million or less = Chancellor or President approves [*\$07.04.4.b and \$07.04.4.c*]
- For contract approvals ... the threshold is increased from \$500,000 to \$1.0 million so that:
 - in excess of \$1.0 million = Board approves [*\$07.12.2.a*]
 - \$1.0 million or less = Chancellor or President approves [*\$07.12.3 and \$07.12.4*]

Debt management policy:

- Language is added to ensure that the Board must approve any and all use of debt. [*\$07.05.1.a*]
- A reference to a statutory exception is added regarding long-term debt issuances that are not reviewed and approved by the Texas Bond Review Board. [*\$07.05.2.b(7)*]
- A provision is added that requires Texas Tech's Office of Treasury and Cash Management to have procedures in place to ensure that interest earned by holders of Texas Tech's tax-exempt debt does not become taxable. [*\$07.05.6*]

Contracting in general:

- A clarification is added that, for the purpose of determining whether Board approval of a contract is required, options to extend a contract are counted in the overall term of the contract. [*\$07.12.1.d(1)*]

Emergency approval of contracts:

- The potential that a "walking quorum" could be used is deleted from the provision that governs emergency approval of contracts. [*\$07.12.2.h*]

Consulting contracts:

- Currently, Board approval is required for consulting contracts that cost more than \$25,000. There are occasions, though, when the initial intention is to pay a consultant more than \$25,000, but the consultant needs to start work prior to the date of a Board meeting at which Board approval can be granted. An informal process that's been used in these situations is codified within Chapter 07 whereby an "over \$25,000" consultant can begin work prior to Board approval **if**:
 - the contract includes a provision that limits the amount the consultant can be paid to no more than \$25,000 unless and until the Board has approved the contract; and
 - the Board chair and the Finance & Administration Committee chair authorize the use of this process in advance.[§07.12.2.d(1)(b)]
- Search firms would be deemed to be service providers and not consultants ... and thus are not be subject to the consulting contract approval requirements.
[§07.12.2.d(3)]

Employment agreements:

- A new general provision that governs the approval of employment agreements is established. [§07.12.2.f]
- Unless a specific exemption is provided, all employment agreements are subject to certain thresholds, above which Board approval is required. The thresholds include:
 - total compensation over the entire term of the agreement exceeds \$1.0 million;
 - term of the agreement is longer than 4 years; or
 - certain other factors, any of which would trigger a requirement for Board approval.[§07.12.2.f(2)]
- Exceptions that have special approval provisions include:
 - Chancellor and President contracts ... which will continue to be governed by their current provisions in Chapter 02. [§07.12.2.f(3)(a)]
 - Employment contracts for athletics directors and coaches ... with higher thresholds set for athletics directors and head coaches than for assistant coaches (with the current provisions and thresholds for assistant coach contracts kept as-is). [§07.12.2.f(3)(b)]
 - Health-related institution faculty employment contracts ... Current policy delegates to the President the authority to approve all such contracts. It is proposed that this special provision be modified so that health-related faculty contracts would be governed by the general policy for employment contract approvals ... but:
 - for determining whether the faculty member's compensation exceeds the dollar threshold that triggers Board approval, only the faculty member's compensation that is paid from state funds would be counted; and
 - a process for quick Board approval (by the Board chair or the chair of the Finance & Administration Committee) is available when needed.[§07.12.2.f(3)(c)]
- The summary table for contract approvals is supplemented with a new Appendix A that provides a more detailed and "plain English" explanation of the provisions that govern the approval of employment agreements.

[see next page for amendments to Chapter 07 since 08-09-2013 comprehensive review/amendments]

Amendments to Chapter 07 adopted since August 9, 2013:

03-06-2015 ... §07.03.6 was revised to require that, when a fraud investigation leads to disciplinary action against an employee, the employee's supervisor must consult with both the institution's Office of Human Resources and the Office of General Counsel before any disciplinary action is taken.

10-09-2015 ... Due to changes in state contracting and purchasing laws made by S.B. 20, many amendments were needed to multiple sections of Chapter 07, including: §07.02.4.a ... §07.02.6 ... §07.02.7.o ... §07.03.2.b ... and extensively throughout §07.12. The following is a more comprehensive summary of these changes:

S.B. 20 required changes in the *Regents' Rules* to clearly set forth requirements for the Board's approval of contracts and/or to provide for a delegation of authority by the Board to approve contracts. Notable changes required were due to the following S.B. 20 provisions:

Per new §51.9337(e), Texas Education Code: *"An institution of higher education's policies governing contracting authority must clearly specify the types and values of contracts that must be approved by the board of regents and the types and values of contracts for which contracting authority is delegated by the board to the chief executive officer and by the chief executive officer to other officers and employees of the institution. An officer or employee may not execute a document for the board unless the officer or employee has authority to act for the board and the authority is exercised in compliance with applicable conditions and restrictions."*

Per new §51.9337(f), Texas Education Code: *"An institution of higher education may not enter into a contract with a value of more than \$1 million, including any amendment, extension, or renewal of the contract that increases the value of the original contract to more than \$1 million, unless the institution's board of regents approves the contract, expressly delegates authority to exceed that amount, or expressly adopts an exception for that contract. ..."*

In order to conform §07.12 (contracting policies and procedures) of the *Regents' Rules* to these requirements, the following changes were adopted:

- (1) A current Board policy [§07.12.2.a] establishes the general threshold for Board approval of a contract at \$1.0 million per year. This provision remained unchanged, but the amendments [in §07.12.3.a] clarified this threshold as follows:
 - If the total amount of the contract over the entire term of the agreement exceeds \$1.0 million and the per-year amount exceeds \$1.0 million — Board approval is required.
 - If the total amount of the contract over the entire term of the agreement exceeds \$1.0 million but the per-year amount is \$1.0 million or less — the Board delegates its approval authority to the Chancellor or President, as appropriate.
- (2) Various subsections of §07.12 were relocated and grouped together to more clearly define the Board's delegations of authority, such as:
 - PROVISION RELOCATED WITHOUT CHANGE ... The Board delegates to the Presidents the authority to approve the proposals and to execute contracts for sponsored program (i.e., research) projects that exceed \$1.0 million per year. [§07.12.3.b]
 - PROVISION RELOCATED WITHOUT CHANGE ... The Board delegates to the Chancellor and Presidents the authority to execute contracts for minor construction projects (projects that total less than \$2 million). [§07.12.3.c]

[Amendments to Chapter 07, continued]

- PROVISION RELOCATED WITHOUT CHANGE ... Contracts that provide for the services of a consultant. [§07.12.3.d]
- PROVISION RELOCATED WITHOUT CHANGE ... The clarification that the contract approval policy does not apply to purchasing documents, which are processed in accordance with state laws and regulations that govern such purchases. [§07.12.3.e]

Changes also were needed to the sections on audits [§07.02] and on fraud policy [§07.03] to conform those policies to the following changes in statute made by S.B. 20:

Per new §51.9337(b)(2), Texas Education Code: *“The board of regents of an institution of higher education by rule shall establish for each institution under the management and control of the board: ... (2) policies for the internal investigation of suspected defalcation, misappropriation, and other fiscal irregularities and an institutional or systemwide compliance program designed to promote ethical behavior and ensure compliance with all applicable policies, laws, and rules governing higher education, including research and health care to the extent applicable; ...”*

Per new §51.9337(g), Texas Education Code: *“The board of regents of an institution of higher education shall adopt standards for internal audits conducted by the institution to provide a systematic, disciplined approach to evaluate and improve the effectiveness of the institution's risk management, control, and governance processes related to contracts and to require risk-based testing of contract administration. The internal auditor must have full and unrestricted access to all institutional property, personnel, and records. An internal auditor must report directly to the board of regents in accordance with Chapter 2102, Government Code.”*

Per new §51.9337(h), Texas Education Code: *“The chief auditor of an institution of higher education shall annually assess whether the institution has adopted the rules and policies required by this section and shall submit a report of findings to the state auditor. In auditing the purchase of goods and services by the institution, the state auditor shall determine whether an institution has adopted the required rules and policies.”*

05-20-2016 ... Due to changes in state contracting and purchasing laws made by S.B. 20, additional amendments were needed to multiple sections of Chapter 07. Various other changes included:

AUDIT: The provisions that govern audit practices needed to be updated to reflect the new mission of internal auditing that was recently adopted by the Institute of Internal Auditors in its International Professional Practices Framework, which also addresses the code of ethics and standards for auditing.

EMERGENCY APPROVAL OF A BUDGET ADJUSTMENT OR A CONTRACT: Provisions that allow the Board chair or the chair of the Finance & Administration Committee to approve budget adjustments and contracts when an emergency exists were revised to:

- conform the budget adjustment provision to the contract provision so they both use the same “emergency or exigent circumstances” language; and
- require that proposals for the approval of budget adjustments and contracts proposals be submitted to the two chairs by the Chancellor or the Chancellor’s designee.

‘EARLY START’ CLAUSE FOR “OVER \$25,000” CONSULTING CONTRACTS: The provision that allows the Board chair and the chair of the Finance & Administration Committee to authorize an ‘early start’ for an “over \$25,000” consulting contract, with such contracts not progressing beyond the ‘early start’ stage unless approved by the Board, was revised to require that such ‘early start’ proposals must be submitted to the two chairs by the Chancellor or the Chancellor’s designee.

10-14-2016 ... §07.05.2.b was amended to bring the provision on the use of debt proceeds in line with U.S. Treasury regulations.

08-11-2017 ... §07.12.4.e(2) was amended to require the prior review of \$25,000-or-less consulting contracts be done by the System CFO, rather than by the Board chair or the chair of the Finance & Administration Committee.

10-20-2017 ... §07.12.4 was amended by:

- adding a new §07.12.4.c for a delegation to the presidents of the health-related institutions of contract approval authority for certain health-related continuing contractual relationships; and
- deleting the old §07.12.4.d due to it conflicting with §07.12.3.b.

03-02-2018 ... Various amendments, including:

Debt and equipment financing policies

- §07.05.2.b(4) – clarifying changes regarding the debt collection ratio as recommended by Texas Tech’s outside bond financial advisors;
- §07.05.2.b(5) – language added regarding Higher Education Fund appropriation transfers for debt service in order to conform that policy to the requirements of the state’s General Appropriations Act; and
- §07.05.4.a – commercial paper approval thresholds for equipment financing changed to be consistent with other Board approval thresholds, such as for approval of contracts.

Student financial assistance programs

§07.10.4 added to provide a delegation of authority to the presidents to administer student financial assistance programs governed by Chapter 56, *Texas Education Code*.

Contracting and conflict of interest policies

- revisions driven by legislative/statutory changes ... in §07.12.2.a-c; and
- clarifying changes driven by Office of Audit Services recommendations in: §07.12.3.b ... §07.12.4.a ... §07.12.5 ... §07.12.6 ... §07.12.7.

Student financial assistance programs

Throughout Chapter 07, the name of the “Office of Treasury and Cash Management” was changed to “Office of Treasury”.

Chapter 08 – Facilities

Summary of comprehensive updates adopted on: [February 28, 2014](#)

Major construction projects:

- Dollar threshold for new construction projects that require Board approval made the same as the current threshold for repair and renovation projects. [*\$08.01.3 and \$08.01.4*]
- Codify and enhance the current informal policies and processes regarding pre-approval / pre-construction activities. [*\$08.01.3.a*]
- Instead of allowing the cost of a major construction project to increase by up to 10% without re-approval by the Board, require any increase in the Board-approved project cost to come back to the Board for re-approval. [*\$08.01.3.g(1)*]
- Add a provision to enhance data reporting and collection of projects managed by both FP&C and the institutions. [*\$08.01.4.b*]

FP&C fee structure:

- Codify FP&C's project management fee structure in an official policy. [*\$08.01.9*]
- Discontinue the 50% fee discount for ASU projects that had been an unofficial policy.

Public art program:

- Add a requirement that maintenance and conservation work needed for public artwork on an institution's campus be cataloged and prioritized, with the institution reporting annually to the Board and Chancellor on such work that's been done, is in progress, or is planned. [*\$08.02.3.b*]

Public Art Committee:

- Clarify that the Chancellor approves the committee members from nominations submitted by the Public Art Committee. [*\$08.02.4.a*]
- Provide that the Public Art Committee makes its recommendations about proposed new artwork to the respective President ... and the President makes a recommendation to the Chancellor ... and the Chancellor makes the final decision on whether the proposed new artwork is to be added to the public art collection. [*\$08.02.4.b-d*]
- Add guidelines the Public Art Committee is to use in reviewing proposed gifts of public art. [*\$08.02.4.c*]

Preservation efforts:

- Include "landmarks" as well as "buildings" for preservation efforts.
- Add a requirement that preservation activities for buildings and landmarks must conform to the institution's Campus Master Plan.
[for both, *\$08.03*]

Building plaques:

- Change from “date of construction contract award” to “date of board approval of the project” for the information that is included on building plaques (e.g., this includes names of the Board officers/members, Chancellor, and President that would go on the plaques). [§08.04.2]

Use of space and facilities:

- Add a new, fifth element to the list of priorities for use of Texas Tech space and facilities that authorizes “other leases” of space or facilities ... and for these “other leases,” the use of space or facilities must be in accordance with the operating policies of the institution that owns the space or facilities. [§08.07.1.e]
- Revise/replace current provisions governing the use or lease of space or facilities by non-registered student groups or off-campus individuals or organizations. Establish a category of facilities that would be designated as “Community Cultural Facilities” – such as the TTU Museum – that are particularly suited to community outreach for private events ... with the institutions being “authorized and encouraged” to make those facilities available for rent for various events and with the institutions adopting operating policies to govern available times and space for such events, rental fees, event capacity, and the service of food/beverages. [§08.07.2]

Amendments to Chapter 08 adopted since February 28, 2014:

12-12-2014 ... The following amendments were adopted:

- In §08.01.9, the FP&C project management fee rate and calculation methodology were revised.
- In §08.02.4.e, a policy on honorary statues was added to the provisions that govern the Public Art Collection.
- In §08.07.5, a system-wide policy on the sale or service of alcoholic beverages was added.

10-20-2017 ... The following amendments were adopted:

- §08.01.2 – replaced a provision relating primarily to major projects with a general statement on the thresholds for major and minor construction projects and the *Regents’ Rules* section that governs each.
- §08.01.3 – comprehensive overhaul of the approval processes for major construction projects.
- §08.01.7 – added an authorization for the chancellor to approve the use of any contingency funds available for a project when immediate action is needed to address a life, health or safety risk for that project.

05-18-2018 ... Added a feasibility study option (in §08.01.3.a) to the major project approval process.

Chapter 09 – Investments and Endowments

Summary of comprehensive updates adopted on: August 8, 2014

Clarify that the Treasurer is responsible for the Short and Intermediate Term Investment Fund:

- Add a definition for the Treasurer. [§09.00.05]
- The Treasurer is given the following responsibilities: "The Treasurer is responsible for the day-to-day investment activities related to the SITIF, with reporting responsibilities and delegated authority as defined in the Investment Policy Statement for the Short/Intermediate Term Investment Fund." [§09.01.04]

Identify the responsibilities of the investment consultant and investment managers:

- The investment consultant will assist all the key stakeholders in developing policies. [§09.01.2]
- The Treasurer now has a role in managing the investment managers. [§09.01.5]

Modification to reflect the authority of investment officers to authorize investment agreements:

- The signature delegations have evolved through the Board of Regents and IAC discussions to allow the investment officers to authorize investment managers. [§09.02.3]

Eliminate necessity of written reports when reports are available on-line:

- Per state General Appropriation bills, certain investment reports must be posted on-line. Allowing investment status reports to be submitted on-line to the designated Board officers and executive administrators eliminates the need for written reports. [§09.02.7]

Eliminate an arcane report:

- Changes made to the Intermediate Pool eliminate the need to report on the weighted average maturity of investments. [§09.02.7.a(2)(e)]

Amendments to Chapter 09 adopted since August 8, 2014:

- 10-09-2015** ... In §09.07.3, the process for Board approval of mineral leases was revised to conform that process to the process used for Board approvals of other matters.
-

Chapter 10 – Intellectual Property Rights

Summary of comprehensive updates adopted on: [October 9, 2015](#)

This will provide a summary of changes to Regents' Rule 10 which governs Intellectual Property. With this summary you will receive the proposed rule in full. An important part of development of the revisions to Rule 10 has been a parallel process extensively involving the TTU Faculty Senate which has led to revisions to TTU Operating Policy 74.04. Because that process has been integral to the revisions of Rule 10, we make reference here to some of those important changes.

Introduction and Status

Current Rule 10 was last revised in 2008. The 2015 revisions to Rule 10 reflect the work of several constituencies. The Office of Research Commercialization ("ORC"), the Vice Presidents for Research, the Provosts and other administrators have provided helpful input. The faculty senates at Texas Tech University, Angelo State University and the Texas Tech University Health Science Center have also reviewed and approved the changes. (Currently, there is no separate Faculty Senate at Texas Tech University Health Science Center at El Paso. El Paso faculty is represented in the existing TTUHSC Faculty Senate.) The TTU Faculty Senate has been particularly involved. When proposed Rule 10 came under review by the Texas Tech University Faculty Senate, in addition to changes to the Rule, the Senate also suggested substantial revisions to OP 74.04. Working with the Texas Tech University Faculty Senate has resulted in two documents which, together, strike an appropriate balance with respect to intellectual property and which are ready for submission to the Board of Regents.

Highlights and Points of Interest – 2015 Proposed Rule 10 and TTU OP 74.04

Scope: As with prior versions of Regents' Rule 10, the proposed documents deal with intellectual property in its many varied forms including, but not limited to, patentable discoveries and copyrightable materials.

Ownership Issues:

In proposed Rule 10, the key statements of ownership are Sections 10.03.1 and 10.03.3. To fully understand those Sections, one should consult the definitions in Section 10.02. Section 10.03.1 sets up a dichotomy for determination of ownership. In that section, it should be noted that "covered persons" and "TTUS resources" are defined terms. While the definition of "TTUS resources" is broad (Section 10.02.16), the definition notes that "incidental" usage of TTUS resources is not sufficient to qualify under that definition. While this dichotomy may introduce some ambiguity, the concept included here represents a negotiated balance necessitated by the particular nature of employment of academic faculty.

Against that background, Section 10.03.1 provides automatic ownership by TTUS for intellectual property created by covered persons with the use of TTUS resources or during the course of their university responsibilities. However, intellectual property that is developed on a covered person's own time without the use of TTUS resources is not owned by TTUS or the component university. In OP 74.04, the same concepts are contained in paragraph 2. As in current policy, third-party research agreements may provide different ownership and, in such cases, the third-party research agreements will govern.

Copyrightable Material:

The ownership of copyrightable works is described in Section 10.03.3 of proposed Rule 10. The provision contains current exceptions related to traditional academic activity. Copyrightable material which qualifies as "work for hire" will be owned by the university. See proposed Rule 10, Section 10.03.3 (d). However, provisions in proposed Rule 10 and proposed

OP 74.04 seek to clarify faculty work which is (or is not) work for hire. Those clarifications are in proposed Rule 10, Section 10.02.14 and OP 74.04, Section 11 (i).

Taken together, the general statement of ownership for copyrightable works and the clarification of work for hire is intended to recognize traditional views regarding academic copyrightable materials and course preparation. With respect to teaching materials, however, TTU does reserve a license for instructional use. See proposed Rule 10.03.3(a)&(f).

Distance Learning: Both proposed Rule 10 and proposed OP 74.04 seek to bring clarity to the ownership of distance learning course content. A definition of distance learning has been included in proposed Rule 10, Section 10.02.5 and proposed OP 74.04, Section 11(b) and a clarification of ownership with respect to distance learning material is a part of Section 10.03.3 (f) and proposed OP 74.04, Section 15a.(5).

Disclosure of Intellectual Property to the ORC: Proposed Rule 10 articulates a broad duty of disclosure of intellectual property by creators (see Section 10.05).

Revenue Sharing:

Current Regents' Rules Chapter 10 has a "three-tiered" formula for revenue sharing based on accumulated net revenue. The revised formula for revenue sharing in proposed Rule 10 (Section 10.12.2) is a single-tier approach providing 40% of net revenue to the creator.

In situations in which a disclosure is made to the Office of Research Commercialization (ORC) and the ORC determines that the university will not continue to pursue commercialization, provisions continue to provide for release of the intellectual property back to the creator. That provision in proposed Rule 10 is Section 10.08.1. If the university releases the intellectual property back to the creator, the university may retain a share of net revenue not to exceed 5%. However, the university reserves the ability to recover any out-of-pocket costs it generated with outside parties to protect the intellectual property.

Conflicts and Consulting: Proposed Rule 10 speaks to outside consulting activities and the extent to which such activities raise a conflict of interest. Proposed OP 74.04 similarly addresses this issue in Section 5. Neither proposed Rule 10 nor proposed OP 74.04 attempt to add additional rules for consulting or conflicts. However, both documents appropriately point the reader to existing conflict and consulting rules. For example, Texas Tech University has several relevant rules, including OP 10.20, an "over-arching" conflict of interest and commitment policy, OP 32.07 (Other Employment, Faculty Consulting, and Public Offices) and OP 74.17 (Disclosure of Significant Business or Financial Interests that may Represent Conflicts of Interest).

Miscellaneous Issue: Because proposed Rule 10 and proposed OP 74.04 create a broad duty of disclosure to the Office of Research Commercialization, the new rules also require the ORC to respond to disclosures with some indication of interest or lack thereof within 90 days of disclosure.

Chapter 11 – Athletics at TTU and ASU

Summary of comprehensive updates adopted on: October 11, 2013

- The section on institutional control of athletics is strengthened by adding language from the NCAA Constitution that designates the presidents as having “ultimate responsibility and final authority” for their athletic programs. [*\$11.01.3*]
-

Chapter 12 – Honorifics and Seals

Summary of comprehensive updates adopted on: August 9, 2013

- A current provision governs the naming of schools, colleges, centers, institutes, and other entities when the naming is not a facility naming or a gift-related naming but the naming is in honor of a person or entity. That current provision is revised to:
 - (1) govern any naming that's in honor of a person or entity when the facility or gift-related naming provisions do not apply; and
 - (2) add the ability for the Board to rescind a previously-approved naming.[*\$12.05.1 and \$12.05.2*]

- The current section on seals of the System and institutions:
 - has a reference to an out-dated set of “official Identity Guidelines” that was approved by the Board in 2005 as the document that governs the different styles and usage of seals; and
 - provides illustrations of the approved seals for the System and each institution.

The proposal is to off-load much of this section into a new and separate Board Policy Statement devoted to seals. This new Board Policy Statement would:

- (1) show all of the authorized seals and seal variations for each entity (including new seals for TTUHSC-El Paso);
- (2) address how and when each of the seal variations may be used; and
- (3) add illustrations of the TTU School of Law seal.

[*\$12.06 and new Board Policy Statement on “Seals of the TTU System”*]

Amendments to Chapter 12 adopted since Aug. 9, 2013:

12-12-2014 ... The following amendments were adopted:

- A new \$12.06 incorporated a policy on honorary statues.
- Subsequent sections were re-numbered accordingly.

05-19-2017 ... A new \$12.09 was added to authorize a seal monument for the TTU–Costa Rica campus.

Investment Policy Statement for the Short/Intermediate Term Investment Fund

Summary of comprehensive updates adopted on: [August 8, 2014](#)

Changes to reflect organizational responsibility for Short/Intermediate Term Investment Fund (SITIF):

- The Texas Tech system has organized and separated the two investment offices to align the offices with their fund responsibility. The Assistant Vice Chancellor of Treasury and Cash Management ("Treasurer") is responsible for the SITIF. *[see changes throughout the document]*

Simplify references to the Operating Funds Investment Committee to the "Committee." *[see changes throughout the document]*

Compare investment manager performance against an index for the asset class, and set new performance goal for investment managers:

- "The performance of each investment manager will be evaluated against a comparable index for its asset class and should outperform that index over a rolling three-year period. Managers underperforming over that period will be considered by the Committee for replacement." *[§9.1.b]*
- This is a change from the current policy of comparing investment manager performance against that of a peer group. An index for each asset class does exist, while finding a deep enough peer group would be difficult or impossible to identify.

Clarify the definition and methodology for calculation of the investment management fee:

- Set the annual fee rate at 10 bps (0.1%) for management of the SITIF, and calculate the fee on a quarterly basis with a one-month lag on the Intermediate Fund. *[§14]*

Amendments to SITIF policy statement adopted since Aug. 8, 2014:

- 10-14-2016** ... Securities and Exchange Commission rules revisions effective October 2016 included a change under which money market funds are no longer required to have a constant net asset value of \$1.00. It was recommended that Texas Tech's investment policy continue to require our money market fund purchases be in funds that are offered at a constant \$1.00 net asset value. Investment in "stable" net asset value funds offers better risk protection than investment in "floating" net asset value funds.

Investment Policy Statement for the Long Term Investment Fund

Summary of comprehensive updates adopted on: August 8, 2014

Changes in the Asset Allocation were presented to and approved by the Board of Regents on October 11, 2013. Additional changes are proposed now to the Investment Policy Statement for the Long Term Investment Fund ("LTIF") specifically to correlate with revisions proposed to Chapter 09, *Regents Rules*.

The Investment Advisory Committee ("IAC") undertook a thorough review and rework of the LTIF Investment Policy to address not only the approved Asset Allocation changes, but clearly define core beliefs, governance, as well as objectives and goals. In addition, a number of sections were added or updated to grant authority to the Chief Investment Officer ("CIO") in managing the overall investment strategy. The following is a summary of the changes proposed to the aforementioned sections.

Core Beliefs:

- While not in the current policy, it is important to effectively communicate the core beliefs through an Investment Policy Statement. This section details 10 core beliefs that explicitly detail a framework for investing the assets of the LTIF. [*§10*]

Statement of Goals and Objectives:

- This section was revised to detail the difference between an objective and a goal as well as set expectations for performance. [*§11*]
- The primary objective is to outperform the policy benchmark. The risk and return profile of a policy index is known, detailed, investable and transparent. It is expected that over time, the IAC, will outperform this policy. The goal is that, by focusing on achieving our objectives, we will outperform the vast majority of our peers in the NACUBO universe. The NACUBO universe, to be clear, is not investable, transparent or investable. However, the IAC expects that if we achieve our objective of beating the Policy benchmark, we will meet the goal of being top quartile in the NACUBO universe.

Governance:

- The governance section was redrafted into a table format to easily communicate responsibilities from a policy and implementation perspective. [*§12*]
- Improvements were implemented to allow the CIO to restructure the portfolio in a more timely manner by allowing a negative consent voting process which, in many but not all cases, is conducted in an online process. [*see table entry in §12 re: "Manager Selection & Redemption"*]
- Also, the CIO is given the authority to tactically adjust the portfolio within explicit approved rebalancing ranges using futures, swaps or options, and combinations thereof. This policy change is congruent with the core beliefs detailed in Section 10. [*see table entry in §12 re: "Tactical Rebalancing" plus §12.2*]

Management Fee:

- This section was updated to reflect the build-out of a professional team by codifying that the Office of Investments will receive 50% of the investment management fee approved by the Board of Regents. The CIO will prepare an annual budget for submission and preliminary approval by the IAC. The System CFO and Chancellor will, in turn, present the recommended budget to the Board of Regents for approval as part of the operating budget process. [§20]

Policy Allocation Target and Ranges:

- Schedule A was updated to incorporate the Asset Allocation as approved by the Board of Regents on October 11, 2013. This section, in addition to the new derivatives policy, addresses guidelines and authorities related to implementing the Beta Overlay for the portable alpha program, along with the Tactical Allocation program. [see Schedule A: §1 and §2]
- The Beta Overlay program simply allows the CIO to gain passive exposure to markets, such as the equity market, through a derivative contract (i.e., a futures contract). The collateral for the derivatives is invested in a combination of cash (20%) and low, uncorrelated hedge fund strategies (80%). [see Schedule A: §3]

Derivatives Policy:

- The Derivatives Policy was added to provide clear authorities and guidelines in the use of various derivatives for hedging, overlaying or structuring exposures with options. There are hard limits to the amount of overall derivatives exposure, as well as limits on OTC (over the counter) exposure. OTC exposure means that you have counterparty risk. This is also addressed by requiring credit support annexes and transfer thresholds, essentially turning an OTC swap into the same risk profile as an exchange traded futures contract. [see Schedule D]

Amendments to LTIF policy statement adopted since Aug. 8, 2014:

- 05-19-2017** ... Various amendments throughout to conform policy to practice, including:
- increase target allocations to the overlay program and any related exposures;
 - change the policy benchmark; and
 - make minor or clarifying changes for definitions and practices.
-

Board Policy Statement on Seals of the Texas Tech University System

Summary of comprehensive changes adopted on: [August 9, 2013](#)

On August 9, 2013, the Board of Regents created the Seals policy statement by off-loading from Chapter 12 (Honorifics & Seals), *Regents' Rules*, most of the details regarding the official seals and seal variations for each entity within the Texas Tech system. Section 12.06, *Regents' Rules*, continues to address the approval process for official seals along with the purposes for which such seals may be used. The Seals policy statement then provides illustrations of the seals that are authorized for official use as well as the manner in which various seal combinations may be used.

Amendments to the Seals policy statement adopted since Aug. 9, 2013:

10-10-2014 ... A revised seal for TTUHSC El Paso was adopted.

12-12-2014 ... In §1 and §3, technical adjustments had to be made to section citations as the result of changes made in Chapter 12 [*where §12.06 was re-numbered as §12.07, and §12.07 was re-numbered as §12.08*].

05-19-2017 ... An authorization for a seal monument for the TTU–Costa Rica campus was added via amendments to §2 and §3 plus insertion of a new, separate page that governs the use and design of the seal monument.

Missions

Dates Approved or Amended:

-- *Comprehensive review/amendments*12-12-2014

-- *Revised mission statement of TTUHSC*05-19-2017

The mission statements herein are the only mission statements authorized to be used without prior approval of the board.

Texas Tech University System. The mission of the Texas Tech University System is to provide leadership and support services for Texas Tech University, the Texas Tech University Health Sciences Center, the Texas Tech University Health Sciences Center at El Paso, and Angelo State University in the attainment of each component's individual mission.

Texas Tech University. As a public research university, Texas Tech advances knowledge through innovative and creative teaching, research, and scholarship. The university is dedicated to student success by preparing learners to be ethical leaders for a diverse and globally competitive workforce. The university is committed to enhancing the cultural and economic development of the state, nation, and world.

Texas Tech University Health Sciences Center. As a comprehensive health sciences center, our mission is to enrich the lives of others by educating students to become collaborative healthcare professionals, providing excellent patient care, and advancing knowledge through innovative research.

Texas Tech University Health Sciences Center at El Paso. The mission of Texas Tech University Health Sciences Center at El Paso is to improve the lives of people in our State and our community by focusing on the unique health care needs of socially and culturally diverse border populations through excellence in integrated education, research, and patient care.

Angelo State University. Angelo State University, a member of the Texas Tech University System, delivers undergraduate and graduate programs in the liberal arts, sciences, and professional disciplines. In a learning-centered environment distinguished by its integration of teaching, research, creative endeavor, service, and co-curricular experiences, ASU prepares students to be responsible citizens and to have productive careers.

Chapter 00 -- Definitions, Style, and Citations

Dates Approved or Amended:

-- Comprehensive review/amendments10-10-2014

00.01 **Definitions.** Unless the context clearly requires otherwise, the following words and phrases have the assigned meanings when used throughout *The Rules and Regulations of the Board of Regents of the Texas Tech University System*:

00.01.1 Definitions relating to: **Board of Regents.**

- a. "board" means: the Board of Regents of the Texas Tech University System.
- b. "board policy statement" means: official policies adopted by the board that are not incorporated into the *Regents' Rules*; board policy statements include: the Audit Committee Charter, the Investment Policy Statement for the Long Term Investment Fund, the Investment Policy Statement for the Short/Intermediate Term Investment Fund, the Board Policy Statement on Seals, and any other such official policies that may be enacted by the board that are not incorporated into the *Regents' Rules*.
- c. "CAE" means: the Chief Audit Executive.
- d. "chair" means: the chair of the board.
- e. "*Regents' Rules*" means: *The Rules and Regulations of the Board of Regents of the Texas Tech University System*.
- f. "secretary" means: the secretary of the board.
- g. "vice chair" means: the vice chair of the board.

00.01.2 Definitions relating to: **Texas Tech University System.**

- a. "chief executive officer" means: the chancellor (who is the chief executive officer of the TTU system as well as of the TTU system administration) or the president (who is the chief executive officer of the president's component institution), with the context of the term's usage determining whether the reference is to the chancellor or a president.
- b. "TTU system" or "TTUS" means: all component units of the Texas Tech University System, including the TTU system administration and the component institutions.
- c. "TTU system — principal officers" means: the TTU system administration officers and the principal officers of component institutions.

00.01.3 Definitions relating to: **TTU system administration.**

- a. "chief financial officer" means: the vice chancellor and chief financial officer of the TTU system.
- b. "general counsel" means: the vice chancellor and general counsel of the TTU system.
- c. "Office of the Chancellor" means: the chancellor, other personnel who function as members of the TTU system administration executive management (such as a chief of staff or an executive assistant to the chancellor), and their respective support staff.
- d. "TTU system administration" or "TTUSA" means: the Office of the Chancellor, the vice chancellor and chief financial officer, the vice chancellor and general counsel, other vice chancellors, other TTU system administration officers, and all other system administration personnel required by the chancellor to carry out the duties assigned by the board.
- e. "TTU system administration officers" means: the chancellor, vice chancellor and chief financial officer, vice chancellor and general counsel, other vice chancellors, and other personnel

who function as members of the TTU system administration executive management, including but not limited to positions such as a chief of staff and executive assistants to the chancellor.

00.01.4 Definitions relating to: **component institutions.**

- a. "ASU" means: Angelo State University.
- b. "chief fiscal officer" means: the chief financial officer and/or vice president for fiscal affairs of a component institution.
- c. "component institution(s)" means: TTU, TTUHSC, TTUHSC El Paso, ASU, and/or any other institution that may be added to the Texas Tech University System.
- d. "Office of the President" means: the president of a component institution and the president's immediate staff.
- e. "principal officers of ASU" means: the president, provost, and vice presidents.
- f. "principal officers of TTU" means: the president, provost, and vice presidents.
- g. "principal officers of TTUHSC" means: the president, provost, and vice presidents.
- h. "principal officers of TTUHSC El Paso" means: the president, provost, and vice presidents.
- i. "TTU" means: Texas Tech University.
- j. "TTUHSC" means: Texas Tech University Health Sciences Center.
- k. "TTUHSC El Paso" means: Texas Tech University Health Sciences Center at El Paso.

00.01.5 Definitions — **in general.**

- a. "ex officio member" means: a person who serves on a committee or other entity by reason of another office that individual holds. Unless specifically provided otherwise, an *ex officio* member: may not vote on any matter before that committee or other entity or make or second any motion before that committee or other entity; and is not counted in determining whether a quorum exists for a meeting of that committee or other entity.
- b. "operating manuals" means: the operating policies, procedures, rules, and regulations of the TTU system administration or a component institution, irrespective of whether they are compiled in one or more publications such as a *Student Handbook*, a *Faculty Handbook*, an *Operating Policy and Procedure Manual*, or similar compilations of TTUSA or component institution operating policies, procedures, rules, and regulations.

00.02 **Style.**

- 00.02.1 *Regents' Rules.* The secretary will ensure that the style of the *Regents' Rules* as adopted by the board, including amendments thereto, is adhered to when amendments are proposed for adoption.
- 00.02.2 Operating manuals. The Office of the General Counsel shall take the lead in developing and maintaining a consistent style for the various elements of the operating manuals and shall assist the Office of the Chancellor in the review of operating manuals pursuant to Section 02.04.2.j, *Regents' Rules*.

00.03 **Citations.**

- 00.03.1 Formal citations. Formal citations to this volume should include the full title: *The Rules and Regulations of the Board of Regents of the Texas Tech University System*.
- 00.03.2 Informal citations. When the context makes it clear that a citation is to *The Rules and Regulations of the Board of Regents of the Texas Tech University System*, this volume may be cited as "*Regents' Rules*."

00.03.3 Particular provisions.

- a. An entire chapter may be cited informally, for example, as Chapter 08, *Regents' Rules*, and formally, for example, as Chapter 08, *The Rules and Regulations of the Board of Regents of the Texas Tech University System*.
- b. Each provision in the *Regents' Rules* has a unique number. When citing a particular provision of the *Regents' Rules*, it is not necessary to include a chapter reference other than as a part of the section number.
- c. An appropriate citation to a particular provision of the *Regents' Rules* would be, for example, "Section 08.04.5.b.(1)(a)(iv), *Regents' Rules*" where within that citation:
 - (1) "08" designates Chapter 08;
 - (2) "04" designates the fourth section of Chapter 08;
 - (3) "5" designates the fifth subsection of the fourth section of Chapter 08;
 - (4) "b" designates the second division of the fifth subsection of the fourth section of Chapter 08;
 - (5) "(1)" designates the first subdivision of the second division of the fifth subsection of the fourth section of Chapter 08;
 - (6) "(a)" designates the first item of the first subdivision of the second division of the fifth subsection of the fourth section of Chapter 08; and
 - (7) "(iv)" designates the fourth sub-item of the first item of the first subdivision of the second division of the fifth subsection of the fourth section of Chapter 08.

Chapter 01 -- Bylaws

Date last revised: 03-02-2018

[see last page for list of amendments adopted]

01.01 Responsibilities of the board

- 01.01.1 The board accepts and adopts the following role and responsibilities assigned by law to the governing boards of public institutions and systems of higher education in the State of Texas. In this regard, the board shall:
- a. preserve the independence of the TTU system and defend its right to manage its own affairs through its chosen administrators and employees;
 - b. enhance the public image of all components of the TTU system;
 - c. interpret the community to the campus and interpret the campus to the community;
 - d. nurture each institution under its governance to the end that each institution achieves its full potential within its role and mission; and
 - e. insist on clarity of focus and mission of each institution under its governance.
- 01.01.2 To fulfill its role and responsibilities, the board shall provide policy direction for and establish goals consistent with the role and mission of each institution under its management and control.
- 01.01.3 Each member of the board has the legal responsibilities of a fiduciary in the management of funds under the control of institutions subject to the board's control and management.

- 01.01.4 To ensure that the board assesses its responsibilities and expectations in a formal and effective manner, the board regularly shall complete a self-evaluation. When a self-evaluation is conducted, the board shall use assessment practices and strategies appropriate for the circumstances and environment the Texas Tech system is facing at that time.

01.02 Governance

01.02.1 Authority

- a. The Legislature, in Chapters 109, 109A, 110, and in Section 51.352, *Texas Education Code*, has delegated to the Board of Regents of the Texas Tech University System the power and authority to govern, control, and direct the policies of the Texas Tech University System.
- b. Section 109.001, *Texas Education Code*, states that the board "by rule may delegate a power or duty of the board to an officer, employee, or other agent of the board."
- c. Section 109.004, *Texas Education Code*, requires the board to "appoint a chief executive officer, who shall devote the officer's attention to the executive management of the university system and who shall be directly accountable to the board for the conduct of the university system. The board, when required by law to be the governing body of any other state educational institution or facility, shall also direct the chief executive officer to be directly responsible for the executive management of that other institution or facility." The board has determined that the chancellor is the chief executive officer of the TTU system.
- d. Section 110.01, *Texas Education Code*, states that "Texas Tech University Health Sciences Center is a separate institution and not a department, school, or branch of Texas Tech University but is under the direction, management, and control of the Texas Tech University Board of Regents."
- e. Section 110.02, *Texas Education Code*, states that "The board of regents has the same powers of governance, control, jurisdic-

tion, and management over the Health Sciences Center as it exercises over the Texas Tech University System and its components."

- f. Section 110.31, *Texas Education Code*, states that the "Texas Tech University Health Sciences Center at El Paso is a component institution of the Texas Tech University System under the direction, management, and control of the board of regents." This section further states that, TTUHSC El Paso "is not a department, school, or branch of any other institution in the system."
- g. Section 110.32, *Texas Education Code*, states that the "board of regents has the same powers of governance, control, jurisdiction, and management over the Texas Tech University Health Sciences Center at El Paso as the board of regents exercises over the other component institutions of the Texas Tech University System."
- h. Section 109A.001, *Texas Education Code*, states that "The university [*Angelo State University*] is a component institution of the Texas Tech University System and is under the management and control of the board of regents of the Texas Tech University System. The board of regents has the same powers and duties concerning Angelo State University as are conferred on the board by statute concerning Texas Tech University and Texas Tech University Health Sciences Center."

01.02.2 Composition.

- a. Board members. The board is composed of nine members appointed by the governor with the advice and consent of the senate for staggered terms of six years each, the term of three members expiring on January 31 of odd-numbered years.
- b. Student regent. In addition to the nine members of the board, a student regent is appointed by the governor for a one-year term under Sec. 51.355, *Texas Education Code*. By statute, the student regent "is not a member of the board," but the student regent has the same powers and duties as the members of the

board, including the right to attend and participate in meetings of the board, except that the student regent:

- (1) may not vote on any matter before the board or make or second any motion before the board; and
- (2) is not counted in determining whether a quorum exists for a meeting of the board or in determining the outcome of any vote of the board.

01.02.3 Chair of the board

a. Eligibility, election, and vacancy of the chair.

- (1) Eligibility of the chair. In accordance with the core requirements of the Southern Association of Colleges and Schools – Commission on Colleges, to be eligible to serve as chair, a member must be free of any contractual, employment, or personal or familial financial interest in a TTUS component institution.
- (2) Election of the chair. From its number, the board shall elect the chair of the board (the "chair") at the first regular or special called meeting in odd-numbered years following the appointment, qualification and confirmation of the new members regularly appointed in odd-numbered years. However, if the new members regularly appointed in odd-numbered years have not been appointed, qualified and confirmed by May 1 in odd-numbered years, the board will proceed with election of board officers on or before May 31.
- (3) Vacancy of the chair. In case of the chair's death, resignation, permanent disability, removal, or disqualification, the vice chair of the board shall become the chair for the remainder of the term of the chair who vacated the office.

b. Duties. The chair shall report to and be responsible to the board. Duties and responsibilities of the chair include:

- (1) being responsible for board meeting agendas;
- (2) presiding over the board meetings;
- (3) having authority to call special and emergency board meetings;
- (4) appointing the board's standing and special committees; and
- (5) conducting or causing to be conducted an appropriate orientation for new board members as soon as possible after appointment and delivering to each a copy of the current *Regents' Rules* and such other reports and information regarding the TTU system as is deemed appropriate by the chair.

01.02.4 Vice chair of the board.

- a. Election of a vice chair. From its number, the board shall elect the vice chair of the board (the "vice chair") when the chair is elected.
- b. Temporary absence or disability of the chair. In case of the chair's temporary absence or disability, the vice chair shall perform the chair's duties until the chair shall resume such office.
- c. Vacancy of the chair. In case of the chair's death, permanent disability, resignation, removal, or disqualification, the vice chair becomes the chair for the remainder of the term of the vacated office.
- d. Vacancy of the vice chair. Upon the vice chair's death, resignation, disability, removal, or midterm ascension to the position of chair, the board shall elect a successor as soon as practicable.

01.02.5 Taking office. The chair and the vice chair shall take office immediately upon their election and hold office until a successor is duly elected.

01.02.6 Secretary of the board

- a. Appointment, compensation, and reporting of the secretary and assistant secretary of the board.
 - (1) Appointment of the secretary. The board shall appoint a secretary of the board (the "secretary") who is not a member of the board. Upon the secretary's death, resignation, permanent disability, removal, or disqualification, the board shall appoint a successor as soon as practicable.
 - (2) Compensation of and staff assistance for the secretary. The secretary shall receive such compensation and have such staff assistance as the board may fix.
 - (3) Mission and reporting of the secretary. The mission of the secretary and the Office of the Board of Regents is to support the work of the board in the fulfillment of the board's duties and responsibilities. To ensure independence and objectivity, the secretary shall report and be responsible directly to the board and serve at its pleasure. The secretary is the principal officer to the board in the administration of the responsibilities of the Office of the Board of Regents and the principal staff officer to each member of the board in the discharge of the board member's responsibilities.
 - (4) Assistant secretary. The board also may appoint an assistant secretary who shall perform duties as delegated by the secretary and who, when the secretary's office is vacant, or if the secretary is absent, incapacitated, or for any reason unable to perform the duties of the office, shall have the same duties and authority as the secretary. If the secretary is absent, incapacitated, or for any reason unable to perform the duties of the office and an assistant secretary has not been appointed previously, the chair may appoint an assistant secretary who shall have the same duties and authority as the secretary.

- (5) Agents of the board; confidentiality. As agents of the board, the actions of the secretary and assistant secretary in the fulfillment of their duties to the board shall not be impaired by any person or entity external to the board. Any information that has been designated as confidential by the board, a board member, state or federal law, or other legal mandate, as well as any information for which the secretary or assistant secretary should have a reasonable expectation of confidentiality, shall be maintained as confidential by the secretary and assistant secretary and be protected from disclosure to any person who is not a member of the board or who has not been authorized by the board to receive the information.

b. Duties and functions of the secretary

- (1) Meetings. The secretary shall make preparations for all board and committee meetings including such notices as law requires. The secretary shall make preparations for and submit required notices related to executive sessions of the board in conjunction with the general counsel of the TTU system.
- (2) Agendas. Under the direction of and upon approval by the chair of the board or the chair of a standing committee, the secretary shall, with the cooperation of the principal officers of the TTU system, prepare and distribute the agenda for all board and committee meetings.
- (3) Minutes. The secretary shall attend all board and committee meetings, record, prepare, and index the official minutes of the meetings of the board and its committees and distribute copies thereof, including the annual budgets, to members of the board, the chancellor, and to such other individuals as designated by the chancellor. The official minutes shall be kept in the Office of the Board of Regents and certified excerpts from these minutes shall be prepared and distributed by the secretary when requested.

- (4) Documents. The secretary shall keep on file in the Office of the Board of Regents all official documents, correspondence, and proceedings of the board and its committees, including audio recordings.
- (5) Seals. The secretary is the custodian of the official seal of the TTU system (see Section 12.07, *Regents' Rules*). The secretary shall affix such appropriate official seal to, and attest, all documents executed in the name of the board and requiring attestation. The board may authorize by resolution certain other officials of the TTU system to affix seals and to attest to specific documents.
- (6) Official *Regents' Rules*. The secretary shall maintain the official copy of the *Regents' Rules*. Said copy shall contain all current rules, regulations and policies (including any Board Policy Statements) promulgated by the board. Any changes or additions thereto shall be entered in the official copy by the secretary and such changes and additions shall be furnished to board members and such principal officers of the TTU system as designated in Sections 00.01.2.c, 00.01.3.e, and 00.01.4.e-h, *Regents' Rules*.
- (7) Reports. The secretary as directed by the board shall prepare and distribute reports and communications.
- (8) Other duties. The secretary shall perform such functions and have such other duties and responsibilities as the board may assign, and shall perform usual and customary tasks to assist the board in the discharge of its official duties.

01.02.7 Board meetings

- a. Regular meetings. The board shall hold a minimum of four regular board meetings each year on dates and times to be chosen by the chair, in consultation with the other members of the board. The board shall hold regular meetings at such locations as the chair, in consultation with the other members of the board, may determine before the meeting.

b. Special meetings.

- (1) Special meeting called by the chair. The chair may call a special board meeting for special or emergency purposes.
- (2) Special meeting called by the board. A special board meeting also may be called by a joint written notice of no less than five board members that is distributed to all members of the board at least five days prior to the date of the special meeting.
- (3) Special meeting by teleconference. If the special meeting is to be conducted by teleconference call, the location specified must be the Board Meeting Room at the TTU system offices.
- (4) Time and place of a special meeting. The time and place of a special meeting shall be set by the chair, in consultation with the other members of the board. The chair shall take into account the schedule of each board member in order to ensure maximum attendance. The chair shall notify or cause to be notified each member in an expeditious manner of the meeting time and place. For a special meeting called by the board rather than by the chair, the meeting time and place shall be determined by a majority of the board.

c. Notices. Notices for all board or committee meetings shall conform to the requirements of state law.

d. Agendas for board meetings.

- (1) Advance distribution to board members. Except in the case of emergency meetings, not less than two weeks prior to the day of regular meetings and not less than 24 hours prior to special called meetings, the secretary of the board shall deliver to each member copies of all proposed items for board consideration. The consent agenda and the information agenda shall be delivered to the regents at the same time as the regular agenda.

- (2) Additions to a board meeting agenda; deferrals.
 - (a) Additions. Urgent and emergency items may be added after a board meeting agenda has been distributed to the board members per Subdivision (d)(1) herein, but such additions are subject to the recommendation of the chancellor to the chair and the chair's approval. Subject to applicable state open meeting requirements, including advance posting requirements, such items shall be added to the regular agenda upon approval by the chair.
 - (b) Deferrals. Except when emergency proposals (as defined by the chair of the board or the secretary of the board) are involved, all proposals not submitted to the secretary within the time prescribed in this subsection shall be deferred until the next board meeting.
- (3) Statement of source of funds. Where an agenda item requires a commitment of funds, a statement by the appropriate chief fiscal officer shall be included within the item indicating the source and availability of funds.
- (4) Regular, consent and information agenda items. Items to be brought before the board will be separated into three categories:
 - (a) Regular agenda items. Items deemed to require individual consideration and approval by the board will be in the regular agenda of a standing committee of the board or the Committee of the Whole, as appropriate.
 - (b) Consent agenda items. Items deemed routine will be submitted for board approval in the consent agenda. Any regent may require that an item in the consent agenda be moved to the regular agenda.

- (c) Information agenda items. Material required by a provision of the *Regents' Rules* to be furnished to the board as information will be listed in the information agenda.

01.02.8 Board committees

- a. Appointments to standing committees. The chair, as soon as is practicable after election, shall appoint all standing committee members and shall designate a chair of each standing committee, except as otherwise provided herein. All other board members shall be *ex officio* members of each standing committee.
- b. Authority of standing committees. The authority of standing committees of the board shall be subject to action of the board. Unless a specific delegation of authority has been made by the board in advance, recommendations of a standing committee must be approved by the board before such recommendations shall become effective.
- c. Times and places of committee meetings. The committee chair, in consultation with the chair, shall set the times and places of each special meeting of a standing or special committee.
- d. Standing committees
 - (1) Academic, Clinical, and Student Affairs Committee. The Academic, Clinical, and Student Affairs Committee shall consist of three members. In addition to the three members appointed by the chair, the student regent shall be a participant in the deliberations of this committee. This committee shall consider, summarize facts, recommend actions, and present alternatives to the board as necessary for the following:
 - (a) the educational mission and academic programs of the various schools, colleges, and units within the TTU system, with an emphasis on academic rigor and program content;

- (b) the clinical programs (both patient care services and clinical investigation) within the TTU system's health sciences centers and their relationship to the educational mission and academic programs;
 - (c) student affairs within the component institutions;
 - (d) faculty affairs within the component institutions;
 - (e) strategic planning processes and initiatives for the TTU system;
 - (f) current and long-range governmental actions that affect the TTU system and make recommendations that will ensure, when necessary, continuous and prompt action by the TTU system on such matters;
 - (g) research programs within component institutions and their relationship to the undergraduate and graduate programs;
 - (h) policies essential to the growth and development of research and its relationship to the commercialization initiatives of the TTU system;
 - (i) research incentives for faculty;
 - (j) fund-raising programs and investments to strengthen research; and
 - (k) contracts for academic, clinical, or student affairs agreements that require board action.
- (2) Facilities Committee. The Facilities Committee shall consist of three members. This committee shall consider, summarize facts, recommend actions, and present alternatives to the board as necessary for the following:
- (a) use and occupancy of TTU system property;

- (b) planning of, location of, receiving bids or proposals for, and awarding contracts for the construction, maintenance, and repair of buildings, utilities, and other physical facilities of the TTU system; and
 - (c) campus beautification and public art initiatives of the TTU system.
- (3) Finance and Administration Committee. The Finance and Administration Committee shall consist of three members. This committee shall consider, summarize facts, recommend actions, and present alternatives to the board as necessary for the following:
 - (a) the budgeting process;
 - (b) all requests for budgets covering expenditures of educational and general funds, designated funds, auxiliary programs, and funding from external sources (including public/private partnerships);
 - (c) handling of TTU system funds and depositories whether from appropriated or non-appropriated funds;
 - (d) the pursuit, negotiation, and closing of outside financing, including the issuance of notes, bonds, securities of any type, and agreements of any description that result in indebtedness by the TTU system;
 - (e) all administrative matters relating to affirmative action and equal employment opportunity, central computing services, communication services, purchasing and contracting, office services, financial administration of grants, accounting services, personnel, budgeting, cash management, investments, utility management, police operations, and all parts thereof;

- (f) contracts and easements related to business or administrative functions that require board action;
 - (g) the annual review of all actual expenditures as well as the detailed review of the expenditures of the Office of the Chancellor and the Offices of the Presidents, with the board approving all budgets;
 - (h) being informed of all appropriations requests and providing coordination of issues related to legislative appropriations;
 - (i) review of all private fund-raising activities for the TTU system and make recommendations that will ensure coordination of all private fundraising functions;
 - (j) all administrative matters relating to physical plant operations and traffic and parking; and
 - (k) review and approval of all quasi-endowments that exceed \$250,000.
- (4) Audit Committee. The Audit Committee shall have three members. The committee shall ensure that the board maintains direct access to both internal and external audits of the TTU system. The Audit Committee Charter approved by the board shall provide guidelines for the operation of the committee and the auditing functions throughout the TTU system; however, audits of the Office of the Board of Regents shall be the responsibility of the board. The chief audit executive shall be responsible to the board through the Audit Committee. The committee shall consider, summarize facts, recommend actions, and present alternatives to the board as necessary for the following:
- (a) provide oversight of internal and external audit activities throughout the TTU system;
 - (b) make recommendations for the selection of external auditors;

- (c) recommend for approval by the board the appointment, termination or reassignment, compensation, and evaluation of the chief audit executive;
 - (d) review the findings of all internal and external auditors;
 - (e) review the system-wide risk assessment evaluations and plans to address the significant risks identified;
 - (f) on or before August 31 of each year, present to the board for approval an Audit Committee-approved annual audit plan;
 - (g) ensure that adequate resources in terms of staff and budget are provided to enable the Office of Audit Services to perform its responsibilities effectively; and
 - (h) provide the board with relevant information obtained from ongoing reviews of auditing, compliance, and governance activities and reports of internal and external auditors, including from the State Auditor's Office.
- e. Special committees.
- (1) Appointment by the chair. During a board meeting, or at any time between board meetings if at least 48 hours advance notice is provided to all members, the chair may appoint special committees, name the members thereof, and designate the committee chair.
 - (2) Appointment by the board. In addition, during a board meeting, six or more members, by vote, may appoint special committees, name the members thereof, and designate the committee chair.
 - (3) Duration and duties of a special committee. Any special committee so created shall be temporary (except the In-

vestment Advisory Committee) and shall be charged in writing as to its particular duties and functions and the period in which it is to serve. Action by the chair or at least six members will be required to extend this period.

- (4) Advisory status of special committees. Unless a special committee is given a specific delegation of authority by the board to take action on behalf of the board, a special committee shall serve only in an advisory capacity. Any recommendation of a special committee that requires action by the board shall be submitted to the standing committee of the board that has responsibility for the matter or to the board's Committee of the Whole, as appropriate, for a determination of whether the proposed action should be adopted by the board.

f. Investment Advisory Committee.

- (1) Duties and responsibilities. The Investment Advisory Committee (IAC) is a special committee of indefinite duration as authorized by the board and is charged with the following duties and responsibilities:
 - (a) to meet quarterly with investment counsel, investment managers and appropriate officers and staff for the purpose of reviewing and consulting with these parties and advising the board and the board of directors of the Texas Tech Foundation (Foundation board) on asset allocation, investment policy and investment results; and
 - (b) for identifying fund managers, monitoring the performance of investments, evaluating fund manager performance and developing and recommending an asset allocation plan for the Long-Term Investment Fund, and for reviewing the investments and performance of the Short and Intermediate Term Investment Fund.
- (2) Advisory status of IAC. Unless the IAC is given a specific delegation of authority by the board to take action on

behalf of the board, the IAC shall serve only in an advisory capacity. Any recommendation of the IAC that requires action by the board shall be submitted to the standing committee of the board that has responsibility for the matter or to the board's Committee of the Whole, as appropriate, for a determination of whether the proposed action should be adopted by the board.

- (3) Terms of office. Members of the IAC serve at the will of the board and are appointed to four-year staggered terms that begin on a February 1. Appointment of members of the IAC shall be made upon the expiration of a member's term or upon a vacancy in the membership of the committee. No member of the IAC shall serve more than two consecutive four-year terms on the IAC.
- (4) Membership. The IAC shall be comprised of nine members, as follows:
 - (a) Three members appointed by the chair of the board, at least one of which shall be a current member of the board and with all board members appointed to the IAC serving at the will of the board chair; and
 - (b) One member appointed by the Foundation board; and
 - (c) Five members appointed by the chancellor, of which two are to be recommended by the Foundation board subject to the following provisions:
 - i. the members recommended by the Foundation board are subject to approval by the chancellor and the board; and
 - ii. any disagreement regarding these two Foundation board appointees shall be resolved through consultation between the chancellor and representatives of the board and the Foundation board.

- (d) From the members of the IAC, the chair of the board shall appoint the chair of the IAC.
- (5) Qualifications.
 - (a) All members appointed to the IAC shall possess the necessary skills and knowledge in the areas of finance, accounting and investments in order to substantively participate in the deliberations and recommendations of the IAC, and each has the duty to actively participate in all meetings and other activities of the IAC in order to fulfill their obligations to their respective boards; and
 - (b) No member shall have any financial interest in any organization providing investment services to the TTU system.
- (6) Joint investment policy. Foundation assets and TTU system assets shall be commingled for investment in order to realize the benefits of higher long-term investment returns, greater portfolio diversity and lower investment management costs. Accordingly, the board and the Foundation board shall jointly develop and adopt a joint investment policy to be implemented by the Foundation and TTU system, and be responsible for the investment of the assets of the Foundation and TTU system, with the earnings credited to the corresponding entity.

01.02.9 Procedures

- a. Rules of order. When in session, the board shall follow the procedures set forth in *Robert's Rules of Order* unless the procedures conflict with the *Regents' Rules*.
- b. Executive sessions
 - (1) Only board members may attend executive sessions unless the board invites other persons to attend.

- (2) The board shall conduct all executive sessions in accordance with the applicable provisions of Chapter 551, *Texas Government Code*.
- (3) In accordance with Sec. 01.02.6.b(1), the agenda for all executive sessions shall be approved in advance by the chair and, except in cases of an emergency meeting, shall be delivered to each board member not less than seven days prior to the day of the meeting at which the executive session is to take place. Subject to applicable state open meeting requirements, including advance posting requirements, urgent and emergency items may be added to the executive session agenda after the required delivery date but are subject to the chair's approval.

c. Board communications

- (1) It is not only the right but also the duty of each board member to be fully informed on all matters that influence or have impact on his or her obligations as a board member.
- (2) Requests to appear before the board
 - (a) During a meeting of the board, members of the public may be allowed to make presentations for a reasonable amount of time, as determined by the chair, on any topic listed on the agenda for a board or committee meeting that is open to the public. Presentations or discussions on topics not listed on the agenda for an open session shall not be allowed.
 - (b) A request to appear before the board must be filed with the chair or the secretary not less than 48 hours in advance of the board meeting and must state the purpose of such appearance. The chair shall approve or disapprove such a request.
 - (c) The board shall not serve as a hearing or appellate body for individual complaints, grievances, or ap-

peals of students, faculty or staff members except as specifically provided or required in the *Regents' Rules*. Individual complaints, grievances, or appeals of students, faculty or staff members are to be addressed through the grievance procedures applicable to the appropriate TTU system component, and a decision at the final level of review or appeal within the administration of the TTU system will constitute final action on the grievance.

- (3) The board hereby reserves to itself the authority and responsibility for determining matters of policy and any official statements concerning political or other subjects of a controversial nature that represent an official policy, statement, or position of the board and/or the TTU system. Accordingly:
 - (a) Statements, policies, and positions by the board on such matters shall be made by the board through the chair or the chancellor.
 - (b) No board member, officer, faculty or staff member shall have the authority to speak for or issue any public statement on policy for or on behalf of the board or the TTU system on such matters, without the board's prior approval.
 - (c) Any statement on emergency matters shall be cleared by the chancellor in coordination with the chair.
 - (d) This policy declaration is intended to set forth the position, authority, and responsibility of the board on these matters without suggesting any limitation on the rights of persons to speak in their individual and personal capacities.
- (4) A president of a component institution, the vice chancellor and chief financial officer, or the vice chancellor and general counsel should bring any matter to the board that, in that officer's opinion, could have a material im-

pact on the TTU system or when one of these officers has a professional duty or obligation to disclose the matter to the board.

d. Quorum

- (1) Five members or more present shall constitute a quorum.
 - (2) In accordance with Section 551.127, *Texas Government Code* (as amended or modified), a member may participate in an open or closed meeting via videoconference when the member presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting, provided the meeting is legally posted in advance as a videoconference meeting.
 - (3) The board may participate in an open or closed meeting via telephone conference call in accordance with Section 551.121, *Texas Government Code* (as amended or modified), only if the meeting is legally posted in advance as a telephone conference meeting and:
 - (a) the meeting is a special called meeting and immediate action is required; and
 - (b) the convening at one location of a quorum of the board is difficult or impossible.
- e. Board members entitled to vote. Board members participating via teleconference or videoconference in a board meeting legally posted and conducted as a teleconference or videoconference meeting shall be entitled to vote.
- f. Suspension of the *Regents' Rules*. To be approved, a motion to suspend any provision of the *Regents' Rules* must be approved by the affirmative vote of a majority of the members present.

01.02.10 Board and committee meetings attendance. Recognizing the broad authority and responsibility vested in the board for the governance and operation of the TTU system, there is a specific expectation

that each member of the board understands and recognizes the importance of his or her attendance at board and committee meetings and will make a sincere commitment to attend as many of these meetings as possible.

- 01.03 **Board conduct.** Each member of the board shall perform his or her activities on behalf of the TTU system in conformity with:
- a. the ethics policy set out in Section 03.01, *Regents' Rules*;
 - b. the conflict of interest policy for board members in Section 03.03, *Regents' Rules*;
 - c. the provisions of Chapter 09, *Regents' Rules*, and the Investment Policy Statements for the Long Term Investment Fund and the Short/Intermediate Term Investment Fund relating to conflicts of interest and investments; and
 - d. applicable state laws related to standards of conduct and conflicts of interest.
- 01.04 **New chancellor selection.** When there is a vacancy in the position of chancellor, the board shall establish a selection process and shall select a chancellor. The process shall result in a limited slate of unranked candidates for the position to be delivered to the full board for its deliberation.
- 01.05 **Board members service on internal support and advisory groups.**
- 01.05.1 Service in a non-voting capacity required.
- a. Board members frequently are asked to serve on support and advisory groups for various units of the TTU system. Such service, when requested because of unique contributions that can be made because of the regents' capabilities related to the work of the group, can make important contributions to the efforts of the TTU system. It is noted, however, that casting a vote in such groups may place a member of the board in the position of casting a vote with the support group and again when the matter is presented to the board.

- b. This eventuality should be avoided, and the board therefore restricts any membership on such groups to non-voting participation, and any exception to this policy must be approved by the board.
- 01.05.2 Exception for service on a committee for an academic or administrative search. A board member may serve as a voting participant of an academic or administrative search or search advisory committee without the need for an exception being granted under Section 01.05.1, *Regents' Rules*.
- 01.06 **Board seating at commencement.** Board members are encouraged to participate in the commencement exercises of the component institutions. A seat on the platform will be provided for each member who attends.
- 01.07 ***Regents' Rules* review.**
 - 01.07.1 The chair shall appoint a special committee – a *Regents' Rules* Review Committee – to:
 - a. on an as-needed basis, review the *Regents' Rules* and any Board Policy Statements that have been adopted by the board; and
 - b. advise the board of such updates and revisions as may be necessary or appropriate.
 - 01.07.2 Each *Regents' Rules* Review Committee shall serve for a fixed period of time, as designated initially or as extended by the chair.
 - 01.07.3 The *Regents' Rules* Review Committee shall serve in an advisory capacity only. Whenever the *Regents' Rules* Review Committee determines that one or more revisions to the *Regents' Rules* or a Board Policy Statement may be needed, the proposed changes are to be submitted to the standing committee of the board that has responsibility for the matter or to the board's Committee of the Whole, as appropriate, for a determination of whether the proposed revisions should be adopted by the board.

01.08 Amendments.

- 01.08.1 Vote required for adoption. The *Regents' Rules* may be amended only by the affirmative vote of at least five members of the board which is conducted at a regular or special called meeting.
- 01.08.2 Additional requirements for amendments to Chapter 01 (Bylaws). Any proposed amendment to Chapter 01 of these *Regents' Rules* must be filed in writing with the secretary not less than 30 days before the meeting at which the amendment is to be considered. It shall be the duty of the secretary to deliver forthwith a copy of such proposed amendment to every member of the board.
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Dates Approved or Amended:

- | | | |
|---|------------|---------------------------------|
| -- Comprehensive review of chapter..... | 02-28-2014 | • amendments throughout |
| -- Technical adjustments..... | 10-10-2014 | • to §01.02.1.f & §01.02.6.b(6) |
| -- Technical adjustment | 12-12-2014 | • to §01.02.6.b(5) |
| -- System cleanup legislation revisions | 10-09-2015 | • to §01.02.1 ... c, e & g |
| -- Added Board self-evaluation policy..... | 03-02-2018 | • as §01.01.4 |

See also the document entitled “Comprehensive Reviews and Updates” for a more complete explanation of the amendments listed above.

Chapter 02 -- Administration

Date last revised: 05-20-2016

[see last page for list of amendments adopted]

02.01 **Chancellor.** The chancellor is responsible for the management and operation of the TTU system administration and component institutions under the direction of the board. The chancellor is the chief executive officer of the TTU system. The chancellor reports to and is responsible to the board. Except as specifically provided otherwise in the *Regents' Rules*, the chancellor has direct responsibility for all aspects of TTU system operations.

02.01.1 Appointment. The chancellor shall be elected by the affirmative vote of a majority of the regents in office.

02.01.2 Tenure. The chancellor holds office subject to the pleasure of the board and any employment contract that may be entered into between the chancellor and the TTU system in accordance with state law.

02.01.3 Primary duties. The chancellor, where specifically delegated by the board, is authorized to exercise the powers and authorities of the board in the governance of the TTU system. The chancellor will act through the appropriate officers of the TTU system regarding the matters delegated to them. The chancellor, however, shall not be precluded from direct participation and communication with any TTU system officers, staff, faculty members, or groups. The major duties of the chancellor include:

- a. advising and counseling with the board with respect to the policies, purposes, and goals of the TTU system; acting as executive agent of the board in implementing its policies and a system of internal controls; representing the TTU system in all other respects as deemed appropriate to carry out such policies, purposes and goals, and interpreting and articulating the TTU system's academic, administrative and developmental policies, programs, needs and concerns to the general public, and to other constituencies at the community, state, regional, and national levels;

- b. preparing a recommendation to the board for a strategic plan with clear, quantifiable (where applicable) expectations for the TTU system, revised periodically, setting forth recommendations for capital expenditures, and the allocation of other financial resources;
- c. working actively at private fundraising to ensure that each component institution has endowments and capital contributions that will number it among the top tier of its peer institutions;
- d. ensuring sound fiscal policies for the TTU system;
- e. directing the management and administration of the TTU system;
- f. presenting to the board appointments for certain officers of the TTU system as provided in Sections 02.03.2 and 02.03.3, *Regents' Rules*;
- g. periodically reviewing the organization of the TTU system administration and the component institutions and reporting to the board recommendations for changes in organization, assignments, and procedures;
- h. preparing and approving appropriate recommendations to the board and its standing committees, including but not limited to a recommendation on all agenda items for board meetings, along with the recommendation of the appropriate administrative officers of the TTU system;
- i. preparing and approving annual operating budgets for the TTU system administration and the component institutions and submitting such recommendations to the board;
- j. preparing and approving biennial legislative submissions to the legislative budget board and to the governor for the TTU system administration and the component institutions for the consideration of the board;

- k. establishing or directing the establishment of excellent relationships with all levels of government;
- l. ensuring that the TTU system is a leader in regional economic development in the communities in which it has a presence;
- m. directing the establishment of excellent community relations not only in those communities where the TTU system has a presence but also throughout the state;
- n. development and implementation of programs and policies that promote ethical behavior and ensure compliance with all applicable policies, laws, and rules governing public higher education in Texas, including research and health care to the extent applicable; and
- o. carrying out such other duties as may be assigned by the board.

02.02 TTU system administration. The TTU system administration consists of the chancellor and such vice chancellors and other administrative officers and staff as the chancellor may require to carry out the duties assigned to the TTU system administration by the board. Except to the extent there is a conflict with *Regents' Rules* or with a policy issued by the TTU system, the TTU system administration offices and employees are subject to the provisions of the Texas Tech University Operating Policies and Procedures Manual. Consistent with the provisions of Sections 109.001 and 51.353, *Texas Education Code*, the board assigns the following responsibilities to the TTU system administration under the direction of the chancellor.

- 02.02.1 Activities coordination. Coordinating the activities of component institutions.
- 02.02.2 Plans initiation. Initiating, monitoring, approving, and coordinating short- and long-range planning for the TTU system.
- 02.02.3 Service provision. Leadership and coordination of the following functions and priorities for the entire TTU system:
 - a. equal employment opportunity;
 - b. facilities planning and construction;

- c. legal services for all units of the TTU system;
- d. governmental relations;
- e. institutional advancement, fundraising, and development – with the chancellor’s fundraising role for the TTU system enhancing rather than substituting for the role of the chief executive officer of each TTU system component institution, and with the chancellor and each component chief executive officer furthering the mission of the TTU system and the respective institutions through coordinated fundraising and development activities;
- f. communications and marketing; and
- g. financial services and oversight.

02.02.4 Evaluation. Evaluating each component institution.

02.02.5 Performance goals achievement. Assisting the component institutions in the achievement of performance goals.

02.02.6 Other duties. Performing such other duties as may be delegated or assigned by the chancellor and the board.

02.03 **Certain administrative appointments**

02.03.1 Board appointments.

- a. Chancellor. In accordance with Section 01.04, *Regents’ Rules*, the board shall select a chancellor.
- b. Presidents of component institutions.
 - (1) Appointment; dismissal or reassignment. Each president of a component institution shall be appointed and may be dismissed or reassigned (for good cause or without cause) by the affirmative vote of a majority of the board members in office at that time. Prior to any vote on appointment, dismissal, or reassignment of a component institution

president, the chancellor shall provide a recommendation for the board's consideration.

- (2) **Salary; employment contract.** The salary of each president of a component institution and any supplement thereto and any emoluments or other benefits to the office, together with any related employment contract and any modification or extension of such employment contract, shall be approved by the affirmative vote of a majority of the board members in office at that time. Prior to any vote on the salary of or an employment contract for a component president, the chancellor shall provide a recommendation for the board's consideration.
- (3) **Reporting.** Each president of a component institution shall report to and be responsible to the chancellor; but the component institution presidents shall have access to the board, and the board shall have access to the component institution presidents.
- (4) **Vacancy.** When there is a vacancy in the office of a president, the following procedures shall apply:
 - (a) The board may, at its discretion, appoint, set the charge to, and determine the process to be used by a presidential search committee. Prior to any determination on the use of such a search committee, the chancellor may provide a recommendation for the board's consideration. The members of a presidential search committee shall serve at the pleasure of the board. Notwithstanding the preceding provision, at its discretion, the board also may delegate to the chancellor the authority to appoint, set the charge to, and determine the process to be used by a presidential search committee.
 - (b) A presidential search committee shall submit to the board, with a copy to the chancellor, the candidates recommended by the search committee.

- (c) The board, with a recommendation from the chancellor, shall determine which candidates, if any, will be interviewed by the board and the chancellor prior to the board naming a finalist. If none of the candidates submitted by the search committee is satisfactory to the board, the board may either name a new search committee or proceed to select a finalist under such other procedures as the board may deem proper and appropriate, at its sole discretion. The board shall not be limited to consider only candidates previously considered by the search committee.
- (d) The board's selection of a president shall be made in accordance with Section 02.03.1.b(1), herein.

02.03.2 Chancellor's appointments.

- a. The vice chancellor and chief financial officer, vice chancellors and other TTU system administration officers shall be appointed by the chancellor with prior notification to the board. The board shall be notified prior to the chancellor's termination or reassignment of such officers.
- b. Vice chancellor and general counsel.
 - (1) Appointment; reporting; termination or reassignment. The vice chancellor and general counsel of the TTU system (the "general counsel") shall be appointed by the chancellor with prior notification to the board. The general counsel shall report directly to the chancellor and have access to the board, and the board shall have access to the general counsel. With the prior approval of the board, the chancellor may dismiss or reassign the general counsel without cause.
 - (2) Duties and responsibilities. The general counsel shall represent the TTU system administration and all component institutions in all legal matters and shall be responsible for providing all legal services, including the conduct and resolution of litigation, the prosecution and settlement of all claims, and the legal review of all significant transactions,

in accordance with applicable state law and the policies of the TTU system. With the approval of the Attorney General of the State of Texas, the general counsel shall retain and manage all outside counsel performing legal services for the TTU system, and shall serve as liaison to the Office of the Attorney General.

- (3) Confidentiality when acting as counsel for the board. The board, and individual members of the board, when seeking legal services or advice of the general counsel, act as a “representative of the client” pursuant to the Texas Rules of Ethics, and in such situations, are entitled to the same privileges and confidentialities as are provided by such rules.
- c. Any employment contract, employment contract modification, or contract extension related to the officers addressed in Subsections a. and b., herein, shall be approved by the chancellor unless the approval of the board is required by Section 07.12.3.e, *Regents’ Rules*.

02.03.3 Presidents' appointments.

- a. The appointment, termination or reassignment of provosts, vice presidents, vice provosts, deans of schools and colleges, director of intercollegiate athletics, and head coaches of intercollegiate athletics programs shall be determined by the president. Prior to the president making a determination of the individual the president intends to select for such a position or of the president’s intention to terminate or reassign an individual in such a position, the president shall have the input of the chancellor regarding the candidate(s) under consideration or the intention to terminate or reassign an individual in such a position, with the goal of ensuring that the action furthers the mission of the TTU system and the component institution. Before any announcement is made regarding the appointment to or the termination or reassignment of an individual in such a position, the president shall provide prior notification to the chancellor and the board.

- b. Any employment contract, employment contract modification, or contract extension related to persons filling such positions shall be approved by the president unless the approval of the board is required by Section 07.12.3.e, *Regents' Rules*. If Board approval is not required by Section 07.12.3.e, the president shall have the input of the chancellor regarding the provisions of the contract that are under consideration before a determination is made on the president's approval of the contract, with the goal of ensuring that the action furthers the mission of the TTU system and the component institution.

02.03.4 Performance evaluations.

- a. Chancellor. The performance of the chancellor will be reviewed annually by the board.
- b. Presidents.
 - (1) Annually, and prior to an evaluation being shared with a president, the chancellor shall present to and discuss with the board the chancellor's evaluation of the performance of each component institution president.
 - (2) After the chancellor and the board have agreed upon the annual evaluation of the president's performance, the chancellor shall share the evaluation with the president.
- c. TTU system administration officers. Annually, the chancellor will review with the board the chancellor's evaluations of the performance of the vice chancellor and chief financial officer, vice chancellor and general counsel, vice chancellors, and other TTU system administration officers.

02.03.5 Chancellor's salary. The salary of the chancellor, any supplement thereto, and any emoluments or other benefits to the office shall be determined by the board.

02.03.6 TTU system administration officer salaries. The salaries of the vice chancellor and chief financial officer, vice chancellor and general counsel, vice chancellors, and other TTU system administration officers shall be set by the chancellor, with a report of such salaries pre-

sented to the board at the time the TTUSA operating budget is presented to the board each year.

- 02.03.7 Time of salary actions. Unless otherwise authorized by the board, salary actions related to the chancellor, vice chancellor and chief financial officer, vice chancellor and general counsel, vice chancellors, other TTU system administration officers, and the presidents shall take place at the same meeting as, and in conjunction with, the performance reviews outlined in Section 02.03.4, *Regents' Rules*.
- 02.03.8 Component institution officer salaries. The salaries of the provosts, all vice presidents, vice provosts, and deans of colleges and schools of the component institutions shall be set by the presidents, with a report of such salaries presented to the chancellor and the board at the time the institution's operating budget is presented to the board each year.
- 02.03.9 Certain administrator contracts. The terms, conditions, and stipulations of any employment agreement or contract between the TTU system and the chancellor or a president of a component institution of the TTU system thereof shall be in writing and approved by official action of the board.

02.04 Component institution presidents

- 02.04.1 Chief executive officers. The president of each component institution of the TTU system is the chief executive officer of that institution and reports to and is responsible to the chancellor; but the component institution president shall have access to the board, and the board shall have access to the component institution president. The president serves without fixed term, subject to Section 02.03.1.b, *Regents' Rules*, and any employment contract that may be entered into between the president and the TTU system in accordance with state law.
- 02.04.2 Presidents' authority. Within the policies and regulations of the board – which provide that the component institution president reports to and is responsible to the chancellor, with the component institution president having access to the board and the board having access to the component institution president – the president has general authority and responsibility for the administration of the

component institution. Specifically, the president is expected, with the appropriate participation of the staff, to:

- a. develop, administer, and coordinate all operations and programs of the component institution;
- b. develop and administer policies relating to students, and where applicable, to the proper management of services to patients;
- c. ensure that all facets of the component institution receive instruction in and provide a customer service orientation to its internal and external constituencies;
- d. provide for cultural diversity throughout all facets of the institution;
- e. ensure that the component institution provides a high quality of educational curriculum and faculty for the benefit of its students;
- f. recommend operating budgets and supervise expenditures under approved budgets;
- g. nominate all members of the faculty and staff under the jurisdiction of the president, and make recommendations to the board for the award of tenure for faculty members;
- h. maintain efficient personnel programs;
- i. ensure the proper administration of the financial affairs of the component institution, including the accounting, financial oversight, and financial report preparation functions required;
- j. prepare and submit to the chancellor the operating policies, procedures, rules, and regulations for the governance of the component institution, provided that any policy, procedure, rule, or regulation in any such institutional operating manuals that is in conflict with any policy, procedure, rule, or regulation in the *Regents' Rules*, is null and void and has no effect;

- k. assume initiative in developing long-range and strategic plans for the program of the component institution, and, in the case of TTU, develop a plan to cause TTU to be numbered among the top public research institutions in the country;
- l. work actively to ensure that the component institution acquires the necessary public and private resources for successful achievement of its goals and objectives; engage in fundraising activities that increase the institution's endowment and address the needs of all the institution's schools and colleges in accordance with policies and procedures established by the chancellor and the *Regents' Rules*;
- m. in the case of component institutions with intercollegiate athletic programs, provide for the proper administration and oversight of the operations of the Department of Athletics, and ensure that the university's intercollegiate athletic programs and activities adhere to the highest standards of integrity and the rules and requirements of the National Collegiate Athletic Association and the athletic conference of which the institution is a member;
- n. develop and implement plans and policies to ensure that the component institution remains in compliance with any accreditation requirements appropriate to the institution or its programs, including, for the health components and those academic components with student health services, the accreditation of hospitals, clinics, and patient-care facilities;
- o. develop and implement programs and policies that promote ethical behavior and ensure compliance with all applicable policies, laws, and rules governing public higher education in Texas, including research and health care to the extent applicable;
- p. develop and implement a contract management handbook that provides consistent contracting policies and practices, contract review procedures, a risk analysis procedure, and a contract review checklist approved by general counsel describing contract execution processes; and
- q. carry out all other duties and responsibilities assigned to the president by the board or the chancellor.

Dates Approved or Amended:

- | | | |
|--|------------|--|
| -- Comprehensive review of chapter | 02-28-2014 | • amendments throughout |
| -- State contracting law changes..... | 10-09-2015 | • added §02.01.3.n and §02.04.2.o
• conforming changes to Chapter 07 section citations in §02.03.2.c and §02.03.3.b |
| -- State contracting law changes..... | 05-20-2016 | • added §02.04.2.p
• conforming changes to Chapter 07 section citations in §02.03.2.c and §02.03.3.b |

See also the document entitled “Comprehensive Reviews and Updates” for a more complete explanation of the amendments listed above.

Chapter 03 -- Personnel

Date last revised: 03-02-2018

[see last page for list of amendments adopted]

03.00 **Definitions.** For the purposes of this chapter, the following definitions are assigned:

03.00.1 “Officers and employees” shall mean: The officers and employees of the TTU system, including members of the board.

03.01 **Ethics policy.** It is important that the people of Texas have complete confidence in the integrity of public servants. This need is especially critical in the area of state-supported higher education. The responsibility for educating and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles. The principles and guidelines contained in this policy shall apply to all officers and employees regardless of rank or position to ensure that the primary responsibility of the TTU system officers and employees is to accomplish the duties and responsibilities assigned to their position. Each component institution's operating manuals should be referenced for further information and/or greater specifics not in conflict with the *Regents' Rules*.

03.01.1 Conduct. Officers and employees shall not:

- a. accept or solicit any gift, favor, or service that might reasonably tend to influence officers or employees in the discharge of official duties or that officers or employees know, or should know, is being offered with the intent to influence the officers' or employees' official conduct;
- b. accept other employment or engage in a business or professional activity that officers or employees might reasonably expect would require or induce them to disclose confidential information acquired by reason of the official position;
- c. accept other appointments or any employment or compensation that could reasonably be expected to impair officers' or

employees' independent judgment in the performance of official duties;

- d. make personal investments or engage in other activities, including having a direct or indirect financial or other interest, engaging in a business transaction or professional activity, or incurring any obligation that could reasonably be expected to create a substantial conflict with the proper discharge of the officers' or employees' duties related to the public interest;
- e. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised their official powers or performed official duties in favor of another; or
- f. act as an agent for another person or entity in the negotiation of the terms of an agreement relating to the provision of money, services, or property to the TTU system.

03.01.2 Ethical behavior. Officers and employees shall:

- a. obey all federal, state, and local laws or be subject to disciplinary action for a violation of those laws;
- b. put forth honest effort in the performance of their duties;
- c. not make unauthorized commitments or promises of any kind purporting to bind the TTU system or any of its components;
- d. not use their public offices for private gain;
- e. act impartially and not give preferential treatment to any private or public organization or individual;
- f. protect and conserve public property, including all institutional resources, and shall not use it for anything other than authorized activities;
- g. promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;

- h. adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of sex, sexual orientation, gender identity, race, national origin, religion, age, disability, status as a covered veteran, genetic information, or other legally protected categories, classes, or characteristics;
- i. endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the TTU system;
- j. if involved in procurement or contract management for the TTU system, disclose to the TTU system in the manner prescribed by the applicable contract management handbook or institutional operating policy any actual or potential conflict of interest that is known by the employee or official with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor by the TTU system at any time during: (i) the procurement process, from the initial request for bids for the purchase of goods or services from the private vendor until the completed final delivery of the goods or services, or (ii) the term of the contract with a private vendor; however, for a contract for the purchase of goods or services solicited through a purchase order, this subsection only applies if the amount of the purchase order exceeds \$25,000; and
- k. participate in regular training concerning ethics policies of the TTU system.

03.01.3 Conflict of interest – generally. It is state policy that state officers and employees may not have direct or indirect interests, including financial and other interests, engage in business transactions or professional activities, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officers' or employees' duties in the public interest. *(See also: Section 03.03, Regents' Rules, regarding a specific conflict of interest policy that applies to the board; and Section 03.04, Regents' Rules, regarding a specific conflict of interest policy that applies to executive administration.)*

03.01.4 Benefits, gifts, and honoraria. No benefits, gifts, or accommodations of any nature, including unrestricted grants, may be solicited,

offered, or accepted by a TTU system component or by an officer or employee when to do so would place the component, officer, or employee in a prejudicial or compromising position, interfere in any way with the impartial discharge of the officer's or employee's official duties, interfere with the exercise of the officer's or employee's official powers, result in performance of official duties in favor of another, or reflect adversely on the integrity of the TTU system or of the officer or employee. This prohibition includes benefits, gifts, or accommodations to a family member as defined in Section 03.03.2, *Regents' Rules*.

- a. Bribery. No officers or employees may solicit, offer, or accept any benefit in exchange for their decisions, opinions, recommendations, votes, or other exercises of official power or discretion. A benefit that is otherwise allowed by TTU system policy is nevertheless prohibited if it is offered in exchange for official action.
- b. Prohibited benefits. Officers and employees who exercise discretion in connection with contracts, purchases, payments, claims, and other financial transactions of government, commit an offense under Texas law if they solicit, accept, or agree to accept any benefit from any person the officers or employees know is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving the officers' or employees' discretion. The prohibition does not apply to the following:
 - (1) gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
 - (2) a fee prescribed by law to be received by officers or employees or any other benefit to which they are lawfully entitled or for which they give legitimate consideration in a capacity other than as officers or employees; and
 - (3) items having a value of less than \$50, not including cash or negotiable instruments.

Officers or employees who receive an unsolicited benefit that they are prohibited by law from accepting may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

- c. Food, lodging, transportation, and entertainment received as a guest.
 - (1) Subject to the first paragraph of Section 03.01.4 herein, officers and employees, other than those referenced in Section 03.01.4.b, may accept food, lodging, transportation, or entertainment from persons or entities they know or reasonably should know, are interested in or likely to become interested in a contract, purchase, payment, claim, decision, or transaction involving the exercise of the officers' or employees' discretion only if the officers or employees are "guests" as defined by the state laws. Officers and employees are "guests" if the person or a representative of the entity providing the food, lodging, transportation, or entertainment is present at the time the food, lodging, transportation, or entertainment is received or enjoyed by the officers or employees. Any such acceptance of food, lodging, transportation, or entertainment must be for the benefit of the TTU system.
 - (2) Officers and employees who are subject to Chapter 572, *Texas Government Code*, are required to report any such benefits valued at over \$250 on their annual disclosure statements filed with the Texas Ethics Commission.
- d. Benefits from friends, relatives, and associates. Officers and employees may accept benefits from personal friends, relatives, or business associates with whom they have a relationship independent of their official status, so long as the benefit is not offered in exchange for official action or decision.
- e. Awards. Officers and employees may accept plaques and similar recognition.

- f. Honoraria. Officers and employees may not solicit, accept, or agree to accept an honorarium in consideration for services they would not have been asked to provide, but for their official position or duties. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. This provision does not prohibit an officer or employee from accepting payment for providing services if the individual was asked to provide the service or services because of the officer's or employee's expertise and not because of the officer's or employee's official status as a TTU system officer or employee. However, they may accept the direct provision of or reimbursement for expenses for transportation and lodging incurred in connection with a speaking engagement at a conference or similar event. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted. Participation by an officer or employee must be more than merely perfunctory.

03.01.5 Conflict of commitment. A conflict of commitment refers to a situation where a TTU system employee engages in external activities, including service on an outside entity's board, either compensated or uncompensated, that interfere with the employee's obligation and responsibilities to the TTU system. Employees shall evaluate and arrange their external interests and activities in order to avoid conflicts of commitment that would compromise their ability to carry out their obligations to the TTU system.

- a. Primary responsibility of employees. The primary responsibility of a TTU system employee is the full and complete execution of all assigned duties, the fulfillment of those professional obligations not ordinarily reduced to written assignment, and the maintenance of current professional skills.
- b. Outside employment. Outside employment is self-employment or any compensated service or employment by an entity or individual, other than the TTU system, of a TTU system employee.
 - (1) Outside employment must be compatible with the interests of the TTU system and of such a nature that it will

not detract from the effectiveness and performance of the employee.

- (2) Clinical faculty. Full-time clinical faculty at TTUHSC and TTUHSC El Paso who are involved in outside employment must do so under the provisions of the respective school's medical practice income plan.
 - (3) Institutional operating policies shall provide a procedure by which a TTU system employee must disclose the outside employment, including the name of the employer, the specific nature of the work, and the amount of time to be spent, and obtain authorization from the chancellor, or the chancellor's designee, for such outside employment.
 - (4) If the outside employment is for the chancellor or a president, authorization from the board is required.
- c. External activities. External activities shall not detract from primary responsibilities and shall not require such extensive absence so as to cause an employee to neglect the employee's obligations to the TTU system.

03.01.6 Political activities

- a. Use of TTU system funds or property. Except as authorized by state or federal law or by Chapter 08, *Regents' Rules*, no officer or employee shall expend or use, or authorize the expenditure or use, of any TTU system funds or other resources for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure.
- b. Political contributions. Unless prohibited by state law, officers and employees may make personal contributions to political organizations and candidates for political office.

03.01.7 Preservation of resources. Officers and employees shall protect and conserve the property and resources of the TTU system and shall not use TTU system property or resources for any purpose other than authorized activities. Officers and employees shall at

all times protect the best interests of the TTU system pertaining to the assets of the TTU system.

- a. Misapplication of property. It is a violation of state law for officers or employees, acting with the intent to obtain a benefit or with intent to harm another, to intentionally or knowingly misapply any thing of value belonging to the government that comes into their custody or possession by virtue of their office as stated in state law.
- b. Misuse of official information. It is a violation of state law for officers or employees if, in reliance on information that they have access to in an official capacity and that has not been made public, they:
 - (1) acquire or aid another to acquire a financial interest in any property, transaction, or enterprise that may be affected by the information; or
 - (2) speculate or aid another to speculate on the basis of the information as stated in state laws.
- c. Misuse of official time. Official time shall be used by TTU system employees to perform TTU system duties and responsibilities. TTU system employees shall not encourage, direct, coerce, or request a subordinate to use TTU system time to perform personal activities for the supervisor or for activities other than those required in furtherance of the TTU system.

03.01.8 Discriminatory conduct prohibited.

- a. The TTU system shall not tolerate discrimination or harassment of employees and applicants based on or related to sex, sexual orientation, gender identity, race, national origin, religion, age, disability, status as a covered veteran, genetic information, or other legally protected categories, classes, or characteristics. Employment actions (including but not limited to hiring, promotion, demotion, transfer, rate of pay or other forms of compensation, selection for training, and termination) shall not be made based on an employee's legally protected status.

- b. All officers and employees shall comply with statutory requirements in connection with their employment and employment decisions. Officers and employees shall maintain a workplace environment that is free of discriminatory harassment and intimidation.

03.01.9 Familial and household relationships – faculty and students.

- a. For the purposes of this section:
 - (1) “Familial relationship” shall mean: A relationship involving faculty members and students who are: spouses; a parent and a child or step-child of that parent; or a grandparent and a grandchild of that grandparent.
 - (2) “Household relationship” shall mean: A relationship involving faculty members and students who reside in the same household.
- b. Faculty members shall not have instructional, evaluative, or supervisory oversight over a student with whom the faculty member has a familial or household relationship. Specifically, a faculty member who has such a relationship with a student may not have the student enrolled in any class taught or supervised by the faculty member, and the faculty member shall not be involved in any matter directly relating to the acquisition of a degree by the family or household member.
- c. Should such a familial or household relationship exist or develop, the faculty member has the obligation to disclose the existence of the relationship to the faculty member’s immediate supervisor and either end the relationship or cooperate in making alternative arrangements for teaching, training, advising, or supervising the student involved. In the case that the relationship does not cease, a written management plan shall be prepared that details the arrangements for the student’s continued education, and if the student is to continue in the faculty member’s program area, the written management plan shall specify the faculty member’s role relative to the student’s degree acquisition.

03.01.10 Consensual relationships – faculty and students.

- a. For the purposes of this section, “consensual relationship” shall mean: a mutually acceptable, intimate, romantic, or sexual relationship between a TTU system faculty member and a student.
- b. Consensual relationships are prohibited between faculty and:
 - (1) students in the faculty member’s class;
 - (2) students with whom the faculty member has a supervisory or instructional connection; or
 - (3) students with whom the faculty member is in a position of real or perceived authority.
- c. Should such a consensual relationship exist or develop, the faculty member has the obligation to disclose the existence of the relationship to the faculty member’s immediate supervisor and either cease the relationship or cooperate in making alternative arrangements for teaching, training, advising, or supervising the student involved. In the case that the relationship does not cease, a written management plan shall be prepared that details the arrangements for the student’s continued education, and if the student is to continue in the faculty member’s program area, the written management plan shall specify the faculty member’s role relative to the student’s degree acquisition.

03.01.11 Nepotism

- a. Whenever an appointment is made, either on a full or part-time basis, it shall be made on the basis of the qualifications and suitability of the appointee, subject to applicable statutes and subject to the provisions of this policy.
- b. Prohibition applicable to TTU system and system component officials. No person related to any member of the board, to any component institution’s president, or to the chancellor

within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) shall be eligible for appointment to any position in the TTU system.

- (1) The above does not apply to any employee who has been continuously employed for thirty or more days prior to the appointment of a member to the board, a president, or the chancellor who is related to the employee within a prohibited degree, and it does not apply to honorary or non-remunerative positions.
 - (2) Any employee who has been continuously employed for less than thirty days prior to the appointment of a member to the board, a president, or the chancellor who is related within a prohibited degree shall be removed from the individual's position.
 - (3) When good cause exists, the board may grant an exception to this prohibition.
- c. Prohibition applicable to administrators, supervisors, and others. No person related to an administrator within a prohibited degree shall be eligible for initial appointment to a position in an area of responsibility over which an administrator has appointive authority, in whole or in part, regardless of the source of funds from which the position's salary is to be paid. Exceptions to this restriction on the initial appointment of an individual may be made only by the board upon recommendations of the president and the chancellor and then only when the administrator in question does not directly supervise the person to be appointed.
 - d. No employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, or supervision of an individual related to the employee within a prohibited degree.
 - e. If the appointment, reappointment, reclassification, or promotion of an employee places the employee under an administrative supervisor who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the

employee shall become the responsibility of the next higher administrative supervisor.

- f. If the appointment, reappointment, reclassification, or promotion of an employee makes the employee an administrative supervisor over an employee who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the subordinate employee shall become the responsibility of the next higher administrative supervisor.
- g. The provisions of subsections e. and f. shall apply to situations where two employees marry and one spouse is the administrative supervisor of the other.
- h. All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree shall be reported to the board as an information item.
- i. Exception. The provisions of the policy do not apply to the appointment or employment of a personal attendant by any member of the board, a president, the chancellor, or an employee for attendance on the officer or employee who, because of physical infirmities, is required to have a personal attendant.
- j. Enforcement. An individual who is appointed in violation of this policy shall be removed from the individual's position.
- k. Persons related within the prohibited degrees are indicated in the Affinity Kinship/Consanguinity Kinship Chart displayed below.

AFFINITY KINSHIP / CONSANGUINITY KINSHIP CHART

Affinity Kinship

The following persons are relatives of the official/employee within the second degree by affinity (marriage):

1 st Degree	Spouse, spouse's child, spouse's mother or father, child's spouse, parent's spouse
2 nd Degree	Spouse's brother or sister, spouse's grandparent, spouse's grandchild, brother or sister's spouse, grandparent's spouse, grandchild's spouse

Consanguinity Kinship

The following persons are relatives of the official/employee within the third degree by consanguinity (blood):

1 st Degree	Mother, father, daughter, son
2 nd Degree	Brother, sister, grandparent, grandchild
3 rd Degree	Great-grandparent, great-grandchild, uncle (brother of parent), aunt (sister of parent), nephew (son of brother or sister), niece (daughter of brother or sister)

03.02 TTU system community conduct.

03.02.1 Breach of trust. Institutions of higher education that are tax supported must function in accordance with the public trust and the actions by faculty, staff and students within them must be consistent with the execution of that trust. A breach of trust includes, but is not limited to, the following:

- a. academic dishonesty;
- b. plagiarism;
- c. forgery, alteration or unauthorized use of TTU system documents, records, or identification materials;
- d. knowingly furnishing false information to the TTU system, whether by words or by conduct, by false or misleading alle-

gations, or by concealment or omission of that which should have been disclosed;

- e. the use of force or violence or other methods of obstructing the functions of the TTU system, which include teaching, research, administration, public service, presentations by guest lecturers and speakers, and other authorized activities;
- f. physical abuse of any person on TTU system-owned or controlled property or at TTU system-sponsored or supervised functions or conduct which threatens or endangers the health or safety of any such person;
- g. theft of or damage to the tangible property of the TTU system or of a member of the TTU system community or campus visitor;
- h. unauthorized entry to or use of TTU system facilities;
- i. unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, or any substance the possession or distribution of which is regulated by federal or Texas law, except where the manufacture, distribution, dispensing, possession or use are in accordance with the laws of each;
- j. lewd, indecent, or obscene conduct on TTU system-owned or controlled property or at a TTU system-sponsored or supervised function;
- k. failure to comply with the lawful directions of TTU system officials where such directions are issued in the performance of their duties;
- l. violation of other laws or promulgated TTU system policies or rules;
- m. unauthorized release or removal of any information from university records, including but not limited to patient, student, financial and personnel records;

- n. behavior or activity, on or off campus, that is of such a nature to cause discredit or embarrassment to the university;
- o. commission of an act of moral turpitude, on or off campus, including, but not limited to, sexual harassment, sexual assault, fraud or theft; and/or
- p. criminal or unethical conduct, on or off campus, (including a change in driving status when driving is an essential job function), or employee's failure to report his or her criminal or unethical conduct, that the university could reasonably construe as having an adverse impact on the employee's work performance or work environment, or that would cause discredit or embarrassment to the university.

03.02.2 Conviction notification. Each faculty, staff and/or student employee is required to notify the TTU system of any felony conviction, conviction of a Class A misdemeanor, or any drug, assault or theft conviction no later than five days after such conviction.

03.02.3 Determination of a violation. Determination of a violation of the standards established in this policy shall result in the assessment of a penalty ranging from an oral reprimand to separation from the TTU system.

03.03 **Conflict of interest and the board.**

03.03.1 Introduction.

- a. The statement of policy in this section applies to each member of the board and shall serve as a guide for board members in fulfilling their position of significant responsibility. Members of the board serve the public trust and have a clear obligation to fulfill their responsibilities in a manner consistent with this duty and the provisions of Chapter 572, *Texas Government Code*, and in particular with the standards of conduct set out in Section 572.051 of that chapter. All decisions of the board are to be made solely on the basis of the desire to promote the best interests of the TTU system and the public good. The integrity of the TTU system must be protected and advanced at all times.

- b. Men and women of substance, such as those who serve on the board, commonly have a wide range of professional and personal associations with interests and involvement in other entities, institutions, and organizations. To assure the TTU system's many constituents of the integrity of its endeavors, board members shall avoid situations in which such associations, interests or involvement could compromise or reasonably appear to compromise important academic values or the business decisions of the TTU system. Accordingly, it is the policy of TTU system that board members shall act in a manner consistent with their responsibilities to the TTU system and avoid circumstances in which their financial or other ties to outside persons or entities could present an actual, potential, or apparent conflict of interest or impair the reputation of the TTU system.
- c. No policy statement can specifically address every conceivable situation that might entail a conflict of interest. However, as a general principle, board members shall avoid any actions or situations that might result in or create the appearance of using their association with the TTU system for private gain, according unwarranted preferential treatment to any outside individual or organization, losing independence or impartiality, or adversely affecting the reputation of or public confidence in the integrity of the TTU system. Toward this end, it is the responsibility of each board member to ensure that the board is made aware of situations that involve personal, familial, or business relationships that could jeopardize the reputation of or public confidence in the TTU system. The board requires each board member to annually:
 - (1) review this policy;
 - (2) disclose all business entities in which a board member, or a board member's family member, has a financial interest; and
 - (3) acknowledge by his or her signature that he or she is in compliance with the letter and spirit of this policy.

- d. For the purposes of Sec. 03.03, *Regents' Rules*, "business entity" means: any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust.

03.03.2 Conflict of interest. A conflict of interest arises when the TTU system has or is considering a transaction or other business relationship with a board member or a board member's family member (defined to include family members within the first degree of affinity or consanguinity and dependent relatives or household members). For this reason, any transaction or other business relationship between the TTU system and a board member or board member's family member is prohibited.

03.03.3 Presumed conflict of interest.

- a. A conflict of interest is presumed to arise when the TTU system has or is considering a transaction or other business relationship with a business entity in which the board member or the board member's family member has a substantial financial interest. A financial interest is presumed to be substantial if it entails:
 - (1) Any ownership or investment interest in a business entity (including stock, options, a partnership interest, or any other ownership or investment interest) valued at \$15,000 or more, except equity in a company amounting to less than 1% ownership interest in the company;
 - (2) Receipt of funds from the business entity that exceed 1% of the board member's or the board member's family member's gross income for the previous year, or the expectation of the receipt of such funds in the future;
 - (3) Any ownership interest in real property, personal property, intellectual property or any other interest valued at \$15,000 or more;
 - (4) A position of real or apparent authority in a business entity such as director, officer, trustee, partner, agent, con-

trolling share holder, share holder with a 1% or more voting interest, or a direct or indirect participating interest in any shares, stock or otherwise, regardless of whether voting rights are included, in 1% or more of the profits, proceeds or capital gains of the entity involved; or

(5) Any position as an employee of the entity involved.

- b. A board member is not deemed to have a substantial financial interest in a publicly traded entity by reason of an investment in that entity by another publicly traded entity, such as through a mutual fund, of which the board member does not control investment decisions.

03.03.4 Disclosure of financial interest.

- a. A board member or a board member's family member who has a known substantial financial interest in a pending or a proposed transaction or business arrangement involving the TTU system shall promptly disclose to the board the existence of the interest and other material information that the board member may have regarding the transaction or arrangement.
- b. Each board member annually shall execute and submit to the chief financial officer a statement disclosing all business entities in which the board member has a financial interest. This disclosure shall be achieved by the board member submitting to the Office of the Board of Regents, no later than June 1 of each year, a copy of the board member's Personal Financial Statement that is required to be submitted to the Texas Ethics Commission. This disclosure shall be updated throughout the year by board members if a board member acquires or divests a substantial financial interest in any entity.

03.03.5 Determination of the existence of a conflict of interest.

- a. If a board member is aware of a conflict of interest, the board member shall inform the board during a meeting of the board conducted in accordance with the Texas Open Meetings Act and abstain from any participation in the transaction or matter

in which the conflict exists. Any such contract or transaction requiring board approval must be approved by an affirmative majority of the board members voting on the contract or transaction.

- b. The chief financial officer shall review board members' annual disclosure statements to determine whether a substantial financial interest has been disclosed in any business entity in which the TTU system is considering entering into a transaction or business relationship. The chief financial officer also shall monitor the agendas of board meetings to determine if a conflict arises subsequent to the board members' annual disclosures and shall advise board members if a conflict develops. If a substantial financial interest has been disclosed in which a board member has not previously notified the board of a conflict of interest, the chief financial officer shall promptly submit to the Audit Committee chair, or if the interest involves the Audit Committee chair, another member of the Audit Committee, such disclosure forms together with any additional information about the current or proposed transaction or business relationship that may give rise to a conflict of interest that the chief financial officer, in consultation with the Audit Committee, believes may be informative.
- c. The Audit Committee shall review the matter and determine whether a conflict of interest exists. If the interests being reviewed involve a member of the Audit Committee, the member shall not participate in or be present during the committee's consideration of the matter, except as requested by the committee to answer questions or provide information. The Audit Committee may review such information as it deems pertinent, including posing questions to the board member involved. If the Audit Committee determines that a conflict of interest exists, the Audit Committee shall so advise the board member involved and the board, and the board member involved shall abstain from any discussion or participation on the matter in which there is a conflict.

03.03.6 Record of proceedings. When the board conducts a meeting in which a board member's financial interest in a matter is disclosed, a determination regarding an existence of a conflict of interest is

made, or a transaction or arrangement with respect to a board member who has a conflict of interest is considered, the board's consideration of these issues shall be reflected in the minutes of the board meeting.

- 03.03.7 Gifts. Board members shall not accept, solicit, or encourage gifts, favors, benefits, gratuities, services, or other items of value for themselves or family members which the board member knows or should know is offered with the intent to influence the board member's conduct or which might reasonably:
- a. affect the exercise of the board member's judgment on behalf of the TTU system;
 - b. tend to influence the board member in the discharge of the board member's duties;
 - c. tend to impair confidence in the TTU system; or
 - d. create the appearance of impropriety.
- 03.03.8 Use of office for personal gain. Board members shall not use the authority, title, prestige or other attribute of the office for personal benefit or gain for themselves or for any relative. Board members specifically are prohibited from procuring or being a party in any way to procuring the appointment of a relative to a position of trust or profit connected with the TTU system.
- 03.03.9 Favored treatment. Board members shall not use the authority, title, prestige or other attribute of the office to obtain consideration, treatment, or favor for any person beyond that which is generally available. This subsection applies, but is not limited to, efforts to influence administrative decisions with respect to an individual's admission, employment, discipline, and similar matters. However, this subsection does not prohibit letters of recommendation or requests for information about the status of an individual's admission, employment, discipline, and similar matters.
- 03.03.10 Appropriation of TTU system opportunities. If a board member becomes aware of a business, investment, or other financially valuable opportunity that rightfully belongs to the TTU system and

not to the board member individually or another entity with which the board member is affiliated, the board member shall bring the opportunity to the attention of the board.

03.03.11 Confidentiality. Board members may not use confidential information acquired as a result of service to the TTU system for any purpose unrelated to TTU system business, or provide such information to any third party, without the consent of the board. Wrongful use of TTU system information includes, but is not limited to, use or disclosure of information to engage, invest, or otherwise participate in any business, project, venture, or transaction other than through the TTU system.

03.03.12 Actions not void or voidable. Except as otherwise provided by law, no transaction or action undertaken by the TTU system shall be void or voidable, or may be challenged as such by an outside party, by reason of having been undertaken in violation of Section 03.03, *Regents' Rules*, or the principles set forth therein.

03.04 **Conflict of interest and executive administration.**

03.04.1 Introduction.

- a. The statement of policy in this section applies to each member of executive administration ("executive administrators") of: the TTUSA (including the chancellor, chief financial officer, vice chancellor and general counsel, vice chancellors, chief audit executive, and any other TTUSA administration officers as designated by the chancellor); and the component institutions of the TTU system (including presidents, provosts, vice presidents, vice provosts, deans of schools and colleges, directors of intercollegiate athletics, and other component institution officers as designated by the president of the institution that employs the executive administrator). This policy statement shall serve as a guide for executive administrators in fulfilling their positions of significant responsibility. Executive administrators serve the public trust and have a clear obligation to fulfill their responsibilities in a manner consistent with this duty and the provisions of Chapter 572, *Texas Government Code*, and in particular with the standards of conduct set out in Section 572.051 of that chapter. All decisions of executive administra-

tors are to be made solely on the basis of the desire to promote the best interests of the TTU system and the public good. The integrity of the TTU system must be protected and advanced at all times.

- b. Men and women of substance, such as those who serve as executive administrators, commonly have a wide range of professional and personal associations with interests and involvement in other entities, institutions, and organizations. To assure the TTU system's many constituents of the integrity of its endeavors, executive administrators shall avoid situations in which such associations, interests or involvement could compromise or reasonably appear to compromise important academic values or the business decisions of the TTU system. Accordingly, it is the policy of TTU system that executive administrators shall act in a manner consistent with their responsibilities to the TTU system and avoid circumstances in which their financial or other ties to outside persons or entities could present an actual, potential, or apparent conflict of interest or impair the reputation of the TTU system.
- c. No policy statement can specifically address every conceivable situation that might entail a conflict of interest. However, as a general principle, executive administrators shall avoid any actions or situations that might result in or create the appearance of using their association with the TTU system for private gain, according unwarranted preferential treatment to any outside individual or organization, losing independence or impartiality, or adversely affecting the reputation of or public confidence in the integrity of the TTU system. Toward this end, it is the responsibility of each executive administrator to ensure that the TTUSA and, if applicable, the component entity that employs the executive administrator are made aware of situations that involve personal, familial, or business relationships that could jeopardize the reputation of or public confidence in the TTU system. The TTU system requires each executive administrator to annually:
 - (1) review this policy;

- (2) disclose all business entities in which an executive administrator, or an executive administrator's family member (defined throughout this section to include a spouse and dependent relatives or household members), has a financial interest; and
- (3) acknowledge by his or her signature that he or she is in compliance with the letter and spirit of this policy.

d. For the purposes of Sec. 03.04, *Regents' Rules*, "business entity" means: any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust.

03.04.2 Conflict of interest. A conflict of interest arises when the TTU system has or is considering a transaction or other business relationship with an executive administrator or an executive administrator's family member. For this reason, any transaction or other business relationship between the TTU system and an executive administrator or an executive administrator's family member is prohibited.

03.04.3 Presumed conflict of interest.

a. A conflict of interest is presumed to arise when the TTU system has or is considering a transaction or other business relationship with an executive administrator or an executive administrator's family member, or with a business entity in which the executive administrator or executive administrator's family member has a substantial financial interest. A financial interest is presumed to be substantial if it entails:

- (1) Any ownership or investment interest in a business entity (including stock, options, a partnership interest, or any other ownership or investment interest) valued at more than \$10,000, except equity in a company amounting to less than 10% ownership interest in the company;
- (2) Receipt of funds from the business entity that exceed 10 percent of the executive administrator's gross income for

the previous year, or the expectation of the receipt of such funds in the future;

- (3) Any ownership interest in real property, personal property, intellectual property or any other interest valued at \$10,000 or more;
 - (4) A position of real or apparent authority in a business entity such as director, officer, trustee, partner, agent, controlling share holder, or share holder with a 10% or more voting interest, or a direct or indirect participating interest in any shares, stock or otherwise, regardless of whether voting rights are included, in 10% or more of the profits, proceeds or capital gains of the entity involved; or
 - (5) Any position as an employee of the entity involved.
- b. An executive administrator is not deemed to have a substantial financial interest in a publicly traded entity by reason of an investment in that entity by another publicly traded entity, such as through a mutual fund, of which the executive administrator does not control investment decisions.

03.04.4 Disclosure of financial interest.

- a. An executive administrator or an executive administrator's family member who has a known substantial financial interest in a pending or a proposed transaction or business arrangement involving the TTU system shall promptly disclose to the TTUSA and, if applicable, the component entity that employs the executive administrator the existence of the interest and other material information that the executive administrator may have regarding the transaction or arrangement.
- b. Each executive administrator annually shall execute and submit to the chief financial officer a statement disclosing all business entities in which the executive administrator has a financial interest. This disclosure shall be achieved by the executive administrator submitting to the chief financial officer, by no later than June 1 of each year, a disclosure statement

provided by the chief financial officer or, if the executive administrator is required under Chapter 572, *Texas Government Code*, to file a Personal Financial Statement with the Texas Ethics Commission, a copy of the executive administrator's Personal Financial Statement. The chief financial officer annually shall submit his or her disclosure statement to the chair of the board's Finance and Administration Committee. This disclosure shall be updated throughout the year by executive administrators if an executive administrator acquires or divests a substantial financial interest in any entity.

- 03.04.5 Determination of the existence of a conflict of interest. If an executive administrator is aware of a conflict of interest, the executive administrator shall inform the TTUSA and, if applicable, the component entity that employs the executive administrator, and abstain from any participation in the transaction or matter in which the conflict exists. In matters involving a presumed conflict of interest for which the executive administrator does not believe an actual conflict of interest exists, the chief financial officer, in consultation with the vice chancellor and general counsel, shall make the determination of whether there is an actual conflict of interest. However, if the presumed conflict of interest involves the chancellor, a president, the chief financial officer, the vice chancellor and general counsel, or a family member thereof, the chair of the Audit Committee shall make the determination.
- 03.04.6 Gifts. Executive administrators shall not accept, solicit, or encourage gifts, favors, benefits, gratuities, services, or other items of value for themselves or family members from any individual or entity that, to the executive administrator's knowledge, has or seeks to have a business relationship with the TTU system and for which the executive administrator knows or should know is offered with the intent to influence the executive administrator's conduct or which might reasonably:
- a. affect the exercise of the executive administrator's judgment on behalf of the TTU system;
 - b. tend to influence the executive administrator in the discharge of the executive administrator's duties;

- c. tend to impair confidence in the TTU system; or
- d. create the appearance of impropriety.

- 03.04.7 Use of office for personal gain. Executive administrators shall not use the authority, title, prestige or other attribute of his or her office or position for personal benefit or gain for themselves or for any relative. Executive administrators specifically are prohibited from procuring or being a party in any way to procuring the appointment of a relative to a position of trust or profit connected with the TTU system.
- 03.04.8 Favored treatment. An executive administrator shall not use the authority, title, prestige or other attribute of his or her office or position to obtain consideration, treatment, or favor for any person beyond that which is generally available. This subsection applies, but is not limited to, efforts to influence administrative decisions with respect to an individual's admission, employment, discipline, and similar matters. However, this subsection does not prohibit letters of recommendation or requests for information about the status of an individual's admission, employment, discipline, and similar matters.
- 03.04.9 Appropriation of TTU system opportunities. If an executive administrator becomes aware of a business, investment, or other financially valuable opportunity that rightfully belongs to the TTU system and not to the executive administrator individually or another entity with which the executive administrator is affiliated, the executive administrator shall bring the opportunity to the attention of the TTUSA and, if applicable, the component entity that employs the executive administrator.
- 03.04.10 Confidentiality. Executive administrators may not use confidential information acquired as a result of service to the TTU system for any purpose unrelated to TTU system business, or provide such information to any third party, without the consent of the TTUSA and, if applicable, the component entity that employs the executive administrator. Wrongful use of TTU system information includes, but is not limited to, use or disclosure of information to engage, invest, or otherwise participate in any business, project, venture, or transaction other than through the TTU system.

03.04.11 Actions not void or voidable. Except as otherwise provided by law, no transaction or action undertaken by the TTU system shall be void or voidable, or may be challenged as such by an outside party, by reason of having been undertaken in violation of Section 03.04, *Regents' Rules*, or the principles set forth therein.

03.05 **The classified compensation plan.** Each component institution shall promulgate policies and procedures for the appropriate classification and compensation of non-faculty employees. Each component institution shall publish and annually review the classified compensation plan to ensure that employees are compensated in a fair and equitable manner by establishing rates of pay that are directly related to such factors as skill, ability, education, training, experience, level of responsibility, physical and mental effort demanded, and the working conditions involved.

03.06 **Appellate procedures for grievances.**

03.06.1 Board and individual grievances. Except as specifically provided in the *Regents' Rules*, the board shall not serve as an appellate body for individual grievances of students, faculty or staff members.

03.06.2 Grievance procedures. The TTU system administration and component institutions shall establish grievance procedures for the types of grievances of students, faculty and staff members applicable to the component. Each such procedure shall indicate the final level of review within the TTU system administration or component institution that is available to an individual grievant, and a decision at the level so indicated shall constitute final institutional action on the grievance.

03.07 **Service on outside boards.**

03.07.1 Service on an outside board by any TTUS employee.

- a. Conditions of service on an outside board by any TTUS employee. Service on the governing board of an entity other than the TTU system ("outside board" and "outside entity") by any TTUS employee, including executive administrators subject to the provisions of Section 03.07.2 of this section, shall be subject to and conditioned upon compliance with all applicable poli-

cies relating to ethics, conflicts of interest, conflicts of commitment, consulting or outside employment, and disclosure provided in Chapters 03 and 10, *Regents' Rules*, and in institutional operating policies.

- b. Risk of liability. It is the responsibility of all TTUS employees to be aware of the potential risk of liability associated with outside board service and to evaluate those risks and the need for appropriate insurance and indemnification. It also is the responsibility of all TTUS employees to be aware that statutory limitations on liability of state officials and employees may not apply and that indemnification by TTUS and insurance coverage provided by TTUS may not apply or may be severely limited.

03.07.2 Service on an outside board by an executive administrator.

- a. Approval required.
 - (1) Except as provided in Section 03.07.2.a(2) of this section, for an appointment or re-appointment to the governing board of an entity other than the TTU system ("outside board" and "outside entity") that is made on or after December 17, 2010, an executive administrator subject to Section 03.04, *Regents' Rules*, may serve on the outside entity's governing board only with the approval of the appropriate authority as set forth in Section 03.07.2.b of this section.
 - (2) This section does not provide an exception to the requirements of Section 10.16.2, *Regents' Rules*, regarding participation as a member of the governing board of a business entity that has an agreement with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest. Such situations shall be governed by the provisions of Section 10.16.2, *Regents' Rules*.
 - (3) An executive administrator subject to this section who wishes to accept a position on the governing board of an outside entity must advise the vice chancellor and gen-

eral counsel, who shall evaluate whether an actual or apparent conflict of interest would result from the service of the executive administrator on the governing board of the outside entity. The vice chancellor and general counsel shall report the results of the evaluation to the chair, the chancellor, and the designated approval authority, if different.

- (4) An approval to serve on the governing board of an outside entity as provided by this section shall take into consideration the evaluation by the vice chancellor and general counsel, and approval shall not be granted if the designated approval authority determines that such service would result in an actual or apparent conflict of interest.

b. Designated approval authority.

Person Seeking Approval

Approval Authority

Chancellor, president, or vice
chancellor and general counsel..... Board

TTUSA: other executive admin-
istrator subject to Section 03.04,
Regents' Rules Chancellor

TTUS component: other
executive administrator subject
to Section 03.04, *Regents' Rules* President of the institution

c. Use of executive administrator's time in service on an outside board.

- (1) An executive administrator who is approved to serve on the governing board of an outside entity under the provisions of this section shall use the executive administrator's own time (time outside of business hours, vacation time, compensatory time, or other leave time) while providing service on the outside entity's governing board so that such service is without cost to TTUS.

- (2) Notwithstanding Section 03.07.2.c(1) of this section, if the service is in a non-compensated position on the governing board of a civic or non-profit entity, the designated approval authority, upon a finding that such service is in furtherance of the best interest and mission of TTUS, may waive the use-of-own-time requirement imposed by this section.

d. Reporting requirements. In addition to any other required report or disclosure, each executive administrator who serves on an outside board shall file a report with the TTUS chief financial officer at the same time as the annual disclosure of financial interest report required by Section 03.04.4, *Regents' Rules*. On the service-on-outside-board(s) report, the executive administrator must list each outside board on which the executive administrator serves and must include the following information for each outside board:

- (1) the number of hours per month, quarter or year normally required by service on the outside board;
- (2) whether the service is compensated or not compensated; and
- (3) whether the service is protected by one or more policies of directors and officers liability insurance, and whether that insurance coverage provides for general indemnification or only costs of defense.

03.08 **Holidays.** The TTU system administration and each component institution annually shall prepare and present to the board for approval a holiday schedule for the following fiscal year. This schedule shall be prepared in accordance with state law and shall provide the same number of holidays observed by other state agencies. The holiday schedule may differ from the prescribed state holidays so as to coincide with the academic calendar.

03.09 **Leaves.** Each component institution shall promulgate operating policies and procedures governing employee leave regulations in conformity with federal and state laws.

03.10 **TTU system employee retirement.** The TTU system administration and each component institution shall promulgate rules in its operating manuals governing the retirement of employees in conformity with federal and state laws.

03.11 **Personnel files.**

03.11.1 Maintenance. The TTU system shall maintain, either electronically or in written form in an appropriate office, a personnel file on each employee. This file shall contain the employee's application for employment, appointment information, contracts, performance evaluations, disciplinary notices, and such additional material as is appropriate.

03.11.2 Confidentiality. The contents of the personnel file and copies of all parts of the contents of the file that may be maintained elsewhere by the institution are confidential except as provided by law. The materials described in this policy shall be disclosed to the employee and to other officers, including members of the board, and employees of the TTU system who have responsibilities requiring use of the records.

03.11.3 Exceptions. Upon receipt by the TTU system of a subpoena or a court order, or upon the request of the employee, access to personnel files shall be granted to persons not having access under Section 03.11.2, *Regents' Rules*, in the manner and under the terms specified in the subpoena, order, or request.

Dates Approved or Amended:

-- Comprehensive review of chapter	10-11-2013	<ul style="list-style-type: none">• amendments throughout
-- Technical adjustment	10-10-2014	<ul style="list-style-type: none">• to §03.01.5.b(2)
-- Amendments	10-09-2015	<ul style="list-style-type: none">• revised §03.01.2.e to conform to changes in state contracting laws• technical adjustments to §03.07.2.a(2)
-- Amendments	05-20-2016	<ul style="list-style-type: none">• updated various sections relative to 2015 state contracting law changes, including: §03.01; §03.01.1.d; §03.01.1.f; §03.01.2.a; §03.01.2.j-k; and §03.01.5• conforming changes to various sections relative to EEO provisions in Title IX, Title VII and U.S. Executive Order 11246, including: §03.01.2.h; and §03.01.8.a• clarifying change to §03.01.5.b(3)-(4) regarding the approving authority for outside employment
-- Amendments	03-02-2018	Various updates and conforming changes due to revisions in state law relating to contracts and conflicts of interest, including: §03.01.2.j; §03.01.5.b(3); §03.03.2; §03.03.3.a; and §03.03.5.a

See also the document entitled “Comprehensive Reviews and Updates” for a more complete explanation of the amendments listed above.

Chapter 04 – Academic Affairs

Date last revised: 10-09-2015

[see last page for list of amendments adopted]

04.01 **Honorific titles**

04.01.1 Horn and Murray Professorships

- a. The board has established special professorships known as "Horn Professorships" named in honor of Paul Whitfield Horn, the first president of TTU and "Murray Professorships" named in honor of Grover Murray, the first president of TTUHSC. "Horn Professorships" are granted to TTU professors and "Murray Professorships" are granted to TTUHSC professors.
- b. Horn Professorships and Murray Professorships, the highest honors that TTU and TTUHSC may bestow on members of their respective faculties, are granted to professors in recognition of their attainment of national or international distinction for outstanding teaching, research, or other creative achievement.
- c. In its operating manuals, each university has specific procedures to be followed for selection of Horn or Murray Professorships. These procedures provide details concerning material to be gathered and other procedures to be followed.
- d. The board shall approve those faculty members to be granted Horn Professorships and Murray Professorships upon recommendation of the presidents with concurrence by the chancellor.
- e. In unusual and unforeseen circumstances, the board reserves the right to rescind a previously-awarded Horn or Murray Professorship. The process by which such a rescission is considered shall include the following:

- (1) A peer-review evaluation may be initiated by the president of the institution, which shall be conducted in accordance with the operating policies and procedures of that institution. The president shall appoint the members of the peer-review committee. The peer-review committee shall make a recommendation to the president with respect to rescission. In making its recommendation, the committee shall consider whether the actions of the individual:
 - (a) constitute significant violations of the institution's operating policies and procedures or of the *Regents' Rules*;
 - (b) constitute an act of moral turpitude or a crime punishable as a felony offense;
 - (c) have substantially harmed the reputation of the academic community of the institution or would cause such reputational harm if the actions were to become public knowledge; or
 - (d) have done substantial harm to the state, national, or international reputation of the institution or would cause such reputational harm if the actions were to become public knowledge.
- (2) The results of the peer-review evaluation shall be provided to the president of the institution. In turn, the president shall make a recommendation that is in the best interest of the institution.
- (3) The board shall approve the rescission of a Horn or Murray Professorship upon recommendation of the president with concurrence by the chancellor.

04.01.2 Emeritus appointments

- a. The title "Emeritus" may be conferred as a recognition for long and faithful service, or for very distinguished service to the institution.

- b. Members of the faculty with rank of professor or associate professor at retirement may be given emeritus appointments, provided they have completed at least ten years of service at a component institution or have been recommended on the basis of "very distinguished service." If emeritus status is proposed on the basis of very distinguished service, the operating manuals of a component institution shall prescribe a method for recommendation of emeritus status.
- c. Administrative officers in major positions at the time of retirement from administrative duties may be considered for emeritus appointments.
- d. Emeritus appointments are strictly honorary and without stipend.
- e. Each such appointment shall be subject to approval by the board upon recommendation of the respective president with concurrence by the chancellor.
- f. In unusual and unforeseen circumstances, the board reserves the right to rescind a previously-approved emeritus appointment.

04.02 Tenure and promotion. Each component institution of the TTU system shall publish and maintain as part of the institution's operating manual Tenure and Promotion Regulations and Guidelines. The institutional operating policies for tenure and promotion, and any changes thereto, must be approved by the board.

04.03 Guidelines for comprehensive performance evaluation of tenured faculty. Each component institution of the TTU system shall publish and maintain as part of the institution's operating manual Guidelines for Comprehensive Performance Evaluation of Tenured Faculty. The institutional operating policies for the comprehensive performance evaluation of tenured faculty, and any changes thereto, must be approved by the board.

04.04 Faculty responsibility

- 04.04.1 Public purpose. TTU and ASU are publicly supported institutions which are obligated to provide instruction in higher education, to advance knowledge through scholarship and research, and to provide related services to the community, the state and the nation. TTUHSC and TTUHSC El Paso are publicly supported institutions which were established to provide opportunities for higher education in the health professions and related fields, to advance knowledge through scholarship and research, and to provide related services to the community, the state, and the nation.
- 04.04.2 Responsibilities of the TTU system. As centers for learning, component institutions have the obligation to maintain conditions which are conducive to freedom of inquiry and expression in the maximum degree compatible with the orderly conduct of their functions. The responsibilities of the TTU system dictate, to a major extent, the responsibilities of the individual faculty member. The faculty member is properly concerned with the whole process of education and is aware of the responsibilities of the TTU system in a free society. Responsibility is assumed for performing several essential functions: teaching, research, and service to the schools, to the community as a whole, and to individual members of the community as needed.
- 04.04.3 Teaching. As a teacher, the faculty member has responsibilities to students, to a discipline, to a profession, and to the TTU system. These responsibilities include facilitating the intellectual and emotional growth of students, encouraging free inquiry in the classroom and clinic, and striving to create and maintain a climate of mutual respect which will enhance the free interplay of ideas. A faculty member has a responsibility to recognize the varying needs and capabilities of students and to make every effort to assure that evaluation of a student's work reflects the student's level of achievement. The faculty member as a teacher also has the responsibility to uphold the highest scholarly standards and encourage respect for such standards to engage in a continual and critical study of the subject matter of one's discipline so as to ensure that presentations contain the most current and useful knowledge and that the material being taught is consistent with the course of study outlined by a department, college or a course director, and

to recognize the responsibilities of the teacher as a counselor and devote a reasonable portion of time to aiding, guiding, and counseling students outside the classroom. Finally, the faculty member has a responsibility to strive to maintain those skills and values that ensure the continuation of free and open inquiry.

- 04.04.4 Research. Through research, a faculty member grows intellectually, stimulates students' learning, and adds to the accumulated knowledge of a discipline. A faculty member should strive constantly to contribute to the growth and understanding of knowledge in one's particular field through creative research and scholarship. The faculty member has an additional responsibility to share the results of research by disseminating them to students, colleagues, and professionals in one's discipline and to the public.
- 04.04.5 TTU system service. A faculty member is responsible for participation in the various activities, programs, and functions related to the enhancement of the TTU system, such as participating in the formulation of component institution's academic policies, service on university committees, and other assignments.
- 04.04.6 Professional service. Within one's field of competence and as time and resources permit, the faculty member has a responsibility to respond to requests for advice and aid and to participate in the activities of one's profession. The faculty member with clinical competence is responsible for the provision of health care services at least to the extent necessary to support adequately the teaching programs of his/her department. All faculty members should stand ready to render advice and aid in their areas of professional competence to those who may need them. Faculty members should exercise care that such activities do not infringe on other obligations and responsibilities to the TTU system.
- 04.04.7 Community service. As a member of a community, the faculty member has the same obligations and responsibilities as those incumbent upon other members of the community. Such services should be consistent with regulations of the TTU system and the state.
- 04.04.8 Discretion. In the case of both professional and community service, the faculty member should exercise discretion in distinguish-

ing between acts carried out or statements made as an individual or a professional and those carried out or made as a representative of the TTU system.

04.05 **Faculty development leaves of absence**

04.05.1 Purpose of leaves of absence. The board may grant faculty development leaves of absence for study, research, writing, field observations or other suitable purposes, under conditions allowable by the state of Texas.

04.05.2 Benefits for faculty. Such leaves shall not jeopardize a faculty member's participation in benefits available by or through the institution or the state to faculty members.

04.05.3 Selection process. In making recommendations for faculty leaves to the board, procedures for selection consistent with state guidelines shall be utilized by the respective president.

04.06 **Academic workload -- general academic institutions.** Each general academic institution of the TTU system shall publish and maintain as part of the institution's operating manual Academic Workload Guidelines. The institutional operating policies for academic workload guidelines, and any changes thereto, must be approved by the board.

04.07 **Faculty research**

04.07.1 New knowledge acquisition. A primary mission of each component institution is the contribution of new knowledge developed by the scholars who are an integral part of the TTU system community.

04.07.2 Faculty expectations. All faculty are encouraged to fulfill their roles as members of a scholarly profession by engaging in and actively pursuing a meaningful program of research and scholarly productivity.

04.07.3 Sponsored programs. Sponsored program projects include grants, contracts, and cooperative agreements from both the public and private sectors which support research, instructional, and service projects. In its operating manuals, each component institution will

provide a conduit through which projects are submitted. Projects which are submitted through these conduits should be evaluated by the appropriate academic officer, the associate dean for research, or members of the faculty. Approval of such projects properly rests with the appropriate dean operating through a system of committees to ensure that the projects fall within recognized spheres of research and that a positive contribution will be made to the development of an academic discipline.

04.07.4 Salaries for faculty engaged in sponsored research. Whenever possible and appropriate, research proposals should include a budgeted percentage of the salary of principal investigator(s) and other faculty-rank researchers associated with the project.

04.08 **Nonnative English speaking teaching assistants and faculty at TTU and ASU.** Through its chief academic officers, TTU and ASU shall maintain programs for nonnative English speaking teaching assistants and faculty to assist faculty members whose primary language is not English to become proficient in the use of English, and to ensure that courses offered for credit at TTU and ASU are taught in the English language, and that all faculty members are proficient in the use of the English language.

04.09 **Approval of degree programs.**

04.09.1 The board shall approve the establishment, consolidation, restructuring, or deletion of degree programs.

04.09.2 If the board receives a recommendation from the Texas Higher Education Coordinating Board ("Coordinating Board") to consolidate or eliminate any degree or certificate program of a TTU system component institution:

- a. The president and provost of the institution as well as the TTU system vice chancellor for academic affairs shall be notified of the Coordinating Board's recommendation.
- b. The provost of the institution and the TTU system vice chancellor shall review the Coordinating Board's recommendation, and the provost shall make a recommendation to the president of the institution.

- c. The president's recommendation, with the concurrence of the chancellor, shall be presented to the board. The board shall determine if any action is to be taken on the matter and what response is to be submitted to the Coordinating Board.

04.10 Review and approval of low-producing degree programs and small classes at TTU and ASU.

04.10.1 For purposes of this section:

- a. "Low-producing degree program" is defined as:
 - (1) for bachelor's degree programs, an average of less than five degrees awarded per academic year, to total fewer than 25 degrees awarded during a five-year period;
 - (2) for master's degrees programs, an average of less than three degrees awarded per academic year, to total fewer than 15 degrees awarded during a five-year period; and
 - (3) for doctoral and special professional degree programs, an average of less than two degrees awarded per academic year, to total fewer than 10 degrees awarded during a five-year period.
- b. "Small class" is defined as:
 - (1) undergraduate classes with fewer than 10 students registered;
 - (2) graduate classes with fewer than five graduate students registered; and
 - (3) the primary type of instruction is lecture, laboratory, or seminar.

04.10.2 The offering of low-producing degree programs and small classes is a matter of academic and economic concern, and shall be engaged in only when appropriate justification is demonstrated.

- 04.10.3 The provost of each institution shall approve or disapprove the proposed offering of small classes and shall monitor the offerings and provide reports regarding both low-producing degree programs and small classes to the president at the beginning of each semester and to the board at the end of each academic year.
- 04.10.4 When appropriate, the president shall recommend, with the concurrence of the chancellor, that the board approve the consolidation or elimination of low-producing programs.
- 04.11 Establishment and naming of schools, colleges, departments, centers, institutes, and other academic entities**
- 04.11.1 The establishment of a school or college, or the substantive restructuring of an existing school or college, including the departments within a school or college, shall be approved by the board, upon a recommendation from the president.
- 04.11.2 The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approved by the president, with notice provided to the board via an item in the Information Agenda for the next meeting of the board.
- 04.11.3 Naming of a school, college, department, center, institute, or other academic unit or program:
- a. Namings in honor of individuals or organizations. The naming of a school, college, department, center, institute, or other academic unit or program in honor of one or more individuals, foundations, corporations, or other entities shall be governed by the provisions of Section 06.06, 08.05, or 12.05, *Regents' Rules*, as appropriate.
 - b. Namings that do not honor individuals or organizations. The naming of a school or college that does not honor one or more individuals, foundations, corporations, or other entities shall be approved by the board. The naming of a department, center, institute, or other academic unit or program that does not honor one or more individuals, foundations, corporations, or other entities shall be approved by the president.

- c. Any naming of a school, college, department, center, institute, or other academic unit or program in place at the time of enactment of this section of the *Regents' Rules* (on August 9, 2013) is hereby ratified.
- d. In unusual and unforeseen circumstances, the board reserves the right to remove a previously-approved naming of a school, college, department, center, institute, or other academic unit or program.

04.12 Filings with the State of Texas. For any matter addressed within this chapter of the *Regents' Rules*, if a law or regulation requires a report to be submitted to or a copy of policies and guidelines to be filed with the State of Texas or a state entity, it is the responsibility of the institution to submit the required report or file the required copy of policies and guidelines, as directed by the law or regulation.

Dates Approved or Amended:

- *Comprehensive review of chapter*08-09-2013 • amendments throughout
- *Technical adjustment*10-10-2014 • to §04.04.1
- *Miscellaneous cleanup revisions*10-09-2015 • to §04.11 header and §04.11.3

See also the document entitled "Comprehensive Reviews and Updates" for a more complete explanation of the amendments listed above.

Chapter 05 -- Student Affairs

Dates Approved or Amended:

-- Comprehensive review/amendments08-09-2013

05.01 General

- 05.01.1 **Component institutions.** Each component institution shall publish and maintain as a part of its operating manuals or student handbooks such policies and procedures as are necessary to guide the activities of their students.
- 05.01.2 **Board policies and procedures approval.** Prior to being effective as a part of each component institution's operating manuals or student handbooks, policies, procedures, rules, and regulations relating to codes of student conduct, admission requirements, parking regulations, student fees, rules related to suspension, and retention of students, and any other policy or procedure requiring board approval as required by law must be approved by the board.
- 05.01.3 **Other policies and procedures approval.** The chancellor shall delegate to the president of each component institution the responsibility to establish such other policies and procedures relating to student affairs as are necessary for the efficient operation of each institution. The president of each component institution, on the advice of the general counsel or component institution's senior student affairs officer, and as recommended by the Chancellor, may require any of these policies and procedures relating to student affairs to be approved by the board before becoming effective as a part of an institution's operating manuals or student handbooks.

05.02 Admission.

- 05.02.1 **Role of the board in admissions.** A role and responsibility assigned by law to the board is to set campus admission standards consistent with the role and mission of the institution.

- 05.02.2 **Admission policies.** Component institutions shall include admissions policies in their operating manuals or student handbooks. To ensure system excellence, the board shall promote enhanced recruitment strategies and the resource allocation necessary to ensure admission of a quality student body. Each component institution shall periodically present an admissions report to the board.
- 05.03 **Degree requirements.** The board delegates approval of degree requirements and conferral of degrees to the president of each component institution.
- 05.04 **Financial aid programs.** An objective of the board is to ensure that each component institution's student financial aid programs provide assistance to students, who, without such assistance, may not be able to pursue higher education. Financial assistance at the component institutions may include, but is not limited to, loans, scholarships, grants, and employment. No student or prospective student shall be excluded from participation in or denied the benefits of any financial aid program at the component institution on the grounds of race, color, national origin, religion, or sex, and awards from financial aid programs funded by the federal and state government will be administered according to the current laws and guidelines governing these programs.
- 05.05 **Appeals related to student matters.** The board shall not serve as a hearing or appellate body for appeals of individual decisions relating to admission, academic progress, disciplinary measures, dismissal, or other such matters pertaining to prospective, current, or former students. Individual appeals of such decisions are to be addressed through the procedures applicable to the respective component institution, and a decision at the final level of review within the institution shall constitute final action on the appeal.

Chapter 06 -- Institutional Advancement

Date last revised: 10-09-2015

[see last page for list of amendments adopted]

06.01 Gift and grant acceptance

06.01.1 Procedures. It is the responsibility of the chancellor, or the designee of the chancellor, and the vice chancellor for institutional advancement to establish and administer procedures for the proper acceptance and acknowledgment of all gifts and grants, and preparation of accurate and timely reports of all gifts and grants received.

06.01.2 Gift evaluation and acceptance.

- a. Evaluation of proposed gifts and grants. Certain gifts and grants offered may be inconsistent with institutional needs or require additional support for which the system's resources are too limited to permit proper administration of the gift. It, therefore, shall be the responsibility of the chancellor or the designee of the chancellor to evaluate promptly any gift or grant tendered and make a recommendation to the board for gifts and grants that require the approval of the board.
- b. Board approval of proposed gifts and grants. In accordance with Sections 109.001(d), 109.104, 109A.001, 110.08, and 110.38, *Texas Education Code*, the board is authorized by law to accept "gifts, grants, or donations of any kind, from any source to the extent not prohibited by state or federal law, for use by the system or any of the component institutions of the system." At its next meeting and before public announcement, the board shall accept formally unrestricted gifts and grants over \$1,000,000, and restricted gifts and grants over \$250,000, including gifts-in-kind. Acceptance of all gifts of real property, regardless of value, type, location or designated use of the funds to be derived there from, must be approved by the board.

- c. Chancellor approval of proposed gifts and grants. The chancellor, or the chancellor's designee, shall approve the acceptance of gifts and grants for which the approval of the board is not required.
- d. Notification to the donor. If approved for acceptance, the gift or grant shall be accepted formally and the donor appropriately notified.

06.01.3 Employee involvement. TTU system employees may not be involved in any financial transactions of gift funds that are for the benefit of the TTU system unless:

- a. such funds are handled within the TTU system's accounting structure; or
- b. such funds are handled within accounts for agencies and organizations that have a written contract with the TTU system that:
 - (1) defines the method of handling such funds; and
 - (2) reports gift amount and the condition to the chancellor or his designee; or
- c. written approval is given by the chancellor.

06.01.4 Disciplinary action. Any employee violating this policy shall be subject to disciplinary action, which may include termination of employment.

06.01.5 Prohibition on gifts designated for use as salary supplementation. Due to possible conflicts of interest, the TTU system shall not accept gifts, grants, donations, or other forms of consideration designated by the donor to be used for the sole purpose of salary supplementation for a designated employee, person, or position within the TTU system.

06.02 Restricted use.

- 06.02.1 Adherence to donor-identified purpose(s). Those gifts that are earmarked by the donor or donors for a specific purpose must be used for that purpose only. No official or employee of the TTU system may divert such a gift, whether principal or income generated from the fund, for any other purpose unless authorized by law.
- 06.02.2 Exceptions to a donor-identified purpose. Due to changes in law, to changes in the TTU system's goals, mission, or educational programs, or to circumstances not reasonably foreseeable at the time a gift is made, it may not be possible or practical for the TTU system to meet the terms of a gift. In such a situation, the TTU system may modify the terms of the gift: with the consent of the donor; or absent such consent, as allowed by Texas law.

06.03 Private sector support

- 06.03.1 Gifts and grants. Private sector gifts and grants are an indispensable element in the TTU system's growth and development and as such represent a vast resource for the future of the institutions.
- 06.03.2 Coordination of service. It is the intent of the board to have a coordinated service that will ensure maximum effectiveness of all programs and activities relating to the development of private sector support for the TTU system. Within this framework, each chief executive officer of a TTU system component institution (institutional CEO) will have a development director who reports directly to the institutional CEO. The institutional CEO and institutional development director shall collaborate with the chancellor and the vice chancellor for institutional advancement to administer fundraising activities for the component institution.
- 06.03.3 Fundraising activities approval. Authority for the final approval of all programs, activities, and procedures that originate at or are conducted on behalf of a component institution by any person, group, or organization associated with the TTU system or by any person, group, or organization acting in the name of the TTU system for purposes of raising funds shall reside with the chancellor

or the chancellor's designee and the institutional CEO or the institutional CEO's designee.

- 06.03.4 The Office of Institutional Advancement. The Office of Institutional Advancement shall assist in the coordination of the programs and activities of all groups and organizations affiliated with the TTU system for purposes of developing private sector support.
- 06.04 **Endowment funds.** The board establishes the number one development priority to be that of building the TTU system endowment funds.
- 06.05 **Endowed academic positions.** Specific minimum endowment levels for TTU system academic positions are established by the board as follows:
 - 06.05.1 Endowed Chair. The minimum endowment level for an endowed chair will vary by unit and type of research. The dean will consult with the provost or executive vice president and the vice chancellor for institutional advancement before determining the amount requested for a chair in various programs. Recruitment and retention of top faculty engaged in intensive laboratory research require higher levels of support. Minimum endowment levels are:
 - a. \$1,500,000 for selected chairs.
 - b. \$1,000,000 for other chairs.
 - 06.05.2 Endowed Professorship. The minimum endowment level for an endowed professorship will vary by unit and type of research. The dean will consult with the provost or executive vice president and the vice chancellor for institutional advancement before determining the amount requested for a professorship in various programs. Recruitment and retention of top faculty engaged in intensive laboratory research require higher levels of support. Minimum endowment levels are:
 - a. \$1,000,000 for selected professorships.
 - b. \$500,000 for other professorships.

- 06.05.3 Endowed Lectureship. Endowed lectureships are to support honoraria, publicity, and other expenses incurred in bringing distinguished leaders to lecture on campus. The minimum level is \$250,000.
- 06.05.4 Research Endowment: Endowed research positions are to support research in particular areas or topics specified by the donor and agreed upon by the dean and chief academic officer. Minimum endowment levels are:
- a. \$500,000 for TTUHSC.
 - b. \$500,000 for TTUHSC El Paso.
 - c. \$200,000 for TTU.
 - d. \$100,000 for ASU.
- 06.05.5 Chancellor's Graduate Fellowship. The chancellor's endowed graduate fellowships are to provide stipends to outstanding students. The minimum endowment level is \$100,000.

06.06 Endowment or other gift related naming.

- 06.06.1 Except as provided in Section 06.06.2, *Regents' Rules*, any naming related to an endowment or other gift, including but not limited to scholarships and academic positions that are named in accordance with the wishes or in honor of a donor, must receive final approval before said designation may be announced. The approval process shall be as follows:
- a. The board shall approve a naming related to an unrestricted gift or grant over \$1,000,000.
 - b. The board shall approve a naming related to a restricted gift or grant over \$250,000.
 - c. The board shall approve a naming related to a gift or grant of real property.

- d. The chancellor shall approve a naming related to an unrestricted gift or grant of \$1,000,000 or less.
 - e. The chancellor shall approve a naming related to a restricted gift or grant of \$250,000 or less.
- 06.06.2 The provisions of Section 06.06.1, *Regents Rules*, do not apply to a naming that is governed by Sections 08.05 or 12.05, *Regents' Rules*.
- 06.06.3 In unusual and unforeseen circumstances, the board reserves the right to remove a previously-approved gift-related naming.

Dates Approved or Amended:

-- Comprehensive review of chapter	08-09-2013	• amendments throughout
-- Amendment	10-11-2013	• added §06.01.5
-- Technical adjustment	10-10-2014	• to §06.05.4.b
-- Amendments	03-06-2015	• to §06.03.2 and §06.03.3
-- System cleanup legislation revisions	10-09-2015	• to §06.01.2.b

See also the document entitled "Comprehensive Reviews and Updates" for a more complete explanation of the amendments listed above.

Chapter 07 -- Fiscal Management

Date last revised: 03-02-2018

[see last page of chapter (prior to Appendix A) for list of amendments adopted]

07.00 **Definitions.**

07.00.1 "FDIC" means the Federal Deposit Insurance Corporation.

07.00.2 "HEAF" means Higher Education Assistance Funds.

07.00.3 "HUBs" means Historically Underutilized Businesses.

07.00.4 "OAS" means the Office of Audit Services.

07.00.5 "RFS" means the Revenue Financing System.

07.00.6 "CAE" means the Chief Audit Executive.

07.01 **Fiduciary responsibility.** The board and the principal officers of the TTU system have the responsibilities of a fiduciary in the administration of all funds subject to the control and management of the TTU system.

07.02 **Audits.**

07.02.1 Mission statement. The mission of the Office of Audit Services (OAS) is to enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.

07.02.2 Objectives. The OAS shall:

- a. provide independent, objective assurance and consulting services designed to add value and improve the operations of the TTU system; and
- b. assist the TTU system in accomplishing its objectives by using a systematic, disciplined, and risk-based approach to evaluate and

improve the effectiveness of risk management, control, and governance processes.

07.02.3 Standards of audit practice. The OAS shall comply with generally accepted government auditing standards, the international standards for the professional practice of internal auditing, and the code of ethics promulgated by The Institute of Internal Auditors.

07.02.4 Organizational responsibility and reporting relationships.

a. The OAS is established by the board in accordance with the Texas Internal Auditing Act (“the Act”). The board, through the Audit Committee, is responsible for the employment, compensation, and dismissal of a Chief Audit Executive (the “CAE”) to manage the affairs of the OAS. The chancellor has the authority to make recommendations to the Audit Committee on the employment and dismissal of the CAE. The CAE reports: directly to the board; functionally through the Audit Committee; and administratively to the chancellor. Administrative reporting to the chancellor facilitates the day-to-day operations of the OAS and includes:

- (1) approval of travel or other expenses;
- (2) human resource administration, including compensation and evaluation of OAS staff members other than the CAE; and
- (3) other functions as may be delegated to the chancellor by the Audit Committee.

b. Annually, the Audit Committee shall evaluate the performance of the CAE.

07.02.5 Independence. To ensure independence and objectivity, OAS reports to the board through the Audit Committee. Additionally, the staff of OAS has no direct responsibility or authority for activities or operations that may be audited or reviewed. Auditors do not develop and install procedures, prepare records, make management decisions, or engage in any other activity that could be reasonably construed to compromise their independence. Auditors

are not, however, precluded from making recommendations and suggestions for the improvement of governance, risk management, and internal control processes. An audit or review does not substitute for or relieve other TTU system personnel of their assigned responsibilities.

07.02.6 Scope of work. The comprehensive scope of work of the OAS is to determine if the TTU system's network of risk management, control, and governance processes is functioning in a manner that will enable goals and objectives of the TTU system to be met and to evaluate and improve the effectiveness of the TTU system's risk management, control, and governance processes. Specifically, the scope of work shall provide reasonable assurance that such processes are designed and operating in a manner to ensure:

- a. risks are effectively identified and managed;
- b. risk management processes and internal control systems are adequate, effective, and efficient;
- c. organizational performance management and accountability systems are effective;
- d. the governance process facilitates sound decision making, organizational effectiveness, appropriate communications, and promotion of ethics and values;
- e. financial, managerial, and operating information is accurate, reliable, and timely;
- f. employees' actions are in compliance with policies, standards, procedures, and applicable statutes and regulations;
- g. resources are acquired economically, used efficiently, and adequately protected;
- h. programs, plans, and objectives are achieved; and
- i. systems are designed and implemented with proper control structures.

07.02.7 Accountability and responsibility. The CAE, in the discharge of his or her duties, shall be responsible and accountable to the board through the Audit Committee to:

- a. develop a flexible annual audit plan using appropriate risk-based methodology and submit the plan to the board through the Audit Committee for review and approval; the CAE shall consider for inclusion in the plan any risks or control concerns identified by management, and consider the scope of work of internal and external assurance and consulting service providers, as appropriate, for the purpose of providing optimal audit coverage to the TTU system at a reasonable overall cost;
- b. oversee the execution of the annual audit plan;
- c. report significant issues related to the risk management, control, and governance processes of the TTU system, including potential improvements to those processes, and provide information concerning the resolution of such issues;
- d. report annually to the board, the chancellor, the governor, and state agencies, as required by the Act, on the activities of the OAS;
- e. provide information periodically on the status and results of the annual audit plan and the sufficiency of department resources, including OAS personnel, to address identified risks within a reasonable time frame;
- f. coordinate with other control and monitoring functions (including, but not limited to, the Office of the General Counsel, the police departments of the component institutions, the State Auditor's Office, other state agencies, and external assurance and consulting providers) to maximize the efficient and effective use of audit resources;
- g. maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of the audit mission and objectives;

- h. establish a quality assurance and improvement program to ensure compliance with professional standards, consistency, and quality in OAS operations;
- i. consider performing advisory services to assist management in meeting its objectives, examples of which may include facilitation, process design, training, and other advisory services;
- j. evaluate significant new or changing services, processes, operations, systems, and control processes coincident with their development, implementation, and/or expansion;
- k. report to the Audit Committee when the CAE has reason to believe that senior management has accepted a level of residual risk that may be unacceptable;
- l. keep the Audit Committee informed of emerging trends and successful practices in internal auditing;
- m. assist in the investigation of suspected fraudulent activities within the TTU system and keep appropriate management, the chancellor, and the board, through the Audit Committee, informed of such investigations; and
- n. coordinate any external audit or investigative effort performed by certified public accountants, the state auditor's office, or other auditors; this coordination may include scheduling of entrance and exit conferences, assisting with fieldwork, and/or reviewing management responses to findings and recommendations of the external auditors.

07.02.8 Authority.

- a. The CAE and staff of the OAS are authorized to:
 - (1) have full, free, unrestricted access to all functions, manual and electronic records (including student, personnel, and medical records), property, and personnel relevant to any audit or review; documents and information entrusted to auditors during the course of an engagement shall be handled in a prudent manner;

- (2) have full and free access to the board through the Audit Committee and to the chancellor;
 - (3) allocate resources, set frequency and duration of audits, select subjects, determine scopes of work, and apply the techniques required to accomplish audit objectives; and
 - (4) obtain the necessary assistance of personnel in units of the TTU system where the OAS performs audits, as well as other specialized services from within or outside the TTU system.
- b. The CAE and staff of the OAS are not authorized to:
- (1) perform any operational duties for the TTU system;
 - (2) initiate or approve accounting or other transactions external to the OAS; or
 - (3) direct the activities of any TTU system employee not employed by the OAS, except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist the auditors.

07.03 **Fraud policy.**

The TTU system is committed to the highest standards of moral and ethical behavior. These standards and the subject of appropriate behavior are outlined in the operating policies of the component institutions and in various TTU system and board policies, which shall be observed by all TTU system students and employees. All officers, employees, and students are expected to obey all federal, state, and local laws and may be subject to disciplinary action for a violation of those laws.

The purpose of this policy is to address fraudulent acts. Fraudulent activity of any kind, including for the benefit of the TTU system, is expressly prohibited. This policy establishes the procedures and responsibilities for reporting and resolving instances of known or suspected fraudulent acts. For purposes of this policy, fraud is defined as follows:

An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Any kind of artifice employed by one person to deceive another.

- 07.03.1 For purposes of this policy, the definition of fraud as per the above shall include, but not be limited to, the following:
- a. an intentional or deliberate act;
 - b. depriving the TTU system or a person of something of value or gaining an unfair benefit; and
 - c. using deception, false suggestions, suppression of truth, or other unfair means which are believed and relied upon.
- 07.03.2 A fraudulent act may be an illegal, unethical, improper, or dishonest act, including but not limited to:
- a. embezzlement;
 - b. misappropriation, defalcation, misapplication, and other fiscal irregularities, and destruction, removal, or concealment of property;
 - c. alteration or falsification of records or other documentation;
 - d. false claims by students, employees, vendors, or others associated with the TTU system;
 - e. theft of any asset including, but not limited to, money, tangible property, trade secrets, or intellectual property;
 - f. inappropriate use of computer systems, including hacking and software piracy;
 - g. bribery, rebate, or kickback;

- h. conflict of interest; or
- i. misrepresentation of facts.

07.03.3 Fraudulent act determination. While a fraudulent act may have criminal and/or civil law consequences, the TTU system is not required to use a determination by a criminal justice authority to criminally prosecute as the basis for determining whether an act is fraudulent. It is the internal determination that the above criteria are present that defines an act as fraudulent under this policy.

07.03.4 Duties and responsibilities. Administrators at all levels of management are accountable for setting the appropriate tone of intolerance for fraudulent acts by strictly displaying the proper attitude toward complying with laws, rules, regulations, and policies, including ethics policies. In addition, administrators shall be cognizant of the risks and exposures inherent in their area of responsibility, and shall establish and maintain proper internal controls which will provide for the security and accountability of the resources entrusted to them.

Any member of the campus community who has a reasonable basis for believing a fraudulent act has occurred has a responsibility to promptly notify one of the following:

- a. his or her supervisor;
- b. the appropriate administrator;
- c. the OAS; or
- d. the component institution's police department.

Employees who, in good faith, report unlawful activity are protected by the Texas Whistleblower Act against any retaliation by the TTU system for making such a report. The reporting member of the campus community shall refrain from confrontation of the suspect, further examination of the incident, or further discussion of the incident with anyone other than the employee's or student's supervisor or others involved in the resulting review or investigation. Persons

found to be making frivolous claims under this policy shall be disciplined, up to and including termination of employment or expulsion from the TTU system.

- 07.03.5 Investigation. Supervisors and administrators at all levels of management who become aware of suspected fraudulent activity are to respond in a consistent and appropriate manner and shall report the suspected activity to the OAS. With the concurrence of the CAE, the supervisor or administrator may treat the incident as an administrative issue and have a qualified individual or individuals perform an objective review as considered necessary.

The OAS has the primary obligation for investigating reported incidents to the extent considered necessary for resolution. The OAS may contact other TTU system departments, including, but not limited to, the Office of General Counsel and the component institution's police department, to establish the necessary team to proceed with the review or investigation. The investigative team shall attempt to keep source information as confidential as possible. In those instances where the investigation indicates criminal activity, the investigation shall be turned over to the component institution's police department or other appropriate law enforcement agency. As required by law, the OAS shall notify the state auditor's office of suspected fraudulent activity.

All affected departments and/or individuals shall cooperate fully with those performing a review or investigation, including the OAS, law enforcement officials, regulators, and any other parties involved. During all aspects of the review or investigation, the constitutional rights of all persons shall be observed. Suspects and others involved in the review or investigation shall be treated consistently without regard to past performance, position held, length of service, race, color, religion, sex, age, disability, national origin, or veteran status.

- 07.03.6 Disciplinary actions.

- a. Employees found to have participated in fraudulent acts as defined by this policy shall be subject to disciplinary action, including termination. Additionally, employees suspected of perpetrating fraudulent acts may be placed on administrative leave during the course of the investigation.

- b. In any case in which an investigation leads to a disciplinary action, the Office of Human Resources, Office of the General Counsel, and other appropriate offices shall be consulted prior to taking such actions. Criminal or civil actions may be pursued against employees who participate in fraudulent acts.
- c. An employee terminated by reason of involvement in the perpetration of a fraud will ordinarily be terminated without eligibility for rehire. Actions to be taken shall be determined without regard to past performance, position held, length of service, race, color, religion, sex, age, disability, national origin, or veteran status.
- d. Students found to have participated in fraudulent acts as defined by this policy shall be subject to disciplinary action pursuant to the operating policies of the component institution. In those cases where disciplinary action is warranted, the Dean of Students, Office of Student Services, Office of the General Counsel, or other appropriate office shall be consulted prior to taking such actions. Additionally, criminal or civil actions may be pursued against students who participate in fraudulent acts.

The relationship of other individuals or entities associated with the TTU system found to have participated in fraudulent acts as defined by this policy shall be subject to review, with possible consequences including termination of the relationship. In those cases where action is warranted, the Office of the General Counsel or other appropriate office shall be consulted prior to taking such actions. Additionally, criminal or civil actions may be taken against individuals or entities associated with the TTU system who participate in unlawful acts.

- 07.03.7 Fraud reporting. The results of investigations conducted by the OAS shall be communicated, either orally or in writing, as determined by the CAE, to the board and to the chancellor and/or other appropriate administrators.

07.04 Budget rules and procedures.

07.04.1 Fiscal year. The TTU system fiscal year shall be September 1 through August 31.

07.04.2 General.

- a. The board is required by law and Section 01.02.8.d(3), *Regents' Rules*, to approve an annual budget covering the operation of the ensuing fiscal year. This budget shall be prepared within the limits of revenue available from legislative appropriations and estimated local and other funds.
- b. The budget is to be constructed along organizational lines and using appropriate fund groupings required by state law or recommended by the State Auditor's Office or the State Comptroller's Office.
- c. The board has the overall responsibility for the budget; however, limitations of time make it impractical for the board to address budget issues other than major policies and priorities. The board effectively discharges its budgetary responsibilities by reviewing and approving general policies. Detailed budgetary development and control is delegated to the chancellor, the presidents, and the chief fiscal officers.
- d. The annual budget shall be prepared and adopted well in advance of the fiscal period and shall include all anticipated operating revenues, expenditures, transfers, and allocations. Adjustments to the budget shall be approved in accordance with board policy set forth in Section 07.04.5, *Regents' Rules*.
- e. The chief fiscal officers are responsible for the compilation of estimates of revenues and the development of appropriate contingencies.
- f. The principal officers of the TTU system shall develop recommendations on major budgetary policies and programs. These policies include such items as salary and wage increases, differential allocations to certain programs, implementation of new programs, reduction or elimination of existing programs, and

other budgetary items. The board's budgetary policies shall be communicated by the presidents, with the assistance of the chief fiscal officers of the component institutions, to the deans, directors, and departmental heads.

- g. The chancellor and presidents, with the assistance of the chief fiscal officers, shall present budget recommendations to the board that include a comparison of the proposed budget with those of previous years, explanation of major changes, description of programs added or eliminated, and salary and wage policies.
- h. The chief fiscal officers are responsible for communicating with budgetary units and providing each unit a copy of its approved budget.

07.04.3 Budgets and other expenditure certifications.

- a. Administrators must receive an approved budget from the chief fiscal officer or designee prior to expending funds or committing to expenditures. The chief fiscal officers are responsible for certifying that funds are available for each approved budget.
- b. Expenditures requiring board approval, including the annual operating budget and certain construction projects, must have a certification statement by the chief fiscal officer. The purpose of the statement is to provide the board an objective analysis for the adequacy of the funding proposed. Certification of the adequacy of funding may be made with or without qualifications. If the certification is qualified, these qualifications shall be specifically identified by the chief fiscal officers.

07.04.4 Budget adjustments. Budget adjustments to the annual operating budget or to other expenditures requiring board approval are defined in the following sections. Budget adjustments may not be divided to fall within lower levels of approval. Approvals must be obtained prior to the effective date of action for the following:

- a. Board approval:
 - (1) Board approval is required for:

- (a) adjustments that establish a new budget in excess of \$1,000,000 or increase an existing budget to an amount of more than \$1,000,000; and
 - (b) non-statutory adjustments to the salary of the chancellor.
 - (2) Emergency and exigent circumstances approvals. When an emergency or exigent circumstances exist, the chair or the chair of the Finance and Administration Committee may approve a proposal submitted by the chancellor, or the chancellor's designee, for budget adjustments which establish a new budget in excess of \$1,000,000 or increase an existing budget to an amount in excess of \$1,000,000, with subsequent notification to the board at the next regular board meeting.
- b. Chancellor's approval is required for the following:
- (1) Adjustments to the salary of TTU system officers and individuals who report directly to the chancellor, except for positions covered under the provisions of Section 02.03.6, *Regents' Rules*.
 - (2) Non-statutory adjustments to the total salary or wage rate of a TTUSA employee when such an adjustment is 10% or more per annum. However, this requirement does not apply to:
 - (a) bona fide promotions or reclassifications;
 - (b) supplemental compensation payments required by law; or
 - (c) adjustments to an employee's total salary or wage rate that result in an annual increase of \$2,000 or less.
 - (3) All budget adjustments of \$1,000,000 or less to the TTUSA's original operating budget.

- (4) Adjustments authorized by law.
- c. President's approval is required for the following:
 - (1) All budget adjustments of \$1,000,000 or less to the institution's original operating budget.
 - (2) Non-statutory adjustments to the total salary or wage rate of an employee of the institution when such an adjustment is 10% or more per annum. However, this requirement does not apply to:
 - (a) bona fide promotions or reclassifications;
 - (b) supplemental compensation payments required by law;
 - (c) adjustments to the total salary or wage rate of an employee of the institution that result in an annual increase of \$2,000 or less; or
 - (d) adjustments to the total salary of a position covered under the provisions of Section 02.03.8, *Regents' Rules*.
- d. Approval of any agreement or contract, in accordance with Section 07.12.2, *Regents' Rules*, constitutes authority to establish a maximum budget that does not exceed the amount of the approved agreement or contract.
- e. The chancellor and presidents may delegate budget authority to appropriate budget and financial officials.
- f. Budgetary control.
 - (1) An essential element of budgeting is the establishment of effective budgetary control. Budgetary control shall ensure that expenditures do not exceed available funds.
 - (2) The chief fiscal officers are responsible to the presidents, the chancellor, and the board for maintaining budgetary

controls. All expenditures in the institutions must be made within approved budgets. Administrators are not authorized to commit funds without a budget approved by the chief fiscal officers or designee. The chief fiscal officers shall inform the respective chief executive officer of any deviations greater than \$100,000 from this policy, including a list of individual fund accounts with deficit fund balances at the end of each fiscal quarter.

- (3) It is the responsibility of the department head (e.g., dean, chair, director) or designated financial manager to exercise budget control. These officers have the primary responsibility to control expenditures under their budget authority. Upon approval of the budget, department heads are responsible for assuring there is no deviation from the approved budgets.
- (4) The chief fiscal officers shall assure that monthly reports of revenues and expenditures are made available to each budget unit.

07.05 **Debt management policy.**

07.05.1 General debt management policy.

- a. All debt programs shall be made in accordance with applicable state and federal statutes and regulations. Notwithstanding any other provision of the *Regents' Rules*, the board shall authorize the issuance of all TTU system indebtedness.
- b. To the extent permitted by law, the board may grant to the chancellor, or the chancellor's designee, the authority to issue short-term indebtedness. The short-term debt program shall be utilized for capital projects during construction and for equipment acquisition. All conversions to long-term or bond indebtedness shall be approved by the board.
- c. The vice chancellor and chief financial officer, or the vice chancellor and chief financial officer's designee, is authorized to approve the pricing of bond and note issues and is responsible for assuring that all bond covenants are in compliance and that all

necessary approvals, certifications, and authorizations are fully documented and made available to the board and to all bondholders.

- d. The vice chancellor and chief financial officer, or the vice chancellor and chief financial officer's designee, is responsible for assuring that all debt service payments are made to the appropriate paying agents in a timely manner.
- e. Debt service funding is the responsibility of each institution participating in the RFS and the HEAF programs.
- f. If a project requires Texas Higher Education Coordinating Board approval, no debt proceeds will be allocated to that project prior to receiving such approval.

07.05.2 RFS debt management policy.

- a. The TTU system and its components are eligible to participate in the RFS.
- b. The TTU system shall use the following guidelines for the RFS:
 - (1) Debt proceeds will be used only for capital expenditures or bond issuance costs. Generally, capital expenditures are for assets having a useful life of over one year. Buildings and other major capital projects shall be financed for a period of up to the lesser of the project's estimated useful life or 40 years. Equipment shall be financed for a period up to the lesser of its projected useful life or 10 years.
 - (2) To the extent required by law, the Texas Higher Education Coordinating Board shall be notified of project costs in accordance with the relevant rules promulgated by the Coordinating Board.
 - (3) Individual revenue streams considered for debt service must meet a 1.15 debt coverage ratio test, unless the debt is issued as tuition revenue debt, in which case it must meet a 1.00 debt coverage ratio test. Debt coverage is defined as total revenue divided by total debt service.

- (4) Components of the TTU system are required to establish internal debt reserves on their respective chart of accounts by participating area or department on bond financed debt other than tuition revenue and HEF debt. Bond financed debt service shall be collected from departments at the component institutions in the amount of the 1.15 ratio until the maximum reserve accumulated is equal to the area's or department's maximum annual debt service for the remaining debt outstanding. When the maximum reserve is reached, the bond debt service shall be collected in the amount of a 1.00 ratio. Should newly-issued debt cause an area's or a department's new maximum annual debt service to exceed their accumulated reserve, then the 1.15 ratio will apply only to debt service on the newly-issued debt. The TTUS Office of Treasury monitors bond debt service reserves additions and reserve balances to maximum annual debt service semi-annually. Exceptions and return of reserve balances are to be reviewed and approved by the vice chancellor and chief financial officer and the component's chief fiscal officer.
- (5) The board shall approve designated debt financing prior to a project's initiation. Reimbursement clauses, revenue stream certification, non-default certification, and all requirements of the RFS Master Resolution shall be included in the agenda items submitted for board approval that authorize the debt financing.
- (6) Higher Education Fund (HEF) appropriation transfers for debt service by the component institutions to the TTU system are authorized, but only for financed projects which would be eligible for HEF funding under Article VII, Section 17 of the Texas Constitution. Generally, these projects must have an educational and general purpose.
- (7) Application to and approval of the Texas Bond Review Board is required for all new long-term issues, except as noted below. Long-term issuances also are subject to the examination and approval of the Texas Attorney General.

(Note: Sec. 1231.041(b), *Texas Government Code*, eliminates the requirement for institutions of higher education to seek approval by the Texas Bond Review Board for bonds rated AA– or better, unless state general revenue is pledged on the debt.)

- c. The TTU system shall use the following general guidelines for the RFS:
 - (1) As long as RFS debt remains outstanding, the TTU system shall prepare end-of-fiscal-year certifications. The certifications, signed and approved by the vice president for fiscal affairs of the component institution, shall be submitted to the vice chancellor and chief financial officer no later than November 15 of each year and shall be used for reporting on the status of the RFS to the chancellor and the board. The certifications shall include the following:
 - (a) A comparison of revenue projections with those actually collected in the previous year and an updated assessment of anticipated future revenues. If actual revenues were not sufficient, a written report to the board must be provided. This report must address why the revenues were insufficient and the impact on the institution's current and future ability to pay for its share of debt service.
 - (b) Verification that the institution has sufficient funds that may be pledged and are available for the next fiscal year's principal/interest payments.
 - (c) Verification that the institution is in compliance with all RFS bond covenants and *Regents' Rules* requirements relative to the issuance of RFS debt.
 - (2) The vice chancellor and chief financial officer shall prepare an annual report on the status of RFS obligations for the chancellor and the board. The report shall include the following:

- (a) The balance of RFS obligations outstanding at the beginning of the fiscal year and on the date of the report.
- (b) A listing of projected needs (by institution and funding source) for the next year.
- (c) The amount of RFS obligations that will be necessary to fund each institution's needs for the next year.
- (d) A certification that the TTU system is current on debt service funding for RFS obligations outstanding. If an institution is not in compliance, the steps being taken to bring the institution into compliance shall be included and reported quarterly until compliance is achieved.

07.05.3 HEAF debt management policy.

- a. Component institutions are eligible to participate in HEAF debt financing.
 - (1) Except as described in Subdivision (4) of this subsection, HEAF debt proceeds may be used for acquiring land, construction, equipping permanent improvements, major repair and rehabilitation of permanent improvements, acquisition of capital equipment, and refunding previously issued HEAF indebtedness.
 - (2) HEAF indebtedness shall be payable with state appropriated moneys. Maturities shall not exceed 10 years. HEAF bonds shall be competitively bid. HEAF notes (e.g., commercial paper notes) need not be competitively bid. HEAF indebtedness is subject to approval by the Texas Attorney General.
 - (3) No more than 50% of the annual HEAF allocation of component institutions shall be used for paying debt service on HEAF indebtedness issued on behalf of component institutions.

- (4) HEAF debt proceeds are not permitted by law to be used for maintenance, minor repairs, operating expenses, student housing, intercollegiate athletics, or auxiliary enterprises.

07.05.4 Equipment financing. Procedures for equipment financing under the commercial paper program(s) are as follows:

- a. For equipment costing \$1,000,000 or more, the board shall authorize the financing through the equipment financing program. For equipment costing less than \$1,000,000 but more than \$100,000 that is to be financed through the equipment financing program, the approval of the chancellor, or the chancellor's designee, is required. The TTUS Office of Treasury shall submit the required notice to the Texas Bond Review Board.
- b. The minimum aggregate amount of equipment value to be financed under the equipment financing program is \$100,000 for each component institution. Multiple smaller equipment purchases may be combined to achieve the minimum amount. Each piece of equipment must have a useful life of not less than three years. The equipment shall be purchased from the vendor by the component institution. RFS debt shall be issued to reimburse the component institution for the equipment purchase. The debt shall be amortized each February 15 and August 15 and shall be fully amortized up to the lesser of its projected useful life or 10 years.

07.05.5 Failed remarketing procedures. Procedures to be used in the event of a failed remarketing of RFS commercial paper debt shall be maintained in the Office of Treasury.

07.05.6 Post tax-exempt issuance compliance. Procedures shall be maintained in the Office of Treasury that comply with all applicable federal tax law requirements ensuring that interest earned by the holders of tax-exempt bonds is not taxable under Section 103 of the U.S. Internal Revenue Code.

07.06 **Credit extension.** The chancellor, or the chancellor's designee, is authorized to approve the sale of goods and services on credit provided that: there is a public

purpose for the sale that can be documented; and controls limiting risk of loss have been established and reviewed by the OAS.

07.07 State comptroller deposits.

07.07.1 Cash receipts. State statutes and the current state Appropriations Act require that all cash receipts accruing to component institutions be deposited in the state treasury, with the exception of those funds listed in Section 51.008, *Texas Education Code*. Funds to be deposited within the TTU system include funds from auxiliary enterprises, non-instructional services, agency, designated and restricted funds, endowment funds, trust funds, other gift funds, student loan funds, funds retained under Chapter 145, *Texas Education Code*, and Constitutional College Building Amendment Funds.

07.07.2 Depositing rules. Cash receipts that are required to be deposited in the state treasury shall be so deposited in the manner prescribed by state statutes and the current state Appropriations Act.

07.07.3 Revolving funds. Component institutions of the TTU system are authorized by the current state Appropriations Act to establish Revolving Funds under certain prescribed procedures to facilitate the payment of nominal expenses and to pay bills within cash discount periods, as well as for regular monthly, weekly, and special payrolls.

07.08 Primary and secondary depositories for the TTU system. Only those banks selected as prescribed by this policy and in compliance with all existing statutes shall be used to deposit and safeguard all funds subject to the control of the board.

07.08.1 Primary depository. A primary depository is defined as the bank or banks selected as the financial institution(s) in which all funds of the component institutions, except as herein provided, are deposited for operating or investment purposes. The board, in its sole discretion, shall select the primary depositories.

07.08.2 Secondary depositories.

- a. Secondary depositories may be selected by the Office of Treasury, with the approval of the chief fiscal officers, as banks in

which the component institutions may maintain deposits temporarily, prior to transmittal to primary depositories.

- b. Balances in secondary depository accounts shall be fully secured by the FDIC (or its successor), with a pledge of qualified securities held by a custodian bank and in an amount equal to 102% of the difference between the amount insured by FDIC and the greatest amount expected to be on deposit at any time.
- c. Funds in secondary depository accounts shall be transferred to the primary operating depository as soon as possible. In no event shall the amount on deposit exceed the amount insured by FDIC plus any collateral pledged against the account.

07.09 Travel authorization, reimbursement, and institutional regulations.

07.09.1 Travel approval. Each component of the TTU system shall promulgate operating policies, procedures, rules and regulations governing employee travel in conformity with federal and state laws.

07.09.2 Board members' travel and other expenses.

- a. All travel by board members that is paid from TTU system funds shall be for official business only.
- b. When traveling on official business, members of the board are authorized to be reimbursed from appropriated funds for the actual cost of:
 - (1) meals and lodging, subject to the rates and limitations established in statutory authority;
 - (2) local transportation;
 - (3) parking fees; and
 - (4) airfare at the next lowest rate below first class, unless such a rate is not available.
- c. When the board member's spouse is required to accompany the board member for a valid public purpose, as determined by the

board member, the spouse's expenses shall be reimbursed from non-appropriated funds.

- d. Vouchers for travel or other expenses of board members shall be prepared in the Office of the Board of Regents, forwarded to the Office of the Chief Financial Officer for review, and returned to the Office of the Board of Regents for further approval. Either the chair of the board or the chair of the Finance and Administration Committee must approve all vouchers for board members. A board member may not approve his or her own voucher.
- e. Vouchers for reimbursements to board members for other expenses shall be processed in accordance with Subsection d. of this section. These expenses must be for a valid public purpose, as certified by the board member. Any extraordinary expenses must be approved in advance by either the chair of the board or the chair of the Finance and Administration Committee.
- f. The vice chancellor and chief financial officer shall assure that expense vouchers for board members are audited annually.

07.09.3 Chancellor's travel and other expenses.

- a. The chancellor's travel that is paid from TTU system funds shall be for official business only.
- b. The chancellor is the executive head of a state agency and, when traveling on official business, is authorized by law to be reimbursed from appropriated funds for the actual costs of meals, lodging, local transportation, and parking fees, and for airfare at the next lowest rate below first class unless such a rate is not available.
- c. When the chancellor's spouse is required to travel for a valid public purpose, as determined by the chancellor, the spouse's expenses shall be reimbursed from non-appropriated funds derived from gifts received from private sources.
- d. Vouchers for travel or other expenses of the chancellor shall be forwarded to the vice chancellor and chief financial officer for

review and then forwarded for approval to the chair of the Finance and Administration Committee or, in his or her absence, the board chair. Normally, vouchers shall be submitted within ten days of the travel.

- e. When official business requires the chancellor to be absent from the campus for a period in excess of seven business days, excluding official TTU system holidays, the Office of the Board of Regents shall be notified in writing, with notification provided to the chair and vice chair of the board.
- f. The vice chancellor and chief financial officer shall assure that travel expense vouchers for the chancellor are audited annually by an external auditor.

07.09.4 Faculty, staff, and student travel. Each component institution shall develop and disseminate policies and procedures in operating manuals for travel of faculty, staff, and students that adhere to state guidelines.

07.10 **Approval of tuition and student fees.**

07.10.1 Assessment. Each year, the board shall approve the assessment of tuition and fees for students of component institutions of the TTU system. The amounts to be assessed shall be presented annually to the board in a document to be entitled "Global Fee Schedule."

07.10.2 Collection. The authority of the board to collect tuition, fees, and other charges in accordance with the methods and manners prescribed in state statute is delegated to the presidents, or the presidents' designee.

07.10.3 Exemptions and waivers. The authority of the board to grant exemptions and waivers from tuition, fees, and other charges in accordance with state statutes is delegated to the presidents, or the presidents' designee.

07.10.4 Student financial assistance. The authority of the board to administer student financial assistance programs in accordance with Chapter 56, *Texas Education Code*, is delegated to the presidents, or the presidents' designee.

07.11 Aircraft use and operation. All TTU system staff, faculty, and students traveling on official business or activities shall use only those aircraft and aircraft operators that meet the requirements set forth below. The travel regulations contained in the state Appropriations Act and applicable state statutes shall be followed by the TTU system. Regardless of the source of funds, allowable reimbursements are established by the state Appropriations Act. In addition, TTU system employees are encouraged to be as conservative as possible in the use of air travel, using charter flights only when such flights are cost-effective or absolutely necessary.

07.11.1 Air travel requirements. The TTU system shall only use aircraft and aircraft operators that are flightworthy and are certified and operate under Subchapters F & G, Parts 91, 119, 121, 125, or 135, as applicable, in Chapter 1, Federal Aviation Regulations, 14 Code of Federal Regulations (the "C.F.R."). In addition, all aircraft used pursuant to this provision must, at a minimum, be piloted by pilots that are fully qualified and insured in the aircraft being flown, possessing a commercial pilot certificate with instrument rating. All flights involving student travel must be piloted by two pilots.

07.11.2 Foreign air travel. Air travel to or in foreign countries by TTU system faculty, staff or students shall be arranged only through commercial air carriers regularly engaged in scheduled passenger air transportation.

07.11.3 Information requirement. With the exception of commercial, certified domestic and flag air carriers, aircraft operators shall provide the TTU system with the following information:

- a. type of certificate;
- b. certificate number;
- c. date the certificate was issued;
- d. expiration date for the certificate;
- e. type and registration number of aircraft authorized;

- f. name of the Federal Aviation Administration Flight Standards Office having jurisdiction over the certificate holder; and
 - g. schedule of insurance coverage in effect, showing insurance companies, policy numbers, type, amounts, period of coverage, and special conditions, exceptions and limitations.
- 07.11.4 Aircraft made available to the TTU system by other than commercial operations. Aircraft and crew made available to the TTU system by other than commercial operators must, as a minimum, qualify under all regulations regarding aircraft and crew outlined in 14 C.F.R., Chapter 1, Subchapter G, Part 91, and conform to the insurance provisions set forth in Section 07.11.5, *Regents' Rules*. In addition, all aircraft used pursuant to this provision to transport students must, at a minimum, contain a multi-turbo prop engine or jet engine and be piloted by two pilots who are fully qualified and insured in the aircraft being flown and who possess a commercial pilot certificate with instrument rating.
- 07.11.5 Insurance. Aircraft owners/operators must furnish a certificate of insurance to the TTU system as proof of at least \$300,000 coverage per passenger, or the minimum amount required by law, whichever is greater.
- 07.11.6 Administrative requirements. The following are administrative requirements:
 - a. All flights involving leased or chartered aircraft, or aircraft made available to the TTU system pursuant to Section 07.11.4, *Regents' Rules*, must be approved in advance by the chancellor or the chancellor's designee.
 - b. All flights involving student travel, other than travel on commercial air carriers, must be approved in advance by the chancellor or the chancellor's designee.
 - c. The TTU system department arranging travel under Subdivision a. or b. of this subsection shall ensure that contracts and other appropriate documents are reviewed by the Office of the General Counsel prior to approval by the chancellor or the chancellor's designee.

- 07.11.7 Waiver. This policy may be waived by the prior written approval of the institution's chief academic officer for employees and graduate research assistants involved in research projects requiring aerial surveys. Such research projects must be supported by funded grants that have been approved by the Office of Research Services.
- 07.11.8 Aircraft piloted by TTU system personnel on official business. A TTU system employee may pilot an aircraft owned or leased by the employee for travel on official business and may be reimbursed for such travel in accordance with state regulations (see Chapter 660, Subchapter D, *Texas Government Code*). Any aircraft piloted by TTU system personnel for travel on official business must be maintained in accordance with all applicable Federal Aviation Regulations and shall have all instrumentation required for flying in the meteorological conditions then existing and as forecast. The pilot must be current and qualified in accordance with all applicable Federal Aviation Regulations for the type aircraft flown and for the meteorological conditions then existing and as forecast. No flight shall be piloted by TTU system personnel with other faculty, staff, students, prospective students, or guests aboard. Any TTU system personnel desiring to travel under this provision must execute a written release of liability releasing the TTU system from any and all liability associated with such travel.

07.12 Contracting policies and procedures.

- 07.12.1 General.
- a. This policy shall establish the authority for the board and authorized TTU system personnel to approve, sign, and execute contracts committing the TTU system to any approved act.
 - b. Written contracts shall be executed whenever a TTU system component enters into a binding agreement with another party which involves any material consideration.
 - c. Contracts include, but are not limited to: letter agreements, cooperative agreements, memorandums of understanding, inter-agency contracts, grants, loans, easements, licenses, leases, permits and restrictions on acceptances of gifts and bequests.

Other parties include, but are not limited to: federal, state and local agencies, nonprofit organizations, private businesses, corporations, limited liability entities, partnerships and individuals.

- d. Applicability of policy.
 - (1) This policy shall apply to all contracts for the initial periods and for amendments or extensions thereto. For the purpose of determining whether a contract requires the approval of the board, any option(s) to extend or renew a contract shall be counted in the overall term of the contract. For example, a contract for a lease of land for three years that has an option to extend the lease for an additional three years shall be considered to be a lease of land for more than four years.
 - (2) This policy shall also apply to, but not be limited to: cooperative agreements with affiliated and nonaffiliated hospitals and other health care agencies, private corporations, sole proprietorships, federal agencies, private partnerships, limited liability entities, and individuals.
- e. Officers and employees of the TTU system are prohibited from acting as an agent for another person in the negotiation of the terms of an agreement relating to the provision of money, services, or property to the TTU system.
- f. The TTU system and its component institutions shall develop a contract management handbook that provides consistent contracting policies and practices and contract review procedures, including risk analysis and a contract review checklist. The provisions in this handbook shall be consistent with state and federal contracting laws, rules, and regulations.
- g. TTU system personnel involved in procurement or contract management shall receive training and continuing education, including ethics training.
- h. In the event a contract executed under other provisions of this policy is subsequently found to be required by law or by this policy to be approved by and/or executed by the board, the con-

tract shall continue to be in full force and effect, but shall be submitted for ratification at the next available board meeting.

- i. Approval and signature execution of a contract pursuant to the provisions of this policy constitutes approval to establish an operating budget, which shall not exceed the consideration of the contract. The operating budget then shall be considered approved in accordance with the provisions of Section 07.04, *Regents' Rules*, and related implementing procedures.
- j. Contracts shall not be divided to fall within lower levels of approval.

07.12.2 Prohibited contracts.

- a. Neither the TTU system administration nor a component institution may enter into a contract for the purchase of goods or services with a private vendor with whom any of the following persons have a financial interest unless the contract is for the purchase of goods or services solicited through a purchase order and the purchase order does not exceed \$25,000:
 - (1) the chancellor, vice chancellor and general counsel, president of the institution involved in the contract, chief procurement officer or equivalent employee responsible for procuring goods and services for the institution involved in the contract; or
 - (2) a family member related to the employees and officials listed above within the second degree of affinity or consanguinity.
- b. A person listed in Section 07.12.2.a, *Regents' Rules*, has a financial interest in a private vendor if the person:
 - (1) owns or controls, directly or indirectly, an ownership interest of at least 1% in the private vendor, including the right to share in profits, proceeds, or capital gains; or
 - (2) could reasonably foresee that a contract with the private vendor could result in a financial benefit to the employee,

official, or family member within the second degree of affinity or consanguinity.

- c. A financial interest prohibited by this section does not include a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than 1% in a corporation.

07.12.3 Board approval.

- a. Upon recommendation of the chancellor, board approval is required for contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the entire term of the contract, unless a different consideration is specified by this policy. This requirement is applicable to both cash and non-cash considerations. The board may delegate the approval and signature authority for such contracts to the chancellor or component president.
- b. The board must approve any amendment, extension, or renewal of a contract with a value that exceeds 25% of the value of the original contract approved by the board or that increases the value of the original contract to more than \$1,000,000 over the entire term of the contract unless the authority to exceed the approved amount is expressly delegated by the board or an exception is expressly adopted by the board for that contract.
- c. For each contract for the purchase of goods and services with a value exceeding \$5,000,000, the applicable chief procurement officer for the applicable component institution or the TTU system must submit to the board:
 - (1) verification that the solicitation and purchasing method and contractor selection process comply with state law and TTU system policies; and
 - (2) information on any potential issue that may arise in the solicitation, purchasing, or contractor selection process.
- d. Contracts involving a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years:

- (1) Upon recommendation of the chancellor, board approval is required for the following contracts or agreements:
 - (a) contracts that involve:
 - i. a sale or purchase of land and/or improvements thereon by a TTU system entity, or
 - ii. a lease of land and/or improvements thereon for more than four years, where a TTU system entity is either the lessor or the lessee;
 - (b) contracts that involve a commitment of funds or other resources for more than four years.
 - (2) Contracts that may be terminated without cause with notice of 120 days or less are excepted from the requirements of Section 07.12.3.d(1), *Regents' Rules*.
- e. Employment contracts and agreements:
- (1) Employment contracts or agreements include but are not limited to letters of agreement and memoranda of understanding.
 - (2) Except as provided in Section 07.12.3.e(3) herein, employment agreements that contain one or more of the following provisions must be approved by the board:
 - (a) employment contracts having a total value (including cash and non-cash considerations) over the entire term of the contract of more than \$1,000,000;
 - (b) employment contracts having a term longer than four (4) years;
 - (c) employment contracts that allow for settlement or other payments on the termination of the contract to exceed an amount equal to the discounted net present cash value of the contract on termination at the

U.S. Treasury rate that matches the remaining term of the contract;

- (d) employment contracts allowing for development leave that is inconsistent with Section 04.05, *Regents' Rules*, and/or institutional operating policies; or
 - (e) employment contracts awarding tenure in any way that varies from the applicable operating policies on the award of tenure.
- (3) The following are excepted from the requirements of Section 07.12.3.e(2), *Regents' Rules*, but to the extent any excepted contract has a value exceeding \$1,000,000, the board delegates approval and signature authority for the contract to the president of the applicable component institution or to the chancellor for TTUSA contracts:
- (a) Employment agreements for the chancellor or presidents shall be governed by Sections 02.01.2 and 02.03.1.b(2) of the *Regents' Rules*, respectively.
 - (b) Athletic employment agreements:
 - i. Athletic directors and head coaches. Employment contracts and employment contract modifications and extensions for athletic directors and head coaches of intercollegiate athletics programs do not require the approval of the board if: the total value (including cash and non-cash considerations) over the entire term of the contract is \$2,000,000 or less; and the term of the contract does not exceed five (5) years. For athletic directors, such contracts, modifications, and extensions shall receive the final approval of the president, with prior notification to the chancellor. For head coaches, such contracts, modifications, and extensions shall have the recommendation of the athletic director and receive the final approval of the president, with prior notification to the chancellor.

- ii. Assistant coaches. Employment contracts and employment contract modifications and extensions for assistant coaches of intercollegiate athletics programs do not require the approval of the board if: the total value (including cash and non-cash considerations) over the entire term of the contract is \$1,000,000 or less; and the term of the contract does not exceed three (3) years. Such contracts, modifications, and extensions shall have the recommendation of the athletic director and receive the final approval of the president, with prior notification to the chancellor.
- (c) Health-related institution faculty employment contracts. For such contracts that would require the approval of the board under Section 07.12.3.e(2), when it is not feasible or practical to delay action until the next scheduled regular or special called meeting of the board and upon the recommendation of the chancellor, approval of the contract may be given by the chair or the chair of the Finance and Administration Committee. Contracts approved in this manner shall be reported to the board as an information item at the next board meeting.
- f. Upon recommendation of the chancellor, board approval is required for contracts involving the initial placement of vending machines, games, or any other coin operated food, refreshment and amusement devices placed in service in any facility owned, operated, or controlled by the TTU system. The president, or the president's designee, is delegated the authority to determine and approve the location of vending machines, games, or other coin operated food, refreshment and amusement devices placed in all buildings and property under the charge and control of the president's institution.
- g. Unless prohibited by law, when an emergency or exigent circumstances exist and it is not feasible or practical to convene a quorum of the board within the time in which action is needed,

approval may be given for a contract proposal submitted by the chancellor, or the chancellor's designee, by verbal approval of the chair or of the chair of the Finance and Administration Committee. Contracts approved in this manner shall be presented to the board as an information item at the next board meeting.

- h. Contracts approved by the board shall be executed as specified in the board order.

07.12.4 Board delegation of authority.

- a. Notwithstanding Section 07.12.3.a, *Regents' Rules*, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.
- b. Notwithstanding Section 07.12.3.a, *Regents' Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.
- c. Notwithstanding Section 07.12.3.a or Section 07.12.3.b, *Regents' Rules*, the board delegates to the presidents of health-related in-

stitutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting.

- d. The board delegates to the chancellor and the presidents the authority to execute and sign contracts related to construction projects for TTUSA and the component institutions, respectively, as provided by Chapter 08, *Regents' Rules*.
- e. Contracts that provide for the services of a consultant:
 - (1) Consulting contracts with an initial consideration in excess of \$25,000:
 - (a) Upon recommendation of the chancellor, board approval is required prior to the execution of a consulting contract with an initial consideration in excess of \$25,000 and prior to the execution of all modifications that increase the consideration of such a contract.
 - (b) A consulting contract with an initial consideration in excess of \$25,000 may be executed prior to approval by the board if:
 - i. the contract includes a provision that limits the total amount to be paid to the consultant to no

more than \$25,000 unless and until such time as the board has approved the agreement; and

- ii. the chair or chair of the Finance and Administration Committee authorize a proposal submitted to them by the chancellor, or the chancellor's designee, regarding execution of the agreement in advance of approval by the board.

- (2) Consulting contracts with an initial consideration of \$25,000 or less:
 - (a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate.
 - (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.
 - (c) Approval of the board is required prior to execution for any modification to a consulting contract where the initial consideration was \$25,000 or less and the modification will cause the total consideration to exceed \$25,000.
- (3) For the purposes of Section 07.12.4.e, *Regents' Rules*, a search firm is a service provider and is not deemed to be a consultant.

07.12.5 Chancellor's approval.

- a. Approval of the chancellor or the chancellor's designee is required for TTUSA contracts that involve a stated or implied consideration of \$1,000,000 or less. This requirement is applicable to both cash and non-cash considerations. Such TTUSA contracts may be signed by the chancellor or the chancellor's designee. Provisions in the *Regents' Rules* regarding employment contracts shall govern the approval of those employment contracts.

- b. Approval of the chancellor or the chancellor's designee is required for all TTUSA contract renewals, extensions or amendments that do not cause the contract amount to exceed \$1,000,000. Such TTUSA contract renewals, extensions or amendments may be signed by the chancellor or the chancellor's designee.

07.12.6 President's approval.

- a. Approval of the president or the president's designee is required for all component institution contracts that involve a stated or implied consideration of \$1,000,000 or less. This requirement is applicable to both cash and non-cash considerations. Such component institution contracts may be signed by the president or the president's designee. Provisions in the *Regents' Rules* regarding employment contracts shall govern the approval of those employment contracts.
- b. Approval of the president or the president's designee is required for all component institution contract renewals, extensions or amendments that do not cause the contract amount to exceed \$1,000,000. Such component institution contract renewals, extensions or amendments may be signed by the president or the president's designee.

07.12.7 Required approvals summary.

Contract Terms	<i>Regents' Rules</i> Section Citation	Approval Required
Contracts in excess of \$1,000,000 over the entire term of the contract	07.12.3.a	Board
Contracts in excess of \$1,000,000 total but less than \$1,000,000 per annum; and any amendment, extension or renewal of such contracts that does not cause the annual amount to exceed \$1,000,000 [<i>NOTE: for this delegation of approval authority, §07.12.3.d(1)(b) imposes a 4-year cap on the contract term.</i>]	07.12.4.a	Chancellor or President, as appropriate
Contracts for real property: sale or purchase; and lease for more than 4 years (<i>unless the contract can be terminated without cause with notice of 120 days or less</i>)	07.12.3.d(1)(a)	Board

Contract Terms	Regents' Rules Section Citation	Approval Required
Contracts in excess of four years (<i>unless the contract can be terminated without cause with notice of 120 days or less</i>)	07.12.3.d(1)(b)	Board
Renewals, extensions or amendments	07.12.3.b	Board
	07.12.5.b or 07.12.6.b	Chancellor or President
Contracts for construction projects	07.12.4.d	Chancellor (<i>for TTUSA projects</i>) or President (<i>for institutional projects</i>)
Consulting contracts in excess of \$25,000, and all modifications that increase such contracts	07.12.4.e(1)	Board
Consulting contracts of \$25,000 or less	07.12.4.e(2)	Chancellor or President, as appropriate – <i>with prior notice to chairs of Board and F&A Cmte</i>
Contracts with search firms (<i>so long as contract amount does not exceed \$1.0 million per year</i>)	<i>due to 07.12.4.e(3) and 07.12.4.a:</i> 07.12.5 or 07.12.6	Chancellor (<i>for TTUSA searches</i>) or President (<i>for institutional searches</i>)
Initial contracts for vending machines	07.12.3.f	Board
Location of vending machines	07.12.3.f	President
TTUSA contracts of \$1,000,000 or less; and any amendment, extension or renewal of such System Administration contracts that does not cause the amount to exceed \$1,000,000	07.12.5	Chancellor
Component institution contracts of \$1,000,000 or less; and any amendment, extension or renewal of such component institution contracts that does not cause the amount to exceed \$1,000,000	07.12.6	President
Sponsored program project contracts	07.12.4.b	President
Certain health-related continuing contractual relationships	07.12.4.c	President
Employment contracts	[see Appendix A]	-- varies --

07.13 HUBs

07.13.1 TTU system commitment. The TTU system is committed to providing procurement and contracting opportunities to HUBs.

07.13.2 HUB Coordinators. The chancellor and the presidents of the component institutions shall have the responsibility for planning, coordination, implementation, and enforcement of HUB policies within their respective components. The chancellor or president, as appropriate, shall appoint a HUB Coordinator for their respective component to carry out the provisions of this policy. The HUB Coordinator must be at least equal in position to the component's procurement director. The HUB Coordinators shall:

- a. coordinate training programs to recruit HUBs and to assist HUBs in conducting business with the TTU system and its components;
- b. report required information to the Office of the State Comptroller;
- c. match HUBs with key TTU system staff to ensure that HUBs interact with the appropriate personnel of the TTU system; and
- d. make a good faith effort to increase the award of goods and service contracts to HUBs in accordance with state statutes and the promulgated rules of the Office of the State Comptroller.

The TTU system shall implement policies and procedures in its operating manuals setting forth its HUB programs and procedures. The chancellor and the presidents shall provide support, as needed, to implement these HUB policies.

07.14 Professional Medical Malpractice Self-Insurance Plan settlement authority.

07.14.1 Board authority. This policy establishes the board's authority to settle claims arising under the Texas Tech University System Self-Insurance Plan ("the Plan").

07.14.2 Board approval. Board approval is required to settle claims in excess of \$250,000 arising under the Plan.

- 07.14.3 Chancellor approval. Settlements in excess of \$100,000 but less than or equal to \$250,000 require the chancellor's approval.
- 07.14.4 Vice chancellor and general counsel approval. The vice chancellor and general counsel may approve settlements of \$100,000 or less.
- 07.14.5 Approval during period between board meetings. If necessary during periods between board meetings, the chair or the vice chair of the board may authorize settlements of claims in excess of \$250,000 upon the recommendation of the chancellor.

Dates Approved or Amended:

<i>Comprehensive review of chapter</i>	<i>02-28-2014</i>	• amendments throughout
<i>Amendment.....</i>	<i>03-06-2015</i>	• §07.03.6 re: fraud disciplinary actions
<i>State contracting law changes</i>	<i>10-09-2015</i>	• amendments to multiple sections, including: §07.02.4.a, 07.02.6, 07.02.7.o, 07.03.2.b, and extensively throughout 07.12
<i>Various amendments</i>	<i>05-20-2016</i>	
• Additional state contracting law changes		• amendments to multiple sections, including: §07.02.6, 07.02.7, 07.03, and extensively throughout 07.12
• Updates to audit provisions.....		• to reflect changes in the audit mission, code of ethics, and audit standards adopted by the Institute of Internal Auditors
• Revisions to emergency approvals of a budget adjustment or a contract		• to conform the budget adjustment policy to the contract policy and to require that such proposals be submitted by the Chancellor
• Change in the 'early start' provision for consulting contracts of more than \$25,000		• to require that such proposals be submitted by the Chancellor
<i>Amendment.....</i>	<i>10-14-2016</i>	• amended §07.05.2.b to bring the provision on use of debt proceeds in line with U.S. Treasury regulations
<i>Amendment.....</i>	<i>08-11-2017</i>	• amended §07.12.4.e(2) to require the prior review of \$25,000-or-less consulting contracts by the System CFO, rather than by the Board chair and chair of the Finance & Administration Committee

Amendment.....10-20-2017

amended §07.12.4 by:

- adding a new §07.12.4.c for a delegation to the presidents of health-related institutions of contract approval authority for certain health-related continuing contractual relationships
- deleting the old §07.12.4.d due to it conflicting with §07.12.3.b

Amendments..... 03-02-2018

Debt and equipment financing

- §07.05.2.b(4) – clarifying changes regarding the debt collection ratio as recommended by Texas Tech’s outside bond financial advisors;
- §07.05.2.b(5) – language added regarding Higher Education Fund appropriation transfers for debt service in order to conform that policy to the requirements of the state’s General Appropriations Act; and
- §07.05.4.a – commercial paper approval thresholds for equipment financing changed to be consistent with other Board approval thresholds, such as for approval of contracts.

Student financial assistance programs — §07.10.4 added to provide a delegation of authority to the presidents to administer student financial assistance programs governed by Chapter 56, *Texas Education Code*.

Contracting and conflict of interest policies

- revisions driven by legislative/statutory changes ... in §07.12.2.a-c; and
- clarifying changes driven by Office of Audit Services recommendations in: §07.12.3.b ... §07.12.4.a ... §07.12.5 ... §07.12.6 ... §07.12.7.

Office of Treasury — throughout Chapter 07, the name of the “Office of Treasury and Cash Management” changed to “Office of Treasury”.

See also the document entitled “Comprehensive Reviews and Updates” for a more complete explanation of the amendments listed above.

APPENDIX A – summary of employment agreement approvals (per Sec. 07.12.3.e, *Regents' Rules*)

BOARD APPROVAL REQUIRED	per Section 07.12.3... ↓	BOARD APPROVAL <u>NOT</u> REQUIRED
<p>If <u>any</u> of the following provisions apply, the agreement must be approved by the Board:</p> <ul style="list-style-type: none"> • Total value over the entire term of the contract exceeds \$1.0 million. • Term is longer than 4 years. • Termination payment exceeds an amount equal to the discounted net present cash value of the contract upon termination at the U.S. Treasury rate that matches the remaining term of the contract. • Contract allows for development leave inconsistent with <i>Regents' Rules</i> or institutional operating policies. • Contract awards tenure in any way other than as provided in Board-approved operating policies. 	<p>← e(2)(a) →</p> <p>← e(2)(b) →</p> <p>← e(2)(c) →</p> <p>← e(2)(d) →</p> <p>← e(2)(e) →</p>	<p><u>All</u> of the following provisions must apply for the agreement to be exempt from Board approval:</p> <ul style="list-style-type: none"> • Total value over the entire term of the contract is \$1.0 million or less. • Term is 4 years or less. • Termination payment does <u>not</u> exceed an amount equal to the discounted net present cash value of the contract upon termination at the U.S. Treasury rate that matches the remaining term of the contract. • Contract does <u>not</u> allow development leave inconsistent with <i>Regents' Rules</i> or institutional operating policies. • Contract does <u>not</u> award tenure in any way other than as provided in Board-approved operating policies.
Chancellor or President contract. [see Sections 02.01.2 and 02.03.1.b(2), respectively]	← e(3)(a) →	— — — —
Athletic director or head coach contract if: • total value over the entire term of the contract exceeds \$2.0 million; OR • term exceeds 5 years.	← e(3)(b)i →	Athletic director or head coach contract if: • total value over entire term of the contract is \$2.0 million or less; AND ... • term is 5 years or less. [<i>President approves, and Chancellor gets prior notice.</i>]
Assistant coach contract if: • total value over the entire term of the contract exceeds \$1.0 million; OR • term exceeds 3 years.	← e(3)(b)ii →	Assistant coach contract if: • total value over the entire term of the contract is \$1.0 million or less; AND ... • term is 3 years or less. [<i>President approves, and Chancellor gets prior notice.</i>]
Health-related institution faculty contract if: any of the general thresholds shown above are exceeded ... but a process for quick approval is provided when needed.	← e(3)(c) →	Health-related institution faculty contract if: none of the general thresholds provided in Sec. 07.12.3.e(2) are exceeded.

Chapter 08 – Facilities

Date last revised: 05-18-2018

[see last page of chapter for list of amendments adopted]

08.00 **Definitions.** For the purposes of this chapter, the following definitions are assigned:

- 08.00.1 “Facility” or “facilities” shall mean: Any building(s) or structure(s), any improved or unimproved land, or any part of any such building(s), structure(s), or land that is owned, used, or occupied by the TTU system.
- 08.00.2 “FP&C Office” and “FP&C” shall mean: The Office of Facilities Planning and Construction, a division of the TTU system administration.
- 08.00.3 “FP&C vice chancellor” shall mean: The vice chancellor of Facilities Planning and Construction.
- 08.00.4 “University Public Art Committee” or “UPAC” shall mean: The committee that functions as a standing advisory committee to oversee the Public Art Collection and that develops and selects works of art for purchase or commission using funds designated for that purpose by Section 08.02.3, *Regents’ Rules*.
- 08.00.5 “Public Art Collection” shall mean: All works of art purchased using the funds designated for that purpose by Section 08.02.3, *Regents’ Rules*, and select public works of art that have been donated specifically to the Public Art Collection or which predate the Public Art program’s care at the time of its inception. Excluded from the Public Art Collection are works of art owned or held by the Museum of Texas Tech University, the National Ranching Heritage Center, and any other institutional galleries or museum entities owned or maintained by the TTU system or funded by means other than the funds designated for that purpose by Section 08.02.3, *Regents’ Rules*.

08.01 Construction program

08.01.1 Construction procurement methods. The TTU system shall use the procurement methods set forth in Chapter 51, *Texas Education Code*, "Construction and Repair of Permanent Improvements" (as amended or modified) for all construction or renovation projects as follows:

- a. Competitive Bidding – per Section 51.778, *Texas Education Code*;
- b. Design-Build – per Section 51.780, *Texas Education Code*;
- c. Construction Manager-Agent – per Section 51.781, *Texas Education Code*;
- d. Construction Manager-at-Risk – per Section 51.782, *Texas Education Code*;
- e. Competitive Sealed Proposals – per Section 51.783, *Texas Education Code*; and
- f. Job Order Contracts for minor construction, repair, rehabilitation, or alterations – per Section 51.784, *Texas Education Code*.

08.01.2 Authorization. Construction projects are either new construction projects or repair and renovation projects, and each category of construction projects shall be governed as follows:

- a. Major projects are construction projects with a total budget of \$2,000,000 or more. These projects are governed by Section 08.01.3, *Regents' Rules*.
- b. Minor projects are construction projects with a total budget of less than \$2,000,000. These projects are governed by Section 08.01.4, *Regents' Rules*.

08.01.3 Major construction projects. Major construction projects include: new construction projects and repair and renovation projects with a total project budget of \$2,000,000 or more.

- a. For major construction projects:
 - (1) Project activities prior to Board approval: The chancellor, or the chancellor's designated representative, upon the recommendation of the president if the project is being constructed for a component institution, may proceed with the following pre-construction activities before a project has received preliminary approval of the board under Section 08.01.3.a(3):
 - (a) identify funding from the entity for which the project is being constructed so that planning activities for the project may begin, with a preliminary estimate of the project budget (a budget goal) being provided along with the funding request;
 - (b) work with facility user representatives, as designated by the president if the project is being constructed for a component institution, to develop a preliminary scope of the project, which shall be known as an Owner's Project Requirements (OPR) document; and
 - (c) engage in other preliminary pre-construction planning activities through the use of pre-qualified service providers (such as surveyors, civil engineers, asbestos consultants, and so forth), with the commitments to such service providers not to exceed a cumulative total of \$100,000.
 - (2) Project activities for the feasibility study option: In addition to activities authorized under Section 08.01.3.a(1), the chancellor, or the chancellor's designated representative, upon the recommendation of the president if the project is being constructed for a component institution, may utilize the option of engaging an architect/engineer team (a design professional) for pre-construction feasibility study planning services before a project has received preliminary approval of the board under Section 08.01.3.a(3), subject to the following limitations:

- (a) the commitment to such a service provider shall not exceed a cumulative total of \$250,000 for the feasibility study phase of the project;
 - (b) the design professional shall be selected by means of a Request For Qualifications (RFQ) process, with advance notice provided to the Board prior to the RFQ being issued;
 - (c) no earlier than ten (10) days prior to the execution of such a contract with a design professional, the board shall be presented information that includes a preliminary project concept, the proposed feasibility study budget, and an overview of the selection process for the identified design professional that includes the information required under Section 08.01.3.a(3); and
 - (d) authorization in writing by the chair of the board's Facilities Committee, with notification to all board members, is required before a contract with the design professional may be executed.
- (3) Preliminary approval by the board: A preliminary project approval, to include a project planning budget, is required before an architect/engineer team, a construction manager-agent, or a construction manager-at-risk may be engaged for pre-construction services. (If an architect/engineer team was previously engaged under the provisions of Section 08.01.3.a(2) and if a change in this service provider is not deemed necessary, board approval at this stage constitutes an authorization for the architect/engineer team to continue providing pre-construction design services for the project.) When such preliminary project approval is requested, the board shall be presented information that includes a summary of the project concept, the proposed project planning budget, an estimated total project budget, and an overview of the selection process for each proposed external partner that includes the following information:

- (a) Initial Submittal Phase:
 - i. weighted grading criteria used in the initial selection phase;
 - ii. names of all submitting firms;
 - iii. grading of the initial submittals by the members of the selection committee; and
 - iv. a summary of the scores.
- (b) Interview Phase:
 - i. weighted grading criteria for this phase;
 - ii. names of firms selected to interview for this phase;
 - iii. scoring of each firm by the members of the selection committee; and
 - iv. summary of final scores from the Interview Phase.
- b. Approval to proceed with construction: For major construction projects, when approval to proceed with the construction phase of a project is requested, the board shall be presented information that includes the project design, the proposed project budget, and a detailed summary of proposed fees, cost, included and excluded consultants (for design professionals), proposed bonding, and general conditions (for construction managers) for each selected external partner. The chancellor or the chancellor's designated representative, upon the recommendation of the president, shall obtain the approval of the board prior to proceeding with the following actions as applicable to the project:
 - (1) approve a total project budget;

- (2) proceed with design development and construction documents;
 - (3) submit required reports to the Texas Higher Education Coordinating Board;
 - (4) solicit and accept construction bids or proposals;
 - (5) award a construction contract or execute a Guaranteed Maximum Price contract amendment; and
 - (6) amend any associated existing contracts to reflect the remaining scope of the project as well as construction management services for the project.
- c. Board approval: combining steps in the process; dividing projects.
 - (1) Any of the steps listed in Section 08.01.3.b may be combined in the board approval process. The board, however, may choose to retain control over any or all of the steps listed above in the board approval process.
 - (2) Projects shall not be divided for the purpose of falling within a lower level of approval.
- d. The chancellor's designated representative for major construction projects shall be the FP&C Office. All major construction projects shall be managed by the FP&C Office.
- e. The board may choose to employ an outside entity that supplies Construction Manager-Agent Services to assist the FP&C Office.
- f. All major construction projects that have a construction cost of more than \$10,000,000 shall be conducted under the auspices of the FP&C Office but with the assistance of a Construction Manager-Agent unless the board approves an exception.

- g. The following changes to a major construction project require re-approval by the board and may require re-submission of a report to the Texas Higher Education Coordinating Board:
 - (1) the total cost of a project exceeds the board-approved budget;
 - (2) the TTU system administration or the component institution has not contracted for the project within 18 months of the date of final approval by the board; or
 - (3) any funding source of an approved project is changed.
- h. Even though the overall amount of a project budget may not increase, any amount for an architect/engineer team, a construction manager-agent, or a construction manager-at-risk that will exceed the budgeted amount approved by the board shall be reported to the board prior to execution of the related amendment to that contract.
- i. At each regular meeting of the board, a summary of each major construction project in progress shall be provided to the board that includes photos of the project and the status of the project's schedule and budget.

08.01.4 Minor construction projects. Minor construction projects include: new construction projects and repair and renovation projects with a total project budget less than \$2,000,000.

- a. The chancellor or the president, as applicable, or their designated representatives, are authorized to proceed with any minor construction project.
- b. The physical plant officers of the component institutions bear responsibility for management of minor construction projects as defined above. The FP&C Office maintains a database of the larger projects managed by the FP&C Office. In order to maintain a more complete database, the physical plant officers, on a quarterly basis, should report the name, projected completion date, general scope and budget of significant new construction and repair and rehabilitation projects under their

management for inclusion in the FP&C data base. This provision does not encompass the reporting of routine maintenance activities.

- c. If changes in a minor construction project cause the project budget to fall within the definition of a major construction project, then:
 - (1) the FP&C Office must be notified as soon as the revised total project cost is identified; and
 - (2) in accordance with Section 08.01.3, the project must be brought to the board for approval.

08.01.5 Procurement procedures. All major and minor construction projects not classified as emergency actions and construction projects not performed by TTU system personnel will be competitively procured in accordance with the methods set forth in Chapter 51, *Texas Education Code*, (as amended or modified). In addition, all such projects must be procured in accordance with TTU system policies, state purchasing regulations, and other applicable laws.

08.01.6 Contract execution. The chancellor or the president, as applicable, or their designated representatives, shall execute all construction contracts as authorized by the board.

08.01.7 Emergency actions.

- a. If the chancellor, on the recommendation of the president, declares a major construction project to be an emergency or that exigent circumstances exist and it is not feasible or practical to convene a quorum of the board within the time in which action is needed, the board authorizes the chair of the board or the chair of the Facilities Committee to approve all necessary actions. Any emergency actions taken must be reported to the board at its next meeting.
- b. Notwithstanding Section 08.01.3.h(2), *Regents' Rules*, when an emergency or exigent circumstances exist such that immediate action to address life, health or safety risks is required for a major project that is under construction, the board authorizes

the chancellor to approve the use of any contingency funds designated for the project for activities necessary to address the risks. Subsequently, approval of the use of such contingency funds shall be documented in writing and reported to the board.

08.01.8 Wage rate schedule. As required by Section 2258.022, *Texas Government Code*, (as amended or modified), the TTU system administration will determine the prevailing wage rates for the geographic areas where work is to be performed and include the appropriate schedule of prevailing wages in the specifications for each construction contract.

08.01.9 Project management fee. The FP&C Office shall receive a project management fee for all design and construction initiatives managed by the FP&C Office. This fee shall be used to support all FP&C operations.

a. Fee assessment. There are three components of the fee to be assessed by FP&C, as follows:

- (1) “Grandfathered” assessment. For all projects approved by the board prior to September 1, 2014, the fee shall be determined by the fee matrix in effect on that date for the project amount and type as initially approved by the board.
- (2) Project assessment. For any project with a budget of \$15 million or more, the fee shall be 2.4% of the initial project budget, as approved by the board. The fee assessed will be capitalized in the cost of the project, and the fee shall be assessed and collected based upon the following milestones:

<u>Milestone</u>	<u>% of fee to be collected</u>
Board approval.....	50%
Construction contract execution date	30%
Substantial completion date	20%

- (3) Base assessment. For all projects with a budget of less than \$15 million that are or will be administered by FP&C, the chief financial officer annually shall determine the actual budgets of such projects approved during the previous year plus the anticipated budgets of such projects that are planned for the next four years. The total of these project budgets for the five-year period shall be multiplied by 2.4%. Of this amount, 20% shall be allocated by the chief financial officer to the components for which the projects are being or will be constructed and then assessed for the FP&C base allocation.
- b. Fee administration. The project management fee shall be administered and managed by the FP&C vice chancellor and the chief financial officer.
- c. Annual review and adjustments. Each year, the project management fee and funding plan shall be reviewed during the operating budget process, and, with board approval, the fee may be adjusted when the board considers and approves the operating budgets.

08.02 Campus planning and enhancements

- 08.02.1 Campus master plans and accompanying architectural and site design guidelines shall be developed and approved by the board to guide campus development, unless the board approves an exception.
 - a. Architectural and site design guidelines, as developed and approved by the board, shall be adhered to for TTU system campuses.
 - b. Unless an exception is granted by the board, the TTU system Campus Master Plans shall guide new construction, new infrastructure, traffic and parking modifications, necessary demolition, enhancement of pedestrian space, and preservation efforts.
- 08.02.2 The component institutions' *Architectural and Site Design Guidelines*, as modified, shall guide development on all component institution

campuses, unless the board grants a specific exception for a particular project.

08.02.3 Public Art Program.

- a. The FP&C Office shall manage and be the chancellor's designated representative for the public art program. One percent of the original board approved total project budget of each major construction project, as defined in Section 08.01.3, will be allocated for the acquisition of original works of public art, unless an exception is approved by the board. These works of public art shall be located at or near the site of the construction project or, insofar as is permissible under Texas Tech policies and applicable to the source of funds, the funds may be aggregated and expended pursuant to a comprehensive art and aesthetic improvement plan, as approved by the board.
- b. Each fiscal year, the Public Art Manager in the FP&C Office shall prepare a prioritized list of recommended maintenance and conservation actions, both reactive and proactive, to be performed by qualified professionals under the coordination of the Public Art Manager. Each TTU system component institution shall be provided the list, and annually the president of each institution shall report to the board and chancellor the maintenance and conservation work that has been done, is in progress, or is planned.

08.02.4 University Public Art Committee.

- a. The chancellor, in consultation with the presidents, shall approve nominations of members to serve on the University Public Art Committee ("UPAC") to recommend major public art acquisitions. The nominations provided to the chancellor and presidents shall be submitted by the UPAC. The UPAC shall be composed of the FP&C vice chancellor, the Public Art Manager, students, faculty, and staff of the TTU system, individuals from the communities surrounding the various campuses of the component institutions, and professional artists who are alumni of a component institution of the TTU system. The president of the appropriate component institution shall appoint a representative to the UPAC for the selection of

works of public art for inclusion in a major construction project on a case by case basis.

- b. The UPAC will review all proposed new commissions of campus public art and take into consideration the Campus Master Plan, the cost of installation, maintenance requirements, and other factors deemed appropriate by the UPAC. The UPAC shall provide a final recommendation to the respective president for the inclusion of the artwork in the Public Art Collection.
- c. Proposed gifts to the public art program must be made in accordance with the respective institution's operating policies and procedures. To qualify for acceptance, such proposed gifts must meet the UPAC's acquisition criteria and standards. The UPAC shall review each proposed gift of public art, and this review shall take into consideration the following factors: the Campus Master Plan; the cost of installation; maintenance requirements; and any other factors deemed appropriate by the UPAC. If the UPAC votes to recommend acceptance of a proposed gift for inclusion in the Public Art Collection, the Public Art Manager shall provide a final recommendation to the respective president regarding the gift's inclusion in the Public Art Collection.
- d. Except as provided in Section 08.02.4.e, herein, the respective president shall make a recommendation to the chancellor regarding proposed new artwork, and the chancellor shall make the final determination of whether the proposed new artwork is to be included in the Public Art Collection.
- e. Inclusion of an honorary statue, sculpture, or other artistic representation in the Public Art Collection.
 - (1) If a proposed new commission of campus public art (per Section 08.02.4.b, herein) or a proposed gift to the public art program (per Section 08.02.4.c, herein) involves an honorary statue, sculpture, or other artistic representation that depicts one or more specific individuals, or that otherwise honors any specific individual, group, foundation, corporation, or other business entity:

- (a) the UPAC shall conduct its review and make its recommendation in accordance with Section 08.02.4.b or Section 08.02.4.c, as appropriate;
 - (b) the respective president shall make a recommendation to the chancellor;
 - (c) the chancellor shall make a recommendation to the board; and
 - (d) the board shall grant the final approval of the proposed new statue, sculpture, or other artistic representation.
- (2) For the purposes of this subdivision, a statue, sculpture, or other artistic representation includes any such work of art that:
- (a) is planned and executed with the specific intention of being sited, staged, or exhibited permanently in or on any building or structure, any improved or unimproved land, or any part of any such buildings, structures, or land that is owned, used, or occupied by the TTU system;
 - (b) is accessible to the public.
 - (c) is not a work of art that is or will be owned or held by the Museum of Texas Tech University, the National Ranching Heritage Center, or any other institutional gallery or museum entity owned or maintained by the TTU system.
- (3) In unusual and unforeseen circumstances, the board reserves the right to rescind a previous approval and require the removal of an honorary statue, sculpture, or other artistic representation.

- 08.02.5 Landscape Enhancement Program. The FP&C Office shall manage and be the chancellor's designated representative for the landscape enhancement program. One percent of the original board approved total project budget of each new major construction project will be allocated to the enhancement of exterior landscape, hardscape, and waterscape features unless an exception is granted by the board. These enhancements shall be located either at or near the site of the construction project or, insofar as is permissible under Texas Tech policies and applicable to the source of funds, the funds may be aggregated and expended pursuant to a comprehensive art and aesthetic improvement plan, as approved by the board.
- 08.02.6 Combining programs. The chancellor or the chancellor's designated representative may combine the landscape enhancement and public art allocations for a single acquisition when such a combination is appropriate and necessary to meet the unique requirements of a specific project.
- 08.02.7 Private development. Prior approval of the board is required for the private development of TTU system land.
- 08.03 **Preservation of campus buildings and landmarks.** The board may provide for the preservation of buildings and landmarks because of their historical significance, unique architecture, or other significant reason. Such preservation efforts shall be in accordance with the Campus Master Plan.
- 08.04 **TTU system building cornerstones and plaques**
- 08.04.1 Cornerstones. A cornerstone shall be placed on each new building and each major addition at the time it is constructed. The cornerstone shall show the year the building was completed and may contain memorabilia appropriate at the time of construction.
- 08.04.2 Building plaques. A plaque shall be required with each major construction project. The plaque shall show, as of the date of board approval of the project, the following:
- a. the name of the building (see Section 08.05, *Regents' Rules*, for further information on naming of buildings and facilities);

- b. the names of the chair, the vice chair, and the other board members serving at that time, arranged in alphabetical order;
- c. the names of those occupying the following positions at that time:
 - (1) the chancellor, and
 - (2) the president of the appropriate component institution.
- d. the design-professional firm;
- e. the general contractor, the construction manager-at-risk, or the design-build firm; and
- f. the year the construction project was approved.

08.04.3 Recognition plaques. All recognition plaques shall comply with all operating policies governing such plaques that are in effect at the time the plaque is installed.

08.04.4 Building demolition. Upon the demolition of a building, its cornerstone and/or plaque shall be removed and held in the archives of the TTU Southwest Collection or in another appropriate location. Upon the construction of a new building on the site of the former building, the cornerstone and/or plaque from the former building shall be placed in an appropriate location inside the new building, along with an appropriate historical notation.

08.05 **TTU system buildings and facilities naming**

08.05.1 General. The board, upon the recommendation of the president and the chancellor, shall approve the naming of all buildings, auditoriums, rooms, laboratories, streets, athletic fields, landscape features, and other facilities within the TTU system. All new buildings should be named, wherever practicable, at the time the board approves the project.

- a. An individual, foundation, or corporation providing funding to build new facilities, to renovate or expand existing facilities, or to provide an endowment for the support of a facility or fa-

cility-based program of the TTU system may have an area named after the donor provided 50% of the cost of the designated area and/or equipment therein is contributed by the donor. For new construction, renovation or expansion, the 50% threshold applies to the estimated construction cost as verified by the vice chancellor for facilities planning and construction and approved by the board. The estimated construction costs shall be comprised of site preparation, building foundations, the building envelope, interior finishes, and the mechanical / electrical / plumbing infrastructure within five feet of the building footprint. Estimated construction costs shall exclude building demolition. To name an existing facility, the 50% threshold applies to the estimated replacement cost of construction of the facility to be named, as verified by the vice chancellor for facilities planning and construction.

- b. Academic buildings shall be named based on the major academic use of the building.
- c. Residence halls may be named for a person, provided the individual is not a faculty member, administrator, or other employee or state officer who is actively affiliated with the TTU system at the time the building is named.
- d. Subunits of buildings (auditoriums, offices, reading rooms, libraries, conference rooms, laboratories, and so forth) may be named after an individual who, as an employee, has provided exemplary service to the TTU system or who, as a volunteer, has avidly pursued a program of excellence for a department, school, or college or for the TTU system, the State of Texas, or the United States of America.
- e. Streets and designated landscape features may be named after individuals or groups of individuals who have brought honor and distinction to the institution.
- f. Athletic, recreational, and other auxiliary enterprise facilities or areas may be named after a donor(s) or family who wish to donate a gift equal to a minimum of 50% of the estimated construction cost of the facility or area, as verified by the vice chancellor for facilities planning and construction.

- g. All donor recognition within a facility requires a gift that is made at a minimum \$10,000 level.
- h. Perimeter campus monument, directional and/or building signage shall comply with respective campus operating policies related to signage. Any proposed variances to these standards shall be approved by the chancellor and approved by the board.

08.05.2 Naming restrictions.

- a. In no case shall a campus site, structure, or facility bear the name of more than two individuals, one foundation, or one corporation.
- b. No more than one professional title may be included in a naming, and no individual's name may include student organization names or class years in the naming of an area.
- c. A gift originally intended to fund a specific facility that the TTU system is no longer planning to construct, expand or renovate may be used or applied to a naming of an alternate facility as approved by the chancellor, with prior notification to the board.
- d. Spendable earnings of endowments or any other internal funds may not be utilized or transferred to meet the criteria for a naming unless approved by the chancellor, with prior notification to the board.
- e. Prior to the presentation of any gift agreement to a donor, the proposed naming, which must be in accordance with the naming provisions of the *Regents' Rules*, must be approved by the chancellor or the chancellor's designee.

08.05.3 Name changes. The board, upon the recommendation of the president and the chancellor, shall approve any change in the name of existing or planned facilities.

- 08.05.4 Removal of a naming. In unusual and unforeseen circumstances, the board reserves the right to remove a previously-approved naming of a facility.
- 08.05.5 Board advance notification. The chancellor shall provide advance notice to the chair and vice chair of any proposed naming associated with a gift to the Texas Tech Foundation, Inc.
- 08.05.6 Board approval. All namings and name changes requiring the approval of the board must receive approval from the board before the naming or name change can be announced.
- 08.05.7 Exceptions. The board may make exceptions to any of the naming provisions in Section 08.05.
- 08.06 **Construction code and standard requirements.** All design, materials, and construction shall conform with the applicable requirements of the most current editions adopted by the local municipalities in whose jurisdiction the project is located and/or as determined by project requirements (unless otherwise noted), including but not limited to the following published documents:
 - 08.06.1 Adopted codes and standards:
 - a. International Building Code (IBC);
 - b. International Energy Conservation Code (IECC);
 - c. International Fire Code (IFC);
 - d. International Plumbing Code (IPC);
 - e. International Electrical Code Administration Provisions (IECAP);
 - f. NFPA 101, Life Safety Code (including references to the National Electrical Code) — editions adopted by the State Fire Marshal's Office;

- g. National Fire Protection Association (NFPA) Codes and Standards — editions adopted by the State Fire Marshal's Office;
- h. State Fire Marshall's Office (SFMO);
- i. ANSI/ASME A17.1 – Safety Code for Elevators and Escalators — edition adopted by the Texas Department of Licensing and Regulation (TDLR);
- j. ANSI Z136.1 Standards for Safe Use of Lasers;
- k. Factory Mutual Global or current insurance carrier;
- l. United States Environmental Protection Agency (EPA) regulations;
- m. ASHRAE Standard 90A, B, &C – Energy Conservation in New Building Design;
- n. ASHRAE Standard 62 – Ventilation for Acceptable Indoor Air Quality;
- o. United States Department of Health, Public Health Service regulations and guidelines;
- p. State statutes regulating, but not limited to, the following;
 - (1) asbestos;
 - (2) boilers;
 - (3) control of radiation;
 - (4) energy consumption;
 - (5) fire escapes;
 - (6) fire alarms;
 - (7) plumbing fixtures; and
 - (8) elevators.

- q. Elimination of Architectural Barriers — Chapter 469, *Texas Government Code*;
- r. Americans with Disabilities Act (ADA) – Accessibility Guidelines for Buildings and Facilities (as amended);
- s. United States Department of Labor Occupational Safety and Health Administration (OSHA) regulations;
- t. Texas Commission on Environmental Quality (TCEQ);
- u. State Energy Conservation Office (SECO);
- v. operating policies and procedures of the TTU system component institutions;
- w. Biosafety in Microbiological and Biomedical Laboratories (BMBL), HHS Publication No. (CDC) 21-112; and
- x. TTU system design and construction standards, including but not limited to the TTU system architectural and site design guidelines per Sections 08.02.1 and 08.02.2, *Regents' Rules*.

08.06.2 Other applicable codes. Any other applicable codes deemed necessary by the project's nature shall be specified during the design process.

08.07 TTU system space and facilities use

- 08.07.1 Prioritization. With the exception of free expression activities as outlined in the component institutions' policies, TTU system space and facilities are available according to the following priorities:
- a. regular institutional programs;
 - b. programs sponsored and conducted by the TTU system and/or a component institution's academic and administrative departments or organizations which are affiliated with such departments;

- c. activities that have as their purpose service or benefit to the TTU system community and that are sponsored by a registered student organization;
- d. lease of space or facilities to organizations that serve or benefit the academic, research, student life, or business functions of the TTU system; and
- e. other lease of space or facilities to individuals or organizations in accordance with the institution's operating policies.

08.07.2 Each component institution may designate certain facilities containing space particularly amenable to community outreach for private events as "Community Cultural Facilities." Examples of Community Cultural Facilities include, but are not limited to, the Museum of Texas Tech University, TTU's National Ranching Heritage Center, TTU's International Cultural Center, and some athletic facilities.

- a. Guidelines for rental and use of facilities designated as Community Cultural Facilities include:
 - (1) The component institutions are authorized and encouraged to make Community Cultural Facilities available for rental by individuals or groups for the following types of events:
 - (a) private events (such as weddings, wedding receptions, anniversaries, birthday parties, business receptions, and similar events); and
 - (b) functions for local entities designated as charitable organizations under IRC Section 501(c), including fund raising events for such organizations.
 - (2) Community Cultural Facilities may not be rented or used for political activities or free expression activities. Free expression activities are governed by institutional policies.

- b. The component institutions, with input from the directors of the respective Community Cultural Facilities, shall promulgate policies and procedures for the rental and use of each Community Cultural Facility that are consistent with good stewardship of the facility in keeping with the mission of the institution's department with regards to the following:
 - (1) available times and space for events;
 - (2) rental fees, which must be at fair market value based on the nature of the event;
 - (3) event capacity; and
 - (4) service of food and/or alcoholic beverages.

08.07.3 Non-profit organizations. Office space and other assistance including, but not limited to, utilities, telephone service, custodial service, maintenance and use of the component institution's services may be provided to non-profit organizations that exist for the purpose of supporting the educational undertaking of the TTU system or its component institutions, thereby serving a public purpose, provided the provision of such space and assistance is not otherwise prohibited by law. Organizations authorized for this support include, but are not limited to:

- a. Museum of Texas Tech University Association;
- b. National Ranching Heritage Association;
- c. Texas Tech Alumni Association;
- d. Texas Tech Association of Parents;
- e. Texas Tech Foundation;
- f. Texas Tech University Federal Credit Union;
- g. Texas Tech Physicians Association;
- h. Angelo State University Foundation;

- i. Carr Scholarship Foundation;
- j. ASU Alumni Association;
- k. Angelo State Athletic Foundation;
- l. Houston Harte Foundation;
- m. ASU Friends of Art and Music Education;
- n. Friends of the Porter Henderson Library & West Texas Collection;
- o. College of Professional Studies Foundation in Excellence; and
- p. other organizations approved by the component institution's president.

08.07.4 Department of Athletics facilities — TTU and ASU.

- a. The playing fields and other facilities under the control of the TTU and ASU Departments of Athletics are available for the following uses:
 - (1) Department of Athletics events;
 - (2) TTU and ASU band and spirit activities;
 - (3) High School Band Day and band competitions;
 - (4) High school athletic events;
 - (5) physical education classes;
 - (6) intramural playoffs between leagues;
 - (7) academic convocations of the TTU system;
 - (8) Special Olympics, Para-Olympics, and similar events; and
 - (9) charitable and other events, as approved by the president.

- b. Expenses incurred. Responsibility for expenses incurred for cleaning, provision for security officers, and any other expenses will be mutually determined by the director of intercollegiate athletics and the sponsor of the activity proposing to use the facility.
- c. Approved use. The director of intercollegiate athletics is responsible for determining whether use of the athletics facilities falls within the scope of the above policy

08.07.5 Alcoholic beverages.

- a. Each component institution shall develop operating policies regarding the sale or complimentary service of alcoholic beverages at any TTUS facility.
- b. Each component's institutional policy shall include, and shall be deemed to include (whether explicitly stated or not), the following minimum requirements:
 - (1) Any sales or complimentary service of alcoholic beverages shall comply with federal, state, and local laws regarding the possession, consumption, and distribution of alcoholic beverages.
 - (2) Any event in which alcoholic beverages are to be served on a complimentary basis shall be pre-approved in writing by the head of the respective office or department sponsoring the event.
 - (3) All service of alcoholic beverages at any TTUS event shall be provided by a caterer or server(s) licensed by the Texas Alcoholic Beverage Commission to serve alcoholic beverages who provide proof of appropriate insurance coverage.
 - (4) Any agreement for sales of alcoholic beverages at a single TTUS event shall be with a third-party vendor holding all permits required by the Texas Alcoholic Beverage Commission and shall be approved in writing by the head of the sponsoring office or department.

- (5) Any agreement to license the sale of alcoholic beverages by a third-party vendor at or in conjunction with any intercollegiate athletic event at a TTUS facility shall be approved by the board. Any other agreement to license sales of alcoholic beverages by a third-party vendor on a term or multi-event basis shall be approved by the president of the component institution that is responsible for the facility or facilities involved. Before any such approval is granted, the president shall notify the chancellor and the board of the proposed agreement.
 - (6) No department or office of the TTU system shall be licensed to sell alcoholic beverages unless such sales activity is a necessary component of the department's or office's approved academic curriculum (for example, the Department of Restaurant, Hotel and Institutional Management in TTU's College of Human Sciences). Before any such application is submitted, the approval of the department chair or head of the academic unit involved, the dean of the college or school, and the president of the respective component institution shall be obtained.
- c. Renewed or revised policies required by this section adopted by a component institution subsequent to board approval of this provision shall be subject to the prior approval of the board. Thereafter, any substantive change in the component institution's policies shall be subject to approval by the board.

08.08 On-campus speakers

- 08.08.1 Operating policies. Each component institution of the TTU system shall develop operating policies necessary for the administration of free speech activities, including placing reasonable restrictions upon the time, place, and manner of on-campus speech.
- 08.08.2 Freedoms. No individual or group shall be denied the right to speak within the physical confines of the TTU system solely on the basis of the views sought to be expressed by the speaker.

08.09 Handbills, leaflets, and advertising material distribution

- 08.09.1 Implementation policies. The operating manuals of each component institution shall contain such policies that may be necessary to implement the purpose of this policy or to otherwise provide for the orderly conduct of the academic institution.
- 08.09.2 General. Individuals and organizations, other than students, faculty, staff and organizations consisting solely of members of one or more of these classes of individuals, may not distribute handbills, leaflets or any other form of advertising media on campus. Free expression materials may be distributed in accordance with the component institution's policies.
- 08.09.3 Advertising. The distribution of advertising materials by individuals and organizations, other than students, faculty, staff and organizations consisting solely of members of one or more of these classes of individuals, is not permitted on TTU system property, even if conducted through student representatives, except as may be allowed by the advertising policies of the component institution's publications, such as authorized student newspapers and year books, or the Department of Intercollegiate Athletics.
- 08.09.4 United States mail. Individuals and organizations herein before described may make advertising media available to students, faculty and staff by utilizing the United States mail.
- 08.09.5 On-campus distribution. Students, faculty, staff, and organizations consisting solely of members of one or more of these classes of individuals may distribute advertising media on campus, subject to the following:
- a. The material is not in contravention of a published component institution's policy or a state or federal law; and
 - b. The information presented is accurate.
- 08.09.6 Automobiles. Media otherwise permissible under this policy that is to be distributed by an individual or group otherwise authorized under this policy may not be distributed by placement on or

around automobiles parked or in motion in the physical confine of the TTU system.

08.10 Solicitations

- 08.10.1 Policy administration. The operating policies of each component institution shall contain such policies and procedures as may be necessary for the administration of this policy.
- 08.10.2 Definition. "Solicitation" for the purposes of this policy is defined as requesting money, seeking a pledge or agreement to pay, taking subscriptions, or selling merchandise, tickets, or future interests.
- 08.10.3 Approved organizations. On-campus solicitations may be conducted only by students, faculty, staff or student organizations as demonstrated by a current and valid student or faculty/staff identification card and only as consistent with the operating policies of the component institution.
- 08.10.4 Solicitation exception. No solicitation is permitted within the TTU system buildings except as consistent with the component institution's operating policies.
- 08.10.5 Individual buildings. Solicitations in a component institution's student union or student center facility must be conducted under the terms and conditions established by the institutional office charged with administration of that facility. The terms and conditions shall give weight to these criteria: compatibility of the solicitation activity with the educational purpose of the institution; compatibility of the solicitation activity with the orderly operation of the student union/center facility; and the availability of space.
- 08.10.6 Residence halls. Solicitations in the residence halls must be conducted entirely from within the student's room or in an assigned public area. Solicitations within the student rooms require the consent of the roommate(s), and there may be no parties or group demonstrations to advertise a product. There can be no advertising on room doors or within the residence halls. Application for permission for solicitation privileges in the residence halls should be referred to the Director of Housing and Residence Life.

08.10.7 On-campus solicitations by organizations not associated with the TTU system. An on-campus solicitation may be made by an organization not associated with the TTU system if the organization is sponsored by a registered student organization and if the solicitations are for a community-wide benefit, such as a symphony, or for recognized and established charitable purposes.

08.10.8 Further guidelines. This policy does not apply to:

- a. The canvassing of their own membership by campus organizations in money-raising projects or in the sale of tickets to programs sponsored by them to their own membership is recognized as a permissible privilege which does not require approval through the procedures established in the policy. If the request for money is made to persons other than members of the organization, such as the sale of tickets at the door to the general public, the entire solicitation is not exempted and is subject to approval as a solicitations project;
- b. Solicitations are permitted through such public agencies as the United States Postal Service and advertisements in local newspapers, which include any authorized student newspapers, are not within the jurisdiction of this policy;
- c. Occasionally departments of the component institutions of the TTU system may wish to sponsor activities that have an educational value for students at the institution. Such activities by such departments should be approved by appropriate authorities of the component institution; and
- d. Solicitations by the Texas Tech Alumni Association within the Merket Alumni Center, the Texas Tech Museum, the ASU Alumni Association within the LeGrand Alumni and Visitors Center, and contract vending machines.

08.11 Solicitations and sale of publications

08.11.1 TTU system benefit. Solicitations for and sale of publications shall be conducted only to produce a direct and real benefit to the TTU system in fulfilling its primary educational mission.

- 08.11.2 Money raised. If the principal purpose of the solicitation project is to raise money, then the proposed use for the money so raised must be identified and the benefit to the educational, intellectual or cultural growth or development of the TTU system or its faculty, staff, or students specified.
- 08.11.3 Solicitations other than to raise money. Where the principal purpose of the solicitation is other than to raise money, a determination will be made as to whether the solicitation project will be approved based on the contribution of the project to the educational, intellectual, or cultural growth or development of the TTU system, its faculty, staff, or students.

Dates Approved or Amended:

-- *Comprehensive review/amendments*02-28-2014

-- <i>Amendments</i>	12-12-2014	<ul style="list-style-type: none"> • §08.01.9 – revised FP&C fees • §08.02.4.e – added honorary statue policy • §08.07.5 – added alcohol policy
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-- *Amendments*

- 10-20-2017
- §08.01.2 – replaced a provision that applied mainly to major construction projects with a general statement regarding the thresholds for major and minor projects and the *Regents' Rules* section that governs each
 - §08.01.3 – comprehensive overhaul of provisions that govern the approval processes for major projects
 - §08.01.7 – added a provision that allows the chancellor to approve the use of any contingency funds for a project when immediate action is required to address a life, health or safety risk

-- <i>Amendments</i>	05-18-2018	<ul style="list-style-type: none"> • §08.01.3.a – added feasibility study option
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Chapter 09 -- Investments and Endowments

Date last revised: 10-09-2015

[see last page for list of amendments adopted]

09.00 Chapter definitions.

- 09.00.1 "IAC" means the Investment Advisory Committee.
- 09.00.2 "LTIF" means the Long Term Investment Fund.
- 09.00.3 "SITIF" means the Short/Intermediate Term Investment Fund.
- 09.00.4 "CIO" means the Chief Investment Officer of the TTU system.
- 09.00.5 "Treasurer" means the Assistant Vice Chancellor of Treasury & Cash Management of the TTU system.

09.01 Roles and responsibilities.

- 09.01.1 Investment Advisory Committee. The IAC is a special committee of indefinite duration as authorized by the board and is charged with the following duties and responsibilities:
 - a. To meet at least quarterly with the CIO, investment counsel, investment managers and other appropriate TTU system officers and staff for the purpose of reviewing and consulting with these parties and advising the board and the board of directors of the Texas Tech Foundation on asset allocation, investment policy and performance; and
 - b. For identifying fund managers, monitoring the performance of investments, evaluating fund manager performance and developing and recommending an asset allocation for the LTIF.

- 09.01.2 Investment consultant. The investment consultant shall assist the board, the IAC, and all investment officers in developing and modifying policy objectives and guidelines, including the development of asset allocation strategies, recommendations on long-term asset allocation and the appropriate mix of investment manager styles and strategies. The consultant also shall provide assistance in investment manager searches and selection, and in investment performance calculation, evaluation, and analysis. The consultant shall provide timely information, written and/or oral, on investment strategies, instruments, investment managers and other related issues, as requested by the board, the IAC, or any investment officer.
- 09.01.3 Chief investment officer.
- a. The CIO is responsible for the day-to-day investment activities related to the LTIF. The CIO recommends to the board and IAC changes to the investment program as warranted.
 - b. The CIO, based on a recommendation from the IAC, is responsible for actual asset allocation, subject to the limitations and ranges designated in the applicable investment policy statement.
 - c. The board delegates to the CIO the authority to:
 - (1) make investments recommended by the IAC; and
 - (2) increase the amount of funds committed to existing investment managers.
- 09.01.4 Treasurer. The Treasurer is responsible for the day-to-day investment activities related to the SITIF, with reporting responsibilities and delegated authority as defined in the Investment Policy Statement for the Short/Intermediate Term Investment Fund.
- 09.01.5 Investment managers. The duties and responsibilities of each of the investment managers retained by the board include:

- a. Managing the assets under its management in accordance with the policy guidelines and objectives expressed herein.
- b. Meeting or exceeding the manager specific benchmarks established by the CIO or Treasurer.
- c. Exercising investment discretion within the guidelines and objectives stated herein; and such discretion includes decisions to buy, hold or sell securities in amounts and proportions reflective of the investment manager's current investment strategy and as compatible with the investment objectives.
- d. Complying with all provisions pertaining to the investment manager's duties and responsibilities as a fiduciary, with fund assets being invested with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent professional investment manager, acting in a like capacity and familiar with such matters, would use in the investment of TTU system assets.
- e. Using best efforts to ensure that portfolio transactions are placed on a "best execution" basis.
- f. Exercising ownership rights, where available, through proxy solicitations, doing so strictly for the economic benefit of the LTIF or SITIF, as applicable.
- g. Meeting with the CIO and IAC or Treasurer at least annually or more frequently upon request; additionally, each investment manager shall report to the IAC, investment consultant, CIO, and/or Treasurer as outlined in the specific SITIF and LTIF investment policy statements.
- h. Acknowledging in writing to the CIO/Treasurer the investment manager's intention to comply with Section 09.01.5, *Regents' Rules*, as it currently exists or as modified in the future.

09.01.6 Bank custodian(s). The board shall select one or more unaffiliated custodian bank(s) that will be responsible for performing the following functions:

- a. accept daily instructions from designated investment staff;
- b. advise designated investment staff daily of changes in cash equivalent balances;
- c. immediately advise designated investment staff of additions or withdrawals from the custodial account;
- d. notify investment managers of proxies, tenders, rights, fractional shares or other dispositions of holdings;
- e. resolve any problems that designated investment staff may have relating to the custodial account;
- f. maintain safekeeping of securities;
- g. collect interest and dividends;
- h. perform daily cash sweep of idle principal and income cash balances;
- i. process all investment manager transactions;
- j. collect proceeds from maturing securities;
- k. disburse all income or principal cash balances as directed;
- l. provide monthly statements by investment account and a consolidated statement of all assets;
- m. work with the investment consultant and the TTU system accountant to ensure accuracy in reporting;
- n. manage the securities lending program; and
- o. provide written statements revealing monthly reconciliation of custody and investment managers' accounting statements.

09.02 **Short/Intermediate Term Investment Fund.** The policies for the investment of funds for the SITIF shall be those outlined in the INVESTMENT POLICY STATEMENT FOR THE SHORT/INTERMEDIATE TERM INVESTMENT FUND.

09.02.1 Investment authority. The *Texas Education Code* provides that the TTU system shall invest all funds in accordance with the prudent person standard. The prudent person standard requires making investments that prudent investors, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment.

09.02.2 Investment concept. The SITIF shall employ a total return philosophy. Under such a concept, realized gains and losses will be recorded.

09.02.3 Authorized investment officers.

a. The chief financial officer is the authorized investment officer. At each August meeting, the board will delegate its authority, as necessary, to authorize and approve the sale, purchase, and transfer of stocks, bonds, and other securities, or authorize investment agreements with approved investment managers, funded with assets that are owned or controlled by the TTU system as part of the SITIF, provided such action is approved by any two of the officers listed below:

- (1) chief financial officer;
- (2) Treasurer;
- (3) CIO;
- (4) chief fiscal officers of the component institutions; or
- (5) designated investment staff.

- b. One of the following two officers must approve the sale of instruments contributed to the TTU system: vice chancellor for institutional advancement; or legal counsel for institutional advancement.

09.02.4 Potential conflicts of interest. An investment officer referenced in Section 09.02.3.a, *Regents' Rules*, is not permitted to have a personal business relationship with an entity seeking to sell an investment to the TTU system. An investment officer referenced in Section 09.02.3.a, *Regents' Rules*, who is related within the second degree of affinity or third degree of consanguinity (see the chart in Section 03.01.8, *Regents' Rules*) to an individual seeking to sell an investment to the TTU system shall file a statement disclosing that relationship. A statement required under this section of the policy statement must be filed with the board and the Texas Ethics Commission.

09.02.5 Securities dealer selection.

- a. The TTU system may rely on the information and advice of securities sales representatives concerning proposed investments, investment timing and pricing. It is essential that the TTU system have sufficient knowledge about the securities firms and personnel with whom they are doing business. Firms that are unwilling to provide complete and timely disclosure of their financial conditions will not be utilized.
- b. The following will be considered in the selection of securities firms:
 - (1) The ability of the securities dealer to fulfill commitments as evidenced by capital strength, liquidity and operating results. This evidence shall be gathered from current financial data, annual reports, credit reports, and other sources of financial information. The securities dealer will exhibit a minimum capital requirement of \$50 million.
 - (2) The dealers' general reputation for financial stability and fair and honest dealings with customers.

- (3) Information available from state or federal securities regulators and securities industry self-regulatory organizations, such as the National Association of Securities Dealers, concerning any formal enforcement actions against the dealer, its affiliates or associated personnel.
 - (4) A review of the background of the sales representative with whom business will be conducted in order to determine experience and expertise.
- c. A copy of Section 09.02.5, *Regents' Rules*, shall be provided to all securities dealers seeking to conduct securities transactions with the TTU system.
 - d. The TTU system shall make reasonable, good faith efforts to include woman-owned and minority-owned businesses in its investment process. For purposes of this policy, a minority-owned business is a business entity in which 51% of the ownership interests in the entity are held by one or more minority group members, and a woman-owned business is a business entity in which at least 51% of the ownership interests in the entity are held by one or more women.

09.02.6 Investment training. The officers identified in Section 09.02.3.a, *Regents' Rules*, shall attend at least one training session per year that addresses the responsibilities of the investment officers. The training should include education in investment controls, security risks, strategy risks, market risks, and compliance with certain state statutes and this policy statement. The chief financial officer shall be notified of the completion of the required training by the investment officers.

09.02.7 Internal management reports. Not less than quarterly, the chief financial officer shall prepare and submit to the chair, the chair of the Finance and Administration Committee, the chancellor, and the presidents of the component institutions a report of the status of investments.

- a. The report shall:
 - (1) describe the investment position of the SITIF; and

- (2) summarize the following:
 - (a) the beginning market value of the reporting period;
 - (b) additions and changes to the market value during the period;
 - (c) ending market value for the period;
 - (d) the book value and market value of investments at the beginning and the end of the reporting period by type of asset invested; and
 - (e) the compliance of the SITIF investments as they relate to this policy statement.

- b. The chief financial officer shall, at the beginning of each fiscal year, present a report to the board of the investments of the TTU system during the preceding fiscal year. The report will summarize all investment activity for the year, including total investment income and annual investment rate of return.

09.03 **Long Term Investment Fund (Endowment).** The policies for the investment of funds for the LTIF shall be those outlined in the INVESTMENT POLICY STATEMENT FOR THE LONG TERM INVESTMENT FUND.

09.04 **Proxy voting.**

09.04.1 Responsibility for the exercise of ownership rights through proxy solicitations shall rest solely with the investment managers, who shall exercise this responsibility strictly for the economic benefits of the SITIF and/or LTIF. Investment managers shall annually report to the CIO standing policies with respect to proxy voting, including any changes that have occurred in those policies.

09.04.2 Additionally, investment managers shall provide a written annual report of the proxy votes for all shares of stock in companies held in the SITIF and/or LTIF investment program. These reports shall specifically note and explain any instances where proxies were not voted in accordance with standing policy.

- 09.05 **Directed commissions.** Investment managers shall use their best efforts to ensure that portfolio transactions are placed on a “best execution” basis. Additionally, arrangements to direct commissions should only be implemented by specific authorization of the CIO.
- 09.06 **Commingled funds.** The board, in recognition of the benefits of commingled funds as investment vehicles (i.e., the ability to diversify more extensively than in a small, direct investment account and the lower costs that can be associated with these funds) may elect to invest in such commingled funds from time to time. The board recognizes that it cannot give specific policy directives to a commingled fund with pre-established policies; therefore, the board is relying on the CIO and the IAC to assess and monitor the investment policies of any commingled funds used by the TTU system.
- 09.07 **Mineral leases.** It is the intent of the board to lease oil, gas, sulfur, ore, water, and other mineral interests of the TTU system for development whenever there is a demand that will reasonably ensure that they may be leased advantageously and it is in the best interest of the TTU system. All leases will be executed in accordance with the applicable laws and with rules and regulations adopted by the board that are not inconsistent with the provisions of law. The reason for leasing minerals is to obtain additional income to be used by the board for the administration of the TTU system, for payment of principal of and interest on revenue bonds and notes issued by the board, and for any other purpose that in the judgment of the board may be for the good of the TTU system.
- 09.07.1 Lands under exclusive control of the board and owned by the state of Texas.
- a. Leases will be negotiated with prospective lessees to obtain their best offer above the minimum outlined in Section 09.07.1.c, *Regents’ Rules*.
 - b. Leases normally will be for oil and gas production only. Separate leases will be required for other mineral production, whether strip-mined or not.
 - c. The board may not sell a lease for less than the royalty and rental terms demanded at that time by the General Land Office of the State of Texas in connection with the sale of oil, gas, and other mineral leases of the public lands of this state. In addi-

tion, no bid or proposal shall be accepted that offers a royalty of less than one-quarter of production, a primary term greater than five years or a delay rental of less than \$5 per acre per year.

- d. No state lands shall be sold unless the mineral rights are retained by the state, unless impractical.
- e. Use of TTU system standardized oil and gas lease or oil and gas and mineral lease forms will be required for all leases.
- f. Use of TTU system standardized division order forms will be required for all division orders.

09.07.2 Mineral and royalty interests derived from trusts and gifts.

- a. Leases will be negotiated with prospective lessees to obtain their best offer above the minimums outlined in Section 09.07.2.c, *Regents' Rules*.
- b. Leases will normally be for oil and gas production only. Separate leases will be required for other mineral production, whether strip-mined or not.
- c. No proposal shall be accepted that offers a royalty of less than one-quarter of production, a primary term of more than five years or a delay rental of less than \$5 per year per mineral acre, beginning with the second year of the lease.
- d. Use of TTU system standardized oil and gas lease or oil and gas and mineral lease forms will be required for all leases.
- e. Use of TTU system standardized division order forms will be required for all division orders.

09.07.3 Approval. All leases and other documents relating to leasing shall be approved by the board, and then be signed by the chancellor.

Dates Approved or Amended:

- *Comprehensive review of chapter*08-08-2014 • amendments throughout
- *Miscellaneous cleanup revisions*10-09-2015 • to §09.07.3

See also the document entitled “Comprehensive Reviews and Updates” for a more complete explanation of the amendments listed above.

Chapter 10 – Intellectual Property Rights

Date last revised: 10-09-2015

[see last page for list of amendments adopted]

10.01 Statement of Basic Philosophy and Objectives.

- 10.01.1 The creation and development of intellectual property is a valued aspect of scholarship (for example, teaching, inquiry-driven learning, research). Further, research is a core element of new knowledge generation, discovery, and public benefit.

Research is part of the core mission of faculty and, as such, is central in the evaluation of faculty for tenure and promotion. Accordingly, the creation of intellectual property is one form of scholarship faculty can point to in their applications for tenure and promotion. Chapter 10, *Regents' Rules*, and related operating policy manuals are intended to adhere to cherished principles that enhance academic freedom of discovery, while providing a clear pathway to pursue commercialization for those faculty members interested in this aspect of scholarship. The purpose of the policy is to outline the respective rights and responsibilities that members of the faculty, staff, and students have in intellectual property created while they are affiliated with TTUS.

- 10.01.2 This policy anticipates that the scholarly efforts of TTUS, faculty, staff, and students may result in intellectual property that is potentially marketable and benefits humanity.
- 10.01.3 A good faith relationship between intellectual property creators and TTUS is essential. Therefore, in the development and disposition of inventions, TTUS will respect creator wishes to the degree consistent with other priorities expressed in this policy.
- 10.01.4 It is the policy of the board to encourage scholarly activity without regard to potential gains from royalties and other forms of income. It is further board policy, however, that, to the extent and to the degree described in this policy, intellectual property owned by

TTUS which has commercial value should be appropriately exploited to further the mission of TTUS. In all cases, however, the property rights of the affected individuals or entities may be subject to TTUS obligations under grants, contracts, or research agreements with governmental agencies, individuals, and non-governmental entities.

10.01.5 The Office of Research Commercialization of Texas Tech University (the “ORC”) or any successor office thereof and its Director (the “ORC Director”) are charged with the system-wide responsibility of implementing and executing board policy with respect to commercialization of intellectual property.

10.01.6 Effective immediately upon approval by the board, the revision of Chapter 10 adopted on October 9, 2015 replaces the revision of Chapter 10 enacted on December 12, 2008.

10.02 Definitions. For the purposes of this policy, the following terms are defined as follows:

10.02.1 “Commercialization.” The process of producing revenue by licensing or otherwise contracting regarding intellectual property or assigning ownership of intellectual property to a third party for the purpose of developing it into a commercial product or service.

10.02.2 “Copyrightable Work.” An original work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, including but not limited to, books, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, and pictorial and graphical works. A copyrightable work may be the product of a single author or a group of authors who have collaborated on a project.

10.02.3 “Covered Person.” Any person employed by TTUS, including undergraduate and graduate students, to the extent their employment responsibilities relate to or result in the development of intellectual property, and any person using TTUS resources or under the supervision of TTUS personnel. Without any intent to limit the scope of persons included, this definition also includes

adjunct and visiting faculty, as well as persons pursuing post-doctoral fellowships and persons assisting or engaging in research under the direction and supervision of faculty.

- 10.02.4 “Creator.” An individual, a group of individuals, an entity, or a group of entities subject to this policy who invent(s), develop(s), or author(s) intellectual property.
- 10.02.5 “Distance Learning.” Instruction in which the majority of the instruction occurs when the student and instructor are not in the same physical setting. A course is considered a distance education course if students receive more than one-half of the instruction at a different location than the instructor. Distance education can be delivered synchronously or asynchronously to any single or multiple location(s) through electronic correspondence or other means.
- 10.02.6 “Intellectual Property.” Collectively, all forms of patented and unpatented inventions, tangible research property, copyrightable works, copyrights, trademarks, and trade secrets. The term also includes copyrightable or copyrighted works which are TTU system administration or component institution manuals, materials or other works, such as software, which may be a part of or embedded in a larger comprehensive design, system or device.
- 10.02.7 “Invention.” A process, method, discovery, device, plant, composition of matter, software, technology or other work that reasonably appears to qualify for protection under United States patent law, chip design protection law or plant protection schemes, whether or not actually patentable.
- 10.02.8 “Office of Research Commercialization” or “ORC.” The administrative mission of the TTU Office of Research Commercialization is to promote the transfer of TTUS intellectual property for society's use and benefit, while generating income to support TTUS research and education. The ORC is responsible for: administration and implementation of the TTUS intellectual property program; assisting and advising TTUS faculty, staff, and students with regard to matters covered by this policy; and providing leadership and support through public and private sector engagement.

- 10.02.9 “ORC Director.” The Director, Office of Research Commercialization in the Office of the Vice President of Research, Texas Tech University.
- 10.02.10 “Policy.” Chapter 10, *Regents’ Rules*.
- 10.02.11 “Software.” In this policy the term “software” is used in its broad sense to refer to any computer program that may be copyrightable or patentable.
- 10.02.12 “Sponsored Research Agreement.” A grant or contract supporting TTUS research between TTUS and the federal government (or an agency thereof), a state or other governmental agency, a nonprofit or for-profit non-governmental entity, or an individual.
- 10.02.13 “Tangible Research Property.” Tangible items produced in the course of research including but not limited to such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of tangible research property may be associated with one or more intangible properties, such as inventions, copyrightable works and trademarks.
- 10.02.14 “Trademark (including Service Mark).” A distinctive word, design, or graphic symbol, or combination of words, designs, or graphic symbols that distinguish and identify the goods and services of one party from those of another, such as names or symbols used in conjunction with products, services, programs, plant varieties or computer programs.
- 10.02.15 “Trade Secrets.” The whole or any part of any scientific or technical information, design, process, procedure, formula, or improvement that has value and that the owner has taken measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes.
- 10.02.16 “TTUS Resources.” TTUS funds (including without limitation, funds derived from outside grants, contributions and research contracts), supplies, facilities, computer systems (hardware and software), space, tangible and intangible property, and personnel. In this policy, the phrase “use of TTUS resources” does not apply to

the incidental use of such resources. The use of TTUS resources by students as permitted by the terms of their enrollment and not in connection with the students' employment related to or resulting in the development of intellectual property, assisting or engaging in research under the direction and supervision of faculty, or in connection with a TTUS sponsored research agreement, is considered incidental use.

- 10.02.17 "Work for Hire." A work specially ordered or commissioned by TTUS for use as an institutional document or a contribution to a collective work, including as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas. The term also includes software, computer programs or written instructions, protocols or training aids created by TTUS employees as a regular part of their duties. For faculty, works for hire are works derived from defined tasks that fall outside the normal teaching and research mission of the university. Work that occurs within the normal scope of academic employment in the teaching and research mission of the university may be "work for hire" when accomplished pursuant to written directive and agreement.

10.03 Ownership.

- 10.03.1 Except as specifically provided in research agreements sponsored by third parties, and as provided in Section 10.03.3, intellectual property created by covered persons with the use of TTUS resources or during the course of covered persons' TTUS responsibilities is automatically owned by TTUS. All covered persons must, and do hereby, assign their rights in such intellectual property to TTUS. Intellectual property that is developed on a covered person's own time without TTUS support or use of TTUS resources is not owned by TTUS. Ownership of intellectual property developed under a sponsored research agreement or other funding arrangement shall be determined in accordance with the terms of the sponsored research agreement or other agreement, or, in the absence of such terms, is owned by TTUS.
- 10.03.2 Consulting Activities. TTUS encourages external faculty consulting as an effective mechanism for professional development and/or

establishing good relationships with the public and private sector, including industry. However, a consulting agreement between a creator and a potential user, assignee or licensee of intellectual property developed by the creator creates an inherent conflict of interest. Any creator who is a party to such a consulting agreement must fully disclose the existence and terms of such agreement to the creator's immediate supervisor and, with respect to intellectual property disclosed to the ORC, such disclosure to the ORC must include full disclosure of such conflict. Before entering into a consulting agreement, the TTUS employee must ensure that rights to intellectual property owned by TTUS are not compromised or lost as a result of the consulting activities. Further, consulting activities must not violate TTUS rules, regulations or policies or federal or state law.

- 10.03.3 Ownership of Copyrightable Works. TTUS encourages the preparation and publication of copyrightable works that result from teaching, research, and scholarly and artistic endeavors by TTUS faculty, staff and students. TTUS recognizes faculty, staff, and students' freedom with respect to their copyrightable works, consistent with their obligations to TTUS. Copyrightable works may be created under a variety of circumstances that impact the ownership and subsequent management thereof, as follows:
- a. Books, Articles and Similar Works. In keeping with academic tradition, and except to the extent required by the terms of any valid funding or work for hire agreement, TTUS does not claim ownership to pedagogical, scholarly or artistic works, regardless of their form of expression. Such works include but are not limited to: (i) faculty-prepared works such as syllabi, textbooks, course materials, course lectures and refereed literature; and (ii) works of students created in the course of their education, such as dissertations, papers and journal articles. However, all faculty-prepared pedagogical, scholarly or artistic works are subject to, and TTUS does hereby retain, a non-exclusive right to utilize such works for student instructional purposes. TTUS claims no ownership in popular nonfiction, novels, poems, musical compositions or other works of artistic imagination that are not works for hire. If title to copyright in works defined within this section vests in TTUS by law, TTUS

will, upon request and to the extent allowed by law, convey copyright to the creators of such copyrightable works.

- b. Further, nothing in this section is intended to change the traditional manner in which TTUS faculty, staff and students assign the copyright ownership of works intended for publication in scholarly journals.
- c. TTUS reserves the right to record faculty lectures and to allow students registered for the class for which the lecture was given to view recorded lectures that may be posted online.
- d. Works for Hire. Except as provided in Section 10.03.3.a, TTUS shall retain ownership of all copyrightable works for hire.
- e. Works Developed with Use of TTUS Resources:
 - (1) Except as provided in Section 10.03.3.a, copyrightable works that are not works for hire but are works that are developed with use of TTUS resources are owned by TTUS and must be disclosed to the ORC. In the case of a disagreement as to whether a work fits into this section, the provost (the chief academic officer) of the component institution shall make a determination.
 - (2) Copyrightable works that are not works for hire but are works that are developed under a sponsored research agreement or other funding arrangement, shall be determined in accordance with the terms of the sponsored research agreement or other agreement, or, in the absence of such terms and to the extent consistent with copyright law, are owned by TTUS.
- f. Distance learning course content generally will be treated as traditional course content. However, such content and materials may be “work for hire” if developed under a work for hire arrangement. With respect to all distance learning course content, whether work for hire or not, TTUS automatically retains a payment-free license for use of all or part of such content for use in its ongoing teaching and research mission. In the case of distance learning course content which is work for

hire, such license shall be exclusive unless otherwise agreed in writing.

- g. **Copyrightable Works Not Owned by TTUS.** Creators of copyrightable works that are not owned by TTUS own the copyrights in their works and are free to publish them, register the copyright, and to receive any revenues that may result from publication of the works. Copyrightable works to which TTUS has no ownership rights may be submitted for publication and published by TTUS. Upon acceptance by TTUS for publication, the creator shall transfer copyright of the work to TTUS, with reference to the specific TTUS publication. The ORC Director is authorized to execute and shall maintain a record of all such copyright transfer agreements.

10.04 Research Involving Third Party. Provisions for the control of and compensation for intellectual property under sponsored research agreements must be consistent with this policy. However, nothing in this policy shall preclude acceptance of a contract, grant or agreement that provides for ownership of intellectual property by the third-party sponsor under terms acceptable to TTUS, including adequate compensation to TTUS.

- 10.04.1 The ORC, in cooperation with the respective component institution's Research Services Office or Sponsored Programs Office, shall coordinate reporting requirements and other obligations to research sponsors developed under a sponsored research agreement, including but not limited to obligations to the federal government under 37 CFR Part 401.
- 10.04.2 The ORC Director shall approve all sponsored research agreements that provide for the ownership of TTUS intellectual property by a third-party sponsor.
- 10.04.3 This policy acknowledges that research conducted by TTUS may be funded in part or in whole by the United States government and that ownership of intellectual property derived therefrom is governed by federal law and regulations. To the extent that such law and regulations allow for transfer of ownership of such intellectual property back to TTUS or the creator, the ORC, in cooperation with the component institution's Research Services Office or Sponsored

Programs Office, will assist in making applications for transfer of ownership.

10.05 Disclosure of Intellectual Property. Except for the exclusions identified for certain copyrightable works in Section 10.03.3, all intellectual property created by covered persons, including intellectual property developed through sponsored research agreements and consulting contracts, shall be promptly disclosed to the ORC by the creator, and an Assignment of Rights form shall be executed. Disclosure and assignment shall be made on a form prescribed by and available from the ORC. Creators shall cooperate with TTUS and the ORC in protecting TTUS intellectual property rights in the invention.

10.06 Offers to Assign External Intellectual Property to TTUS. If an individual or entity chooses to offer to TTUS intellectual property in which TTUS has no claim, TTUS may accept an ownership or other interest in the intellectual property (subject to the provisions of Chapter 06, *Regents' Rules*, concerning gift acceptance, if the offer is intended to be a gift), provided:

- 10.06.1 The offeror agrees to all provisions (including distribution of income provisions) of this policy.
- 10.06.2 The offeror warrants that it owns all right, title and interest to the intellectual property, and that to the best of its knowledge, neither the intellectual property nor its transfer infringes upon any existing copyright or other legal rights.
- 10.06.3 The ORC will decide whether to accept or reject such offers (or, in the case of gifts, whether to recommend the chancellor or board, as appropriate, approve acceptance of the gift).
- 10.06.4 Should TTUS agree to accept the offer of intellectual property, the offeror must execute an ORC assignment agreement transferring all right, title, and interest or other agreed rights in the intellectual property to TTUS, and acknowledging that the individual or entity agrees to all provisions of this policy. In cases in which the offeror has already expended funds toward obtaining patent or other legal protection for the intellectual property, the offeror and TTUS may negotiate terms to allow recovery of documented legal and/or patent expenses from license fees, royalty, and other income, and normal revenue sharing provisions under this policy will be modified until such expenses are recovered by the party entitled to re-

covery of the expenses. The portion of revenue ordinarily allocated to a department or unit under Section 10.12.2 shall be allocated to the ORC. Further, to the extent such intellectual property is subject to ownership by the United States government, but is subject to release pursuant to federal law, the ORC shall assist in obtaining such release.

10.07 Acquisitions of Intellectual Property in Connection with New Employee.

To the extent a component institution proposes to provide separate compensation to a new faculty or research employee or the employee's previous employer for intellectual property owned by the employee or another institution, the component institution shall advise the ORC of the nature, value, and patent status of such intellectual property at the time of employment.

10.08 Assessments by the ORC. The ORC shall assess: the potential value of intellectual property to TTUS; the rights and equities of the creator, TTUS, and any third parties; and the required actions to maximize the benefits of any intellectual property to the public, TTUS, and the creator. Once an invention disclosure has been made to the ORC, the ORC shall respond to the creator(s) in writing within 90 calendar days of the date of disclosure of its desire to pursue commercial development of the intellectual property. The ORC is authorized to waive TTUS rights in intellectual property in the exercise of its sound discretion. If the ORC decides not to pursue commercial development of disclosed intellectual property, it shall notify the creator in writing and, upon written request from the creator, shall release TTUS ownership rights as provided as follows:

10.08.1 Provisions for release of rights to creators. Absent a contractual obligation to a third-party, TTUS may release its intellectual property ownership rights to a creator by written agreement, with the following provisions:

- a. TTUS shall retain a perpetual, royalty-free license to use the intellectual property, and any corresponding patents or copyrights, for non-commercial purposes, including research, education, and service.
- b. TTUS shall retain the right to a specified share of revenue (not to exceed 5%) generated from commercialization of the released intellectual property after the creator has recovered documented legal and other expenses incurred toward obtain-

ing patent or other legal protection for the intellectual property, the amount to be negotiated prior to the release. If TTUS incurred expenses toward analyzing or obtaining patent or legal protection for the released intellectual property prior to the release, the written agreement must provide for reimbursement of such costs to TTUS either by payment at the time of release or by agreement for TTUS to retain a revenue percentage in excess of 5%. Should the ORC and the creator be unable to agree on the terms of the release, the matter shall be finally resolved using the process outlined in Section 10.15.

- c. In the case of release of rights to the creator, the creator is not entitled to a share of net revenue received by TTUS under Section 10.12, and the share of net revenue ordinarily allocated to the creator will be divided among the ORC, component institution, department and unit, on a pro-rata basis.

10.09 Reasonable Cooperation. With respect to intellectual property TTUS has elected to develop, creator shall cooperate with the ORC and assist the ORC in its development efforts. In addition, the creator shall sign such development assignment, license, or other agreements and documents as may be reasonably necessary to actively develop the commercial potential of the intellectual property. TTUS, in any development, assignment, licensing or other agreement, shall, to the maximum extent possible, protect the creator's right to continue to conduct basic and tangential research and publish such research. Any publication of the intellectual property the creator makes prior to securing patent or other legal protection for the intellectual property may limit TTUS from obtaining intellectual property protection through the United States Patent and Trademark Office, the United States Copyright Office, and through foreign patent and copyright agencies. TTUS is not liable for, and creators agree to hold TTUS harmless for, any loss of intellectual property associated with the creator's publication of the intellectual property.

10.10 Implementation of Intellectual Property Agreements.

10.10.1 The ORC Director shall execute license agreements using a prescribed license agreement template that has been approved by the TTUS Office of General Counsel. In addition, the following guidelines apply to license agreements (including those with entities formed primarily for the purpose of developing and/or commercializing intellectual property created at TTUS), subject to the

terms of any sponsored research agreements or other contracts related to the intellectual property. The ORC will negotiate grants of rights of first option for the development and commercialization of TTUS intellectual property on a case-by-case basis in accordance with Section 10.10.3.

- 10.10.2 The ORC Director is authorized to negotiate and execute non-disclosure agreements related to ORC business, inter-institutional agreements, powers of attorney for patent filings, patent and copyright documents, license agreements, precludes to license agreements (including option agreements and memorandums of understanding), assignments of intellectual property related to inter-institutional agreements, material transfer agreements, copyright transfer agreements, and releases of TTUS intellectual property rights to creators in accordance with TTUS *Regents' Rules*, policies, and regulations, and shall consult with the chancellor, the vice president for research or other appropriate component institution officer, and the Office of General Counsel when extraordinary factors are part of the agreement being negotiated. The ORC shall maintain records of all documents executed by the ORC Director. The authority to execute such documents that involve a commitment of funds or resources is restricted to documents that have been approved by the vice president for research (or the equivalent of that position) of the component institution at which the creator is employed, and approved as to form, law, and compliance with the *Regents' Rules* and applicable policies by the vice chancellor and general counsel.
- 10.10.3 An individual or entity that is granted exclusive rights to develop or commercialize intellectual property that is patentable should be required to reimburse TTUS for all expenses incurred by TTUS in pursuing a patent and, if a patent has not been obtained, must be required to prosecute and bear the expense of obtaining patent protection for the benefit of TTUS and, in either event, the individual or entity should be required to take all actions necessary, including reasonable litigation, to protect and preserve such patented rights from infringement.
- 10.10.4 An individual or entity may be granted a right of first option for the development and commercialization of intellectual property

created at TTUS. Such agreements may only grant rights on a specific-project basis, and shall be subject to the following restrictions:

- a. Any grant of a right of first option must be authorized by the vice president for research with approval by the ORC Director.
- b. The right must exclude work where the underlying research has or will be sponsored by another party and such a right is granted as a condition for such sponsorship.
- c. The right must have limited duration to allow for assessment of relationship and relative effectiveness in moving technologies to market.

10.10.5 Equity and Other Non-monetary Returns. TTUS may negotiate, but shall not be obligated to negotiate, for equity interests and other non-monetary returns (“equity and other consideration”) in lieu of or in addition to royalty and/or monetary consideration as a part of an agreement relating to intellectual property. Revenue from equity interests shall be distributed, upon payment, in accordance with Section 10.12.

- a. TTUS may receive equity and other consideration under terms that restrict its ability to sell, distribute or otherwise deal with that consideration. In such cases, any restrictions on TTUS’ interest shall be equally applicable to the interest of the creator, unless waived or varied in writing and signed by the ORC Director and the creator.
- b. After notice to a creator’s supervisor, and subject to any relevant policies, TTUS may enter into agreements with creators for ownership of equity interests by creators to the extent authorized by Section 51.912, *Texas Education Code*, as that section may be amended from time to time.

10.10.6 TTUS does not act as a fiduciary agent or provide legal advice for any person concerning intellectual property agreements or equity or other consideration negotiated under the terms of this policy.

10.11 No Restriction on Future Research. No agreement by TTUS may provide, and no agreement may be deemed to imply, any restriction on future research, development or improvements by TTUS of any intellectual property, product or process which is the subject of such agreement. Further, no such agreement shall be deemed to create a conflict of interest which in any way will preclude future development of any intellectual property by TTUS.

10.12 Distribution of Revenue from Intellectual Property Agreements.

10.12.1 Where TTUS elects to protect intellectual property in its name, it shall award the creator a reasonable share (as set forth below) of net proceeds from royalties or other income or value after deduction of the directly assignable costs including patenting, copyrighting, marketing, licensing and protection of intellectual property rights.

10.12.2 The following provisions govern the distribution of royalties and other income from TTUS owned intellectual property, including but not limited to assignment fees, license fees, prepaid royalties, minimum royalties, running royalties, milestone payments, sublicense payments, and payments received by TTUS as a result of a settlement agreement or litigation related to enforcement of TTUS' rights in intellectual property ("revenue"), after TTUS has recouped all costs associated with protecting the intellectual property, and enforcing TTUS' rights relative to the intellectual property, including: processing the patent or copyright application; marketing and licensing the technology; and any costs that may be associated with enforcing TTUS' rights in intellectual property ("net revenue"):

Distribution of Net Revenue

<i>Creator(s)</i>	<i>ORC</i>	<i>TTUS*</i>	<i>Department**</i>	<i>Unit***</i>
40%	30%	10%	10%	10%

* "TTUS" refers to component units

** "Department" refers to department, center, or institute

*** "Unit" refers to college or school

- 10.12.3 For intellectual property assigned to TTUS for the purpose of commercialization under Section 10.06, the creator shall be entitled to 60% of net revenue, and the remaining 40% of net revenue (or more if the creator agrees to accept less than 60%) shall be distributed as agreed by the officers of the component institution, department, and unit. If the officers are unable to agree, the remaining net revenue shall be divided equally between the ORC and the applicable component institution, department, and unit.
- 10.12.4 Under extraordinary circumstances, the distribution of net revenue may be changed with the written approval of the president of the applicable component institution.
- 10.12.5 Net revenue is to be distributed as the net revenue is received, taking into account previously paid distributions. Funds distributed to the department and unit will be placed in unrestricted accounts under their control. Such funds will not be used to substitute for funds budgeted for expenditure in the routine annual operating budget which is approved by the board. If a covered person entitled to net revenue is no longer employed by TTUS, distributions will be made in accordance with TTUS accounts payable rules. If a covered person entitled to net revenue dies while still employed by TTUS, payments will be made in accordance with TTUS payroll rules concerning the death of an employee. Distributions made to a creator under this policy are not considered compensation for purposes of calculation of benefits which the creator otherwise receives under any benefit plan provided by TTUS or the State of Texas.
- 10.12.6 If TTUS receives revenue as a result of settlement or litigation related to the enforcement of TTUS' rights in intellectual property, such revenue will first be used to reimburse TTUS for expenses related to such actions. The creators are entitled to a portion of the remaining net revenue according to the distribution formulas outlined in this section.
- 10.12.7 In the event of multiple creators, the creators must reach an agreement as to the allocation of their distribution percentage consistent with the terms of this policy. Such final determination of each creator's share shall be made by written agreement signed by all parties and filed with the ORC. In the event that creators are

unable to agree as to the allocation percentage, the ORC shall apply equal distribution percentages among the creators.

10.12.8 In the event of multiple component institutions or the involvement of the TTU system administration, the chief executive officers of the component institutions and, if applicable, the TTU system administration, must reach an agreement as to the allocation of their distribution percentage consistent with the terms of this policy. In the event an agreement cannot be reached, the ORC shall apply equal distributions among the entities.

10.12.9 This policy recognizes that in addition to the traditional academic units such as departments and colleges, research, and specifically interdisciplinary research, can be sponsored by other academic units, such as centers and institutes.

- a. In such instances, because of the many different combinations that may occur, this policy does not specifically provide how net revenue is to be allocated. It is, however, the intent of this policy to allocate net revenue to the units that provided the substantial level of support that triggers TTUS' ownership of the intellectual property. The policy encourages voluntary agreements between such units prior to the development of intellectual property (to allocate the percentage of net revenue that is appropriate for each unit). If no agreement can be reached prior to the generation of revenue, the chief executive officer(s) of the applicable institution(s) will resolve the allocation issue.
- b. The division of net revenue from patents and copyrights managed by a patent or copyright agent will be controlled by TTUS' agreement with such agent, as approved by the board. Any deviation requires the prior approval of the board.

10.13 Distribution of Revenue from Commercialization of Copyrightable Works.

10.13.1 Net revenue from commercialization of copyrightable works is the property of the TTUS component from which the work emerged. Net revenue received from commercialization of copyrightable works will be calculated as described in Section 10.12, and distributed as follows:

- a. **Work for Hire:** The component institution funding the work for hire shall be entitled to all net revenue from distribution or commercialization of work for hire.
- b. When a component unit conducts the commercialization or distribution of the copyrightable work, the distribution of net revenue after expenses of creation and distribution shall be as follows: 50% to the component and 50% to the creator. In the event of multiple creators, the creators must reach an agreement as to the allocation of their distribution percentage consistent with the terms of this policy. Such final determination of each creator's share shall be made by written agreement signed by all parties and filed with the component unit's contracting office. In the event the creators are unable to agree as to the allocation percentage, the component unit shall apply equal distribution percentages among the creators.
- c. **Works Developed with Use of TTUS Resources:** In cases where the ORC conducts the commercialization or distribution of the copyrightable work on behalf of TTUS, the distribution of net revenue shall be made in accordance with steps outlined in Section 10.12.

10.14 Trademarks. In most situations, a TTUS trademark identifies an item of intellectual property, such as a computer program or a plant variety. In other situations, a TTUS trademark identifies an educational, service, public relations, research, training, or athletic program of a TTUS component unit. Except to the extent the trademark is licensed to a third party, TTUS, or the applicable component unit, owns all right, title and interest in trademarks related to an item of intellectual property owned by the component unit, or to a program of education, service, public relations, research, training program or athletic program of a component unit. All income from the licensing of a TTUS trademark not licensed to a third party shall belong to the component unit.

10.15 Complaint Procedure.

- 10.15.1 The purpose of these procedures is to address complaints of covered persons related to the actions or decisions made in accordance with this policy and to provide a mechanism for resolving them.

Complaints regarding intellectual property shall be administered by the ORC Director as set forth herein.

- a. Any covered person shall have the right to a hearing for redress of complaints through established channels.
- b. The time periods for action prescribed in these procedures are guidelines only, but should be followed unless a request for extension is granted for good cause by the vice president for research of the applicable component institution. In granting extensions, the ORC Director may give consideration to any extension agreements made by the parties.

10.15.2 The complainant will present a written description of the complaint, with appropriate supporting documentation, and a proposed resolution to the ORC Director within 14 calendar days after the complainant becomes aware of the action constituting the complaint. The complainant and ORC Director will meet within 14 calendar days of receipt by the ORC Director and attempt resolution of the complaint. If resolution is not reached, the ORC Director's written decision will be provided to the complainant within 3 calendar days after the meeting. If the decision is not acceptable to the complainant, or if the ORC Director does not render a written decision within 3 calendar days, the complainant may proceed as set forth below.

10.15.3 Appeal to the President.

- a. The appeal procedure is initiated by the complainant providing a written request to the president of the applicable component institution asking that the decision of the ORC Director be reviewed.
 - (1) The complainant will provide copies of the original complaint, with appropriate supporting documentation, a copy of the written decision of the ORC Director, and a proposed resolution.
 - (2) The appeal to the president shall be filed within 14 calendar days of the complainant's receipt of the written decision of the ORC Director, or, in the event the ORC

Director fails to render a timely decision, then within 17 days of the meeting held pursuant to Section 10.15.2.

- b. The president will consider all materials submitted and render a written decision to the ORC Director and the complainant within 15 calendar days of receipt of the written request. The decision of the president is final.
- c. The ORC Director and complainant may agree to a resolution of the complaint at any time from institution of the complaint until receipt of the president's decision.

10.16 Reports to the Board.

- 10.16.1 At least once a year, coincidental with a regular board meeting, the ORC Director shall prepare for the chancellor and the board a report listing the titles and a brief description of each intellectual property disclosure received since the last report, all license and assignment agreements entered into by the ORC, and the status of existing license and assignment agreements, including the distribution of revenues earned from such agreements.
- 10.16.2 Board Notification of Employee Participation in Business Entities. Any request by a TTUS employee to participate as an employee, officer or member of the board of directors of a business that has an agreement with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest must be reported to the chancellor by the component unit through which the individual is employed, and will be submitted as a consent item to a board meeting agenda.
- 10.16.3 Reports to the State of Texas. In compliance with Section 51.912, *Texas Education Code*, as that section may be amended from time to time, the board must file a report identifying all employees who have an equity interest in or serve as employees, officers, or members of the board of directors of business entities that have agreements with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest. The report will be filed in accordance with the requirements of Section 51.005, *Texas Education Code*. The ORC Director will submit the report through the chancellor or the chan-

cellor's designee to the Office of the Board of Regents. The Office of the Board of Regents will obtain the signature of the chair and will transmit the report to the Governor's office and other required entities.

Dates Approved or Amended:

-- *Comprehensive review of chapter*10-09-2015 • amendments throughout

See also the document entitled "Comprehensive Reviews and Updates" for a more complete explanation of the amendments listed above.

Chapter 11 -- Athletics at TTU and ASU

Dates Approved or Amended:

-- Comprehensive review/amendments10-11-2013

11.01 Intercollegiate athletics governance and control

- 11.01.1 Compliance. Intercollegiate athletic programs shall be conducted in strict compliance with all rules, regulations and bylaws of the National Collegiate Athletic Association ("NCAA"), the conference of which the institution is a member, and the laws and constitution of the state of Texas.
- 11.01.2 Annual report. The presidents of TTU and ASU each shall report annually to the board and chancellor regarding compliance with the NCAA and conference bylaws, rules, and regulations, the academic and financial status of the program, and Athletic Council appointments.
- 11.01.3 Institutional control. As required by the NCAA Constitution, the presidents of the TTU system component institutions each have ultimate responsibility and final authority for the conduct of the intercollegiate athletics program for their respective institutions. Accordingly, the board and principal officers of the TTU system are committed to firm institutional control of athletics, to the unquestioned academic and financial integrity of intercollegiate athletic programs, and to the accountability of the athletics departments to the values and goals befitting higher education.
- 11.01.4 Faculty athletics representative. The presidents of TTU and ASU each shall designate an individual to serve as the faculty athletics representative for their respective institutions. An individual so designated shall be a tenured faculty member and shall not hold an administrative or coaching position in the athletics department.

11.02 Athletic Councils

11.02.1 The board authorizes the presidents of TTU and ASU to each establish an Athletic Council for their respective institutions to advise the president in the development and supervision of intercollegiate athletic programs.

11.02.2 Role. The Athletic Council:

- a. may review and make recommendations to the president on any matters pertaining to the enforcement of eligibility rules and regulations established by an athletic conference or national association in which the university holds membership, and review and make recommendations on any other pertinent matters related to the university's intercollegiate athletic program; and
- b. shall not have final authority to direct, control or supervise the operation or activities of the university's Department of Athletics or intercollegiate athletics programs.

11.02.3 TTU Athletics Council — membership; rules, regulations, and by-laws:

- a. The Athletic Council membership shall be composed as follows:
 - (1) Six members shall be appointed from the faculty by the president of the university, one of whom shall be designated by the president as chair.
 - (2) Three members who are not employed by the university shall be appointed by the president.
 - (3) One member of the council shall be appointed by the Texas Tech Alumni Association.
 - (4) One member of the council shall be a current member of the student body at TTU, appointed by the Student Government Association of TTU.

- (5) No member of the board shall be appointed to the Athletic Council.
- b. Terms of appointments. All members of the Athletic Council, including its chairman, shall serve at the pleasure of the president for a term of three years, with the exception of the student member, whose term will be for one year. The president shall have the authority to make appointments of less than three years so that terms of service will be staggered in order that approximately one-third of the Athletic Council members will complete their terms of service each year.
- c. The president shall advise the board and chancellor of his annual appointments to the Athletic Council.
- d. Council rules, regulations and bylaws. The Athletic Council shall adopt rules, regulations, and bylaws regarding its functioning, which shall provide for regularly scheduled meetings and the keeping of minutes of its actions.

11.02.4 ASU Athletics Council — membership; responsibility and charge:

- a. The Athletic Council membership shall be composed as follows:
 - (1) Four members shall be appointed from the faculty by the president based on recommendations from the faculty senate.
 - (2) The Faculty Athletics Representative (who is appointed to that position by the president).
 - (3) One member shall be a current member of the student body at ASU and be recommended to the president by the Student Government Association of ASU.
 - (4) Two members recommended to the president by the athletic director who shall be student-athletes that serve on the Student Athlete Advisory Committee: one representing men's athletics; and one representing women's athletics.

- (5) Three members shall be appointed by the president from the university staff, with one representing the Financial Aid Office.
 - (6) Three members of the athletic department: the athletic director who serves as chair of the Council; and two other athletic department administrators who are recommended to the president by the athletic director.
- b. Terms of appointments. All members of the Athletic Council shall serve at the pleasure of the president, who appoints the members on an annual basis.
 - c. The president shall advise the board and chancellor of the annual appointments to the Athletic Council.
 - d. Council responsibility and charge: The Council gives advice on the direction of the athletic programs, reviews and makes recommendations on matters related to the athletic programs, and conducts reviews or studies as requested by the president. The Council shall meet on a regular basis with minutes being maintained.

11.03 Post-season athletic competition

- 11.03.1 Qualifying and participation standards. All teams and participants must meet or exceed NCAA and conference qualifying and participation standards in order to represent the university in post-season competition. All awards and benefits awarded to participants shall be in accordance with NCAA rules and regulations.
- 11.03.2 Notification. The presidents of TTU and ASU each will notify the chancellor and the board of post-season athletic competitions in which student athletes from their respective institutions will be competing.

11.04 Intercollegiate athletics media rights.

- 11.04.1 Ownership. Subject to NCAA and conference policies and contractual commitments as well as related *Regents' Rules* policies, each institution owns and exercises authority concerning the assignment of all media rights for all of the institution's athletic events.

Chapter 12 -- Honorifics and Seals

Dates Approved or Amended:

- *Comprehensive review/amendments* 08-09-2013
 - *Amendments* 12-12-2014 • §12.06 (added honorary statue policy; re-numbered subsequent sections)
 - *Amendments* 05-19-2017 • §12.09 (authorized a TTU–Costa Rica seal monument)
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12.01 Retiring regents, chancellors, and presidents recognition. In awareness of the years of dedicated service rendered by retiring members of the board, chancellors, and presidents, the TTU system will present to each retiring regent, chancellor and president an appropriate and distinctive symbol of recognition. This symbol will be presented at an official dinner honoring regents, chancellors, or presidents on or about the time of retirement from office.

12.02 Awards and Recognitions

12.02.1 Infinito Horizonte Award. The Infinito Horizonte Award is the highest award bestowed by the board and the Texas Tech University System. It may be bestowed upon an individual (alumnus, non-alumnus, faculty member, staff member, or administrator) who has significantly broadened the horizons and excellence associated with the TTU system.

- a. The award will be presented on an occasional, rather than a regular, basis and will include consideration of such factors as:
 - (1) A record of commitment to securing significant financial support for the TTU system;
 - (2) A demonstrated participation in the affairs of the TTU system that reflects a deep personal commitment to the mission and purpose of the TTU system over a sustained period of time;
 - (3) Heroic efforts above self in the attainment of national and international recognition for the TTU system; and

(4) Recommendation of the TTU system Board of Regents.

b. The award will be funded by the Chancellor's Council and will be an appropriate and distinctive piece of crystal, the transparent qualities of which are symbolic of endless horizons.

12.02.2 **Distinguished Service Award.** A Distinguished Service Award may be presented by the board to individuals in recognition of distinguished contributions to the TTU system in support of teaching, research, or public service programs.

12.03 **Plaques commemorating former chancellors and former presidents.** Former chancellors and former presidents of the TTU system administration and the component institutions shall be recognized by the permanent installation of plaques noting the contributions of each during the individual's tenure in office. This policy does not apply to interim chancellors or interim presidents. The following guidelines are established for carrying out this tradition.

12.03.1 **Style.** Each plaque will bear a likeness of the chancellor or the president, the term of office, and a brief account of the significant contributions made by that individual's administration. As far as possible each plaque will conform to the style of previously-installed plaques.

12.03.2 **Historical perspective.** A period of five years must elapse between the time of a chancellor's or president's leaving office and the preparation of plaque copy in order that each plaque will reflect a proper historical perspective.

12.03.3 **Board approval.** The board will approve the text, the installation of each plaque, and its proposed location.

12.04 **Honorary degrees**

12.04.1 **Guidelines.** Honorary degrees may be conferred for public service, scholarship, or other contributions in the public interest in accordance with the following guidelines:

- a. Honorary degrees may be conferred:
 - (1) to recognize excellence in the fields of scholarly pursuits and education, the sciences, humanities, the arts, public affairs, business, philanthropy, and social services which exemplify the missions and scope of TTUS;
 - (2) to honor distinguished and outstanding service to TTUS, the State of Texas, the United States, or to the world;
 - (3) to recognize those persons whose lives serve as examples of the aspirations of TTUS for its students; or
 - (4) to recognize an individual from industry or government who has achieved national or international distinction through significant contributions to society and scholarly endeavors in particular.
- b. The following are among the factors and attributes that should be considered during a review of nominations for an honorary degree:
 - (1) What is the specific content of the nominee's contribution?
 - (2) Of all possible contributors to the field of endeavor, why is this nominee of exceptional merit?
 - (3) Why is the field of the nominee especially appropriate to TTUS?
- c. In all honorary degree candidates, the person's scholarly, creative, professional, service, or occupational achievements should be placed in a framework of high personal integrity, character, and concern for the public good.
- d. Although past, present, or future gifts, grants, or other donations to TTUS shall not be a primary consideration in whether a person is awarded an honorary degree, such gifts, grants, or other donations to TTUS shall not disqual-

ify a person from being awarded an honorary degree from a TTUS institution.

- 12.04.2 Eligibility. The following persons shall not be considered for an honorary degree:
- a. A person who is a current or former faculty member, administrator, or other employee or state officer affiliated with TTUS unless the person has been separated from TTUS for at least two (2) years.
 - b. A person who has direct political, legal, or budgetary authority over TTUS, including but not limited to candidates for political office and elected officials currently in office.
- 12.04.3 Nominations. Nominations for honorary degrees may be made by faculty, students, staff, administrators, current or former members of the board, and alumni.
- 12.04.4 Nomination evaluation. Nominations shall be evaluated by an advisory committee appointed by the president, with administrative, faculty, and student representation, and recommendations shall be made to the president.
- 12.04.5 Recommendations and authorization. Honorary degrees conferred by the component institutions shall be recommended by the president to the chancellor and authorized by the board.
- 12.04.6 Chancellor's duty. The chancellor shall inform the board of nominations at least one month prior to the board meeting when candidates are scheduled to be considered for approval. The notification to the board shall include a justification of why the person nominated is deserving of an honorary degree.
- 12.04.7 Confidentiality of the process.
- a. Prior to a public announcement by the chancellor or president of the institution awarding the honorary degree, all matters relating to a proposed honorary degree shall be held as confidential.

- b. An agenda item for the board's consideration of an honorary degree shall not include the name of the person nominated.
- c. Prior to an official notification made in accordance with Section 12.04.8 herein, under no circumstances should a person nominated for an honorary degree be informed that the person's name has been put forward.

12.04.8 Notification to the recipient. After the board has approved the conferral of an honorary degree, an official notification to the nominee of the institution's wish to confer the honorary degree shall be made by the chancellor or president of the institution, as appropriate, on behalf of the board.

12.04.9 Award. Honorary degrees shall be awarded at a commencement ceremony or at a time and place mutually agreeable to the president, chancellor, board, and the recipient.

12.04.10 Rescission of an honorary degree. In unusual and unforeseen circumstances, the board reserves the right to rescind an honorary degree that previously had been conferred.

12.05 Other honorific naming not a facility or gift related naming.

12.05.1 Any naming in honor of one or more individuals, foundations, corporations, or other entities that is not specifically addressed in Sections 04.11, 06.06 or 08.05, *Regents' Rules*, must receive final approval from the board before said designation can be announced.

12.05.2 In unusual and unforeseen circumstances, the board reserves the right to remove a previously-approved honorific naming.

12.06 Honorary statue, sculpture, or other artistic representation.

12.06.1 The review and approval process for the commissioning, purchase, or gift acceptance of an honorary statue, sculpture, or other artistic representation that depicts one or more specific individuals or that otherwise honors any specific individual, group, foundation, corporation, or other business entity shall

follow the review and approval procedures established for the Public Art Collection, as provided in Section 08.02.4.e, *Regents' Rules*.

12.06.2 The board shall approve in advance the commissioning, purchase, or acceptance of a gift by the TTU system of any honorary statue, sculpture, or other artistic representation.

12.06.3 For the purposes of this section, an honorary statue, sculpture, or other artistic representation includes any such work of art that:

- a. is planned and executed with the specific intention of being sited, staged, or exhibited permanently in or on any building or structure, any improved or unimproved land, or any part of any such buildings, structures, or land that is owned, used, or occupied by the TTU system;
- b. is accessible to the public; and
- c. is not a work of art that is or will be owned or held by the Museum of Texas Tech University, the National Ranching Heritage Center, or any other institutional gallery or museum entity owned or maintained by the TTU system.

12.06.4 In unusual and unforeseen circumstances, the board reserves the right to rescind a previous approval and require the removal of an honorary statue, sculpture, or other artistic representation.

12.07 **TTU system seals.**

12.07.1 Authorized seals. The TTU system seals authorized for official use are those in the Board Policy Statement entitled, "Seals of the Texas Tech University System." The seals depicted in this Board Policy Statement provide different styles for the seals of the TTU system and the component institutions, and the Board Policy Statement also addresses the manner in which each of the seal variations may be used.

12.07.2 Seals custodian and authorized use.

- a. TTU system seal custodian. The secretary of the board is the custodian of the seal of the TTU system.
- b. Component institution seal custodian. The president of a component institution is the custodian of that institution's seal.
- c. Seals authorized use. In addition to the guidelines for use of seals provided in the Board Policy Statement entitled, "Seals of the Texas Tech University System," the following applies to the use of seals:
 - (1) The TTU system seal shall be used by the secretary to attest to acts of the board and its chair and to demonstrate the validity and authenticity of documents, artifacts, deeds, contracts, and other instruments as authorized by the board.
 - (2) The president of a component institution shall use the institution's seal to attest to the authority of administrative or executive officers of that component institution.
 - (3) The secretary is authorized to permit the registrars of component institutions to use the appropriate seal for the purpose of authenticating student transcripts.

12.08 **The TTU School of Law seal.** The TTU School of Law is authorized to maintain and use a seal for the school. The School of Law seal authorized for official use is governed by the Board Policy Statement entitled, "Seals of the Texas Tech University System." The dean of the School of Law shall be the custodian of the School of Law seal. The dean and the registrar shall use the seal for those purposes which the dean and registrar deem appropriate.

12.09 **The TTU–Costa Rica seal monument.** The TTU–Costa Rica campus is authorized to publicly display a seal monument that includes the TTU seal with "Costa Rica" inscribed within the seal. The TTU–Costa Rica seal authorized for such a seal monument is governed by the Board Policy Statement entitled, "Seals of the Texas Tech University System."

Policy Statements of the Board of Regents, Texas Tech University System

[as of: 05-19-2017]

Policy statements adopted by the Board of Regents ("BOR Policy Statements") provide system-wide policies and procedures in greater detail than may be appropriate for the *Regents' Rules*. As such, BOR Policy Statements supplement various provisions of the *Regents' Rules*.

BOR Policy Statements must be initially adopted by the Board, and any subsequent changes to a BOR Policy Statement must be approved by the Board.

As such, BOR Policy Statements take precedence over institutional operating policies, and just as an institutional operating policy may not be in conflict with a provision of the *Regents' Rules*, institutional operating policies must conform to and not be in conflict with the provisions of BOR Policy Statements.

The following BOR Policy Statements have been adopted or amended by the Board:

<u>BOR POLICY STATEMENT</u>	<u>ACTION</u>	<u>DATE</u>
Audit Committee Charter	Initial approval	08-07-2009
	Comp. review ... no changes	07-28-2014
Investment Policy Statement – SITIF	Initial approval	02-26-2010
	Comp. review ... updates made	08-08-2014
Investment Policy Statement – LTIF	Initial approval	02-26-2010
	Amended	02-25-2011
	Amended	12-16-2011
	Amended	03-02-2012
	Comp. review ... updates made	08-08-2014
	Amended	05-19-2017
Seals of the TTU system	Initial approval	08-09-2013
	Comp. review ... updates made	10-10-2014
	Amended	12-12-2014
	Amended	05-19-2017

DEFINITIONS:

Unless the context expressly requires otherwise, the following words and phrases have the assigned meanings when used throughout the Policy Statements adopted by the Board.

"Regents' Rules" means *The Rules and Regulations of the Board of Regents of the Texas Tech University System*.

"Board" or **"BOR"** means the Board of Regents of the Texas Tech University System.

"TTU system" or **"TTUS"** means all component units of the Texas Tech University System, including the TTU system administration and the component institutions.

"Component institution(s)" means Texas Tech University, Texas Tech University Health Sciences Center, Angelo State University, and/or any other institution that may be added to the Texas Tech University System.

Texas Tech University System

Audit Committee Charter

Dates Approved or Amended:

-- *Initial adoption of policy*08-07-2009

-- *Comprehensive review (no changes)*07-28-2014

PREAMBLE

The Audit Committee Charter (Charter) was adopted by the Board of Regents (Board) of the Texas Tech University System (TTU System) on August 7, 2009, and any subsequent changes to the Charter must be approved by the Board.

INTRODUCTION

The Audit Committee (Committee) of the Board is established pursuant to Section 01.02.8.d(4), *Regents' Rules*. The purpose of this Charter is to provide guidelines for the operation of the Committee to further define its role, duties, and responsibilities.

The Committee plays a key role in fulfilling the Board's governance responsibilities throughout the TTU System and all of its components related to:

- Accounting and financial reporting practices;
- Effective institutional management practices;
- Internal and external audit functions;
- Risk management processes;
- Achievement of program objectives;
- Control environment (accountability, ethical values, stewardship);
- Internal control activities;
- Monitoring; and
- Information and communication (financial and other reporting requirements).

AUTHORITY

The Committee, in fulfilling its oversight role, has the authority to study or investigate any matter within the Committee's scope of responsibilities. The Committee will inform the Board of such actions and the results. With the concurrence of the Committee, the Committee Chair may fulfill certain duties and responsibilities of the Committee and report back the results to the Committee and the Board.

EDUCATION

The TTU System is responsible for providing the Committee with educational resources related to auditing, risk management, accounting principles and practices, and other information that the Committee may request. The Chief Audit Executive and the Secretary of the Board will assist the Committee in maintaining literacy in the appropriate areas related to the Committee's function.

MEETINGS

The Committee will meet at least quarterly or more frequently as the Board or Committee dictates or as circumstances require. Periodically as determined by the Committee, the Committee will meet separately with the Chief Audit Executive to discuss matters the Committee believes should be discussed privately with the Committee. Such meetings will be governed by the Texas Open Meetings Act (Chapter 551, *Texas Government Code*).

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Committee include the following:

- Provide a forum for communication among internal auditors, management, external auditors, and the Board on issues within the areas described above.
- Oversee the development, implementation, and execution of policies and procedures that promote accountability, ethical values, and sound control practices. The Office of Audit Services will be accountable to the Board through the Committee for objectively evaluating risk management, control, and governance processes.
- Request and review information from the Chancellor and Presidents, the Chief Audit Executive, and external auditors about significant risks or exposures within TTU System, and assess the adequacy of management's actions to identify, assess, and mitigate identified risks with strong control activities, information and communication processes, and monitoring processes. Require the Chief Audit Executive to provide an assessment of TTU System components' risk management processes on a biennial basis.
- The Committee will make recommendations for the selection of external auditors or may delegate such authority to the Chief Audit Executive.
- Review with management and/or the Chief Audit Executive:
 - The annual financial statements of TTU System and its components;
 - Any significant changes in generally accepted accounting principles (GAAP) or TTU System accounting policies that may impact the financial statements;
 - Any legal or regulatory matters that may have a material impact on the financial statements; and
 - Any related internal or external audit work performed.

- Related to audits or other engagements performed by external auditors, review with the external auditors and/or the Chief Audit Executive:
 - Results of the engagement, which may include audited financial statements, an opinion letter, or other reports issued by the external auditors;
 - Any material adjustments to the financial statements;
 - Significant findings or recommendations; and
 - Management letters issued by the external auditors, together with responses for addressing issues noted.
- In consultation with the Chief Audit Executive, review and approve the annual audit plan, as well as any changes to the plan as a result of changing risks or other circumstances.
- Review with the Chief Audit Executive and management:
 - Significant audit issues and management's responses thereto;
 - Status of management's action plans to address prior audit issues;
 - Any difficulties encountered in the course of performing audits, including restrictions on the scope of work and access to required information;
 - The Office of Audit Services budget and staffing;
 - The Office of Audit Services' compliance with professional standards as outlined in Section 2102.011, *Texas Government Code*; and
 - The TTU System's fraud prevention program and any significant results from investigations of fraud, waste, and abuse.
- Promote an atmosphere of open communication and cooperation with the State Auditor's Office to utilize the knowledge of the State Auditor in assessing control activities, management, internal audit function, and the impact of each one on the quality and reliability of the TTU System's operations, outcomes, and results.
- Conduct executive sessions as authorized by law.
- Formally evaluate the Chief Audit Executive's performance on an annual basis, including a review of related compensation, to be completed no later than March of each fiscal year.
- Report Committee actions to the Board with any recommendations the Committee may deem appropriate.

Texas Tech University System

INVESTMENT POLICY STATEMENT

Short/Intermediate Term Investment Fund

Dates Approved or Amended:

- Initial adoption of policy statement.....02-26-2010
 - Comprehensive rewrite03-02-2012
 - Amendment to Sec. 5.212-13-2013
 - Comprehensive review/amendments08-08-2014
 - Amendment to Sec. 7.1.a10-14-2016
-

Section 1 Introduction.

This policy statement shall guide the investment of the subset of institutional funds known as the Short/Intermediate Term Investment Fund (“SITIF”) of the Texas Tech University System (“TTU system”). As a pooled fund for the collective investment of operating funds, the SITIF will consolidate cash and reserve balances to optimize system-wide liquidity management, improve diversification, and increase efficiencies with regard to investment pricing, custody, and administration.

All institutional funds not invested in the Long Term Investment Fund (“LTIF”) will be invested in accordance with this policy statement, excluding bond proceeds and certain gifted assets.

Section 2 Roles and Responsibilities.

- 2.1 **Board of Regents (the “Board”).** The Board will establish investment policies, return objectives, risk tolerance, broad asset allocation ranges, and monitor performance. In addition, the Board will hire consultants, as necessary, to advise on the management of these funds. Authority to manage the SITIF in accordance with this policy is granted to the Vice Chancellor and Chief Financial Officer of the TTU system.
- 2.2 **Vice Chancellor and Chief Financial Officer of the TTU system (“CFO”).** The CFO shall manage all operating funds in accordance with this policy under the oversight of the Finance and Administration Committee of the Board. The CFO is responsible for all cash management activities, and is authorized to set asset allocation targets within pre-approved ranges, select and terminate external investment managers, and execute security transactions. The CFO shall delegate certain responsibilities for cash management and investment transactions to the Assistant Vice Chancellor of Treasury & Cash Management.

At his or her discretion, the CFO can establish an Operating Funds Investment Committee, comprised of financial officers from various system components. This committee will provide advice, guidance, and oversight for the management of operating funds.

- 2.3 **Operating Funds Investment Committee (“Committee”).** The Committee will meet periodically to provide guidance and oversight regarding investment policy and strategic direction. Also, the Committee must approve staff recommendations on asset allocation, investment structure, and external investment manager selection and termination.

The CFO and the Associate Vice Chancellor and Chief Investment Officer will be permanent members of the Committee. Other members will be appointed at the discretion of the CFO.

- 2.4 **Assistant Vice Chancellor of Treasury & Cash Management (“Treasurer”).** The Treasurer, under the supervision of the CFO, is charged with implementing and administering this investment policy statement. The Treasurer is responsible for day-to-day portfolio management activities, investment manager recommendations, and operating procedures. In addition, the Treasurer shall be responsible for:

- a. Monitoring external and internal asset managers.
- b. Recommending new investment managers to the CFO and Committee.
- c. Evaluating the effectiveness of policies, procedures, objectives and strategy, and proposing, when appropriate, modifications for recommendation to the Committee and the Board.
- d. Providing quarterly reports to the Finance and Administration Committee of the Board.

- 2.5 **Investment Consultant.** The investment consultant’s primary responsibility is to provide independent information and advice to the Board, CFO, Committee, Treasurer, and staff. Within its broad scope of services, the consultant will focus on the following:

- a. Investment policy development;
- b. Strategic asset allocation studies;
- c. External investment manager due diligence;
- d. Monitor investment performance; and
- e. Performance measurement and reporting.

- 2.6 **External Investment Managers.** External investment managers will invest SITIF assets in accordance with established guidelines but will apply their own judgment regarding security selection. External investment managers will be given full discretion, within established guidelines and policy limits, to select individual securities, and diversify their portfolios.

Section 3 Investment Objectives.

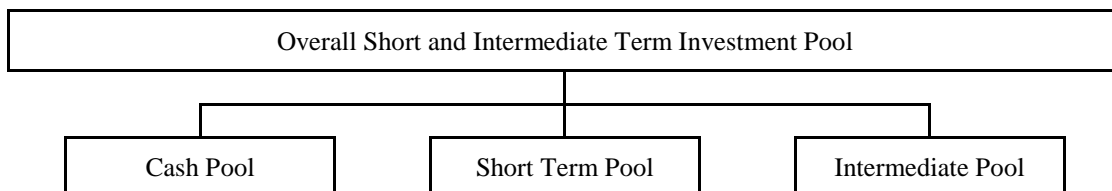
The investment of funds for the SITIF shall provide incremental return to assist in meeting the operating needs of the TTU system. The SITIF shall employ a total return philosophy. Under such a concept, realized gains and losses will be recorded.

3.1 Investment objectives of the SITIF.

- a. The investment of funds shall consider asset diversification, total return, suitability, and the experience, quality, and capability of investment personnel. It will be governed by the following investment objectives, in the following order of priority:
 - (1) preservation and safety of principal;
 - (2) liquidity; and
 - (3) return.
- b. In determining whether the objectives in Section 3.1.a have been met, the following shall be taken into consideration:
 - (1) The investment of all funds, rather than a consideration as to the prudence of a single investment; and
 - (2) Whether the investment decision was consistent with this written policy.

Section 4 Investment Structure.

SITIF assets will be segmented into three tiers of liquidity based on the cash flow requirements of the TTU system.



The approved liquidity tiers and a general investment strategy for each are as follows:

- 4.1 **Cash Pool (Tier 1).** The cash pool is designed to meet the current operating needs of the TTU system. This tier is expected to offer the highest level of liquidity. Funds should be available on a daily basis. These funds will be invested primarily in high quality money market funds or other instruments widely considered as cash equivalents, such as collateralized bank deposits, local government investment pools, and fully collateralized repurchase agreements.
- 4.2 **Short Term Pool (Tier 2).** The short term pool is a contingency fund designed to provide a margin of safety in the unlikely event that the cash pool is insufficient to meet any current or unplanned expenditures. A secondary objective is to provide enhanced financial flexibility during any unexpected market disruptions, when commingled funds can be susceptible to redemption risk. This tier will seek preservation of capital and incremental investment income above money market fund yields. These funds will be invested only in fixed income securities issued by the United States government, or its agencies and instrumentalities, or the highest quality commercial paper. Only securities with maturities ranging between overnight and three years are eligible.
- 4.3 **Intermediate Pool (Tier 3).** The intermediate pool is a longer-term reserve fund to cover the needs of the TTU system over a time horizon of five years or greater. As such, these assets will be invested with a total return objective. This pool has an investment objective of growth with income, and will be invested in a diversified asset mix of liquid or semi-liquid securities. This pool will be more broadly diversified than either the cash pool or the short term pool and will be structured to generate a higher return over longer periods while remaining liquid enough to serve as a source of funds under extreme circumstances. Because of the very low likelihood that these funds would be needed to meet cash flow requirements, a greater degree of principal risk is acceptable in order to obtain a higher return.

The intermediate pool may be invested in any asset classes approved by the CFO and Committee.

The intermediate pool, where possible and appropriate, can use the same external investment managers as the LTIF to take advantage of economies of scale and to achieve the most efficient use of staff resources. However, given the need for greater liquidity, commingled funds with illiquid assets and lock-up periods longer than one year are inappropriate for this tier.

Section 5 Asset Allocation.

Asset allocation is the primary determinant of investment performance and, subject to the ranges specified herein, is the responsibility of the CFO, in consultation with the Committee. Changes to the asset allocation ranges and limitations are the responsibility of the Board and may be changed from time to time based on the economic and investment outlook.

- 5.1 **Allocation of Assets by Pool.** The allocation of operating funds among the cash pool, short term pool, and intermediate pool is the responsibility of the CFO.
- 5.2 **Target Asset Allocation and Permissible Ranges.**

Table 1 – Asset Allocation by Pool

Segments	Target Allocation	Permissible Ranges
Cash Pool	10%	10% — 30%
Short Term Pool	40%	25% — 50%
Intermediate Pool	50%	30% — 70%

- 5.3 **Changes to Asset Allocation.** The Board will approve any changes to the permissible ranges for each segment. The CFO is responsible for determining the appropriate asset allocation within each pool.

Section 6 Rebalancing.

6.1 Rebalancing.

- It is the intent of the Board that the asset allocation for the SITIF remains within the permissible ranges and that the portfolio shall be rebalanced when the allocation deviates significantly from these ranges. Contributions to the SITIF should be applied to, and payments by the SITIF withdrawn from, asset classes in such a way so as to bring the asset allocation back toward its target ranges.
- The minimum and maximum allocations should not be exceeded, except in unusual circumstances. Rebalancing may occur before these limits.

Section 7 Guidelines for Investments.

In today's rapidly changing and complex financial world, no list of types of categories of investments can provide continuously adequate guidance for achieving investment objectives. Any such list is likely to be too inflexible to be suitable for all market environments in which investment decisions must be made. Therefore, it is the process by which investment strategies and decisions are developed, analyzed, adopted, implemented, and monitored, and the overall manner in which investment risk is managed, which determines whether an appropriate standard of reasonableness, care, and prudence has been met for these investments.

The following list is indicative of the investment classes which are appropriate for each pool based on return objectives and liquidity requirements. It should not be construed as an exhaustive list of "allowable" asset types. Security types and/or strategies not specifically enumerated, but which the Committee determine are appropriate, may also be held.

- 7.1 **Cash Pool.** The cash pool will be invested primarily in money market funds and other cash instruments:
- a. Any money market fund or mutual fund that is AAA rated, or its equivalent, by at least two nationally recognized rating services. All funds in this category must be offered at a constant \$1.00 net asset value and comply with the diversification, quality, liquidity, and maturity requirements of SEC regulation 2a-7 under the Investment Company Act of 1940.
 - b. Collateralized bank deposits with a state or national bank domiciled in the State of Texas, provided:
 - (1) Such deposits must be insured by the Federal Deposit Insurance Corporation or its successor, with the remainder fully collateralized as required in the *Texas Education Code*, except that surety bonds are not authorized as collateral. The pledged collateral shall be placed in a custodian bank or banks named by the TTU system. Deposits will be collateralized in an amount equal to or greater than 102% of the amount of funds on deposit at the bank. In no event will the custodian be affiliated with the depository bank.
 - (2) On any given day, no depository bank shall have SITIF funds on deposit in an amount that exceeds any one of the following limits:
 - (a) 25% of the total funds available for investment by the TTU system; or
 - (b) based upon the bank's latest regularly published statement of financial condition: 15% of its total deposits; or an amount equal to the sum of its capital, permanent surplus, retained earnings, and reserves.
 - (3) The limitations in Section 7.1.b of this policy statement shall not be construed to establish a commitment and/or guarantee on the part of the TTU system to deposit any particular amount in any one bank.
 - c. Local government investment pools, which are specialized money market funds designed to offer a convenient and cost-effective investment vehicle for public entities.
 - d. Repurchase agreements.
 - (1) For the purpose of this policy, a repurchase agreement is an investment transaction between an investor and a bank or securities dealer, in which the bank or dealer agrees to sell a particular instrument to the investor and simultaneously agrees to repurchase that investment at a certain date in

the future at a market value of not less than the principal amount of the funds disbursed.

- (2) A fully collateralized repurchase agreement is an authorized investment if the repurchase agreement is secured by U.S. Government Securities and require the securities being purchased to be pledged to the TTU system and deposited at the time the investment is made with a third party selected and approved by TTU system. The value of all collateral shall be maintained at 102% of the notional value of the repurchase agreement (valued daily). Repurchase agreements must be placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas.
- (3) There shall be no limitation on the amount invested, provided the vehicle is collateralized by U.S. government securities.
- (4) Reverse repurchase agreements are not permitted.

7.2 **Short Term Pool.** The short term pool will be invested in the following types of securities with maturities of 36 months or less.

- a. Obligations issued or guaranteed by the United States Federal Government, United States Federal Agencies, or United States government-sponsored corporations and agencies.
- b. “Prime quality” commercial paper with a maturity of one year or less, issued by domestic corporations (corporations organized and operating under the laws of the United States or any state thereof) provided that the issuing corporation, or its guarantor, has a short-term debt rating of no less than “A-1” (or its equivalent) by at least two of the national rating services.
- c. The weighted average duration of the short term pool should be 24 months or less.

7.3 **Intermediate Pool.** The intermediate pool will be structured as a total return portfolio. The investment strategy for this pool is that its time horizon, and flexibility, is such as to permit investments in a diversified mix of assets that will collectively offer greater returns than short term fixed income securities. The goal is to diversify investments across multiple asset classes, including equities, which will enhance total return over the long term, while avoiding undue risk concentrations in any single asset class or investment category.

The assets of the intermediate pool will be invested through external managers and/or commingled funds approved by the Committee.

The Treasurer shall develop investment management guidelines for each external investment manager.

All major sectors of the capital markets, with the exception of private equity, should be considered eligible for inclusion in the intermediate pool to diversify and minimize overall risk. Such asset classes may include, but are not limited to, cash instruments, publicly traded equities (U.S. equity, Non-U.S. equity and Emerging Markets equity), U.S. fixed income, Non-U.S. fixed income, high yield, convertible debt, inflation-linked bonds, emerging market debt, publicly traded real estate securities and alternative investments (hedge funds and commodities).

The Committee may select any asset class or investment category it believes is appropriate for the intermediate pool, subject to the return objectives, risk tolerance, and liquidity needs of the overall SITIF.

A report shall be provided each month to the Finance and Administration Committee of the Board of Regents. This report should provide information on actual asset allocation, asset allocation target, and manager performance.

Section 8 Use of Pooled Funds.

The use of pooled funds (e.g., commingled funds, mutual funds, common trust funds, etc.) is permitted when it is deemed to be in the best interest of the TTU system. These investment vehicles may have investment guidelines that are different than those described in the SITIF policy statement. In these cases, the CFO and Treasurer are authorized to review and approve the investment documents, and these guidelines supersede those of the TTU system.

Section 9 Performance Benchmarks.

A customized total portfolio benchmark will be designed by the investment consultant to measure the overall performance of the SITIF. This benchmark will blend the returns of the three benchmarks specified below, weighted according to the target allocation for each respective tier.

Table 2 – Asset Class Performance Benchmarks

Segments	Benchmark
Cash Pool	Barclays Capital 1-3 Month U.S. Treasury Bill Index
Short Term Pool	Barclays Capital 1-3 Year U.S. Treasury Bond Index
Intermediate Pool	Customized Benchmark

9.1 Return objectives.

- a. The total return goal for each category of investments is expected to match or exceed the performance of the appropriate benchmark index over a rolling three-year period.

- b. The performance of each investment manager will be evaluated against a comparable index for its asset class and should outperform that index over a rolling three-year period. Managers underperforming over that period will be considered by the Committee for replacement.

Section 10 Reporting.

The Treasurer will prepare quarterly investment reports, which will be submitted to the CFO, Committee and the Finance and Administration Committee of the Board. The reports will summarize asset allocation, investment holdings, liquidity, performance, and risk characteristics.

Section 11 Selection of Investment Managers.

- 11.1 **External Investment Managers.** The CFO can appoint external investment managers to invest the SITIF assets under the terms of this policy. Investment managers will be delegated with discretion to manage the assigned assets to best achieve the objectives of the SITIF. Any investment manager hired to invest SITIF assets shall be a registered investment advisor under the Investment Advisors Act of 1940, or qualify to be exempt from registration.
- 11.2 **Manager Selection.** The manager selection process should incorporate review and analysis of the following factors:
 - a. Ability of the firm to achieve SITIF return and risk objectives.
 - b. Length and quality of experience of key investment professionals.
 - c. Long-term track record evaluated on both a risk and return basis.
 - d. Consistency of investment strategy and results.
 - e. Historical growth of, and future plans for, assets under management.
 - f. Confidence that past performance can be sustained in the future.
 - g. Existence of a clear, concise and effective decision-making process.
 - h. Risk management tools and systems.
 - i. Sufficient organizational depth and continuity of personnel.
 - j. Adequate reporting, administration and back-office support.

Section 12 Responsibilities of Investment Managers.

- 12.1 Invest the assets of the TTU system with the care, skill, prudence, and diligence that a prudent professional investment manager, familiar with such matters and acting in like capacity, would use in the investment of such assets, consistent with the guidelines outlined herein.
- 12.2 Adhere to the investment policies and guidelines prescribed by the TTU system and act in the best interest of the TTU system.
- 12.3 Each investment manager shall have full investment discretion with regard to security selection, consistent with this policy and the manager's established guidelines.
- 12.4 Make no material departures from the strategy for which the manager was hired.
- 12.5 Inform the Treasurer about all significant matters pertaining to the investment of TTU system assets. These matters include the following:
 - a. Substantive changes in investment strategy or portfolio structure.
 - b. Significant changes in ownership, affiliations, organizational structure, financial condition and professional staffing of the investment management organization.
 - c. Any regulatory actions being pursued or taken against the firm or any of its employees.
- 12.6 All investment managers must report their performance on a monthly basis, and the reporting methodology must be in compliance with the standards outlined by the CFA Institute.
- 12.7 Seek best price/execution when purchasing or selling securities at all times. Each investment manager must recognize that brokerage is an asset of the TTU system, not the investment manager. Also, investment managers must disclose any affiliated brokerage relationships.
- 12.8 Comply with CFA Institute Guidelines on Soft Dollar Standards.
- 12.9 Vote all proxies after careful assessment of the issues involved, with particular emphasis on items that might reduce the economic value of stockholders' rights of ownership and thereby adversely impact the performance of the TTU system's assets.
- 12.10 Meet with the Treasurer and other investment staff on a regular basis, either in person or by teleconference.
- 12.11 Provide the number of new clients and clients that have terminated on a quarterly basis.

- 12.12 Securities or positions in a single company or issuer must not exceed 10% of the investment manager's portfolio measured at market value. However, money market funds and obligations issued by the U.S. federal government are exempt from this restriction.
- 12.13 Securities or positions in any one industry should not exceed 25% of the investment manager's portfolio at market value.
- 12.14 The market value of any single investment manager account may not exceed 10% of the total SITIF.
- 12.15 Currency hedging decisions are at the discretion of the manager.

Section 13 Spending Policy.

- 13.1 The Board recognizes the need for distributions to institutional funds comprising the SITIF. Distributions are to be made on a monthly basis.
- 13.2 For the cash and short term pools of the SITIF, funds to be distributed will be current income earned on an accrual basis.
- 13.3 For the Intermediate pool of the SITIF, a spending percentage will have to be applied as it is managed on a total return basis. The following spending policy reflects an objective to distribute as much total return as is consistent with overall investment objectives defined herein while protecting the inflation-adjusted value of the principal. The following factors are considered in the spending policy:
 - a. the duration and preservation of the Intermediate pool portion;
 - b. the purposes of the TTU system and the Intermediate pool portion;
 - c. general economic conditions;
 - d. the possible effect of inflation or deflation;
 - e. the expected total return from income and the appreciation of investments;
 - f. other resources of the TTU system; and
 - g. the overall investment policy.
- 13.4 In order to provide for stability and predictability in distributions, funds to be distributed from the Intermediate pool will be based on an average of market value. Average market value will be determined at each month-end based on the number of months from inception of the Intermediate pool, until the number of months reaches 36. From that point forward, the average will be a 36-month rolling average.

To provide for timely distributions coinciding with the closing of monthly accounting periods and account for when investment manager statements are normally received, the current month's market value will be determined with a one-month lag after accounting for cash inflows/outflows to the Intermediate pool.

- 13.5 The annual spending percentage applied to average market value shall not exceed 6% nor be less than 2%. The initial annual spending percentage is set at 3% and will be applied monthly by dividing the percentage by 12. The annual spending percentage will be reviewed and set each year by the Operating Funds Investment Committee based on inflation expectations and expected return.

Section 14 Management Fee.

- 14.1 The TTU system will assess and retain an investment management fee at the annual rate of 0.1% of the average market value of the SITIF.
- 14.2 The fee will be assessed on a quarterly basis, and average market value will be based on month-end values during the calendar quarter just ended. As in Section 13.4, Intermediate Pool values will be on a one-month lag, accounting for cash inflows/outflows. The fee rate will be reviewed annually, with any recommended changes submitted to the Board for approval.

Section 15 Securities Lending.

The SITIF may not participate in securities lending unless approved by the Operating Funds Investment Committee. Commingled funds are exempt from this restriction.

Section 16 Amendment of Investment Policy Statement.

The Board will review and, if necessary, update the SITIF investment policy statement on an annual basis.

Section 17 Effective Date.

This investment policy statement was approved initially by the Board on March 2, 2012, and by the Texas Tech Foundation, Inc. on May 11, 2012.

Texas Tech University System
INVESTMENT POLICY STATEMENT
Long Term Investment Fund

Dates Approved or Amended:

-- *Initial adoption of policy statement*..... 02-26-2010
-- *Sec. 13.2.a amended & Schedule C added*..... 02-25-2011
-- *Sec. 15.1.c, 15.3.a-b & 15.5.a amended*..... 12-16-2011
-- *Sec. 11.2.a & 11.2.d + Schedule A amended* 03-02-2012
-- *Comprehensive review/amendments* 08-08-2014
-- *Various amendments throughout*..... 05-19-2017

Section 0 Definitions.

- 0.1 “Board” — Board of Regents, Texas Tech University System.
- 0.2 “CIO” — Chief Investment Officer of the Texas Tech University System.
- 0.3 “Foundation” — Texas Tech Foundation, Inc.
- 0.4 “IAC” — Investment Advisory Committee.
- 0.5 “LTIF” — Long Term Investment Fund.
- 0.6 “NAV” — Net Asset Value.
- 0.7 “SEC” — Securities and Exchange Commission.
- 0.8 “SITIF” — Short/Intermediate Term Investment Fund.
- 0.9 “TTUS OI” — Office of Investments, Texas Tech University System.
- 0.10 “TTUS OI employees” — the Chief Investment Officer and the Investments Manager.
- 0.11 “TTU system” or “TTUS” — Texas Tech University System.
- 0.12 “TTUS VC and CFO” — the Vice Chancellor and Chief Financial Officer of the Texas Tech University System.
- 0.13 “UPMIFA” — Uniform Prudent Management of Institutional Funds Act.

Section 1 Introduction.

This policy statement shall guide the investment of endowment and long-term institutional funds of the TTU system. This policy statement is issued for the guidance of the IAC, TTUS IO, consultants, and investment managers. This policy statement is intended to set forth an appropriate set of goals and objectives for the LTIF and to define guidelines within which the investment managers may formulate and execute their investment decisions.

Section 2 Endowment Funds.

Endowment funds are funds given to the TTU system with a donor-imposed restriction that the corpus is not to be expended but is to be invested for the purpose of producing returns on invested capital. Endowment funds may also include: term endowment funds for which the donor stipulates that the principal may be expended after a stated period or upon the occurrence of a certain event; and funds functioning as endowments (quasi-endowments). A quasi-endowment fund is a fund established by the Board to function like an endowment fund, which may be totally expended at any time at the discretion of the Board.

Section 3 Funds Functioning as Endowments.

The Board delegates to the Chancellor, or the Chancellor's designee, the authority to establish a quasi-endowment fund when such a fund totals less than \$250,000.

Section 4 Investment of Non-Endowment Institutional Funds in the LTIF.

Institutional funds are defined in Section 51.002, *Texas Education Code*, as amended or modified. In this policy statement, long-term institutional funds are all non-endowment institutional funds approved by the Board, for investment purposes, for inclusion in the LTIF.

Section 5 Fiduciary Responsibility.

The Board recognizes its fiduciary responsibility to comply with the restrictions imposed by the donors of endowment funds. The Board acknowledges its legal responsibility to ensure that the management of endowment and other institutional funds is in compliance with state law, including the UPMIFA, per Section 163, *Texas Property Code*, as amended or modified.

Section 6 Management Procedures.

- 6.1 No endowment or other institutional fund shall be considered for management under this policy unless it is under the sole control of the Board, with full discretion as to investment of principal and expenditure of funds eligible for distribution. Although

certain assets of the Foundation are invested in the LTIF, the Foundation's Board of Directors and its officers are legally responsible for the management and control of those assets. The Vice Chancellor for Institutional Advancement shall ensure there are no donor-imposed restrictions preventing the use of the LTIF. Funds excluded from consideration under this policy statement will be invested in the SITIF, or, if instructed by the donor and approved by the Board, will be managed and safeguarded in their original form.

- 6.2 The LTIF is the TTU system's commingled endowment/institutional fund. The LTIF shall be unitized and each new endowment gift added to the fund shall receive units in the fund based upon the market value of the gift and the NAV of the fund at the latest month-end preceding the date the gift is added to the fund. The NAV will be calculated as the month-end market value of the LTIF divided by the number of outstanding units in the LTIF. Earnings determined under the policy statement's spending policy shall be calculated on a unit basis for distribution purposes.
- 6.3 Professional services (investment managers and advisors) deemed appropriate for the management and investment of the fund may be retained. All investment managers and advisors who are required to be registered under the Investment Advisors Act of 1940 shall provide the most recent Form ADV filed with the SEC.

Section 7 Long-term Institutional Funds Authorized Withdrawal.

Upon the approval of the TTUS VC and CFO and the appropriate Chief Fiscal Officer of the TTU system, long-term institutional funds may be withdrawn from their investment in the LTIF. This withdrawal/reallocation will be made one year from the date of approval by the TTUS VC and CFO. The dollar amount of the withdrawal will equal the number of units withdrawn times the NAV as of the end of the most recent valuation of the LTIF. Because of changes in the NAV from the time of initial deposit, the dollar amount of withdrawal may be more or less than the original investment.

Section 8 Administration and Management of the LTIF.

- 8.1 The Board, IAC, and institutional personnel of the TTU system shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In managing and investing the LTIF, the Board, IAC, and institutional personnel shall consider all of the following:
 - a. general economic conditions;
 - b. the possible effect of inflation or deflation;
 - c. the expected tax consequences, if any, of investment decisions or strategies;

- d. the role that each investment or course of action plays within the overall investment portfolio of the fund;
 - e. the expected return based on levels of liquidity and investment risk that are prudent and reasonable under present circumstances, and such circumstances may change over time;
 - f. the expected total return from income and appreciation of investments;
 - g. other resources of the TTU system;
 - h. the needs of the TTU system and the fund to make distributions and to preserve capital; and
 - i. an asset's special relationship or special value, if any, to the charitable purposes of the institution.
- 8.2 Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the LTIF's portfolio of investments as a whole and as part of an overall investment strategy having risk and return objectives reasonably aligned with the LTIF's stated goals and objectives.

Section 9 Spending Policy.

- 9.1 The Board recognizes the need for distributions to the beneficiaries of the endowment and long-term institutional funds under its control. The following spending policy reflects an objective to distribute as much total return as is consistent with overall investment objectives defined herein while protecting the inflation-adjusted value of the principal. The following factors are considered in the spending policy:
- a. the duration and preservation of the LTIF;
 - b. the purposes of the TTU system and the LTIF;
 - c. general economic conditions;
 - d. the possible effect of inflation or deflation;
 - e. the expected total return from income and the appreciation of investments;
 - f. other resources of the TTU system; and
 - g. the overall investment policy.

- 9.2 The distribution of spendable earnings to each unit of the LTIF shall not exceed 6% nor be less than 4% of the average NAV of the LTIF for the 12 quarters just ended. Distribution shall be made quarterly, as soon as practicable after the last calendar day of November, February, May, and August.
- 9.3 The target annual distribution rate shall be reviewed annually by the Board.

Section 10 Core Beliefs.

This section outlines the core beliefs for the overall governance and investment of the LTIF. These beliefs will serve as guiding principles in the decision making and implementation of the LTIF's investment mandate.

- 10.1 A well-defined governance structure with clearly delineated responsibilities is critical in achieving consistent, long term performance objectives.
- 10.2 Strategic Asset Allocation, through longer term, static risk, return and correlation estimates, sets the amount of risk spent on each asset class, and drives the overall volatility of the portfolio and the majority of the expected return.
- 10.3 Tactical Allocation should be exploited to take advantage of dislocations in markets, or changes in the expected risk, return and/or correlations.
- 10.4 Prices are driven by expectations – sentiment, technical and fundamental factors.
- 10.5 Absent a strategic or tactical view, the base case portfolio should be a risk balanced portfolio.
- 10.6 The opportunity for active manager out performance (alpha) is not uniformly distributed across asset classes or strategies.
- 10.7 Be “risk-focused” with an opportunistic mindset.
- 10.8 Leverage, both directly and indirectly, can improve a program's overall risk and return profile, but only when structured appropriately.
- 10.9 Management of liquidity risk is paramount in order to be opportunistic in market dislocations.
- 10.10 Contractual income is important in stabilizing portfolio volatility.

Section 11 Statement of Goals and Objectives.

By achieving the detailed objectives consistently, the longer term goals of the LTIF are expected to be achieved. The majority of the LTIF return is attributable to the Asset Allocation approved by the Board. Staff and the consultant are expected to deliver excess return beyond the passive target Policy Index through manager selection and adjustments to allocations.

The multiple investment objectives and goals are outlined as follows:

Total Fund Objectives:

- 11.1 To outperform the target weighted Policy Index over rolling three year periods.
- 11.2 To outperform a 60/40 portfolio consisting of the MSCI ACWI and Barclays Global Aggregate Bond Index (unhedged) over rolling three year periods.
- 11.3 Each investment manager will be evaluated versus a benchmark and/or a peer universe, as defined by the CIO and approved by the IAC. Managers should rank above the median over a rolling three-year period.

Total Fund Goals:

- 11.4 The financial goal for management of endowment and long-term institutional funds is to preserve the real (inflation-adjusted) purchasing power of principal and earnings after accounting for endowment spending, inflation, and costs of investment management. The total return goal for the LTIF is to exceed the Consumer Price Index plus 5% over rolling ten-year periods.
- 11.5 To consistently rank in the top half of the NACUBO universe, defined as peers with portfolios ranging from 750 million to 1.5 billion dollars, over rolling one-year periods and top quartile over rolling three-year periods.

Section 12 Governance.

Governance Oversight				
For approval of:	CIO	IAC	Board	Comment
Investment Policy Ranges/ Targets	Recommend	Recommend	Approve	Long-term ranges for broad asset classes, with ranges that provide the IAC flexibility to adjust the target asset allocation. See Schedule A.
Tactical Allocation Ranges/ Targets	Recommend	Approve	Review	Short- to medium-term targets and ranges, with tighter bands that provide guidelines to the CIO but still flexibility for tactical implementation. See Schedule A.
Asset Class Structures	Recommend	Approve	— — —	The target allocation.
Manager Selection & Redemption	Approve	Review	— — —	The CIO, in conjunction with the consultant, is authorized to hire and redeem managers, absent a majority negative consent from IAC members within 5 business days.
Tactical Rebalancing	Approve	Review	— — —	The CIO is authorized to tactically over- or underweight against the targets as defined in Schedule A, part II.

12.1 Determination and implementation of asset allocation.

- a. Asset allocation is the primary mechanism to select the types of broad categorical risks which drive investment return. To achieve the goal and objectives of the LTIF, the fund's assets may be invested in the categories listed in Schedule A of this policy statement ("Schedule A"). The LTIF shall be diversified both by asset class and, within asset classes. Consideration shall be given to economic sectors, industries, global regions, market capitalizations (size), factors, and economic environments. The purpose of diversification is to limit the risk associated with any single security or class of securities. Any changes to the ranges for each asset class must be approved in advance by the Board, and Schedule A shall be revised accordingly.

- b. The CIO is responsible for implementing the target asset allocation. The CIO, in conjunction with the consultant and staff, will recommend asset class structures for review and approval by the IAC. An asset class structure represents the allocation to sub-strategies within an asset class. After approval of the target allocation and ranges of the structure, the CIO has authority to implement the approved structure.

12.2 Monitoring and rebalancing of asset allocation.

- a. The asset allocation shall be monitored on an ongoing basis and rebalanced as needed by the CIO. The CIO may manage cash inflows and outflows among investment managers in accordance with the approved Tactical Rebalancing Ranges. The lower and upper bounds on the ranges should not be exceeded, except in unusual circumstances. In the event the bounds are exceeded, the IAC must be notified. However, the CIO may rebalance before reaching those limits, or set exposures anywhere within the Tactical Rebalancing Policy ranges.
- b. The CIO is considered in compliance with this policy if certain illiquid asset classes breach a range due to market volatility in other asset classes or substantial increases in unrecognized gains for illiquid investments.
- c. The CIO has the authority to substitute synthetic exposure in lieu of like physical exposure, and vice versa, within the portfolio or as an overlay, as approved by the IAC. In addition, buy-write and put-write strategies are acceptable as equity beta replacements, subject to the following:
 - (1) Buy-write strategies are limited to 25% of the equity allocation.
 - (2) Put-write strategies are limited to 5% of assets, with minimum 20% collateral.
 - (3) Over- or underweights to private asset classes will impact the allocation to other asset classes.
 - (4) OTC exposure is limited to 20% of plan assets.
- d. The CIO has the authority to physically rebalance between manager accounts and/or utilize forwards, futures, swaps, swaptions, options or other synthetic exposures as a way to adjust exposures tactically within Tactical Rebalancing ranges.

Section 13 Investment Manager Guidelines.

Investment manager guidelines for the LTIF apply to investments in non-mutual and non-pooled funds, where the investment manager is able to construct a separate, discretionary account on behalf of the LTIF. Although policy cannot be dictated to pooled/mutual fund investment managers, the Board's intent is to select and retain only pooled/mutual funds with policies that are similar to this policy statement. In addition:

- 13.1 Specific guidelines may be established with each individual outside investment manager.
- 13.2 Each investment manager must agree to the performance objectives and asset allocation guidelines.
- 13.3 Each investment manager shall have full investment discretion with regard to security selection, consistent with this policy.
- 13.4 Each investment manager, where applicable, shall handle the voting of proxies and tendering of shares in a manner that is in the best interest of the LTIF and consistent with the investment objectives contained herein.
- 13.5 All purchases and sales transactions shall be conducted to obtain the best net execution.

Section 14 Investment Manager Selection and Termination.

- 14.1 The LTIF will be managed primarily by external investment management organizations. Investment managers will be delegated with the discretion to manage the assigned assets to best achieve the goal and objectives of the LTIF.
- 14.2 The CIO is authorized to hire and terminate external investment managers.
 - a. In the exercise of this delegation of authority, standard actions regarding legal and due diligence review shall be conducted. Certain review considerations in hiring Hedge Funds and Private Equity managers are listed in Schedule C.
 - b. Investment managers hired under this delegation of authority will be reported to the IAC at a regularly scheduled meeting.
- 14.3 Investment manager termination. In most cases any action to terminate an investment manager should be taken by the CIO. If the CIO determines that termination is necessary, the IAC will be notified.

Section 15 Standards of Conduct for Investment Managers and Advisors.

The following standards of conduct for investment managers and advisors are derived from the *CFA Institute Code of Ethics and Standards of Professional Conduct* and include:

- 15.1 Code of ethics. Investment managers and advisors employed by the TTU system shall:
- a. act with integrity, competence, diligence, respect, and in an ethical manner with the public, clients, prospective clients, employers, employees, and colleagues in the investment profession and other participants in the global capital markets;
 - b. place the interest of clients, the interest of their employer, and the integrity of the investment profession above their own personal interest;
 - c. use reasonable care and exercise independent professional judgment when conducting investment analysis, making investment recommendations, taking investment actions, or engaging in other professional activities;
 - d. practice, and encourage others to practice, in a professional and ethical manner that will reflect credit on themselves and the profession;
 - e. promote the integrity of and uphold the rules governing global capital markets; and
 - f. maintain and improve their professional competence.
- 15.2 Standards of professional conduct:
- a. Knowledge of the law. Investment managers and advisors must understand and comply with all applicable laws, rules, and regulations of any government agency, regulatory organization, licensing agency, or professional association governing their professional activities. Investment managers and advisors must not knowingly participate or assist in any violation of such laws, rules, or regulations.
 - b. Independence and objectivity. Investment managers and advisors must use reasonable care and judgment to achieve and maintain independence and objectivity in their professional activities. Investment managers and advisors must not offer, solicit, or accept any gift, benefit, compensation, or consideration that could be reasonably expected to compromise their own or another's independence and objectivity.
 - c. Misrepresentation. Investment managers and advisors must not knowingly make any statement that misrepresents facts relating to investment analysis, recommendations, actions, or other professional activities.

- d. Misconduct. Investment managers and advisors must not engage in any conduct involving dishonesty, fraud, deceit, or commit any act that reflects adversely on their integrity, trustworthiness, or professional competence.
- 15.3 Investment analysis and recommendations. Investment managers and advisors shall:
- a. exercise diligence, independence, and thoroughness in conducting investment analysis, making investment recommendations, and taking investment actions; and
 - b. have a reasonable and adequate basis, supported by appropriate research and investigation, for any investment analysis, recommendation, and action.
- 15.4 Disclosure and conflicts of interest:
- a. Managers, advisors, and potential managers must make full and fair disclosure of all matters that could reasonably be expected to impair their independence and objectivity or interfere with their respective duties to the TTU system.
 - b. Managers and advisors must, on an annual basis, ensure that such disclosures are prominently set forth, are delivered in plain language, and communicate the relevant information using the Texas State Auditor's Uniform Disclosure Form.
 - c. Managers, advisors, and potential managers are investing public funds and are subject to the Texas Open Records Act.

Section 16 Conflicts of Interest on Investments and Restrictions on Investments for Board Members, IAC Members, and Employees of the TTUS Office of Investments.

- 16.1 Introduction.
- a. It is the policy of the TTU system that members of the Board, members of the IAC, and TTUS OI employees having authority over, or input into, the selection of investments or investment managers shall act in a manner consistent with their responsibilities to the TTU system and avoid circumstances in which their financial or other ties to outside persons or entities could present an actual, potential, or apparent conflict of interest or impair the reputation of the TTU system.
 - b. Board members, IAC members, and TTUS OI employees should avoid any actions or situations that might result in or create the appearance of using their association with the TTU system for private gain, according unwarranted preferential treatment to any outside individual or organization, losing

independence or impartiality, or adversely affecting the reputation of or public confidence in the integrity of the TTU system. Toward this end, it is the responsibility of each Board member, IAC member, and TTUS OI employee to ensure that the system is made aware of situations that involve personal, familial, or business relationships that could jeopardize the reputation of or public confidence in the TTU system by complying with this policy and making all disclosures and certifications as set forth herein.

- c. For the purposes of this section, “business entity” means: any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust.

16.2 Conflict of interest. A conflict of interest arises when the TTU system has or is considering a transaction or other business relationship with a Board member, an IAC member, a TTUS OI employee, or a family member of one of these individuals (defined to include a spouse and any dependent relatives or household members). For this reason, any transaction or other business relationship between the TTU system and a Board member, an IAC member, a TTUS OI employee, or any family member of one of these individuals is prohibited.

16.3 Presumed conflict of interest.

- a. A conflict of interest is presumed to arise when the TTU system has or is considering an investment in a business entity in which a Board member, an IAC member, a TTUS OI employee, or a family member of any of these individuals has a substantial financial interest. A financial interest is presumed to be substantial if it entails:
 - (1) any ownership or investment interest in a business entity (including stock, options, a partnership interest, or any other ownership or investment interest) valued at more than \$10,000, except equity in a company amounting to less than 10% ownership interest in the company;
 - (2) receipt of funds from the business entity that exceed 10 percent of the Board member’s gross income for the previous year, or the expectation of the receipt of such funds in the future;
 - (3) any ownership interest in real property, personal property, intellectual property or any other interest valued at \$10,000 or more;
 - (4) a position of real or apparent authority in a business entity such as director, officer, trustee, partner, agent, controlling shareholder, shareholder with a 10% or more voting interest, or a direct or indirect participating interest in any shares, stock or otherwise, regardless of

whether voting rights are included, in 10% or more of the profits, proceeds or capital gains of the entity involved; or

(5) any position as an employee of the entity involved.

- b. A Board member, an IAC member, or a TTUS OI employee is not deemed to have a substantial financial interest in a publicly traded entity by reason of an investment in that entity by another publicly traded entity, such as through a mutual fund or non-discretionary managed account or PIPE, of which the Board member does not control investment decisions.

16.4 Determination of a conflict of interest. In a situation where a Board member, IAC member, or TTUS OI employee has a presumed conflict of interest but contends that there is no actual conflict of interest, the TTUS VC and CFO shall make the determination of whether there is an actual conflict of interest and shall advise all involved parties of the determination.

16.5 Restriction on parallel investments.

- a. A conflict of interest also may arise when a Board member, an IAC member, a TTUS OI employee, or a family member of any of these individuals has or is considering an investment in a business entity, including a fund or partnership, that may or may not be publicly traded and in which the TTU system has or is considering an investment. Such parallel investments may create at least an appearance that the Board member, IAC member, or TTUS OI employee is benefiting from the TTU system's participation in the business entity. When these individuals have any financial interest in any such business entity in which the individual otherwise knows the TTU system has or is considering an investment, these individuals should promptly disclose to the TTUS VC and CFO as follows: in the case of a publicly traded business entity, any substantial financial interest; or in the case of a privately held or traded business entity, any financial interest. The individual should not participate in any decisions whatsoever regarding such investment by the TTU system.
- b. Privately held or traded business entity. In order to avoid the perception of a conflict of interest between the TTU system and any Board member, IAC member, or TTUS OI employee, the TTU system shall not invest in any privately held or traded business entity in which any of these individuals, or a family member has any financial interest. Likewise, these individuals shall not invest in a privately held or traded business entity in which the TTU system has a financial interest. Such restrictions on investments shall continue to apply for one year after the departure of the Board member from the Board, the IAC member from the IAC, or the TTUS OI employee from the TTU system.

- c. Any investment made on behalf of a Board member from the Board, the IAC member from the IAC, or the TTUS OI employee from the TTU system in any investment is not deemed in conflict if within a non-discretionary investment vehicle.

16.6 Certification that no conflict exists on transactions with privately held entities.

- a. Prior to the TTU system entering into a private investment transaction, each Board member, IAC member and TTUS OI employee must certify in writing, or by electronic submission, that he or she does not have any financial interest in the entity being invested in and is not aware of any conflict of interest in connection with the proposed investment.
- b. In the instance where a conflict exists, the Board member, IAC member and TTUS OI employee must certify in writing, or by electronic submission, that he or she has not been involved in any decision regarding the proposed investment.

16.7 Annual requirements.

- a. Each IAC member annually shall:
 - (1) review this policy on conflicts of interest and restrictions on investments;
 - (2) acknowledge by his or her signature that he or she has read and understood the policy and is and has been in full compliance with the letter and spirit of this policy;
 - (3) disclose all publicly traded entities in which an IAC member, or the family members of an IAC member, has an ownership interest of 10% or more;
 - (4) disclose all employer-employee relationships of the IAC member and the family members of the IAC member; and
 - (5) disclose any position as a director or officer of a publicly traded company.
- b. All Board members and TTUS OI employees annually shall:
 - (1) review this policy on conflicts of interest and restrictions on investments;
 - (2) acknowledge by his or her signature that he or she has read and understood the policy and is and has been in full compliance with the letter and spirit of this policy; and

- (3) in the case of members of the Board, file financial disclosures as required by Section 03.03.4, *Regents' Rules*; or
 - (4) in the case of TTUS OI employees, file the disclosure statement as required by Section 03.04.4, *Regents' Rules*.
- c. All disclosures required under this section shall be filed with the office of the TTUS VC and CFO.

Section 17 Communications and Reporting.

- 17.1 The investment managers are responsible for frequent and open communication to the TTU system administration on all significant matters pertaining to the investment policies and the management of the LTIF assets.
- 17.2 The reporting responsibilities include:
- a. communicating major changes in the investment managers' investment outlook, strategy, and portfolio structure;
 - b. communicating significant changes in the ownership, organizational structure, financial condition, or personnel staffing;
 - c. communicating, on a monthly or quarterly basis, all investment activities during the preceding month or quarter and providing valuation reports of the month- or quarter-end portfolio holdings;
 - d. communicating, on a quarterly basis, the performance of investment managers' activities; and
 - e. meeting at least annually, to discuss the managers' performance, investment outlook, investment strategy and portfolio re-balancing strategies.
- 17.3 Any breach of guidelines will be promptly reported to the CIO.

Section 18 Management Reports.

- 18.1 Not less than quarterly, the CIO shall submit to the Chair of the Board, the Chair of the Board's Finance and Administration Committee, the Chancellor, and the Presidents of the component institutions a written report of the status of the investments portfolio.

- 18.2 The report required by Section 18.1 shall contain a summary of the following:
- a. asset balances, at book value, by asset class;
 - b. asset balances, at market value, by asset class;
 - c. performance, absolute, relative and risk-adjusted measures and attribution analysis;
 - d. benchmarks; and
 - e. beginning and ending market values for the quarter, with additions and changes.

Section 19 Policy for Reporting Fair Market Value and Performance Measurement for Alternative Assets.

- 19.1 In order to assure timely reporting, market values for alternative assets will be recorded for performance measurement purposes using estimates. Staff will begin with the investment managers' reported fair market value from the past quarter and make adjustments for any interim cash flows (calls/distributions).
- 19.2 Once all quarterly reports have been received from the investment managers, staff will compare the recorded estimates to the actual reported fair market values for the quarter. If the difference between the estimates and actual represents greater than 1% of the LTIF quarter ending fair market value, the appropriate adjusting entries will be made to correctly record these assets.
- 19.3 The corrected fair market value of the LTIF and corrected performance measures will be reported to the IAC in a timely manner on or before the next IAC meeting, along with an explanation of where and why the largest discrepancies occurred.

Section 20 Management Fee.

- 20.1 The IAC will review and recommend a budget annually for the TTUS OI consistent with the available management fee. This recommended budget will be submitted to the TTUS VC and CFO for his submission to the Chancellor. The Chancellor will determine and approve a proposed budget for submission to the Board for final approval as part of the Texas Tech University System Administration's annual operating budget.
- 20.2 The TTUS OI shall be funded by a management fee assessed upon the endowments of the TTU system. The TTUS OI shall have available to support its operations 50% of this management fee. This assessment shall be used to manage the ongoing operational costs of managing the investment operations. Unused management fee

shall be carried over for use by the TTUS OI in future budgets in accordance with Section 20.1.

- 20.3 The remainder of the management fee may be utilized to offset a portion of the costs of fund raising for those entities utilizing the services of the TTUS Office of Institutional Advancement or the Angelo State University Development Office. This budget will be approved through the regular budget process.
- 20.4 The management fee rate shall be reviewed annually by the IAC and the TTUS VC and CFO, with any recommended changes submitted to the Board for approval. The Board will approve the allocation of the fee to the TTUS OI and Office of Institutional Advancement, as set forth in the Section 07.04, *Regents' Rules*, regarding budget rules and procedures.
- 20.5 If as the result of extraordinary and unexpected circumstances, the annual budgets may be amended by the Board.

Section 21 Securities Lending.

- 21.1 For funds managed in a separate account format, the LTIF may not participate in securities lending unless recommended by the CIO and approved by the IAC. Any authorization for securities lending in separate accounts must be reported in advance to the Chair of the Board, the Chair of the Board's Finance and Administration Committee, and the Chair of the IAC. Also, any such authorization shall be reported as an Information Agenda item at the next Board meeting.
- 21.2 Commingled funds are exempt from this restriction.

Section 22 Placement Agents and Other Third-Party Marketers.

- 22.1 Placement agents are any person or entity hired by or acting on behalf of an investment manager to market, solicit, or raise money either directly or indirectly from the TTU system. The purpose of this policy is to bring transparency to placement agent activity in connection with the LTIF and to help ensure that all investment decisions are made solely on merit.
- 22.2 Prior to the LTIF investing with any manager, the CIO shall obtain a written representation from the investment manager stating that the investment manager has not used a placement agent in connection with the TTU system's investment, or if the manager has used a placement agent, it will disclose the following:
 - a. the name of the placement agent;
 - b. the fee paid or payable to the placement agent;

- c. a copy of the agreement between the manager and placement agent;
- d. representation that the fee is the sole obligation of the investment manager and not of the TTU system or the LTIF;
- e. current or former Board members, IAC members, TTUS OI employees, or consultants or a member of the immediate family of any such person that are either employed or receiving compensation from the placement agent;
- f. the regulatory agencies with which the placement agent or any of its affiliates are registered, such as the SEC, Financial Industry Regulatory Authority (“FINRA”), or any similar regulatory agency; and
- g. the licenses (Series 7, for example) held by the placement agent professional primarily used for solicitation of the TTU system’s investment.

Section 23 Amendment of Investment Policy Statement.

The Board will review and, if necessary, update the LTIF investment policy statement on an annual basis.

Section 24 Effective Date.

This investment policy was approved by the Board on May 19, 2017.

Schedule A

1. POLICY ALLOCATION TARGET & RANGES

Asset Class	Policy Benchmark	Target	Range
Cash	90-day T Bills	0.0%	0% – 10%
Equity	MSCI AC World (gross, USD)	30.0%	20% – 50%
Fixed	BC Global Aggregate (unhedged)	25.0%	10% – 40%
Diversifying Assets	HFRX Global	15.0%	0% – 20%
Private Equity	Venture Economics All PE Qtr Lag	10.0%	5% – 20%
Private Debt	Venture Economics All PE Qtr Lag	10.0%	5% – 20%
Private Real Assets	Venture Economics All PE Qtr Lag	5.0%	0% – 20%
Real Estate	NCREIF	5.0%	0% – 20%
TOTAL		100.0%	

2. TACTICAL REBALANCING TARGET & RANGES

Asset Class	Policy Benchmark	Target	Range
Equity	MSCI AC World (gross, USD)	30.0%	20% – 40%
Fixed	BC Global Aggregate	25.0%	20% – 30%
Cash	90-day T Bills	0.0%	0% – 10%
Diversifying Assets	HFRX Global	15.0%	10% – 20%
Private Equity	Venture Economics All PE Qtr Lag	10.0%	5% – 20%
Private Debt	Venture Economics All PE Qtr Lag	10.0%	5% – 20%
Private Real Assets	Venture Economics All PE Qtr Lag	5.0%	0% – 15%
Real Estate	NCREIF	5.0%	0% – 10%
TOTAL		100.0%	

3. ALPHA POOL AND BETA OVERLAY

The LTIF will target 25% of asset class exposure, or beta exposure, through low cost derivatives. The collateral will be invested in a diversified mix of absolute return strategies and liquid fixed income strategies referred to as the Alpha Pool. The use of derivatives (per Schedule D) will be implemented at the direction of the CIO through a derivatives manager acting as a fiduciary to the plan.

4. ASSET CLASS DESCRIPTIONS, INVESTMENT STRATEGIES, AND LEGAL STRUCTURES

a. Equity:

- (1) Equity represents residual ownership of public and private companies after obligations to debt holders have been satisfied. Over longer periods of time, the higher risk of equity ownership should result in higher expected returns relative to cash, bonds and other securities with more senior claims in the capital structure.
- (2) Investment strategies: U.S. Equity, Developed Market International Equity, Emerging Markets Equity, Private Equity, Hedge Funds, and derivatives and equity oriented or volatility based strategies, such as put-write and buy-write strategies.

b. Fixed Income:

- (1) Credit and fixed-income instruments are securities issued by governments, government-related entities and public and private companies that generally contain contractual obligations from the issuer to make interest and principal repayments to investors over the duration of the negotiated term agreement.
- (2) Investment strategies: Cash, Cash Equivalents, Government Debt, Debt Issued by Government Agencies, Investment Grade Debt, Below Investment Grade Debt, Private Placement Debt, Asset-backed Securities, Hedge Funds, and Distressed Debt.

c. Diversifying Assets:

- (1) Diversifying assets are investments that may be liquid or semi-liquid with expected low correlation to public equities.
- (2) Investment strategies: Commodities-related strategies, reinsurance, life settlements, trade finance, royalties, factoring, macro, CTA's and other less correlated arbitrage trading strategies. These may include inflation sensitive assets as well.

d. Private Equity:

- (1) Any of several non-financial assets that are less liquid and less transparent than public equity, for which both risk and return are relatively higher. Private equity funds make investments directly into private companies and may also conduct buyouts of public companies.
- (2) Investment strategies: Venture capital, growth equity, buyouts, distressed, mezzanine, secondaries and fund of funds.

e. Private Debt:

- (1) Private debt investments that typically provide capital to private sector borrowers.
- (2) Investment strategies: Direct lending, venture lending, mezzanine, distressed, private credit, structured credit, securitization of hard assets and fund of funds.

f. Real Estate:

- (1) Institutional real estate represents a range of properties (for example, office buildings, malls, industrial properties, apartment complexes, hotels) which provide income and/or appreciation potential. Investments in real estate can be structured as public or private debt and/or equity, and can be in the U.S. or foreign countries.
- (2) Investment strategies: Real estate investment trusts (REITS); core, value-add, and opportunistic real estate funds; direct real estate holdings; mezzanine debt investments; and fund of funds.

g. Illiquid Real Assets:

- (1) Illiquid real assets represent ownership claim to an actual, finite asset or property. Returns may be amplified by leverage and are generated from current income and capital appreciations. Relative to liquid real assets, these funds tend to provide greater return expectations but have longer investment horizons. Such assets serve as an inflation hedge and can also provide downside portfolio protection.
- (2) Investment strategies: Energy, infrastructure, factoring, royalties, minerals, land rights, farmland, timber and commodities. Structured assets based on underlying hard assets, such as rail cars and commercial airlines, are additional examples of permissible strategies. Real estate also can be classified under the broader illiquid real asset umbrella.

h. Legal Structures (as defined in Schedule B.):

- (1) Separately Managed Accounts (SMA): A privately managed investment account where the investor has direct look-through (full transparency) and control of the underlying securities. This type of account has more liability than a pooled account, but also can be tailored to the investor's specific requirements, typically with staff discretion.
- (2) Mutual Funds or Pooled Accounts: A separate legal entity where funds from multiple investors are pooled together under the same investment strategy. All investors are treated the same. There is less liability, but also less transparency.
- (3) Limited Partnerships: A contractual agreement between two parties that explicitly defines an agent-principle relationship. In particular, the investor (or limited partner, "LP") becomes the agent and has limited liability while the investment manager (or general partner, "GP") becomes the principal and bears liability.
- (4) Joint Ventures: An enterprise with an expected terminal lifespan created by pooled equity capital between two parties. The parties involved control the enterprise, and thus, share revenues and expenses.
- (5) Master Limited Partnerships: A partnership whereby approximately 90% of the cash flows are generated from natural resources, commodities or real estate. The limited partners provide capital to the general partner who is responsible for managing the Master Limited Partnership.
- (6) Master Custody Accounts: An account that allows multiple products, allocation between products, as well as direct and/or co- investments to be structured with a single manager typically with substantial fee breaks and explicit guidelines, typically with staff discretion.

Schedule B

GLOSSARY OF INVESTMENT STRATEGY DESCRIPTIONS

1. “Agency Debt” is debt issued by government-related agencies; level of government backing/sponsorship varies; primarily mortgages; domestic only; denominated in U.S. dollars.
2. “60/40” is a naive portfolio of 60% global equities and 40% global bonds. This 60/40 portfolio is essentially a measure of how a liquid, passively invested portfolio would perform.
3. “Alpha Pool” is a portfolio of investment strategies managed to have a low correlation with the overall program asset allocation, low to moderate volatility, and seeking to generate consistent returns above cash to enhance the total return of the overall program.
4. “Below Investment Grade Debt,” also known as high yield or junk bonds, are low-quality bonds that may be in danger of default because of relatively high levels of debt that the issuing company has relative to the amount of equity; under the current credit rating system, bonds with ratings below BB (S&P), Ba1 (Moody’s), or B (Fitch) are considered low credit quality and are commonly referred to as junk bonds or high-yield bonds.
5. “Cash Equivalents” encompass a wide spectrum of generally liquid assets, including bank deposits, money market mutual funds, U.S. Treasury bills, federal agency securities, repurchase agreements, stable value funds, short-term bond funds, some medium-term notes, and commercial paper.
6. “Commodities” are investments in global natural resources; includes physical commodities as well as derivative instruments (such as futures); generally, commodities are divided into the following categories: energy (such as oil and gas), precious metals (such as gold), industrial metals (such as aluminum and copper), agriculture (such as wheat and corn), and livestock (such as cattle and hogs).
7. “CTAs/Managed Futures” is a strategy that invests in listed financial and commodity futures markets and currency markets around the world; the managers are usually registered as Commodity Trading Advisors, or CTAs; trading disciplines are usually classified as systematic or discretionary; systematic traders tend to use price and market specific information (often technical) to make trading decisions, while discretionary managers use a judgmental approach based on fundamental analysis.
8. “Developed Market International Equity” are equity securities of non-companies located in the most developed countries and regions of the world such as Canada, the United Kingdom, the European Union, Switzerland, Scandinavia, Japan, New Zealand, and Australia.

9. “Derivatives” are securities or contractual agreements which derive their value from some underlying security, commodity, currency, or index. This includes both Derivative Contracts (Forwards, Futures, Swaps, and so forth) and Derivative Securities (CMOs, Structured Notes).
10. “Distressed Debt” are debt securities of companies or government entities that are either already in default, under bankruptcy protection, or in distress and heading toward such a condition; although there is no precise definition, fixed income securities with a yield to maturity in excess of 1000 basis points over the risk free rate of return are commonly thought of as being distressed.
11. “Event Driven” is a strategy by which managers take significant positions in a limited number of companies with special situations; the situations of these companies often are complex in a variety of ways and offer profit opportunities from depressed valuations, mergers and acquisitions, reorganizations, and so forth.
12. “Emerging Markets Equity” are equity securities of companies located in less-developed regions of the world such as Asia, Latin America, Africa, Eastern Europe, and the Middle East.
13. “Government Debt” is debt issued by sovereign governments, domestic or international, developed or emerging; may or may not be denominated in U.S. dollars.
14. “Global Macro” is a strategy by which global macro managers carry long and short positions in any of the world’s major capital or derivatives markets; these positions reflect their views on overall market direction as influenced by major economic trends and/or events; the portfolios of these managers can include stocks, bonds, currencies and commodities in the form of securities and/or derivative instruments.
15. “Hedge Funds” are not an asset class *per se*, but are a form of a privately organized, pooled investment vehicle, which seeks to achieve consistently positive absolute returns independent of market conditions, typically through the use of a wide range of traditional and non-traditional securities as well as directional and non-directional strategies.
 - a. “Long/Short Hedge Funds” is a directional strategy that involves equity or credit investing on both the long and short sides of the market; managers have the flexibility to shift from a net long position to a net short position; managers may use individual securities or futures and options to hedge their positions; some managers attempt to be market neutral which, if properly executed, is a non-directional strategy that eliminates market risk (beta) so that returns are driven purely by stock selection.
 - b. “Multi-Strategy Hedge Funds” are, by definition, multi-strategy funds that engage in a variety of investment strategies; under normal market conditions, the diversification may reduce volatility compared to single strategy funds; strategies employed in multi-strategy funds may include, but are not limited to, convertible bond arbitrage, equity long/short, merger arbitrage, and event driven.

16. “Infrastructure” is investments in the basic facilities, services and installations needed for the functioning of a community or society, such as transportation and communications systems, water and power lines, utilities and renewable energy.
17. “Inflation-linked Bonds” are bonds whose principal and/or coupon payments are adjusted with the general level of prices as measured by a commonly accepted price index; inflation-linked bonds, commonly referred to as TIPS, are designed to be a hedge against inflation.
18. “Investment Grade Debt” are high quality notes or bonds that are the least likely to default; under the current credit rating system, bonds with ratings above BBB (S&P), Baaa3 (Moody’s), or B (Fitch) are considered investment grade.
19. “Policy Index” is an index that is constructed to measure policy allocation decisions on a monthly basis. The equation for constructing the index is as follows: $\text{Policy Index} = (\text{Target Asset Class Weights}) * (\text{Index Returns})$.
20. “Private Debt” is debt issued by private companies and sold directly to an institutional investor; these securities are not required to be registered with the SEC. This broad category can include private placements, direct loans to companies, distressed debt, non-performing loans, and other non-traded or illiquid debt securities.
21. “Private Real Estate” is land or buildings held in private partnerships.
22. “Real Estate Investment Trusts” are a corporation or trust that uses pooled capital from many investors to purchase and manage income property (equity REIT) and/or mortgage debt (mortgage REIT); REITs are traded on exchanges just like common stocks.
23. “U.S. Equity” is ownership of publicly-traded shares of companies listed on U.S. exchanges; this category may include various styles, market capitalization ranges, and active management versus index funds.

Schedule C

ALTERNATIVE INVESTMENTS POLICY

Alternative investments provide added diversification and thereby reduce the risk of the portfolio, without sacrificing expected returns. To mitigate risks unique to alternative investments, the principles contained in this document reflect suggested best practices and are intended to serve as the basis for the due diligence process. Alternative investments are segmented into two broad categories: private markets; and hedge funds. Within the private markets category is encompassed private equity, private debt, private real estate, and illiquid real assets.

1. PRIVATE EQUITY FUND MANAGER SELECTION

The following guidelines will serve as a basis for due diligence and the selection of private market funds:

- a. History.
 - (1) Funds being offered by firms with proven and verifiable successful investment histories will be given preference. TTUS typically will only consider investment firms with at least a three- to five-year track record or a track record that is reasonably verifiable from another firm.
 - (2) Performance of past mature funds must be consistently above the median and preferably in the top quartile of similar managers from the same peer group.
 - (3) Firms must have a clearly described risk management program with an organizational structure and procedures that demonstrate successful implementation.
 - (4) Generally, first time funds will not be given serious consideration. Exceptions may be taken under consideration, if the following criteria are met:
 - A. Key Principals can provide a complete, successful and verifiable investment history attributable to themselves.
 - B. The fund's strategy is one which is a high priority for TTUS.
 - C. At that point in time, there is an absence of desirable proven managers raising a fund in a similar strategy.
- b. Investment Size. At the time of origination, the amount committed to individual private equity funds must be equal to at least 2.0% of the total market value of the LTIF, and the TTUS ownership position must not be greater than 10% of the private equity fund's

aggregate capital. In unique circumstances, staff may consider exceptions to these size parameters with prior approval of the IAC.

c. Strategy.

- (1) The strategy must target an inefficient space where returns are expected to be above public market opportunities in order to compensate for the illiquid nature of these investments.
- (2) The strategy must fit within current portfolio needs in terms of diversification and expected returns.

d. Personnel.

- (1) A stable team who has worked together where their interests are aligned for continued success is a must.
- (2) Personnel will be evaluated on integrity, and a “key man/person(s)” clause will be essential.

e. Terms.

- (1) Management fees should be adequate given the fund size and strategy to fund day to day operations.
- (2) Carried Interest should be within industry norms for the strategy.
- (3) Certain strategies, normally those with lower expected returns, will require a preferred return provision.

f. Transparency.

- (1) The firm will have a valuation policy that follows both industry best practices and FASB policy for valuing investments.
- (2) Complete portfolio reports will be made available quarterly along with annual audited financial statements prepared by a reputable accounting firm.
- (3) Capital Calls and Distributions will clearly delineate the following: investment capital, fees, recalled capital, return of capital, gains/(losses), and carried interest.

g. Other factors determined by the IAC.

2. HEDGE FUND MANAGER SELECTION

Hedge funds refer to a broad group of investment strategies, which can be utilized as a potent diversification tool to lower portfolio volatility and mitigate the severity of draw-downs. Over the long-term, we expect that our hedge funds will continue to produce attractive returns with lower volatility than long-only equity investments. To minimize strategy risk, the hedge fund allocation will be diversified among several strategies. The following guidelines will serve as a basis for due diligence and the selection of hedge funds:

- a. History.
 - (1) Funds being offered by firms with proven and verifiable successful investment histories will be given preference. TTUS typically will only consider funds with at least a three- to five-year track record or a track record that is reasonably verifiable from another firm.
 - (2) Annual performance must be consistently above the median and preferably top quartile results over a three-to-five year period compared to similar managers from the same peer group.
 - (3) Firms must have a clearly described risk management program with an organizational structure and procedures that demonstrate successful implementation.
 - (4) Generally, first time funds will not be given serious consideration. Exceptions may be taken under consideration, if the following criteria are met:
 - A. Key Principals can provide a complete, successful and verifiable investment history attributable to themselves.
 - B. The fund's strategy is one which is a high priority for TTUS.
 - C. At that point in time, there is an absence of proven managers in a particular strategy.
- b. Investment Size. At the time of origination, the amount invested in an individual hedge fund strategy must be equal to at least 2.0% of the total market value of the LTIF, and the TTUS ownership position must not be greater than 10.0% of the hedge fund strategy's aggregate capital. In unique circumstances, staff may consider exceptions to these size parameters with prior approval of the IAC.
- c. Strategy
 - (1) The strategy must fit within current portfolio needs in terms of diversification and expected returns.

- (2) As leverage is inherent in many of these strategies, leverage will be used in a manner prudent for the given strategy. As a general rule, TTUS will favor managers and strategies which use low levels of leverage.
- d. Personnel.
 - (1) A stable team who has worked together where their interests are aligned for continued success is a must.
 - (2) Personnel will be evaluated on integrity, and a “key man/person(s)” clause will be essential.
- e. Terms.
 - (1) Management fees should be adequate given the fund size and strategy to fund day to day operations.
 - (2) Carried Interest should be within industry norms for the strategy.
 - (3) Redemption terms should be appropriately matched with the investment strategy and the liquidity of the underlying securities.
- f. Transparency.
 - (1) The firm will have comprehensive, written valuation policies and procedures, consistent with best industry practice.
 - (2) Firms must utilize third-party fund administrators.
 - (3) Quarterly (or preferably Monthly) reports will be made available that disclose aggregate risk exposures, leverage measures and return attribution for the portfolio.
 - (4) Annual audits, prepared by a reputable accounting firm, are required and should include independent valuations for the portfolio.
- g. Other factors determined by the IAC.

Schedule D

DERIVATIVES POLICY

A derivative is a security or contractual agreement which derives its value from some underlying security, commodity, currency, or index.

1. Types of and Amount of Derivative Contracts:
 - a. The CIO is limited to directing derivatives exposure, over-the-counter (OTC) and exchange traded, to a maximum amount of 40% of the portfolio.
 - b. Forward-based derivatives, including forward contracts, futures contracts, swaps, and similar instruments.
 - c. Option-based derivatives, including put options, call options, interest rate caps and floors, and similar instruments.
2. Types of Derivative Securities:
 - a. Collateralized Mortgage Obligations (CMOs).
 - b. Structured Notes.
3. Derivatives may be used as efficient substitutes for traditional securities, to reduce portfolio risks created by other securities, or in fully hedged positions to take advantage of market anomalies; the risks of derivatives, like more traditional securities, should be evaluated in the context of the total portfolio.
4. Where appropriate, the CIO, in conjunction with the Derivatives Overlay Manager and/or Investment Managers may use derivative contracts for the following reasons:
 - a. Hedging: To the extent that the portfolio is exposed to clearly defined risks and there are derivative contracts that can be used to reduce those risks, the Investment Managers, where allowed per the policy, are permitted to use such derivatives for hedging purposes, including cross-hedging of currency exposures.
 - b. Creation of Market Exposures is permitted through the use of derivatives to replicate the risk/return profile of an asset or asset class.
 - c. Foreign Currency Hedging: The CIO, in conjunction with the Derivatives Overlay Manager and/or Investment Managers may leave foreign currency investments unhedged or hedged backed into U.S. dollars. Hedging activity cannot create additional exposure to a currency greater than the underlying value of the

investments in that specific currency. The net exposure to any currency cannot be negative. Proxy hedging is not allowed.

- d. The CIO, in conjunction with the Derivatives Overlay Manager and/or Investment Managers, may sell (be short) interest rate futures or other derivatives as part of the overall process to manage portfolio risks.
 - e. The CIO, in conjunction with the Derivatives Overlay Manager and/or Active equity Investment Managers, may purchase options, or may sell options on securities that are held in their account.
 - f. The CIO, in conjunction with the Derivatives Overlay Manager and/or Active international equity Investment Managers, can short a country stock index to adjust their exposure to a particular country.
5. The CIO, in conjunction with the Derivatives Overlay Manager and/or Investment Managers, may use derivative contracts or securities for the following purposes:
- a. **Leverage:** This is a means of enhancing value and risk without increasing investment through borrowing. Derivatives shall not be used to magnify overall portfolio exposure to an asset, asset class, interest rate, or any other financial variable beyond that which would be allowed by a portfolio's investment guidelines if derivatives were not used, unless specifically approved by the IAC.
 - b. **Unrelated Speculation:** Derivatives shall not be used to create exposures to securities, currencies, indices, or any other financial variable unless such exposures would be allowed by a portfolio's investment guidelines if created with non-derivative securities. Leverage is permitted by hedge funds and risk parity managers, but must be consistent with the targets and limits as outlined by the managers' investment process and/or product that were approved by the IAC. The hedge fund and risk parity managers will notify staff and the Investment Consultant, of any leverage level above the targets and limits as previously outlined.
6. **Counterparty Risk:** External investment managers are required to measure and monitor exposure to counterparty credit risk. When over-the-counter derivative instruments are used, the investment manager is responsible for making an independent analysis of the counterparty credit risk and the appropriateness relative to the overall guidelines of the portfolio. Managers must have a Credit Support Annex (CSA) to their ISDA agreements with each counterparty. Based on their analysis of the counterparty's credit risk, managers are responsible for determining adequate collateral thresholds, minimum transfer amounts and contract valuation frequency to ensure adequate collateralization for all over-the-counter derivatives.
- a. All counterparties shall have a long-term credit rating of at least BBB/Baa2 or equivalent by at least one nationally recognized rating agency at the time the related derivative is executed. If the term of the derivative contract is less than one year, a

counterparty shall have a short-term credit rating of at least A1/P1 or equivalent by at least one nationally recognized rating agency at the time the related derivative is executed. If a counterparty is downgraded below the required levels, the manager must notify the CIO within one week to discuss options regarding termination of the contract.

- b. The maximum notional value of over-the-counter (OTC) derivative contracts entered into with any one counterparty shall be limited to 5% of total portfolio value, unless the notional exposure is collateralized and marked to market daily. The combination of the alpha pool and cash collateral is considered collateralized. In the case of OTC derivatives contracts with collateral movement based on a CSA, consolidation of counterparties is allowed to benefit from netting (rather than diversification across multiple counterparties), and the 5% maximum notional limit per counterparty would not apply in that case. Exception to this rule may apply to the Derivatives Overlay Manager with prior approval of the CIO.
- c. Investment Managers are responsible for adhering to approved counterparty credit guidelines. Any deviation from these guidelines requires the written approval from the CIO prior to executing any transactions.
- d. The preference is for exchange traded derivatives over OTC instruments due to counterparty risk and lack of transparency. While OTC instruments are permitted, the CIO will limit exposure to no more than 20% of assets. Higher OTC exposure is permitted, but only with IAC approval.

Schedule E

CONSULTANT RESPONSIBILITIES

The IAC may retain the services of a consultant in developing and modifying policy objectives and guidelines, including the development of asset allocation strategies and recommendations on the appropriate mix of Investment Manager styles and strategies. The consultant shall also provide assistance in manager searches and selection, and in investment performance calculation, evaluation and analysis. The consultant shall provide timely information on capital markets, investment strategies, managers, instruments and other related issues, as needed by the TTUS OI and the IAC.

Board Policy Statement on Seals of the Texas Tech University System

Dates Approved or Amended:

- Initial adoption08-09-2013
 - Amended.....10-10-2014 • comprehensive review and updates ... added TTUHSC El Paso seal
 - Amended.....12-12-2014 • technical adjustments to citations in Sec. 1 & 3 per changes in Ch. 12
 - Amended.....05-19-2017 • added authorization for a seal monument for the TTU-Costa Rica campus
-

Section 1 Introduction

In accordance with Sections 12.07, 12.08, and 12.09 *Regents' Rules*, the Board Policy Statement on "Seals of the Texas Tech University System" provides illustrations of the seals that are authorized for official use by the Texas Tech University System and its component institutions as well as the manner in which the seal variations may be used.

Section 2 Official Seal and Signature; Correct Use

The following pages provide illustrations of the official seal and signature as well as the correct usage of the official seal and signature for:

- Texas Tech University System;
- Texas Tech University;
- School of Law, Texas Tech University;
- Costa Rica campus, Texas Tech University;
- Texas Tech University Health Sciences Center;
- Texas Tech University Health Sciences Center at El Paso; and
- Angelo State University.

Section 3 Use of Seals; Conformance with *Regents' Rules*

The provisions of Section 12.07.2.c, 12.08, and 12.09, *Regents' Rules*, regarding the authorized use of seals shall take precedence over the guidelines provided in this Board Policy Statement. The *Regents' Rules* provisions address the purpose for which seals may be used, while this Board Policy Statement addresses the manner in which the seals may be used.

Texas Tech University System

Official Seal and Signature

The Official Seal and Official Signature of the Texas Tech University System are the highest-ranking elements in the visual identity system. They are reserved for use by TTU System offices and are used to represent the official business of the system. When used in conjunction with the office or department names, it forms the basis of a unified system of "Official Signatures" representing the TTU System and all its administrative and operational units.



OFFICIAL SEAL



TEXAS TECH UNIVERSITY SYSTEM™

OFFICIAL SIGNATURE – CENTERED



TEXAS TECH UNIVERSITY SYSTEM™

OFFICIAL SIGNATURE – FLUSH LEFT

Correct Use

It is important that the Texas Tech University System Official Seal and Official Signature are always used in their correct trademarked forms. The Official Seal and Official Signature should never be altered in shape or proportion or set in a different typeface, nor should they appear in any other than the approved colors shown within these guidelines. Do not place the Official Signature or Official Seal at a slant or align the Official Signature vertically. They should appear prominently and be used in their entirety when serving as the primary identifier for the institution. The Official Seal may be used as an illustrative graphic in a tone-on-tone presentation within design solutions providing that the Official Signature is present as the primary identifier.



BLACK & WHITE



COLOR



LINE



REVERSE BLACK & WHITE



REVERSE COLOR



REVERSE LINE

A color, black-and-white, and line version of the Official Seal is offered for various use and reproduction situations. In addition to the various versions of the Official Seal, there are two different configurations of the Official Signature – one in a flush-left arrangement and one that is centered – to accommodate the range of applications required within the system.

Texas Tech University

Official Seal and Signature

The Official Seal and Official Signature may be used only for documents and publications that represent official business of Texas Tech University. The Official Seal and Official Signature communicate the message that the document on which they appear is an official and formal communication of the institution. They may be displayed on diplomas and certificates, on printed pieces of highest official rank and on the business papers of the Office of the President. The Official Seal is considered the most formal symbol of the institution. Documents that are not official and formal should use the appropriate academic or Double T signature.



OFFICIAL SEAL



TEXAS TECH UNIVERSITY
OFFICIAL SIGNATURE – CENTERED



TEXAS TECH UNIVERSITY
OFFICIAL SIGNATURE – FLUSH LEFT

Correct Use

It is important that the Texas Tech University Official Seal and Official Signature are always used in their correct trademarked forms. The Official Seal and Official Signature should never be altered in shape or proportion or set in a different typeface, nor should they appear in any other than the approved colors shown within these guidelines. Do not place the Official Signature or Official Seal at a slant or align the Official Signature vertically. They should appear prominently and be used in their entirety when serving as the primary identifier for the institution. The Official Seal may be used as an illustrative graphic in a tone-on-tone presentation within design solutions providing that the Official Signature is present as the primary identifier.



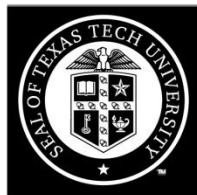
BLACK & WHITE



COLOR



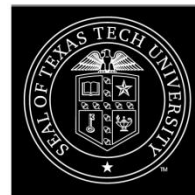
LINE



REVERSE BLACK & WHITE



REVERSE COLOR



REVERSE LINE

A color, black-and-white, and line version of the Official Seal is offered for various use and reproduction situations. In addition to the various versions of the Official Seal, there are two different configurations of the Official Signature – one in a flush-left arrangement and one that is centered – to accommodate the range of applications required within the system.

Texas Tech University School of Law

Official Seal

The Official Seal may be used only for documents and publications that represent official business of the Texas Tech University School of Law. The Official Seal communicates the message that the document on which it appears is an official and formal communication of the school. It may be displayed on diplomas and certificates, on printed pieces of highest official rank and on the business papers of the Office of the Dean. The Official Seal is considered the most formal symbol of the school. The Texas Tech University School of Law does not have an Official Signature. Documents that are not official and formal should use the appropriate academic or Double T signature.



Correct Use

It is important that the Texas Tech University School of Law Official Seal is always used in their correct trademarked forms. The Official Seal should never be altered in shape or proportion or set in a different typeface, nor should they appear in any other than the approved colors shown within these guidelines. Do not place the Official Seal at a slant. It should appear prominently and be used in its entirety when serving as the primary identifier for the school.

A color, black-and-white, and line version of the Official Seal is offered for various use and reproduction situations.



BLACK & WHITE



COLOR



LINE



REVERSE BLACK & WHITE



REVERSE COLOR



REVERSE LINE

Texas Tech University – Costa Rica

Official Seal Monument

The official seal of Texas Tech University (TTU) may be modified by inscribing the words “Costa Rica” within the base of the ring of the seal specifically for the purpose of a seal monument that would be constructed and installed on the Texas Tech University–Costa Rica campus (see graphic simulation below).

This seal monument may be displayed publicly in a manner similar to TTU's seal monument located at the Broadway Avenue entrance to the Lubbock campus. No other uses of this modified seal or the seal monument, as authorized herein, are allowed.



Texas Tech University Health Sciences Center

Official Seal and Signature

The Official Seal and Official Signature may be used only for documents and publications that represent official business of Texas Tech University Health Sciences Center (TTUHSC). The Official Seal and Official Signature communicate the message that the document on which they appear is an official and formal communication of the institution. They may be displayed on diplomas and certificates, on printed pieces of highest official rank and on the business papers of the Office of the President. The Official Seal is considered the most formal symbol of the institution. Documents that are not official and formal should use the appropriate academic or Double T signature.



OFFICIAL SEAL



TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER™

OFFICIAL SIGNATURE – CENTERED



TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER™

OFFICIAL SIGNATURE – FLUSH LEFT

Correct Use

It is important that the TTUHSC Official Seal and Official Signature are always used in their correct trademarked forms. The Official Seal and Official Signature should never be altered in shape or proportion or set in a different typeface, nor should they appear in any other than the approved colors shown within these guidelines. Do not place the Official Signature or Official Seal at a slant or align the Official Signature vertically. They should appear prominently and be used in their entirety when serving as the primary identifier for the institution. The Official Seal may be used as an illustrative graphic in a tone-on-tone presentation within design solutions providing that the Official Signature is present as the primary identifier.



BLACK & WHITE



COLOR



LINE



REVERSE BLACK & WHITE



REVERSE COLOR



REVERSE LINE

A color, black-and-white, and line version of the Official Seal is offered for various use and reproduction situations. In addition to the various versions of the Official Seal, there are two different configurations of the Official Signature – one in a flush-left arrangement and one that is centered – to accommodate the range of applications required within the system.

Texas Tech University Health Sciences Center at El Paso

Official Seal and Signature

The Official Seal and Official Signature may be used only for documents and publications that represent official business of the Texas Tech University Health Sciences Center at El Paso (TTUHSC El Paso). The Official Seal and Official Signature communicate the message that the document on which they appear is an official and formal communication of the institution. They may be displayed on diplomas and certificates, on printed pieces of highest official rank and on the business papers of the Office of the President. The Official Seal is considered the most formal symbol of the institution. Documents that are not official and formal should use the appropriate academic or Double T signature.



Correct Use

It is important that the TTUHSC El Paso Official Seal and Official Signature are always used in their correct trademarked forms. The Official Seal and Official Signature should never be altered in shape or proportion or set in a different typeface, nor should they appear in any other than the approved colors shown within these guidelines. Do not place the Official Signature or Official Seal at a slant or align the Official Signature vertically. They should appear prominently and be used in their entirety when serving as the primary identifier for the institution. The Official Seal may be used as an illustrative graphic in a tone-on-tone presentation within design solutions providing that the Official Signature is present as the primary identifier.



A color, black-and-white, and line version of the Official Seal is offered for various use and reproduction situations. In addition to the various versions of the Official Seal, there are two different configurations of the Official Signature – one in a flush-left arrangement and one that is centered – to accommodate the range of applications required within the system.

Angelo State University

Official Seal and Signature

The Official Seal and Official Signature may be used only for documents and publications that represent official business of Angelo State University. The Official Seal and Official Signature communicate the message that the document on which they appear is an official and formal communication of the institution. They may be displayed on diplomas and certificates, on printed pieces of highest official rank and on the business papers of the Office of the President. The Official Seal is considered the most formal symbol of the institution. Documents that are not official and formal should use the appropriate academic signature.



OFFICIAL SEAL



ANGELO STATE
UNIVERSITY™

OFFICIAL SIGNATURE – CENTERED



ANGELO STATE UNIVERSITY™

OFFICIAL SIGNATURE – FLUSH LEFT

Correct Use

It is important that the Angelo State University Official Seal and Official Signature are always used in their correct trademarked forms. The Official Seal and the Official Signature should never be altered in shape or proportion or set in a different typeface, nor should they appear in any other than the approved colors shown within these guidelines. Do not place the Official Signature or Official Seal at a slant or align the Official Signature vertically. They should appear prominently and be used in their entirety when serving as the primary identifier for the institution. The Official Seal may be used as an illustrative graphic in a tone-on-tone presentation within design solutions providing that the Official Signature is present as the primary identifier.



COLOR



LINE



REVERSE COLOR



REVERSE LINE

A color and line version of the Official Seal is offered for various use and reproduction situations. In addition to the various versions of the Official Seal, there are two different configurations of the Official Signature – one in a flush-left arrangement and one that is centered – to accommodate the range of applications required within the system.